NOTE: Red text indicates edits made based on Recommended Conditions of Approval by the Environmental Planning Commissions (EPC) in April/May 2017. See footnotes for Condition numbers that track with the Notice of Decision.

Text in green indicates changes made subsequently for consideration by the LUPZ committee.
Note to Reviewers *(Revised 7/13/2017)*

Thank you for your careful consideration of the City’s proposed Integrated Development Ordinance (IDO), which is intended to replace the City’s Zoning Code with a new set of flexible zoning tools appropriate for Albuquerque and well-suited to a mid-size, 21st century, Southwestern city.

This draft is for review by the City Council’s Land Use, Planning, and Zoning Committee, starting with a public hearing on **Wednesday, August 16, 5 p.m., Vincent E. Griego Chambers, City Hall.** Please see the project website for details, hearing updates, and deadline for staff response to written comments for each hearing: [https://abc-zone.com/](https://abc-zone.com/).

This document is available to view and download as a PDF from the project website and can be borrowed from the City Planning Department by emailing abctoz@cabq.gov or calling Carol Toffaleti at 505-924-3345.

Please review this document carefully with the **IDO Zoning Conversion Map**, which shows proposed re-zoning to the new IDO zone categories upon adoption of the IDO.

The proposed re-zoning converts existing zones to the IDO zone that most closely matches the existing bundle of permissive uses. While some individual uses may be gained or lost going to this new zoning system, the intent is not to upzone, downzone, or make any discretionary change to existing zoning entitlements. **All uses legal at the time of IDO adoption remain legal and can continue.**

[https://abc-zone.com/ido-zoning-conversion-map](https://abc-zone.com/ido-zoning-conversion-map)

If you notice errors in the City’s record or analysis of your existing zoning and associated permissive uses, add a comment for your property on the Conversion Map so that we can convert the existing zoning as accurately as possible to the appropriate IDO zone.

The Planning Department will submit a package of zone change requests within one year of the effective date of the IDO to fix existing mismatches of land use and zoning, as well as uses made nonconforming by the new regulations, and to downzone properties at the owner’s request. Use the Conversion Map to identify a property to be part of the zone change package and submit your contact information for follow-up.

The effective date of these new regulations and the new zoning map is proposed to be six months after City Council adoption.

**Comments**

Written comments will be taken throughout the review and approval process. Email comments to Crystal Ortega, Clerk of the Council, cortega@cabq.gov. Comments left on the Conversion Map also become part of the official record. Comments received after LUPZ hearings will be considered by the full Council at the final stage of the review and approval process.

The public is encouraged to give verbal comments at the first and third LUPZ hearings. See the project webpage for details.

**Office Hours**

The project team is available for 30-minute appointments Monday and Friday afternoons to meet with property owners or small groups about the Conversion Map or to answer questions about the IDO. Email abctoz@cabq.gov to set up an appointment.

CABQ Planning – 505-924-3860 – TTY 711
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¹ New since EPC Draft per Condition #1 to reflect mapped areas in Section 2-7.1
² New since EPC Draft per Condition #1 to reflect mapped areas in Section 2-7.1
³ New since EPC Draft per Condition #1 to reflect mapped areas in Section 2-7.1
⁴ New since EPC Draft based on public comment in order to carry over provisions from the adopted High Desert SDP.
⁵ Revised since EPC Draft per Condition #28 – CPO-5 area does not include Highland.
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¹ New since EPC Draft per Condition #1 to reflect mapped areas in Section 2-7.1
² New since EPC Draft per Condition #1 to reflect mapped areas in Section 2-7.1
³ New since EPC Draft per Condition #1 to reflect mapped areas in Section 2-7.1
⁴ Changed Downtown to MX-FB-DT since EPC Draft per Condition #1 for accuracy and consistency.
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<sup>10</sup> New since EPC Draft based on public comment in order to carry over provisions from the adopted High Desert SDP.
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\(^1\) Revised since EPC Draft per Condition #28. CPO-5 area does not include Highland.
\(^2\) Revised since EPC Draft per Condition #28. CPO-5 area does not include Highland.
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Explanation of Redline and Greenline Edits:

Redline Edits

- Typos, grammatical edits, and other clerical edits that did not impact the intent or interpretation of the regulation have been corrected throughout the document since the EPC Draft per Condition #1. Internal references have been corrected and added throughout the document since the EPC Draft per Condition #1. These have not been highlighted.
- Any edits that changed terminology or that may result in a different interpretation or understanding of the regulation are highlighted in red text, with a footnote explaining the change and noting that the change was made per Condition #1.
- Other EPC Recommended Conditions of Approval, which can be found in the Notice of Decision, have also been highlighted red and footnoted with the Condition number (Condition #), with the following exceptions:
  - Condition #10: Staff reviewed the draft and found no edits needed.
  - Condition #17: EPC deleted condition language.
  - Condition #33: The Volcano Mesa CPO is applicable to low-density residential uses. Frontage requirements for Volcano Heights would not be appropriate in this CPO. Staff is considering where these frontage requirements might be appropriate elsewhere in the IDO.
  - Condition #136: Staff coordinated with DPM Subcommittee working to update Ch. 23 Transportation and determined that level of detail is best left in the DPM.
  - Condition #204: EPC deleted condition language.
  - Condition #295: Staff needs to complete this review for the next draft.
  - Condition #300: EPC deleted condition language.
  - Condition #319: Staff was unable to determine what change was needed.

Greenline Edits

Staff proposed new content for Council consideration during LUPZ Committee review, highlighted in green text, with a footnote explaining the intent of the change.
Chapter 14-16-1: General Provisions

1-1 SHORT TITLE
This Article, the "Integrated Development Ordinance," may be cited as the "IDO," and is referred to as either this "Article" or this "Ordinance."

1-2 AUTHORITY
This Article is created pursuant to authority granted in Article I of the Charter of the City of Albuquerque, which was originally adopted at a special election on June 29, 1971 pursuant to Section X-6-3-2 of the Constitution of the State of New Mexico, NMSA 1978 (the Historic District and Landmark Act). In enacting this IDO, the City intends to comply with the provisions of existing state law on the same subject, and the provisions of this IDO should be interpreted to achieve that goal.

1-3 PURPOSE
The purpose of this IDO is to:

1-3.1. Implement the adopted Albuquerque/Bernalillo County Comprehensive Plan (ABC Comp Plan), as amended.

1-3.2. Ensure that all development in the City is consistent with the spirit and intent of any other plans and policies adopted by City Council.

1-3.3. Ensure the provision of adequate public facilities and services for new development.

1-3.4. Protect the quality and character of residential neighborhoods.

1-3.5. Promote the economic development and fiscal sustainability of the City.

1-3.6. Provide for the efficient administration of City land use and development regulations.

1-3.7. Protect the health, safety, and general welfare of the public.

1-3.8. Provide for orderly and coordinated development patterns.

1-3.9. Encourage the conservation and efficient use of water and other natural resources.

1-3.10. Implement a connected system of parks, trails, and open spaces to promote improved outdoor activity and public health.

1-3.11. Provide reasonable protection from possible nuisances and hazards and to otherwise protect and improve public health.

1-3.12. Encourage efficient and connected transportation and circulation systems for motor vehicles, bicycles, and pedestrians.

---

13 From existing Section 14-16-1-1, revised to reflect new title.
14 From existing Section 14-16-1-2, revised to remove modifiers to intent to comply with state law.
15 Incorporates the purposes of 14-16-1-3, 14-14-1-3, 14-8-2-2, 14-13-4-1, 14-12-3.
16 Removed "stable" before neighborhoods since Consolidated Draft in response to public comment.
1-4 **APPLICABILITY**

1-4.1. This IDO applies to all private land in the City, and the owners and occupants of all land in the City are required to comply with the regulations of this IDO applicable to the zone district in which the property is located, except as noted in Subsection 14-16-1-4.2.18

A. Development after the Effective Date of this IDO
   All development after the effective date of this IDO is subject to IDO standards.

B. Development prior to the Effective Date of this IDO
   Development that existed prior to the IDO is subject to timeframes established for compliance with IDO standards, to be calculated from the effective date of this IDO, and standards for nonconformance in 14-16-5-6 (Nonconformities).

C. Approvals Granted prior to the IDO
   See Section 14-16-1-10 (Transitions from Previous Regulations).

1-4.2. This IDO is not applicable to federal activities or development on federally-owned lands where either the federal government has retained from the time of statehood or subsequently obtained the right to legislate in relation to such lands or the State of New Mexico has ceded jurisdiction to legislate back to the United States in relation to such lands. Private activities or development for private purposes on such lands shall be subject to this IDO.

1-4.3. This IDO is applicable to City activities or development on properties owned or leased by the City.

1-4.4. This IDO may not be applicable to state or governmental activities or development on lands owned by a state or governmental or quasi-governmental entity, to the extent the state of New Mexico has explicitly exempted them from the operation of local land use regulations.19

1-5 **EFFECTIVE DATE**

The effective date of this IDO shall be [INSERT EFFECTIVE DATE].

1-6 **OFFICIAL ZONING MAP**

1-6.1. The standards and regulations in this IDO applicable to specific zone districts or Overlay zones apply to the areas of the city shown with those zone districts or Overlay zones on the Official Zoning Map.

1-6.2. The Official Zoning Map is the latest version of the zoning map as approved or amended by City Council and maintained in electronic form by the City Planning Department.

1-7 **COMPLIANCE REQUIRED**

1-7.1. General20

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17 From existing 14-16-1-2 with changes to clarify that the IDO does not or may not apply to governmental lands.
18 Subsections A-C added since EPC Draft per Condition #1 for clarity and based on public comments.
19 New provision to reflect current practice.
20 Intended to replace existing 14-16-4-9. Since Consolidated Draft, references to availability of paper copies has been deleted, and references to publication of amendments in newspaper was deleted because addressed in Section 5-4.11 (Public Notice).
Chapter 14-16-1: General Provisions

A. No person shall develop or use any land, building, or structure within the City in violation of this IDO, regulations authorized under this IDO, including but not limited to those regulations in the Development Process Manual (DPM), or the terms and conditions of permits or approvals issued under this IDO.

B. Indoor uses allowed under this IDO must be located within buildings that meet the standards in Articles 14-1 and 14-3 of ROA 1994 (Uniform Administrative Code and Uniform Housing Code) and other applicable technical codes adopted by the City. Allowable uses conducted in buildings that are not in compliance with this requirement are a violation of this IDO.22

C. The Mayor is responsible for the promulgation of rules and technical standards necessary to fulfill the intent of this IDO. Additional rules and technical standards shall be published in the DPM. The terms and provisions of the DPM, as amended, shall be enforceable to the same extent as if incorporated into the text of this IDO.23

1-7.2. Development on Approved Lot or Parcel Required24

A building permit shall not be issued by the City unless the applicant presents the following:

A. Evidence of a proper lot, constituted by one of the following:

1. A print of the final subdivision plat as recorded with the County Clerk and approved as provided for in this IDO, or any predecessor ordinance, that applied at the time the parcel was created, showing the parcel for which application for building permit is being made.

2. Satisfactory evidence that this IDO is not applicable to the parcel upon which the building is to take place, either because the parcel is a lot which existed prior to the enactment of this IDO or any predecessor ordinances or because the parcel is outside the jurisdiction of this IDO. If such evidence is provided, exemption from the IDO regulations shall only apply to the establishment of the lot and not any development or redevelopment on the lot.25

B. Approval by the City Engineer that:

1. The alteration of the natural topography, drainage pattern, and perviousness of any lot resulting from the intended construction and prior or planned site preparation complies with a previously submitted and approved drainage report and/or plan, or that no drainage report or plan is required.

2. The traffic flow and parking layout complies with a previously submitted and approved Site Plan or Traffic Circulation Layout or that no Site Plan or Traffic Circulation Layout is required.26

3. Adequate provision has been made for connection of the lot to water and sanitary sewer lines if these are necessary for reasonable use of the structure.

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21 New language
22 New since EPC Draft per Condition #2, adapted from Zoning Code Section 14-16-1-4(B). Language revised slightly from Condition for clarity per Condition #1.
23 New Since EPC Draft per Condition #3.
24 Existing sections 14-16-4-5(B), 14-16-4-6(A)(1) and 14-14-9-4. Materials repetitive of those in the Specific Procedures section have not been carried forward. Fees in existing sections 14-16-4-6(A)(2), (B), and (C) are removed from IDO and should be adopted by resolution by City Council so future amendments do not require an Ordinance amendment.
25 Text revised to clarify that the exemption applies to the lot and not to all development on the lot.
26 Last clause added since Consolidated Draft.
Chapter 14-16-1: General Provisions

C. After approval and recording of a final subdivision plat with the County Clerk and required improvements have been completed and accepted by the City (where the construction of improvements was required), building permits for structures within the subdivision may be issued. Building Safety may issue building permits prior to completion of all improvements where sanitary sewer, water, and storm drainage facilities have been completed and other improvements are to be commenced within six months, but the City may require financial assurance for the completion of those improvements pursuant to Section 14-16-5-4.17 (Required Improvements and Financial Assurance).

1-8 RELATIONSHIP TO OTHER REGULATIONS

1-8.1. If two or more of the regulations in this IDO conflict with each other, the more restrictive provision shall apply, except that when the provisions of an Overlay zone conflict with any other regulation in this IDO, the provisions of the Overlay zone shall apply regardless of whether the Overlay zone provisions are less or more restrictive than the other regulations.

1-8.2. If any regulation in this IDO conflicts with other applicable laws or regulations of the City, or conflict with applicable state or federal law, the more restrictive provision shall apply, unless the provisions of state or federal law, as interpreted by the courts, prevent that result.

1-9 RELATIONSHIP TO PRIVATE AGREEMENTS AND COVENANTS

1-9.1. This IDO applies to all land uses and development, regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than a private agreement or restriction, but shall have no impact on the applicability or enforceability of any private agreement or restriction between the parties to that agreement or restriction, except as set forth in Section 14-16-1-9.3 below.

1-9.2. The City shall have no obligation to conform the terms or applicability of this IDO to any private agreement or restriction. The City shall have no obligation to enforce any private covenant or agreement unless it is a party to the covenant or agreement; if the City is a party to the covenant or agreement, enforcement shall be at the discretion of the City.

1-9.3. The City may not approve any subdivision application for property on which there are any deed restrictions, covenants, or binding agreements prohibiting solar collectors from being installed on buildings or erected on the lots or parcels within the application.

1-10 TRANSITIONS FROM PREVIOUS REGULATIONS

1-10.1. Prior Approvals

Any permit, development approval, Site Plan, Master Plan, or Master Development Plan approved prior to the effective date of this IDO shall remain valid, subject to expiration.

---

27 Revised to better reflect current practice.
28 New provision since Module 2.
29 From existing 1-14-4-7, revised for clarity. Condition #4 incorrectly directed staff to add a reference to solar rights permitting here. This process is handled in Section 4-10 and is not applicable here.
30 This section revised since EPC Draft per Condition #5 for clarity and consistency, and to add and update relevant cross-references.
Chapter 14-16-1: General Provisions

per Section 14-16-5-4.23\textsuperscript{31} Expirations for all approvals shall be calculated from the effective date of this IDO. Uses, development standards, and amendment processes specified in those approvals shall prevail over provisions in the IDO. Where those approvals are silent, provisions in the IDO shall apply, including the following:

A. Section 14-16-3-1.4 (Previously Allowed Uses) for the continuity of conditional uses.

B. Section 14-16-5-4.25 (Amendments of Approvals Granted Prior to the Adoption of the IDO) for amending prior approvals.\textsuperscript{32}

C. Section 14-16-5-6 (Nonconformities) for information about expansions when the use or structure is nonconforming under this IDO.

1-10.2. Complete Applications
An application for a permit, development approval, Site Plan, Master Plan, or Master Development Plan that has been accepted by the City Planning Department as complete prior to the effective date of this IDO, or any amendment to this IDO, shall be reviewed and a decision made based on the standards and criteria in effect when the application was accepted as complete.

1-10.3. Incomplete and Late Applications
An application for a permit, development approval, Site Plan, Master Plan, or Master Development Plan that has not been accepted by the City Planning Department as complete prior to the effective date of this IDO, or any amendment to this IDO, or that is submitted after that effective date, shall be processed in compliance with the requirements of this IDO.

1-10.4. References in Previous Regulations and Approvals
Any City regulations or approved Site Plans or Master Development Plans that refer to zone district designations that existed prior to the effective date of this IDO will be deemed to refer to the IDO zone district associated with that prior district as shown in Table 2-2-1.\textsuperscript{33}

1-10.5. Previous Violations
Any violation of the City zoning, subdivision, or land development regulations in effect prior to the effective date of this IDO will continue to be a violation under this IDO, unless the development or other activity that was a violation of the previous regulations is consistent with the requirements and regulations of this IDO.

1-11 FIGURES AND ILLUSTRATIONS\textsuperscript{34}
Figures and illustrations in this IDO are for illustrative purposes only and may not be to scale. In the event of a conflict between an illustration and the text of this IDO, the text shall apply.

1-12 DESIGNEES\textsuperscript{35}
When this IDO authorizes or requires an official or an appointed or elected body of the City government to perform a task in the administration of this IDO, the named official or appointed or elected body may designate another individual or entity of the City, or an individual employed

\textsuperscript{31} Revised since EPC Draft per Condition #5 to include Site Plans.
\textsuperscript{32} Revised since EPC Draft per Condition #5 and Condition #235 to refer to new section on amending existing approvals.
\textsuperscript{33} New since Module 3 based on public comment. Reference to Site Plans and Master Plans added since Consolidated Draft. This section revised since EPC Draft per Condition #5 to remove Master Plans, which do not refer to zone districts.
\textsuperscript{34} New since EPC Draft per Condition #6.
\textsuperscript{35} New since Module 2.
Chapter 14-16-1: General Provisions

by the City and under their control, to perform the task, unless the delegation of that task is specifically prohibited by New Mexico law or the City Charter.

1-13 SEVERABILITY

If any section, division, sentence, clause, phrase, or part of this IDO is for any reason declared unconstitutional or invalid, the validity of the remaining portions of this IDO shall not be affected, since it is the express intent of the City Council to pass each section, division, sentence, clause, phrase, and every part of this Ordinance separately and independently of every other part.

36 ROA 1994 Sec. 14-14-1-12.
Chapter 14-16-2: Zone Districts

2-1 ZONE DISTRICTS ESTABLISHED\(^{37}\)

2-1.1. The zone districts listed in Section 14-16-2-2 (Zone District and Overlay Zone Summary Table) are hereby created. These districts shall have the boundaries shown on the Official Zoning Map maintained in electronic form by the City Planning Department and available on the City of Albuquerque website. The base zone districts are grouped into four types: Residential zone districts, Mixed-use zone districts, Non-residential zone districts, and Planned Development zone districts. In addition, Overlay zones are established and defined in Section 14-16-2-7.

2-1.2. See Section 14-16-1-10.4 for treatment of references to previous zone districts in other documents.\(^{38}\)

2-2 ZONE DISTRICT AND OVERLAY ZONE SUMMARY TABLE\(^{39}\)

The following table shows the City of Albuquerque’s previous zone districts in relation to IDO base zone districts and Overlay zones.

<table>
<thead>
<tr>
<th>TABLE 2-2-1: Summary Table of Zone Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Existing Zone</strong></td>
</tr>
<tr>
<td><strong>Base Zone Districts</strong></td>
</tr>
<tr>
<td>Residential Zone Districts</td>
</tr>
<tr>
<td>RO-1 Rural Open</td>
</tr>
<tr>
<td>RO-20 Rural Open Agriculture</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>RA-1 Residential and Agricultural, semi-urban</td>
</tr>
<tr>
<td>RA-2 Residential and Agricultural</td>
</tr>
<tr>
<td>R-1 Residential</td>
</tr>
<tr>
<td>R-LT Residential Limited Townhouses</td>
</tr>
<tr>
<td>MH Mobile Home Developments</td>
</tr>
<tr>
<td>R-T Residential Townhouses</td>
</tr>
<tr>
<td>R-2 Residential Medium Density</td>
</tr>
<tr>
<td>R-G Residential Garden Apartment</td>
</tr>
<tr>
<td>R-3 Residential High Density</td>
</tr>
<tr>
<td>Office and Commercial Zone Districts</td>
</tr>
<tr>
<td>R-C Residential/Commercial</td>
</tr>
<tr>
<td>O-1 Office and Institutional</td>
</tr>
<tr>
<td>C-1 Neighborhood Commercial</td>
</tr>
<tr>
<td>C-2 Community Commercial</td>
</tr>
</tbody>
</table>

\(^{37}\) New since Zoning Code.
\(^{38}\) New since Consolidated Draft
\(^{39}\) New since Zoning Code.
\(^{40}\) Revised since EPC Draft per Condition #7 to add PT areas west of the river to reflect Comp Plan policy guidance.
### TABLE 2-2-1: Summary Table of Zone Districts

<table>
<thead>
<tr>
<th>Existing Zone</th>
<th>Proposed Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>C-3</strong> Heavy Commercial (This zone also converts to Non-residential zones. See also C-3 below)</td>
<td>NR-C</td>
</tr>
<tr>
<td><strong>Form-Based Zone Districts</strong></td>
<td></td>
</tr>
<tr>
<td>SU-3 Downtown 2025 Special Districts</td>
<td>MX-FB-DT</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Industrial Zone Districts</strong></td>
<td></td>
</tr>
<tr>
<td>C-3 Heavy Commercial (This zone also converts to Mixed-use zones. See also C-3 above)</td>
<td>MX-H</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>IP</strong> Industrial Park</td>
<td>NR-BP</td>
</tr>
<tr>
<td><strong>M-1</strong> Light Manufacturing</td>
<td>NR-LM</td>
</tr>
<tr>
<td><strong>M-2</strong> General Manufacturing</td>
<td>NR-GM</td>
</tr>
<tr>
<td><strong>Special Use Zone Districts</strong></td>
<td></td>
</tr>
<tr>
<td>SU-1 Special Use</td>
<td>NR-SU</td>
</tr>
<tr>
<td><strong>SU-2</strong> Special Neighborhood</td>
<td></td>
</tr>
<tr>
<td><strong>SU-3</strong> Special Center (other than Downtown)</td>
<td></td>
</tr>
</tbody>
</table>

---

41 Revised since EPC Draft per Condition #7 to reflect updated commercial zoning conversion approach. NR-C zone district designed to replace C-3 in areas where the City needs to promote non-residential (not mixed-use) development.

42 Revised since EPC Draft per Condition #7 to reflect updated commercial zoning conversion approach. NR-C zone district designed to replace C-3 in areas where the City needs to promote non-residential (not mixed-use) development.

43 New since EPC Draft per Condition #1. Added sub-zones identified by Downtown 2025 as Focus Areas to the MX-FB-DT zone.

44 Carries forward C-3 uses and is applied to areas within 660 feet of a transit corridor (C-1/C-2 provision available to C-3 zoned properties) and existing SU-2 and SU-3 districts in Urban Centers. Revised since EPC draft per Condition #7 to reflect updated commercial zoning conversion approach.

45 Revised since EPC Draft per Condition #7 to reflect updated commercial zoning conversion approach. NR-C zone district designed to replace C-3 in areas where the City needs to promote non-residential (not mixed-use) development.

46 New since EPC Draft per Condition #1.
## TABLE 2-2-1: Summary Table of Zone Districts

<table>
<thead>
<tr>
<th>Existing Zone</th>
<th>Proposed Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>P Parking</td>
<td>Not Carried Forward</td>
</tr>
<tr>
<td>P-R Parking Reserve</td>
<td></td>
</tr>
</tbody>
</table>

**Various**
- NR-PO Non-residential - Parks & Open Space
- NR-PO-A City-owned or Managed Public Parks
- NR-PO-B Major Public Open Space
- NR-PO-C Non-City Parks and Open Space
- NR-PO-D City BioPark

**Planned Development Zone Districts**

<table>
<thead>
<tr>
<th>Planned Development Zone Districts</th>
<th>Planned Development Zone Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>SU-1 PRD Planned Residential Development</td>
<td>Planned Development</td>
</tr>
<tr>
<td>R-D Residential &amp; Related Uses-Developing Area</td>
<td>Unless the land use is clearly identifiable as R-1 or R-T land uses and development patterns.</td>
</tr>
<tr>
<td>PC Planned Community</td>
<td>PC Planned Community</td>
</tr>
</tbody>
</table>

**Overlay Zones**

<table>
<thead>
<tr>
<th>Overlay Zones</th>
<th>Overlay Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td>APO-1 Airport Protection</td>
<td>APO Airport Protection Overlay</td>
</tr>
<tr>
<td>APO-2 Airport Protection</td>
<td></td>
</tr>
<tr>
<td>VPO View Protection Overlay</td>
<td>Subsections for each area where view protection controls apply</td>
</tr>
<tr>
<td>UCOZ Urban Conservation Overlay Zone</td>
<td>CPO Character Protection Overlay</td>
</tr>
<tr>
<td>DOZ Design Overlay Zone</td>
<td>Subsections for each area where character protection controls apply</td>
</tr>
</tbody>
</table>

**Historic Zones**
- H-1 Historic Old Town
- HPO-1 East Downtown
- HPO-2 Eighth/Forrester
- HPO-3 Fourth Ward
- HPO-4 Huning Highland
- HPO-5 Old Town
- HPO-6 Silver Hill

**Wall Overlay**
- Not Carried Forward

---

47 New district added after discussion with ABQ Staff since Annotated Outline.
48 Sub-zones added since EPC Draft per Condition #1 for transparency.
49 Also replaces existing “SU-1 Planned Development Area,” “SU-1 Planned Unit Development” and similar designations, as well as SU-2 for R-D zones. Footnote revised since EPC Draft per Condition #1 for consistency with updated Conversion Map decision rules.
50 HPO-1, 2, 3, 4, & 6 are existing Historic Overlay Zones. Order revised since Consolidated Draft to appear alphabetically.
2-3 RESIDENTIAL ZONE DISTRICTS

2-3.1 RESIDENTIAL – RURAL AND AGRICULTURAL ZONE DISTRICT (R-A)

A. Purpose
The purpose of the R-A zone district is to provide for low-density, single-family residences and limited agricultural uses, generally on lots of one-quarter acre or larger. Limited recreational, educational, and other uses are allowable, as shown in Table 3-2-1 (Use Table).

B. Dimensional and Other Standards

Table 2-3-1: R-A Zone District Dimensional Standards Summary

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

Setback Standards

| E   | Front, minimum       | 20 ft.            |
| F   | Side, minimum        | 10 ft.            |
| G   | Rear, minimum        | 25 ft.            |

Building Standards

| H   | Building height, maximum | 26 ft. (2 stories) |

Table 2-3-2: Other Applicable IDO Sections

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

[1] In Areas of Consistency, new low-density development is required to fit into the existing pattern of lots and blocks. See Contextual Development Standards in Section 14-16-4-1.3.B.


[3] Lot Depth row removed since EPC Draft per Condition #1 because this dimension is not regulated in the IDO. Density added to summary tables since EPC Draft per Condition #1 to reflect Dimensional Standards tables in section 4-1.

[4] Setbacks adjacent to alley or acequia row removed since EPC draft per Condition #8. Acequia setbacks vary and are detailed in Section 14-16-4-2 and Alley setbacks are addressed as a subset of rear setbacks in Table 4-1-1 and may not always apply.

[5] Accessory building/structure height removed since EPC Draft per Condition #1(revision of #9); accessory structure height varies based on the type of structure (wall, WTF, etc.), which are regulated individually in the IDO. Provision for maximum building height in stories added since EPC Draft per Condition #104.

[6] Note added since EPC Draft per Condition #1 to highlight Contextual Standards in Residential zone districts.
C. District Standards

None.\(^{56}\)

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\(^{56}\) Added since EPC Draft per Condition #1 to clarify that there are not currently any district specific standards in response to public comment.
2-3.2. **RESIDENTIAL – SINGLE-FAMILY ZONE DISTRICT (R-1)**

**A. Purpose**

The purpose of the R-1 zone district is to provide for neighborhoods of single-family homes on individual lots with a wide variety of lot sizes and dimensions. When applied in developed areas, an additional purpose is to require that redevelopment reinforce the established character of the existing neighborhood. Primary land uses include single-family detached homes on individual lots, and other allowable uses include public and civic institutions designed to serve the surrounding residential area, as shown in Table 3-2-1 (Use Table).

**B. Dimensional and Other Standards**

<table>
<thead>
<tr>
<th>Table 2-3-3: R-1 Zone District Dimensional Standards Summary[^1]</th>
<th>R-1 Lot Type</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Standards[^2]</td>
<td>Lot size, minimum</td>
<td>3,500 sq. ft.</td>
<td>5,000 sq. ft.</td>
<td>7,000 sq. ft.</td>
<td>10,000 sq. ft.</td>
</tr>
<tr>
<td>Lot width, minimum</td>
<td>25 ft.</td>
<td>37.5 ft.</td>
<td>50 ft.</td>
<td>70 ft.</td>
<td></td>
</tr>
<tr>
<td>Density, maximum</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Usable open space, minimum</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Table 2-3-4: Other Applicable IDO Sections</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allowable Uses</td>
</tr>
<tr>
<td>Use-specific Standards</td>
</tr>
<tr>
<td>Dimensional Standards</td>
</tr>
<tr>
<td>Site Design and Sensitive Lands</td>
</tr>
<tr>
<td>Access and Connectivity</td>
</tr>
<tr>
<td>Parking and Loading</td>
</tr>
<tr>
<td>Landscaping, Buffering, and Screening</td>
</tr>
<tr>
<td>Walls and Fences</td>
</tr>
<tr>
<td>Outdoor Lighting</td>
</tr>
<tr>
<td>Neighborhood Edges</td>
</tr>
<tr>
<td>Solar Access</td>
</tr>
<tr>
<td>Building Design</td>
</tr>
<tr>
<td>Signs</td>
</tr>
<tr>
<td>Operation and Maintenance</td>
</tr>
</tbody>
</table>

[^1]: In Areas of Consistency, new low-density residential development is required to fit into the existing pattern of lots and blocks. See Contextual Development Standards in Section 14-16-4-1.3.B.[^3]

[^2]: Lot Depth row removed since EPC Draft per Condition #1 because this dimension is not regulated in the IDO. Density added to summary tables since EPC Draft per Condition #1 to reflect Dimensional Standards tables in section 4-1.

[^3]: Setbacks adjacent to alley or acequia row removed since EPC draft per Condition #8. Acequia setbacks vary and are detailed in Section 14-16-4-2 and Alley setbacks are addressed as a subset of rear setbacks in Table 4-1-1 and may not always apply.

[^4]: Accessory building/structure height removed since EPC Draft per Condition #1(revision of #9); accessory structure height varies based on the type of structure (wall, WTF, etc.), which are regulated individually in the IDO. Provision for maximum building height in stories added since EPC Draft per Condition #164.

[^5]: Note added since EPC Draft per Condition #1 to highlight Contextual Standards in Residential zone districts.

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Integrated Development Ordinance
Albuquerque, NM

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Page 12
C. District Standards

None.\(^{61}\)

\(^{61}\) Added since EPC Draft per Condition #1 to clarify that there are not currently any district-specific standards in response to public comment.
2-3.3. RESIDENTIAL – MANUFACTURED HOME COMMUNITY ZONE DISTRICT (R-MC)

A. Purpose

The purpose of the R-MC zone district is to accommodate manufactured home communities and to require those communities to incorporate high-quality planning and design. Allowable uses in the R-MC district are shown in Table 3-2-1 (Use Table).

B. Dimensional and Other Standards

<table>
<thead>
<tr>
<th>Table 2-3-5: R-MC Zone District Dimensional Standards Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Site Standards</strong>[^1]</td>
</tr>
<tr>
<td>A Site area, minimum</td>
</tr>
<tr>
<td>B Lot width, minimum</td>
</tr>
<tr>
<td>C Density, maximum</td>
</tr>
<tr>
<td>D Usable open space, minimum</td>
</tr>
<tr>
<td><strong>Setback Standards</strong>[^4][^5]</td>
</tr>
<tr>
<td>E Front, minimum</td>
</tr>
<tr>
<td>F Side, minimum</td>
</tr>
<tr>
<td>G Rear, minimum</td>
</tr>
<tr>
<td><strong>Building Standards</strong>[^6]</td>
</tr>
<tr>
<td>H Building height, maximum</td>
</tr>
</tbody>
</table>

[^1]: In the R-MC zone district, setback standards apply to the entire project site, not to individual manufactured home spaces within the site.

[^4]: Lot Depth row removed since EPC Draft per Condition #1 because this dimension is not regulated in the IDO. Density added to summary tables since EPC Draft per Condition #1 to reflect Dimensional Standards tables in section 4-1.

[^5]: Setbacks adjacent to alley or acequia row removed since EPC draft per Condition #8. Acequia setbacks vary and are detailed in Section 14-16-4-2 and Alley setbacks are addressed as a subset of rear setbacks in Table 4-1-1 and may not always apply.

[^6]: Accessory building/structure height removed since EPC Draft per Condition #1(revision of #9); accessory structure height varies based on the type of structure (wall, WTF, etc.), which are regulated individually in the IDO. Provision for maximum building height in stories added since EPC Draft per Condition #104.

[^7]: Note added since EPC Draft per Condition #1 to clarify how setback standards apply to lots within the R-MC zone district.
C. District Standards

1. Manufactured homes and mobile homes that are not installed on a permanent foundation shall be skirted with materials similar in color, texture, and appearance to the siding of the mobile home.

2. Anchorages and tie-downs constructed to comply with Articles 14-1 and 14-3 of ROA 1994 (Uniform Administrative Code and Uniform Housing Code) shall be provided on each manufactured home space or lot to prevent overturning or uplift of the manufactured home.

3. Motor vehicles that are not parked inside a building must be operative and not wholly or partially dismantled.

4. Carports, patios, decks, and accessory buildings may be located in side and rear setback areas of individual manufactured home or mobile home sites. Within a manufactured home development such accessory buildings may not be located in any setbacks, usable open space, or landscape buffers required for the manufactured home community.

5. Storage sheds, accessory buildings, and carports shall be constructed of suitable weather-resistant materials.

6. All yard areas and other open spaces not otherwise paved or occupied by structures shall be landscaped and maintained.

7. In cases where the owner of a manufactured home community intends to rezone the property to a zone district other than R-MC, which will result in eviction of the manufactured home community’s residents, the owner shall mail each resident...
written notice of his intent to evict not less than 18 months prior to the rezoning of the property.\textsuperscript{72}

\textsuperscript{72} Added since EPC Draft per Condition #215 to include notification requirement from Zoning Code Section 14-16-3-21. Provisions related to district court processes not carried over, as the IDO has no jurisdiction over district court.
2-3.4. **RESIDENTIAL – TOWNHOUSE ZONE DISTRICT (R-T)**\(^{73}\)

### A. Purpose

The purpose of the R-T zone district is to accommodate a mix of single-family, two-family, and townhouse residential developments, as well as public and civic institutions designed to serve the surrounding residential area. Other allowable uses are shown in Table 3-2-1 (Use Table).

### B. Dimensional and Other Standards

<table>
<thead>
<tr>
<th>Table 2-3-7: R-T Zone District Dimensional Standards Summary(^{74})</th>
<th>Table 2-3-8: Other Applicable IDO Sections</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Development Type</strong></td>
<td><strong>Single- or Two-Family Detached</strong></td>
</tr>
<tr>
<td><strong>Site Standards</strong></td>
<td></td>
</tr>
<tr>
<td>A Lot size, minimum</td>
<td>3,500 sq. ft.</td>
</tr>
<tr>
<td>B Lot width, minimum</td>
<td>35 ft.</td>
</tr>
<tr>
<td>C <strong>Density, maximum</strong></td>
<td>N/A</td>
</tr>
<tr>
<td>D Usable open space, minimum</td>
<td>See Table 4-1-1</td>
</tr>
<tr>
<td><strong>Setback Standards</strong></td>
<td></td>
</tr>
<tr>
<td>E Front, minimum</td>
<td>15 ft. / 20 ft. garage(^{76})</td>
</tr>
<tr>
<td>F Side, minimum</td>
<td>5 ft. interior / 10 ft. corner</td>
</tr>
<tr>
<td>G Rear, minimum</td>
<td>15 ft.</td>
</tr>
<tr>
<td><strong>Building Standards</strong></td>
<td></td>
</tr>
<tr>
<td>H Building height, maximum</td>
<td>26 ft. (2 stories)</td>
</tr>
</tbody>
</table>

---

\(^{73}\) Content from existing Sec. 14-16-2-8 R-LT and Sec. 14-16-2-9 R-T districts.

\(^{74}\) Lot Depth removed since EPC Draft per Condition # - not regulated in the IDO. Multi-family lot size/width standards reduced since EPC Draft per Condition #96. Density added to summary tables since EPC Draft per Condition #1 to reflect Dimensional Standards.

\(^{75}\) Setbacks adjacent to alley or acequia row removed since EPC draft per Condition #8. Acequia setbacks vary and are detailed in Section 14-16-4-2 and Alley setbacks are addressed as a subset of rear setbacks in Table 4-1-1 and may not always apply.

\(^{76}\) Garage setback added since EPC Draft per Condition #1 to reflect Dimensional Standard.

\(^{77}\) Provision for UC-MS-PT in R-T, R-ML, R-MH added since EPC Draft per Condition #100. Condition #102, and Condition #103.

\(^{78}\) Accessory building/structure height removed since EPC Draft per Condition #1(revision of #9); accessory structure height varies based on the type of structure (wall, WTF, etc.), which are regulated individually in the IDO. Provision for maximum building height in stories added since EPC Draft per Condition #104.
C. District Standards

None.\(^{81}\)

---

\(^{79}\) Note added since EPC Draft per Condition #1 to highlight Contextual Standards in Residential zone districts.

\(^{80}\) Note added since Module 1.

\(^{81}\) Zoning Code Section 14-16-2-9(H) limiting parcels abutting side or rear yards of single-family lots to 2 units per building was not carried forward. ‘None’ added since EPC Draft per Condition #1 to clarify that there are not currently any district specific standards in response to public comment.
2-3.5. RESIDENTIAL – MULTI-FAMILY LOW DENSITY ZONE DISTRICT (R-ML)\textsuperscript{82}

A. Purpose

The purpose of the R-ML zone district is to provide for a variety of low- to medium-density housing options, generally with heights of 3 stories or less. The primary land uses are townhouses and low-density multi-family buildings, as well as public and civic institutions designed to serve the surrounding residential area. Other allowable uses are shown in Table 3-2-1 (Use Table).

B. Dimensional and Other Standards

### Table 2-3-9: R-ML Zone District Dimensional Standards Summary\textsuperscript{83}

<table>
<thead>
<tr>
<th>Development Type</th>
<th>Single- or Two-family Detached</th>
<th>Townhouse</th>
<th>Multi-family</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Site Standards\textsuperscript{84}</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A</td>
<td>Lot size, minimum</td>
<td>3,500 sq. ft.</td>
<td>2,200 sq. ft.</td>
</tr>
<tr>
<td>B</td>
<td>Lot width, minimum</td>
<td>35 ft.</td>
<td>20 ft.</td>
</tr>
<tr>
<td>C</td>
<td>Density, maximum</td>
<td></td>
<td>30 DU/ac.</td>
</tr>
<tr>
<td>D</td>
<td>Usable open space, minimum</td>
<td>See Table 4-1-1</td>
<td></td>
</tr>
</tbody>
</table>

### Table 2-3-10: Other Applicable IDO Sections

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

---

\textsuperscript{82}Content from existing Sec. 14-16-2-11 R-2 and Sec. 14-16-2-10 R-G districts.

\textsuperscript{83}Lot Depth removed since EPC Draft per Condition # - not regulated in the IDO. Multi-family lot size/width standards reduced since EPC Draft per Condition # 96. Density added to summary tables since EPC Draft per Condition #1 to reflect Dimensional Standards.

\textsuperscript{84}Setbacks adjacent to alley or acequia row removed since EPC draft per Condition #8. Acequia setbacks vary and are detailed in Section 14-16-4-2 and alley setbacks are addressed as a subset of rear setbacks in Table 4-1-1 and may not always apply.

\textsuperscript{85}Provision for UC-MS-PT in R-T, R-ML, R-MH added since EPC Draft per Condition #100, Condition #102, and Condition #103.

\textsuperscript{86}Accessory building/structure height removed since EPC Draft per Condition #1(revision of Condition #9); accessory structure height varies based on the type of structure (wall, WTF, etc.), which are regulated individually in the IDO. Provision for maximum building height in stories added since EPC Draft per Condition #104.
C. District Standards

None.\textsuperscript{88}

\textsuperscript{87} Note added since EPC Draft per Condition #1 to highlight Contextual Standards in Residential zone districts.

\textsuperscript{88} Added since EPC Draft per Condition #1 to clarify that there are not currently any district specific standards in response to public comment.
2-3.6. RESIDENTIAL – MULTI-FAMILY HIGH DENSITY ZONE DISTRICT (R-MH)\textsuperscript{89}

A. Purpose

The purpose of the R-MH zone district is to promote and encourage the development of high-density attached and multi-family housing, generally with heights of 3 stories, in areas close to major streets and public transit facilities. The primary land use is multi-family dwellings, as well as public and civic institutions designed to serve the surrounding residential area. Other allowable uses are shown in Table 3-2-1 (Use Table).

B. Dimensional and Other Standards

<table>
<thead>
<tr>
<th>Table 2-3-11: R-MH Zone District Dimensional Standards Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Location</td>
</tr>
<tr>
<td>Site Standards\textsuperscript{90}</td>
</tr>
<tr>
<td>A</td>
</tr>
<tr>
<td>B</td>
</tr>
<tr>
<td>C</td>
</tr>
<tr>
<td>D</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Table 2-3-12: Other Applicable IDO Sections</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allowable Uses</td>
</tr>
<tr>
<td>Use-specific Standards</td>
</tr>
<tr>
<td>Dimensional Standards</td>
</tr>
<tr>
<td>Site Design and Sensitive Lands</td>
</tr>
<tr>
<td>Access and Connectivity</td>
</tr>
<tr>
<td>Parking and Loading</td>
</tr>
<tr>
<td>Landscaping, Buffering, and Screening</td>
</tr>
<tr>
<td>Walls and Fences</td>
</tr>
<tr>
<td>Outdoor Lighting</td>
</tr>
<tr>
<td>Neighborhood Edges</td>
</tr>
<tr>
<td>Solar Access</td>
</tr>
<tr>
<td>Building Design</td>
</tr>
<tr>
<td>Signs</td>
</tr>
<tr>
<td>Operation and Maintenance</td>
</tr>
</tbody>
</table>

\textsuperscript{89} Content from existing Sec. 14-16-2-12 R-3 district.

\textsuperscript{90} Lot Depth row removed since EPC Draft per Condition #1 because this dimension is not regulated in the IDO. Density added to summary tables since EPC Draft per Condition #1 to reflect Dimensional Standards tables in section 4-1.

\textsuperscript{91} Setbacks adjacent to alley or acequia row removed since EPC draft per Condition #8. Acequia setbacks vary and are detailed in Section 14-16-4-2 and Alley setbacks are addressed as a subset of rear setbacks in Table 4-1-1 and may not always apply.

\textsuperscript{92} Provision for UC-MS-PT in R-T, R-ML, R-MH added since EPC Draft per Condition #102, and Condition #103.

\textsuperscript{93} Accessory building/structure height removed since EPC Draft per Condition #1(revision of Condition #9); accessory structure height varies based on the type of structure (wall, WFT, etc.), which are regulated individually in the IDO. Provision for maximum building height in stories added since EPC Draft per Condition #104.
C. District Standards

Non-residential conditional uses are limited to types and amounts that are justified to serve residents in the R-MH zone district.
2-4 MIXED-USE ZONE DISTRICTS

2-4.1 MIXED-USE – TRANSITION ZONE DISTRICT (MX-T)\(^{94}\)

A. Purpose

The purpose of the MX-T zone district is to provide a transition\(^{95}\) between residential neighborhoods and more intense commercial areas. Primary land uses include a range of attached and low-density multi-family residential and small-scale office, institutional, and non-auto-oriented commercial uses, generally with heights of 1 or 2 stories. Other allowable uses are shown in Table 3-2-1 (Use Table).

B. Dimensional and Other Standards

<table>
<thead>
<tr>
<th><strong>Table 2-4-1: MX-T Zone District Dimensional Standards</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Summary</strong></td>
</tr>
<tr>
<td><strong>Development Type</strong></td>
</tr>
<tr>
<td>Site Standards(^{96})</td>
</tr>
<tr>
<td>A</td>
</tr>
<tr>
<td>B</td>
</tr>
<tr>
<td>C</td>
</tr>
<tr>
<td>D</td>
</tr>
<tr>
<td>Setback Standards(^{97})</td>
</tr>
<tr>
<td>E</td>
</tr>
<tr>
<td>F</td>
</tr>
<tr>
<td>G</td>
</tr>
<tr>
<td>Building Standards(^{99})</td>
</tr>
<tr>
<td>H</td>
</tr>
</tbody>
</table>

\(^{94}\) Content from existing Sec. 14-16-2-15 O-1 and Sec 14-16-2-13 RC districts.

\(^{95}\) Revised since EPC Draft per Condition #1 for clarity.

\(^{96}\) Lot Depth row removed since EPC Draft per Condition #1 because this dimension is not regulated in the IDO. Density added to summary tables since EPC Draft per Condition #1 to reflect Dimensional Standards tables in section 4-1.

\(^{97}\) Setbacks adjacent to alley or acequia row removed since EPC draft per Condition #8. Acequia setbacks are detailed in Section 14-16-4-2; alley setbacks are addressed in Table 4-1-1. MS reg. added since EPC Draft per Condition #105 and Condition #109.

\(^{98}\) Provision for UC-MS-PT in MX-T added since EPC Draft per Condition #102, and Condition #103.

\(^{99}\) Accessory building/structure height removed since EPC Draft per Condition #1(revision of Condition #9); accessory structure height varies based on the type of structure (wall, WTF, etc.), which are regulated individually in the IDO. Provision for maximum building height in stories added since EPC Draft per Condition #104.
C. District Standards

None.\textsuperscript{100}

\textsuperscript{100} Added since EPC Draft per Condition #1 to clarify that there are not currently any district specific standards in response to public comment.
2-4.2. MIXED-USE – LOW INTENSITY ZONE DISTRICT (MX-L)\textsuperscript{101}

A. Purpose
The purpose of the MX-L zone district is to provide for neighborhood-scale convenience shopping needs, primarily at the corners of collector intersections. Primary land uses include non-destination retail and commercial uses, as well as townhouses, low-density multi-family residential dwellings, and public and civic facilities to serve the surrounding area, generally in buildings 2 stories or less, except in Centers and Corridors, where taller buildings are encouraged.\textsuperscript{102} Other allowable uses are shown in Table 3-2-1 (Use Table).

B. Dimensional and Other Standards

<table>
<thead>
<tr>
<th>Table 2-43: MX-L Zone District Dimensional Standards Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Location</td>
</tr>
<tr>
<td>Site Standards\textsuperscript{103}</td>
</tr>
<tr>
<td>A</td>
</tr>
<tr>
<td>B</td>
</tr>
<tr>
<td>C</td>
</tr>
<tr>
<td>D</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Table 2-44: Other Applicable IDO Sections</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allowable Uses</td>
</tr>
<tr>
<td>Use-specific Standards</td>
</tr>
<tr>
<td>Dimensional Standards</td>
</tr>
<tr>
<td>Site Design and Sensitive Lands</td>
</tr>
<tr>
<td>Access and Connectivity</td>
</tr>
<tr>
<td>Parking and Loading</td>
</tr>
<tr>
<td>Landscaping, Buffering, and Screening</td>
</tr>
<tr>
<td>Walls and Fences</td>
</tr>
<tr>
<td>Outdoor Lighting</td>
</tr>
<tr>
<td>Neighborhood Edges</td>
</tr>
<tr>
<td>Solar Access</td>
</tr>
<tr>
<td>Building Design</td>
</tr>
<tr>
<td>Signs</td>
</tr>
<tr>
<td>Operation and Maintenance</td>
</tr>
</tbody>
</table>

\textsuperscript{101} Content from existing Sec. 14-16-2.1C-1 district.

\textsuperscript{102} Lot Depth row removed since EPC Draft per Condition #8. Acquia setbacks vary and are detailed in Table 4-1-1 and may not always apply. MS provision added since EPC Draft per Condition #105 and Condition #109.

\textsuperscript{103} Increased maximum density added in UC-MS-PT since EPC Draft per Condition #106 to allow for more density where higher building heights are permissible.

\textsuperscript{104} Setbacks adjacent to alley or acequia row removed since EPC draft per Condition #8. Acquia setbacks vary and are detailed in Section 14-16-4-2 and Alley setbacks are addressed as a subset of rear setbacks in Table 4-1-1 and may not always apply. MS provision added since EPC Draft per Condition #105 and Condition #109.
C. District Standards

None.

107 Accessory building/structure height removed since EPC Draft per Condition #1(revision of Condition #9); accessory structure height varies based on the type of structure (wall, WTF, etc.), which are regulated individually in the IDO. Provision for maximum building height in stories added since EPC Draft per Condition #104.

108 Restriction on outdoor storage deleted since Consolidated Draft – addressed in Use Table.

109 Added since EPC Draft per Condition #1 to clarify that there are not currently any district specific standards in response to public comment.
2-4.3. MIXED-USE – MODERATE INTENSITY ZONE DISTRICT (MX-M)\textsuperscript{110}

A. Purpose

The purpose of the MX-M zone district is to provide for a wide array of retail, commercial, residential, and institutional uses, generally in buildings of 3 stories or less, except in Centers and Corridors, where taller buildings are encouraged.\textsuperscript{111} Allowable uses are shown in Table 3-2-1 (Use Table).\textsuperscript{112}

B. Dimensional and Other Standards

Table 2-4-5: MX-M Zone District Dimensional Standards Summary

<table>
<thead>
<tr>
<th>Development Location</th>
<th>General</th>
<th>UC-MS-PT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Standards\textsuperscript{113}</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A Lot size, minimum</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>B Lot width, minimum</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>C Density, maximum</td>
<td>75 DU/ac.</td>
<td>100 DU/ac.\textsuperscript{114}</td>
</tr>
<tr>
<td>D Usable open space, minimum</td>
<td>≤ 1 BR: 200 sq. ft./unit</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2 BR: 250 sq. ft./unit</td>
<td></td>
</tr>
<tr>
<td></td>
<td>≥ 3 BR: 300 sq. ft./unit</td>
<td></td>
</tr>
<tr>
<td>Setback Standards\textsuperscript{115}</td>
<td></td>
<td></td>
</tr>
<tr>
<td>E Front, minimum / maximum</td>
<td>5 ft. / N/A</td>
<td>0 ft. / 15 ft.</td>
</tr>
<tr>
<td>F Side, minimum</td>
<td>5 ft. interior</td>
<td>0 ft. interior</td>
</tr>
<tr>
<td>G Rear, minimum</td>
<td>10 ft. corner</td>
<td></td>
</tr>
<tr>
<td>Building Standards\textsuperscript{117}</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>15 ft.</td>
<td></td>
</tr>
</tbody>
</table>

Table 2-4-6: Other Applicable IDO Sections

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

\textsuperscript{110} Replaces existing Sec. 14-16-2- 17 C-2 Community Commercial district.

\textsuperscript{111} Revised since EPC Draft per Condition #12. Text added per Condition #1 for clarity about where additional building heights are encouraged.

\textsuperscript{112} Drawing replaced since Module 1.

\textsuperscript{113} Lot Depth row removed since EPC Draft per Condition #1 because this dimension is not regulated in the IDO. Density added to summary tables since EPC Draft per Condition #1 to reflect Dimensional Standards tables in section 4-1.

\textsuperscript{114} Increased maximum density added in UC-MS-PT since EPC Draft per Condition #106 to allow for more density where higher building heights are permissive.

\textsuperscript{115} Setbacks adjacent to alley or acequia row removed since EPC draft per Condition #8. Acequia setbacks vary and are detailed in Section 14-16-4-2 and Alley setbacks are addressed as a subset of rear setbacks in Table 4-1-1 and may not always apply. MS provision added since EPC Draft per Condition #105 and Condition #105.

\textsuperscript{116} Provision for UC-MS-PT in MX-M added since EPC Draft per Condition #102 and Condition #103.
Chapter 14-16-2: Zone Districts

2-4.3: Mixed-use – Moderate Intensity Zone District (MX-M)

| H | Building height, maximum | 45 ft. (3 stories) | 65 ft. (5 stories) | >100 ft. from all lot lines: N/A |

C. District Standards

None.

---

117 Accessory building/structure height removed since EPC Draft per Condition #1 (revision of Condition #9); accessory structure height varies based on the type of structure (wall, WTF, etc.), which are regulated individually in the IDO. Provision for maximum building height in stories added since EPC Draft per Condition #104.

118 Added since EPC draft per Condition #1 to reflect dimensional standards.

119 Restriction on outdoor storage deleted since Consolidated Draft – addressed in Use Table.

120 Added since EPC Draft per Condition #1 to clarify that there are not currently any district specific standards in response to public comment.
2-4.4. MIXED-USE – HIGH INTENSITY ZONE DISTRICT (MX-H)\textsuperscript{121}

A. Purpose
The purpose of the MX-H zone district is to provide for large-scale destination retail, commercial, residential, light industrial,\textsuperscript{122} and institutional uses, particularly along Transit Corridors and in Urban Centers. The MX-H zone district is intended to allow higher-density infill development in appropriate locations. Allowable uses are shown in Table 3-2-1 (Use Table).\textsuperscript{123}

B. Dimensional and Other Standards

<table>
<thead>
<tr>
<th>Table 2-4-7: MX-H Zone District Dimensional Standards Summary</th>
<th>Table 2-4-8: Other Applicable IDO Sections</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Location</td>
<td>General</td>
</tr>
<tr>
<td>Site Standards\textsuperscript{124}</td>
<td></td>
</tr>
<tr>
<td>A Lot size, minimum</td>
<td>N/A</td>
</tr>
<tr>
<td>B Lot width, minimum</td>
<td>N/A</td>
</tr>
<tr>
<td>C Density, maximum</td>
<td>125 DU/ac.</td>
</tr>
<tr>
<td>D Usable open space, minimum</td>
<td>≤ 1 BR: 200 sq. ft./unit</td>
</tr>
<tr>
<td></td>
<td>2 BR: 250 sq. ft./unit</td>
</tr>
<tr>
<td></td>
<td>≥ 3 BR: 300 sq. ft./unit</td>
</tr>
<tr>
<td></td>
<td></td>
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<td></td>
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</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

\textsuperscript{121} Replaces existing Sec. 14-16-2.18 C-3 Community Commercial district. Purpose statement revised since Module 1.

\textsuperscript{122} Revised since EPC Draft per Condition #1 to reflect that light manufacturing is allowed in MX-H.

\textsuperscript{123} Revised since EPC Draft per Condition #1 for clarity.

\textsuperscript{124} Lot Depth row removed since EPC Draft per Condition #1 because this dimension is not regulated in the IDO. Density added to summary tables since EPC Draft per Condition #1 to reflect Dimensional Standards tables in section 4-1.

\textsuperscript{125} Setbacks adjacent to alley or acequia row removed since EPC draft per Condition #8. Acequia setbacks vary and are detailed in Section 14-16-4-2 and Alley setbacks are addressed as a subset of rear setbacks in Table 4-1-1 and may not always apply. MS provision added since EPC Draft per Condition #105 and Condition #109.

\textsuperscript{126} Provision for UC-MS-PT in MX-H added since EPC Draft per Condition #102, and Condition #103.
C. District Standards

None.

---

127 Accessory building/structure height removed since EPC Draft per Condition #1 (revision of #9); accessory structure height varies based on the type of structure (wall, WTF, etc.), which are regulated individually in the IDO. Provision for maximum building height in stories added since EPC Draft per Condition #104.

128 Provisions of SU-3 Special Center Zone were not carried over, since they require links to SDPs and other Rank 3 plans.

129 Added since EPC Draft per Condition #1 to clarify that there are not currently any district specific standards in response to public comment.
2-4.5. **MIXED-USE – FORM-BASED ZONE DISTRICT (MX-FB)**

A. **Purpose**

The purpose of the MX-FB zone district is to permit a wide range of residential, commercial, and institutional uses subject to form-based zoning controls to ensure that the buildings they occupy establish or reinforce a well-defined, urban character. **Sub-zones** within this zone district will contain form-based controls tailored to the distinct character of each area where the district is applied. Allowable uses are specified for each sub-zone in this Section 14-16-2-4.5.

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Content incorporates language from Sec. 14-16-2-22(B)37 and Sec. 14-16-3-22 SU-1 district.

Section revised since EPC Draft per Condition #1 for clarity and consistency.
B. IDO Standards
Form-based controls in this Section 14-16-2-4.5 prevail over other IDO standards. For standards not included in this section, Form-based zone districts are subject to applicable IDO standards in other sections.

<table>
<thead>
<tr>
<th>TABLE 2-4-9: Other Applicable IDO Sections[1]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allowable Uses</td>
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<tr>
<td>Use-specific Standards</td>
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<td>Solar Access</td>
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<td>Building Design</td>
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<tr>
<td>Signs</td>
</tr>
<tr>
<td>Operation and Maintenance</td>
</tr>
</tbody>
</table>

[1] In Form-based zone districts, some of the general controls in these sections may not apply; specialized form-based controls may apply instead.

C. MX-FB-DT (Downtown) Zone District Standards

1. Area of Applicability
   These form-based controls apply in the mapped area shown. The three sub-zones are:
   
   a. MX-FB-DT1: Transition (urban residential) – shown on the map with the diagonal pattern
   b. MX-FB-DT2: Moderate (moderate intensity urban mixed-use) – shown on the map as the hatch pattern
   c. MX-FB-DT3: Core (highest intensity urban mixed-use) – shown on the map as the stippling pattern

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[1] The existing SU-1 Form-based zoning regulations are not carried over. They are overly complex, use a building form typology approach that is poorly suited to Albuquerque, and have not been used. Content added since placeholder in Module 1. Content is from Downtown 2025 plan with revisions to delete reference to subareas and building types and instead focus on frontages and relationships to the street. Footnote revised since EPC Draft per Condition #1 because subareas have been incorporated back into the IDO per Map Condition #6.

[2] Downtown map revised to incorporate the three districts with different use and dimensional standards per Map Condition #6. These were consolidated from the Downtown 2025 plan.
2. **Use Standards**

The uses for each sub-zone are as provided in Table 2-4-10 (MX-FB-DT Use Table).

<table>
<thead>
<tr>
<th>TABLE 2-4-10: MX-FB-DT Use Table</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>DT1 - Transition</strong></td>
</tr>
<tr>
<td>Allowable Uses</td>
</tr>
<tr>
<td>Conditional Uses</td>
</tr>
<tr>
<td>Prohibited Uses</td>
</tr>
</tbody>
</table>

[1] Conditional Uses are not allowed on parcels abutting Downtown Neighborhood Area CPO-2

3. **General Form-based Standards**

All development and redevelopment in the MX-FB-DT zone district shall comply with the standards in this Section 14-16-2-4.5.C.2, as applicable. Standards apply to all sub-zones unless otherwise stated. Form-based standards applicable to only one sub-zone are identified in Section 14-16-2-4.5.C.4 through Section 14-16-2-4.5.C.6 to tailor standards to the distinct character of each sub-zone.

a. **Purpose**

The MX-FB-DT zone district serves as the city’s primary urban main street experience. These standards are intended to create visually interesting buildings, particularly at street level, and reinforce the image of Downtown as

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134 Since EPC Draft, these sub-zones and related use table were added in response to EPC Map Condition #5.
135 All illustrations in this section have been revised since Consolidated Draft. All standards in this section revised for clarity, conciseness, and content based on the Downtown 2025 regulations. Relevant standards from the EPC Draft were carried forward, while the non-regulatory intent statements and illustrations were not retained. Building frontage types, architectural detail requirements, and building materials were drawn from Downtown 2025 and Volcano Heights Form-based Code to carry forward and update the Form-based Standards. New illustrations have been added to illustrate the district character and frontage types. Neighborhood Edge provision for development adjacent to single-family residential uses within MX-FB-DT zone district removed since EPC Draft per Condition #16.
136 Replaced Downtown with MX-FB-DT since EPC Draft per Condition #1 for accuracy and consistency.
a premier urban district through building design regulations, including requirements for street-level windows, entrances, and architectural details.137

b. Dimensional Standards

<table>
<thead>
<tr>
<th>TABLE 2-4-11: MX-FB-DT Zone District Dimensional Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Development Location</strong></td>
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<tr>
<td><strong>Site Standards</strong></td>
</tr>
<tr>
<td>A. Lot size, minimum</td>
</tr>
<tr>
<td>B. Lot width, minimum</td>
</tr>
<tr>
<td>C. Density, maximum</td>
</tr>
<tr>
<td>D. Usable open space, minimum</td>
</tr>
<tr>
<td><strong>Setback Standards</strong></td>
</tr>
<tr>
<td>E. Front, minimum / maximum</td>
</tr>
<tr>
<td>F. Side, minimum / maximum</td>
</tr>
<tr>
<td>G. Rear, minimum</td>
</tr>
<tr>
<td><strong>Building Standards</strong></td>
</tr>
<tr>
<td>G. Building height, maximum</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

[1] For development on <1/4-block: Building height is limited to 26 ft.
[2] Bonus of 12 ft. building height (1 story) for Workforce Housing.139
[3] Bonus of 12 ft. building height (1 story) for structured, podium, or subterranean parking in the MX-L and MX-M zone districts and 24 ft. (2 stories) in the MX-H zone district.140

c. Streets, Blocks, and Alleys

i. If the traditional street grid is broken for development, pedestrian connections shall be established to replace those vacated. The pedestrian connections shall be extensions of and continue the existing street grid and shall provide for service access.141

ii. Plazas designed to be accessible to the public shall be constructed at sidewalk grade. Access to these plazas shall be highly visible, well-developed, and connected to the street system or other planned or developed public spaces.

137 Wording modified slightly for use as a purpose statement.
138 MX-FB-DT District Dimensional Standards Summary Table added since EPC Draft per Map Condition #6 to reflect height differences from Downtown 2025, which were modified slightly for consistency with IDO standards. Building height maximums added since EPC Draft to improve consistency with current regulations in the Downtown 2025 SDP per Condition Map 6. Neighborhood edge height protections for single-family residential uses in the MX-FB-DT was removed per Conditions #16 and #17.
139 New bonus since Module 3, added to help implement existing Workforce Housing Opportunity regulations. Replaces current minimum lot size and width incentives for Family Housing Developments (as reflected in Workforce Housing Opportunity regulations) with an incentive allowing construction of one more floor of height in mixed use areas near transit opportunities. Footnote revised since EPC Draft per Condition #110 for clarity.
140 New provision since EPC Draft per Condition #111 per EPC direction. Revised since EPC Draft to allow for 2 additional floors for subterranean parking in MX-H.
141 Revised since EPC Draft per Condition #14.
Chapter 14-16-2: Zone Districts

iii. Where building setbacks currently exist, the street wall shall be strengthened through use of 3 foot high vegetative screens or walls for a minimum of 50 percent of the length of the building or parcel along each street frontage.142

d. Building Materials and Quality
i. All buildings shall be constructed with high-quality materials that will promote the longevity of the structure and add to its character.
ii. Materials shall be durable, easily and economically maintained, and of a quality that will retain their appearance over time.
iii. Higher quality materials and details should be used on the building façades facing public streets and civic spaces and may be transitioned to more economical materials on service sides of the building.

e. Building Entrances
The primary entrance of all buildings shall be visible from the street. If located more than 10 feet from the front of the building line, their location must be reinforced with porches, additional graphics, lighting, marquees, or canopies.

f. Historic Building Façades
Historic buildings are those that are listed on the National Register of Historic Places or the State Register of Cultural Properties or those that are determined to be eligible for listing by the appropriate agency.

i. Renovated buildings shall incorporate elements of the original building façade.
ii. Existing original façade details shall not be covered with panels, signs, or by painting them out.
iii. The shape of existing original openings shall not be altered. If a window must be blocked, maintain its original shape.
iv. The original façade shall be restored, where possible, by removing later additions of materials.
v. For demolition of historic buildings, see Subsection 14-16-5-5.2.B (Demolition of Non-Designated Structure Outside of HPO).

g. Street Trees
Street trees shall be provided along all street frontages, consistent with Subsection 14-16-4-6.4 (Street Frontage and Frontage Landscaping)

h. Parking
There is no minimum parking requirement in the MX-FB-DT zone district. Any parking provided shall meet the following standards:

i. On Central Avenue between 1st Street and 8th Street, surface parking must be located behind buildings.
ii. Elsewhere in downtown, surface parking may not be located between the front façade of the building and the front property line.144

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142 Revised since EPC Draft per Condition #13.
143 Standards repetitive of standard parking requirements were not carried over. Illustration of parking requirements has been deleted since EPC Draft to improve clarity per Condition #1 and #13.
144 Standard revised from requirement of a fence 4 feet or taller since Consolidated Draft. Additional standard for screening deleted since EPC Draft as unnecessary given general parking lot screening requirements in Chapter 4.
iii. If off-street parking is provided, at least 15 percent of the surface area of parking lots (including driveways) shall be devoted to landscaping along the street right-of-way.\footnote{Revised since Consolidated Draft to clarify that no off-street parking is required.}

iv. Standards related to off-street parking in Section 14-16-4-5.6.A.2 shall also apply.\footnote{Cross reference added since EPC Draft per Condition #1 in recognition that the Downtown Center is smaller in geography – and completely included in – the MX-FB-DT boundary.}

v. For standards related to surface parking, see Section 14-16-4-5.6 (Parking Location and Design).

vi. For standards related to parking structures, see Section 14-16-4-5.7 (Parking Structure Design).

\section*{Signs}

i. On-premises signs are allowed per Table 4-12-2.

ii. Special provisions apply to encourage neon signs along Central Avenue. See Section 14-16-4-12.6.E.1.

iii. Off-premises signs are prohibited in the MX-FB-DT zone district. See Section 14-16-4-12.7.

\section*{Encroachments}

i. Canopies, signs, shade structures, and balconies may encroach over the sidewalk as long as the vertical clearance is a minimum of 8 feet. In no case shall an encroachment be located over an on-street parking or travel lane.

ii. Building projections on all other façades may not be closer than 5 feet to any abutting property line.

\section*{Building Frontage Types}

Building frontage types are allowed as follows:

\begin{table}[h]
\centering
\begin{tabular}{|l|c|c|}
\hline
Frontage Type & DT1 - Transition & DT2 - Moderate & DT3 - Core \\
\hline
Front Porch (residential) & X & & \\
Stoop (residential) & X & X & \\
Dooryard (residential) & X & & \\
Terrace (residential/commercial) & X & X & \\
Storefront (commercial) & X & X & \\
Arcade (commercial) & X & X & \\
Forecourt (commercial) & X & X & \\
\hline
\end{tabular}
\end{table}

4. Form-based Standards for MX-FB-DT1 Sub-zone: Transition

The Transition sub-zone is intended to provide a transition between the established residential neighborhoods surrounding Downtown from the more dense and intense uses within the Downtown Core. The Transition sub-zone includes medium-density residential uses, with a range of housing types. Other neighborhood-serving retail and office uses are allowed to provide diversity but must be compatible in scale and intensity with the residential focus of this sub-zone. Buildings are intended to define and activate the street space with
residential frontage types – porches, stoops, or dooryards – and a greener, landscaped edge between sidewalk and building than that found in the Core sub-zone.

a. **Dimensional Standards**
For project and site standards, including lot size, density, setbacks, and building heights, see Table 2-4-11.

b. **Massing and Façade Composition**
   i. Buildings shall maintain the average alignment of horizontal building articulation elements along the block, such as windows and other architectural detail elements.
   
   ii. Buildings shall maintain a façade articulation rhythm of 20 feet to 30 feet along all streets. This articulation rhythm shall be expressed by changing materials or color; using design elements such as fenestration, columns, and pilasters; or varying the setback of portions of the façade.
   
   iii. Each primary building side or rear façade adjacent to a Residential or Mixed-use zone district shall have a similar level of façade articulation,
materials, and detailing on side or rear façades as on the street façades.

c. Architectural Details and Other Elements
   i. Doors and Windows:
      a. There shall be no blank walls greater than 30 feet in width of any building along public streets and civic spaces.
      b. Doors and windows on ground floor of all buildings shall be a minimum of 25 percent of the ground floor façade area along all public streets and civic spaces.
      c. Windows on upper floor façades along all public streets and civic spaces shall be a minimum of 20 percent of each upper floor façade area, which is measured between 3 feet and 9 feet above each finished floor.
      d. Each unit or building shall include at least one entrance on each abutting street.
   ii. Frontages
      Each ground floor façade shall comprise one or more of the following frontage types: front porch, stoop, or dooryard.
      a. Front Porch
         The porch frontage includes a covered structure attached to a building, forming a covered entrance. It is external to the walls of the main building proper, but may be enclosed by screen. It is most appropriate with ground-floor residential uses.
            i. Porches are allowed within the front setback. The stair may encroach into required setback.
            ii. Porches shall be no less than 6 feet deep and 8 feet wide. The clear height shall be no less than 8 feet.
            iii. Entrances may be at or above sidewalk grade.
            iv. Upper floor decks are allowed above the porch.
      b. Stoops
         i. Stoop frontages are appropriate for ground-floor residential and neighborhood serving commercial uses with small setbacks.
         ii. When utilized for commercial uses, stoops shall be accompanied by a ramp.
         iii. Primary entrance doors shall face a public street.
         iv. Stoops shall be at minimum 4 feet in width and depth.
         v. Stoops shall be raised above grade a minimum of 18 inches and a maximum of 36 inches.
         vi. The exterior stair of a stoop may encroach into any required setback.
         vii. The exterior stair of a stoop may be perpendicular or parallel to the sidewalk.
         viii. The stoop may include a covered roof, awning, or door may be inset within the building front.
      c. Dooryard
         i. Dooryard frontages are appropriate for ground-floor residential uses.
ii. This frontage type should be used in conjunction with another frontage type such as a porch or stoop to define the street-facing principal entrance.

iii. Dooryard depth shall be minimum of 4 feet and maximum of 12 feet.

iv. Dooryard width shall be equal to the width of the façade but are limited to a maximum of 50 feet.

v. Clear path of travel to a primary entrance shall be at least 5 feet wide.
iii. Street walls, Front Yard Fences, and Screening

a. Street walls and Front Yard Fences
   i. One pedestrian entry no wider than 5 feet, which may be gated, are allowed within any required wall or fence.
   ii. Walls and fences shall not exceed 4 feet in height.
   iii. Walls and fences are allowed between the property line and the sidewalk.

b. Privacy Screen
   A privacy screen (wall or vegetative screen) 6 feet high is required in non-residential development when it abuts a lot with an existing single-family detached dwelling and is optional for all other adjacencies.

5. Form-based Standards for MX-FB-DT2 Sub-zone: Moderate
   The Moderate sub-zone is intended to result in high-quality development and pedestrian-oriented environment along Downtown transit corridors (Lomas Boulevard, Central Avenue, and Fourth Street). The sub-zone allows a wide variety of retail, commercial, residential, and institutional uses. Multi-story buildings with high-intensity development and high-density residential are appropriate to encourage transit use along transit corridors.
a. **Dimensional Standards**
For project and site standards, including lot size, density, setbacks, and building heights, see Table 2-4-11.

b. **Façade Composition and Materials**
   i. **Façade Composition**
      a. Buildings shall maintain a façade articulation rhythm of 20 feet to 30 feet along all public streets and civic spaces. This articulation rhythm may be expressed by changing materials or color; using design elements such as fenestration, columns, and pilasters; or varying the setback of portions of the façade.
      b. A minimum of one façade element shall align horizontally with adjacent buildings. Buildings shall incorporate elements that reflect the width of adjacent buildings. Methods for achieving this include, but are not limited to, window pattern and detail placement.\(^{147}\)
      c. Buildings on parcels between 40 feet and 100 feet in width shall incorporate architectural elements that reflect the width of adjacent buildings, including but not limited to window patterns and detail placement.
      d. Doors or windows shall form regular patterns of openings, accentuated by balconies or equivalent architectural features.
      e. Each primary building side or rear façade adjacent to a Residential or Mixed-use zone district shall have a similar level of façade articulation, materials, and detailing on side or rear façades as on the street façades.

\(^{147}\)Wording revised from Downtown 2025 plan for implementation as standards.
f. An expression line or equivalent architectural element shall delineate the base and cap of all buildings. A parapet cornice or equivalent architectural element shall delineate the caps of façades that do not use a pitched roof.

g. Building design shall incorporate angled corners, with an entry door or windows, that allow people to walk around the enlarged corner and that preserves a clear sight triangle for motorist visibility.148

ii. Non-residential and Mixed-use Building Materials

a. At least 60 percent of each building’s ground floor façade (excluding doors and windows) along any public Street shall be finished in one of the following materials:

   i. Masonry, stone, cast stone, brick, glass, glass block, or stucco using a process other than one-step process;
   ii. Split-face concrete block or precast, or poured in place concrete;
   iii. Cementitious fiber clapboard; and/or
   iv. Other primary building materials approved by the Planning Director on a case-by-case basis.

b. No more than 40 percent of each façade along any public street shall use accent materials such as wood, architectural metal panel, or exterior insulation and finish system (EIFS).

c. Cementitious-fiber clapboard shall be prohibited on mixed-use frontages. On the upper floors of any commercial frontage, no more than 20 percent of a street or alley façade may be cementitious-fiber clapboard (not sheet), which shall have at least a 50-year warranty.

d. Roofing materials visible from any public right-of-way shall be factory-finished standing seam metal, slate, synthetic slate, or similar materials.

c. Architectural Details and Other Elements

i. Architectural Details

   At least 2 of the following façade elements shall be incorporated to provide visual interest:

   a. Detailing around principal openings including but not limited to decorative trim, carving, transoms, columns, pilasters, pediments, and architraves.
   b. Window details such as but not limited to window sills, decorative leading, color, opaque treatments, multi-pane windows, soldier course, transoms, and lintels.
   c. Scale-defining architectural elements along the building façade with details such as spandrels, porticos, pediments, cornices, pilasters, and columns.
   d. Shade structures and awnings.
   e. Balconies.
   f. Forecourts and plazas.
   g. Fountains or water features using recycled or reclaimed water.
   h. Pedestrian furniture or life-sized game boards.

148 Wording revised from Downtown 2025 plan for implementation as standards.
i. Masonry screen products for see-through walls or portions of walls.

j. Free-standing arbors, canopies, or towers.

k. Tower elements.

l. Other equivalent element, as approved by the Planning Director.

ii. Doors and Windows

a. There shall be no blank walls greater than 10 feet in width of any building along public streets and civic spaces. Blank walls in other locations shall contain architectural details, blind windows, murals, or other equivalent element, as approved by the Planning Director.

b. Doors and windows shall constitute a minimum of 60 percent of the ground floor façade area of non-residential and mixed-use buildings along all public streets and civic spaces.

c. Primary entrance doors for all buildings shall be on public streets or civic spaces. All building entrances shall be provided at sidewalk grade and shall be visible from the street.

d. Window glazing along public streets shall not be opaque.

i. Each ground floor façade of non-residential and mixed-use building frontage facing a public street shall contain a minimum of 60 percent of its surfaces in clear, transparent windows and/or doors. Window wraps shall not be applied to any portion of any fenestration between 4 feet and 6 feet above sidewalk level.

ii. Each second floor and higher façade shall contain a minimum of 20 percent of its surface in windows and/or doors.

\[149\] Revised from “commercial” since Consolidated Draft.

\[150\] Required percentage reduced from 75 percent, text reworded for clarity, and last sentence added since Consolidated Draft. Illustration of building frontage fenestration requirements has been deleted since EPC Draft to improve clarity per Condition #1 and #15.
iii. Frontages

Each ground floor façade shall be comprised of one or more of the following frontage types: stoop, terrace, storefront, arcade, or forecourt.

a. Stoops

Standards for the MX-FB-DT1 sub-zone in Section 14-16-2-4.5.C.5.c.iii.a (Stoops) apply.

b. Terraces

i. Terraces shall front a public street and should be placed directly at the sidewalks edge.
ii. Terraces shall be a minimum of 6 feet and a maximum of 15 feet in depth.
iii. Terraces shall be a maximum of 150 feet in length.
iv. The finished grade above sidewalk shall be a maximum of 4 feet in height.
v. The maximum distance between stairs/access points shall be 50 feet.

c. Storefronts

i. At least 60 percent of the ground floor between 30 inches and 12 feet above the sidewalk shall contain clear, transparent windows and/or doors.
ii. Retail storefront buildings shall include a transom, display window area, and bulkhead at the base.
iii. Storefronts should be inset with recessed entry or under an arcade or fit into arch openings, covered with shade structures.
iv. Storefronts on façades that span multiple tenants shall use architecturally compatible materials, colors, details, shade structures, signage, and light fixtures.
v. Shade structures, blade signs, arcades, galleries, café seating, and balconies should be used along commercial storefronts fronting a public streets or civic space to add pedestrian interest.
Chapter 14-16-2: Zone Districts

2-4: Mixed-use Zone Districts

2-4.5: Mixed-use – Form-based Zone District (MX-FB)

Commercial Frontages

Live/work Frontages

Residential Frontages
d. **Arcades**
   i. Arcades and colonnades shall be a minimum of 6 feet in depth.
   ii. The minimum interior clearance height within an arcade or colonnade shall be 12 feet.

e. **Forecourts**
   i. The forecourt space shall front onto a public street.
   ii. The forecourt shall surrounded on 3 sides by the building and the surrounding elevations meet all Façade requirements.
   iii. Forecourt access shall be provided at sidewalk grade.
   iv. A forecourt shall have a minimum width and depth of 12 feet and a maximum dimension of 30 feet.
   v. The proportions and orientation of these spaces should be carefully considered for solar orientation and user comfort.
   vi. The forecourt shall not provide automobile access other than for emergency services.

6. **MX-FB-DT3 Sub-zone: Core**
   The Downtown Core sub-zone is the city’s premier urban district with high-density, mixed-use development that reinforces that walkable nature of the core. To enhance the vibrancy of the core, uses include residential, commercial, municipal, and institutional. Multi-story buildings with active and engaging frontages placed directly at the sidewalk’s edge establish a well-defined character.
a. **Dimensional Standards**
For project and site standards, including lot size, density, setbacks, and building heights, see Table 2-4-11.

b. **Massing and Façade Composition**
   i. Standards for the MX-FB-DT2 sub-zone in Section 14-16-2-4.5.C.5.b.i (Façade Composition) apply.
   ii. Standards for the MX-FB-DT2 sub-zone in Section 14-16-2-4.5.C.5.b.ii (Non-residential and Mixed-use Building Materials) apply.

c. **Architectural Details and Other Elements**
   i. Architectural Details. At least 3 of the architectural detail elements for the MX-FB-DT2 sub-zone listed in Section 14-16-2-4.5.C.5.c.i (Architectural Details) are required to provide visual interest.
   ii. Standards for the MX-FB-DT2 sub-zone in Section 14-16-2-4.5.C.5.c.i (Architectural Details) apply.

d. **Frontages**
Each ground floor façade shall be comprised of one or more of the following frontage types: terrace, storefront, arcade, or forecourt.
   i. **Terrace**
   Standards for the MX-FB-DT2 sub-zone in Section 14-16-2-4.5.C.5.c.iii.b (Terrace) apply.
   ii. **Storefront**
      a. Standards for the MX-FB-DT2 sub-zone in Section 14-16-2-4.5.C.5.c.iii.c (Storefronts) apply, except as modified by Subsection b.
      b. At least 5 feet average depth along 50 percent of façades facing south or west shall contain weather protection elements.
   iii. **Arcade**
      Standards for the MX-FB-DT2 sub-zone in Section 14-16-2-4.5.C.5.c.iii.d (Arcades) apply.
   iv. **Forecourt**
      Standards for the MX-FB-DT2 sub-zone in Section 14-16-2-4.5.C.5.c.iii.e (Forecourts) apply.
MX-FB-DT3 Core: Highest Intensity Urban Mixed-Use Frontages

- Residential and Office uses above
- Continuous storefronts placed along the sidewalk edge
- Active groundfloor uses such as retail, food and beverage and personal services
2-5 NON-RESIDENTIAL ZONE DISTRICTS

2-5.1. NON-RESIDENTIAL – COMMERCIAL ZONE DISTRICT (NR-C)

A. Purpose
The purpose of the NR-C zone district is to accommodate medium-scale retail, office, commercial, and institutional uses, particularly where additional residential development is not appropriate or not desired because of a deficit of jobs or services in relation to housing units in the area. Primary land uses include a wide spectrum of retail and commercial uses intended to serve both neighborhood and area-wide needs, as well as some light industrial uses. Allowable uses are shown in Table 3-2-1 (Use Table).

B. Dimensional and Other Standards

<table>
<thead>
<tr>
<th>Table 2-5-2: Other Applicable IDO Sections</th>
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<td>Allowable Uses</td>
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<td>Signs</td>
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</tbody>
</table>

151 Replaces existing Sec. 14-16-2-18 C-3 district in areas where a mix of residential and commercial uses is not desired – primarily on the West Side – in order to alleviate traffic congestion on the city’s few river crossings.

152 Revised since EPC Draft per Condition #1 to reflect that light manufacturing is allowed in NR-C.
### Table 2-5-1: NR-C Zone District Dimensional Standards Summary

<table>
<thead>
<tr>
<th>Development Location</th>
<th>General</th>
<th>UC-MS-PT</th>
</tr>
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<tr>
<td><strong>Site Standards</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A Lot width, minimum</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>B Impervious lot coverage, maximum</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td><strong>Setback Standards</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C Front, minimum / maximum</td>
<td>5 ft. / N/A</td>
<td>0 ft. / 15 ft.</td>
</tr>
<tr>
<td>D Side, minimum</td>
<td>N/A</td>
<td>0 ft. interior / 0 ft. min. / 15 ft. max. corner</td>
</tr>
<tr>
<td>E Rear, minimum</td>
<td>N/A</td>
<td>15 ft.</td>
</tr>
<tr>
<td><strong>Building Standards</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>F Building height, maximum</td>
<td>35 ft. (2 stories)</td>
<td>55 ft. (4 stories)</td>
</tr>
</tbody>
</table>

---

153 Lot Depth row removed since EPC Draft per Condition #1 because this dimension is not regulated in the IDO. Minimum Lot Size removed since EPC Draft as unnecessary.

154 Setbacks adjacent to alley or acequia row removed since EPC draft per Condition #8. Acequia setbacks vary and are detailed in Section 14-16-4-2 and Alley setbacks are addressed as a subset of rear setbacks in Table 4-1-1 and may not always apply.

155 Revised since EPC Draft per Condition #1 for internal consistency.

156 Revised since EPC Draft per Condition #1 for internal consistency.

157 Accessory building/structure height removed since EPC Draft per Condition #1 (revision of #9); accessory structure height varies based on the type of structure (wall, WTF, etc.), which are regulated individually in the IDO.

158 Provision for maximum building height in stories added since EPC Draft per Condition #104. Building height revised since EPC Draft per Condition #112 to 35 ft. generally and 55 ft. in UC-MS-PT. [2] added in UC-MS-PT to allow for no max height more than 100 ft. from lot lines.
C. District Standards

None.\textsuperscript{159}

\textsuperscript{159} Added since EPC Draft per Condition #1 to clarify that there are not currently any district specific standards in response to public comment.
2-5.2. NON-RESIDENTIAL – BUSINESS PARK ZONE DISTRICT (NR-BP)\textsuperscript{160}

A. Purpose

The purpose of the NR-BP zone district is to accommodate a wide range of non-residential uses in campus-like settings to buffer potential impacts from surrounding uses and adjacent areas. Allowable uses include a wide variety of office, commercial, research, light industrial, office, distribution, showroom, processing, and institutional uses, as shown in Table 3-2-1 (Use Table).\textsuperscript{161}

B. Dimensional and Other Standards

\textbf{Table 2-5-3: NR-BP Zone District Dimensional Standards Summary}

<table>
<thead>
<tr>
<th>Site Standards\textsuperscript{162}</th>
<th>Allowable Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Lot width, minimum</td>
<td>14-16-3-2</td>
</tr>
<tr>
<td>B. Impervious lot coverage, maximum</td>
<td>14-16-3-3</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Setback Standards\textsuperscript{163}</th>
<th>Dimensional Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>C. Front, minimum</td>
<td>14-16-4-1</td>
</tr>
<tr>
<td>D. Side, minimum</td>
<td>14-16-4-4</td>
</tr>
<tr>
<td>E. Rear, minimum</td>
<td>14-16-4-5</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Building Standards\textsuperscript{164}</th>
<th>Site Design and Sensitive Lands</th>
</tr>
</thead>
<tbody>
<tr>
<td>F. Building height, maximum</td>
<td>14-16-4-2</td>
</tr>
</tbody>
</table>

\textbf{Table 2-5-4: Other Applicable IDO Sections}

<table>
<thead>
<tr>
<th>Section</th>
<th>Allowable Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Building Design</td>
<td>14-16-4-11</td>
</tr>
<tr>
<td>B. Signs</td>
<td>14-16-4-12</td>
</tr>
<tr>
<td>C. Operation and Maintenance</td>
<td>14-16-4-13</td>
</tr>
</tbody>
</table>

\textsuperscript{160} Replaces existing Sec. 14-16-2-19 IP.

\textsuperscript{161} Revised from “close proximity” since EPC Draft per Condition #1 to be more clear about the campus intent of the NR-BP zone.

\textsuperscript{162} Lot Depth row removed since EPC Draft per Condition #1 because this dimension is not regulated in the IDO. Minimum Lot Size removed since EPC Draft as unnecessary.

\textsuperscript{163} Setbacks adjacent to alley or acequia row removed since EPC draft per Condition #8. Acequia setbacks vary and are detailed in Section 14-16-4-2 and Alley setbacks are addressed as a subset of rear setbacks in Table 4-1-1 and may not always apply.

\textsuperscript{164} Accessory building/structure height removed since EPC Draft per Condition #1(revision of #9); accessory structure height varies based on the type of structure (wall, WT, etc.), which are regulated individually in the IDO. Provision for maximum building height in stories added since EPC Draft per Condition #104.

\textsuperscript{165} Added to this table since EPC draft per Condition #1 to reflect building height provisions for large lots, where the building is >100 ft. from any lot line. See Section 4-1. Revised since EPC Draft to allow taller heights on side and rear portions of the property.
C. District Standards\textsuperscript{166}

1. Eligibility for Rezoning
   a. The minimum total contiguous area eligible for an NR-BP zone designation is 20 acres.\textsuperscript{167}
   b. Rezoning to the NR-BP zone district requires the approval of a Master Development Plan that furthers and implements applicable goals and policies of the ABC Comp Plan and complies with all applicable requirements of the Development Process Manual. The Master Development Plan shall be submitted, reviewed, and decided at the same time and via the same process as the rezoning to the NR-BP zone district, as described in Section 14-16-5-5.3.F (Amendment to Official Zoning Map – Council).\textsuperscript{168}

2. Development on Properties with NR-BP Zoning and Approved Master Development Plans
   All permits and approvals for property within an approved Master Development Plan area shall be consistent with the approved Master Development Plan, as amended, subject to specified design standards, uses, and processes. Where the approved Master Development Plan is silent, other IDO standards apply.\textsuperscript{169}
   a. Approved Master Development Plans are on file at the City Planning Department.

\textsuperscript{166} Standards 3-7 added since EPC Draft per Condition #19 and revised for clarity and consistency per Condition #1.

\textsuperscript{167} Reduced from existing requirement of 40 acre minimum. Consistent with the existing 20 acre minimum for IP zone in the Zoning Code. Footnote revised since EPC Draft per Condition #19.

\textsuperscript{168} Revised since EPC Draft, as a revision of Condition #19 and Condition #199, because Master Development Plans will be approved by Council along with the zone change to NR-BP.

\textsuperscript{169} Blank table replaced with this text since Consolidated Draft. Name revised to Master Development Plan since EPC Draft per Condition #19. Revised since EPC Draft to clarify what standards are included in a Master Development Plan and how those standards relate to IDO standards.
b. See also Section 14-16-5-4.23 (Expiration of Approvals).

3. Development on Properties with NR-BP Zoning but without an Approved Master Development Plan

   a. For properties zoned NR-BP that are less than 20 acres without an approved Master Development Plan, development can be approved through a Site Plan per the thresholds, procedures, and criteria in Sections 14-16-5-5.1.F (Site Plan – Administrative) or 14-16-5-5.2.E (Site Plan – DRB), as relevant.

   b. For properties zoned NR-BP that are 20 acres or more, development requires a Master Development Plan to be reviewed and approved by the Environmental Planning Commission (EPC) per the procedures in Section 14-16-5-5.2.F (Site Plan – EPC) and as specified in Table 5-1-1 for Site Plan – EPC.

4. Master Development Plan Amendments

   a. Approved Master Development Plans may be amended by the procedures in Section 14-16-5-4.24 (Amendments of Approvals) or 14-16-5-4.25 (Amendments of Approvals Granted Prior to the Adoption of the IDO), as relevant.

   b. See also Section 5-6 for Nonconformities.
2-5.3. NON-RESIDENTIAL – LIGHT MANUFACTURING ZONE DISTRICT (NR-LM)\textsuperscript{170}

A. Purpose

The purpose of the NR-LM zone district is to accommodate moderate-intensity commercial, light assembly, fabrication, and low-impact industrial uses, while buffering adjacent lower-intensity, Residential and Mixed-use zone districts from the traffic, noise, and other impacts of those uses. Allowable uses are shown in Table 3-2-1 (Use Table).

B. Dimensional and Other Standards

| Table 2-5-5: NR-LM Zone District Dimensional Standards Summary |
|----------------------------------|-----------------|
| **Site Standards**\textsuperscript{171} |                   |
| A Lot width, minimum             | N/A             |
| B Impervious lot coverage, maximum | N/A           |
| **Setback Standards**\textsuperscript{172} |                   |
| C Front, minimum                 | 5 ft.           |
| D Side, minimum                  | N/A             |
| E Rear, minimum                  | N/A             |
| **Building Standards**\textsuperscript{173} |                   |
| F Building height, maximum       | \( >100 \text{ ft. from front lot line: No max.} \textsuperscript{174} \) |

| Table 2-5-6: Other Applicable IDO Sections |
|----------------------------------|----------------|
| Allowable Uses                   | 14-16-3-2      |
| Use-specific Standards           | 14-16-3-3      |
| Dimensional Standards            | 14-16-4-1      |
| Site Design and Sensitive Lands  | 14-16-4-2      |
| Access and Connectivity          | 14-16-4-3      |
| Parking and Loading              | 14-16-4-5      |
| Landscaping, Buffering, and      | 14-16-4-6      |
| Screening                        |                 |
| Walls and Fences                 | 14-16-4-7      |
| Outdoor Lighting                 | 14-16-4-8      |
| Neighborhood Edges               | 14-16-4-9      |
| Solar Access                     | 14-16-4-10     |
| Building Design                  | 14-16-4-11     |
| Signs                            | 14-16-4-12     |
| Operation and Maintenance        | 14-16-4-13     |

\textsuperscript{170} Replaces existing Sec. 14-16-2-20 M-1 district.
\textsuperscript{171} Lot Depth row removed since EPC Draft per Condition #1 because this dimension is not regulated in the IDO. Minimum Lot Size removed since EPC Draft as unnecessary.
\textsuperscript{172} Setbacks adjacent to alley or acequia row removed since EPC draft per Condition #8. Acequia setbacks vary and are detailed in Section 14-16-4-2 and Alley setbacks are addressed as a subset of rear setbacks in Table 4-1-1 and may not always apply.
\textsuperscript{173} Accessory building/structure height removed since EPC Draft per Condition #1 (revision of #9); accessory structure height varies based on the type of structure (wall, WTF, etc.), which are regulated individually in the IDO. Provision for maximum building height in stories added since EPC Draft per Condition #104.
\textsuperscript{174} Added to this table since EPC draft per Condition #1 to reflect building height provisions for large lots, where the building is \( >100 \text{ ft. from any lot line.} \) See Section 4-1. Revised since EPC Draft to allow taller heights on side and rear portions of the property.
C. District Standards

None.\textsuperscript{175}

\textsuperscript{175} Added since EPC Draft per Condition #1 to clarify that there are not currently any district specific standards in response to public comment.
2-5.4. NON-RESIDENTIAL – GENERAL MANUFACTURING ZONE DISTRICT (NR-GM)176

A. Purpose

The purpose of the NR-GM zone district is to accommodate a wide variety of industrial, manufacturing, and heavy commercial uses, particularly those with noise, glare, or heavy traffic impacts, in areas separated from Residential and Mixed-use areas and less intense, lighter impact businesses. Allowable uses are shown in Table 3-2-1 (Use Table).

B. Dimensional and Other Standards

<table>
<thead>
<tr>
<th>Table 2-5-7: NR-GM Zone District Dimensional Standards Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Standards177</td>
</tr>
<tr>
<td>A Lot width, minimum N/A</td>
</tr>
<tr>
<td>B Impervious lot coverage, maximum N/A</td>
</tr>
<tr>
<td>Setback Standards178</td>
</tr>
<tr>
<td>C Front, minimum 5 ft.</td>
</tr>
<tr>
<td>D Side, minimum N/A</td>
</tr>
<tr>
<td>E Rear, minimum N/A</td>
</tr>
<tr>
<td>Building Standards179</td>
</tr>
<tr>
<td>F Building height, maximum 65 ft. (5 stories) &gt;100 ft. from front lot line: No max.180</td>
</tr>
</tbody>
</table>

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

176 Replaces existing Sec. 14-16-2-21 M-2 district.
177 Lot Depth row removed since EPC Draft per Condition #1 because this dimension is not regulated in the IDO. Minimum Lot Size removed since EPC Draft as unnecessary.
178 Setbacks adjacent to alley or acequia row removed since EPC draft per Condition #8. Acequia setbacks vary and are detailed in Section 14-16-4-2 and Alley setbacks are addressed as a subset of rear setbacks in Table 4-1-1 and may not always apply.
179 Accessory building/structure height removed since EPC Draft per Condition #1(revision of #9); accessory structure height varies based on the type of structure (wall, WTF, etc.), which are regulated individually in the IDO. Provision for maximum building height in stories added since EPC Draft per Condition #104.
180 Added to this table since EPC draft per Condition #1 to reflect building height provisions for large lots, where the building is >100 ft. from any lot line. See Section 4-1. Revised since EPC Draft to allow taller heights on side and rear portions of the property.
C. District Standards

None.\textsuperscript{181}

\textsuperscript{181} Added since EPC Draft per Condition #1 to clarify that there are not currently any district specific standards in response to public comment.
2-5.5. **NON-RESIDENTIAL – SENSITIVE USE ZONE DISTRICT (NR-SU)**

A. **Purpose**

The purpose of the NR-SU zone district is to accommodate highly specialized public, civic, institutional, or natural resource-related uses that require additional review of location, site design, and impact mitigation to protect the safety and character of surrounding properties. Uses that require NR-SU zoning and are not allowed in base zone districts are shown in Table 3-2-1 (Use Table).

B. **Uses and Other Standards**

The following uses require an NR-SU zone district:

1. Airport
2. Campground or recreational vehicle park
3. Cemetery
4. Correctional facility
5. Fire or police station
6. Natural resource extraction
7. Solid waste convenience center
8. Stadium or racetrack
9. Waste and/or recycling transfer station

---

182 Replaces existing Sec. 14-16-2-22 SU-1 district.
183 Deleted graphic with dimensional standards labeled since EPC Draft per Condition #1 for clarity because dimensionals standards will be determined for each use, not for the district as a whole.
184 Replaced table since EPC Draft per Condition #1 and revised content to reflect uses with a P in the Use Table.
185 Includes what the Zoning Code designates as “gravel, sand, or dirt removal activity, stockpiling, processing, or distribution and batching plant”. Also includes oil and gas operations, which the Zoning Code defines as “drilling, refining or production of natural gas or hydrocarbons.” Footnote revised since EPC Draft per Condition #1 for clarity.
186 Changed from permissive use in M-1 since Zoning Code per Council direction.
187 Changed from permissive use in M-1 since Zoning Code per Council direction.
C. District Standards

1. Uses that require an Amendment to Zoning Map for NR-SU are not allowed in other base zone districts. Allowable uses in the NR-SU zone district, including accessory uses, are listed in Table 3-2-1.

2. Amendments to the Zoning Map to the NR-SU zone district require a Site Plan – EPC to be submitted that specifies uses, site standards, and development standards, reviewed and decided by the EPC in conjunction with review and decision of the zone change request pursuant to Section 14-16-5-5.3.E (Amendment to Official Zoning Map – EPC) or Section 14-16-5-5.3.F (Amendment to Official Zoning Map – Council), as relevant.

3. Where the Site Plan is silent on any standard, IDO standards apply.

4. Approved Site Plans are on file at the City Planning Department.

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188 Text added since EPC Draft to clarify that NR-SU zoning is subject to uses and standards specified on the approved Site Plan.
2-5.6. NON-RESIDENTIAL – PARK AND OPEN SPACE ZONE DISTRICT (NR-PO)\textsuperscript{189}

A. Purpose

The purpose of the NR-PO zone district is to protect the natural character of designated private and public parks and open space for public recreation, use, and enjoyment. Primary uses are open space and related recreation facilities, picnic and other shelters, and service/maintenance facilities.

B. Dimensional and Other Standards

Dimensional standards in NR-PO subzones shall be determined in the approval of a Master Plan, Natural Resource Management Plan, standards specified by the implementing Department, or standards appropriate to a Site Plan approval for a park or open space owned or managed by an entity other than the City.\textsuperscript{190}

<table>
<thead>
<tr>
<th>Table 2-5-10: Other Applicable IDO Sections\textsuperscript{[1]}</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allowable Uses</td>
</tr>
<tr>
<td>Use-specific Standards</td>
</tr>
<tr>
<td>Dimensional Standards</td>
</tr>
<tr>
<td>Site Design and Sensitive Lands</td>
</tr>
<tr>
<td>Access and Connectivity</td>
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<tr>
<td>Parking and Loading</td>
</tr>
<tr>
<td>Landscaping, Buffering, and Screening</td>
</tr>
<tr>
<td>Walls and Fences</td>
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<tr>
<td>Outdoor Lighting</td>
</tr>
<tr>
<td>Neighborhood Edges</td>
</tr>
<tr>
<td>Solar Access</td>
</tr>
<tr>
<td>Building Design</td>
</tr>
<tr>
<td>Signs</td>
</tr>
<tr>
<td>Operation and Maintenance</td>
</tr>
</tbody>
</table>

\textsuperscript{[1]} Some of the standards may not apply to NR-PO zone districts if exempted by other provisions of this IDO or as otherwise approved by the City Department of Parks and

\textsuperscript{189} New district created since the Zoning Code in consultation with City Parks and Recreation Department Staff.

\textsuperscript{190} Table of Dimensional Standards and associated graphic replaced with explanatory text since EPC Draft per Condition #1 because NR-PO zones will be developed per site in an approved Master Plan or Site Plan.
C. District Standards\textsuperscript{191}

The NR-PO zone district includes the following four sub-zones, each of which has different allowable uses and different development standards.

1. Sub-zone A: City-owned or Managed Public Parks
   Uses, development standards, and review and decision criteria specified in relevant Master Plans or Site Plans approved or amended by the City Department of Parks and Recreation for each facility apply.

2. Sub-zone B: Major Public Open Space
   Uses, development standards, and review and decision criteria in the Facility Plan for Major Public Open Space or Resource Management Plan approved or amended by the Open Space Division of the City Parks and Recreation Department, as relevant for each facility, apply.

3. Sub-zone C: Non-City Parks and Open Space
   Uses and standards specified in a Site Plan, pursuant to review and decision criteria in Section 5-5, apply.

4. Sub-zone D: City BioPark\textsuperscript{192}
   Uses, development standards, and review and decision criteria specified in the BioPark Master Plan as approved or amended by the Cultural Services Department apply.

\textsuperscript{191} Revised for clarity and to match current practice since Consolidated Draft. Further revised for clarity and consistency since EPC Draft per Condition #1 to be consistent with changes in Section 5-3 Planning System.

\textsuperscript{192} Added since Consolidated Draft.
2-6 PLANNED DEVELOPMENT ZONE DISTRICTS

2-6.1. PLANNED DEVELOPMENT ZONE DISTRICT (PD)\textsuperscript{193}

A. Purpose

The purpose of the PD zone district is to accommodate small- and medium-scale innovative projects that cannot be accommodated through the use of other base zone districts, provided that those projects are consistent with the Albuquerque/Bernalillo County Comprehensive Plan (ABC Comp Plan), as amended and include standards that would not otherwise be required of the applicant in order to provide significant public, civic, or natural resource benefits. This zone district is applied on a case-by-case basis to reflect a negotiated agreement for uses and standards with the applicant. Allowable uses are negotiated on a case-by-case basis but may not include any use that is not included in Table 3-2-1 (Use Table).

B. Other Standards

<table>
<thead>
<tr>
<th>Table 2-6-1: Other Applicable IDO Sections</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allowable Uses</td>
</tr>
<tr>
<td>Use-specific Standards</td>
</tr>
<tr>
<td>Dimensional Standards Tables and Exceptions</td>
</tr>
<tr>
<td>Site Design and Sensitive Lands</td>
</tr>
<tr>
<td>Access and Connectivity</td>
</tr>
<tr>
<td>Parking and Loading</td>
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<tr>
<td>Landscaping, Buffering, and Screening</td>
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<tr>
<td>Walls and Fences</td>
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<tr>
<td>Outdoor Lighting</td>
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<tr>
<td>Neighborhood Edges</td>
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<tr>
<td>Solar Access</td>
</tr>
<tr>
<td>Building Design</td>
</tr>
<tr>
<td>Signs</td>
</tr>
<tr>
<td>Operation and Maintenance</td>
</tr>
</tbody>
</table>

C. Eligibility for Rezoning\textsuperscript{194}

1. A PD zone district must contain at least 2 but less than 20 contiguous acres of land.\textsuperscript{195}

2. Rezoning to the PD zone district requires the approval of a Site Plan – EPC that furthers and implements applicable goals and policies of the ABC Comp Plan and complies with all applicable requirements of the Development Process Manual. The Site Plan shall be submitted, reviewed, and decided at the same time and via the same process as the rezoning to the PD zone district, as described in Section 14-16-5-5.3.E (Amendment to Official Zoning Map – EPC).\textsuperscript{196}

3. A PD zone district will not be accepted or approved for any proposed development that could be achieved in substantially the same form through the use of one or more base zone districts and/or Overlay zones.

\textsuperscript{193} Replaces Sec. 14-16-2-22(B)24 and Sec. 14-16-2-22(B)25 Planned Residential Development district (PRD) and Sec. 14-16-2-14 Residential and Related Uses-Developing Area district.

\textsuperscript{194} New since Zoning Code. Subsection 2 added since Module 1.

\textsuperscript{195} Revised since EPC Draft to add a maximum zone size, consistent with the threshold for EPC zone changes.

\textsuperscript{196} Revised since EPC Draft, to make clear that a zone change to PD requires approval of a Site Plan – EPC.
D. **Allowable Uses**\(^{197}\)

1. A PD zone district may contain any combination uses listed in Table 3-2-1 (Use Table) for all or part of the PD zone district, provided that those uses do not create significant adverse impacts on nearby existing neighborhoods or public parks, trails, or Major Public Open Space.\(^{198}\)

2. All allowable uses are subject to the Use-specific Standards listed for that use in 16-14-3-3 (Use-specific Standards) unless modified by the PD zone district approval.

E. **Development and Form Standards**\(^{199}\)

1. All development in the PD zone district shall be subject to the provisions of Chapter 14-16-4: Development Standards for the type of use or structures in the approved Planned Development, unless those standards are modified by the PD zone district approval.

2. A PD zone district approval may not reduce requirements in Section 14-16-4-9 (Neighborhood Edges) designed to protect abutting properties from potential adverse impacts of development.\(^{200}\)

F. **Provisions for Specific Areas**

Specific provisions and regulations applicable to each approved PD zone district are on file at the City Planning Department.

\(^{197}\) Replaces Sec. 14-16-2-29(A). Revised since EPC Draft per Condition #1 and Condition #48 to replace references to permitted, conditional, accessory, temporary, and vacant uses with “allowable uses” for clarity, precision, and consistency with changes to the Use Table. Revisions made throughout this Subsection.

\(^{198}\) From existing Sec. 14-16-2-22(B)(25)(c); Text clarified and uses limited to those in the Use Table. Reference changed from open spaces to major public open spaces since Consolidated Draft.

\(^{199}\) New since Zoning Code.

\(^{200}\) Language revised since EPC Draft per Condition #1 to make clear that modifications that increase requirements are allowed, but reductions to Neighborhood Edge protections are not allowed.
2-6.2. PLANNED COMMUNITY ZONE DISTRICT (PC)

A. Purpose
The purpose of the PC zone district is to accommodate innovative, very large-scale residential or mixed-use communities that cannot be accommodated through the use of other base zone districts, provided that those projects are consistent with the ABC Comp Plan, as amended, and include significant public benefits that would not otherwise be required of the applicant. Because of their size, projects in this zone district will include construction of new and expanded transportation networks and infrastructure. This growth may require additional analysis and resulting measures to mitigate impact on the surrounding community. This zone district is applied on a case-by-case basis to reflect a new or existing negotiated agreement with the applicant. Allowable uses are negotiated on a case-by-case basis but may not include any use that is not included in Table 3-2-1 (Use Table).

B. Dimensional and Other Standards

<table>
<thead>
<tr>
<th>Table 2-6-2: Other Applicable IDO Sections</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allowable Uses</td>
</tr>
<tr>
<td>Use-specific Standards</td>
</tr>
<tr>
<td>Dimensional Standards Tables and Exceptions</td>
</tr>
<tr>
<td>Site Design and Sensitive Lands</td>
</tr>
<tr>
<td>Access and Connectivity</td>
</tr>
<tr>
<td>Parking and Loading</td>
</tr>
<tr>
<td>Landscaping, Buffering, and Screening</td>
</tr>
<tr>
<td>Walls and Fences</td>
</tr>
<tr>
<td>Outdoor Lighting</td>
</tr>
<tr>
<td>Neighborhood Edges</td>
</tr>
<tr>
<td>Solar Access</td>
</tr>
<tr>
<td>Building Design</td>
</tr>
<tr>
<td>Signs</td>
</tr>
<tr>
<td>Operation and Maintenance</td>
</tr>
</tbody>
</table>

C. Eligibility for Rezoning

1. Each PC zone district must contain at least 100 contiguous acres of land or more than 500 single-family, two-family, or townhouse dwelling units. Each proposed development meeting or exceeding these thresholds, considering all proposed phases of development, shall be required to obtain approval through the PC zone district process in Section 14-16-5.3.F (Amendment to Official Zoning Map – Council).

2. Rezoning to a PC zone district requires the preparation of a Framework Plan that furthers and implements applicable goals and policies of the ABC Comp Plan and complies with all applicable requirements of the Development Process Manual.

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201 Replaces existing Section 14-16-2-29 Planned Community district (PC).
202 Revised since EPC Draft per Condition #1 for clarity.
203 New since Zoning Code.
204 Cross-reference added since Consolidated Draft.
a. The Framework Plan shall indicate proposed zoning on platted lots or lots proposed to be platted or general proposed land uses and development densities/intensities for subsequent phases where platting is yet to be decided.

b. The Framework Plan shall indicate general circulation and mobility routes for various travel modes and general locations of open space.

c. The Framework Plan shall be submitted, reviewed, and decided at the same time and via the same process as the rezoning to the PC district, as described in Section 14-16-5-5.3.F (Amendment to Official Zoning Map – Council). All later permits and approvals for the property under this IDO shall be consistent with the approved Framework Plan, as amended.  

3. The City Council may require a Development Agreement to outline the phasing of development, to assign financial, operations, and management responsibilities over time via infrastructure/service agreements, to identify any public incentives or agreements between the City and the applicant/developer, and to address any other items deemed appropriate to ensure an efficient, self-sufficient community and to prevent net expense to the City.

D. Allowable Uses

1. A PC zone may contain any of the uses listed in Table 3-2-1 (Use Table) for all or part of the PC zone district, provided that those uses do not create significant adverse impacts on nearby existing neighborhoods or public parks, trails, or Major Public Open Space.

2. All allowable uses in the PC zone district are subject to the applicable Use-specific Standard in Section 16-14-3-3 (Use-specific Standards) unless modified by the PC zone district approval.

E. Development and Form Standards

1. All development in PC zone districts is subject to the provisions of Chapter 14-16-4: Development Standards for the type of use or structures in the approved Planned Community, unless those standards are modified by the PC zone district approval.

2. Avoidance of Sensitive Lands

   a. Each Planned Community shall be organized to protect or enhance the following types of natural resources and features, by including such areas in common landscaped areas or dedicated open space or by mitigating the impacts of construction on these features to the maximum extent feasible.

      i. Drainage channels, arroyos, and streams (in addition to floodplains);

      ii. Historic or archeological sites designated as significant by the state;
iii. Significant views of the Sandia Mountains or Petroglyph National Monument from high points or public places;
iv. Riparian wildlife habitat areas and corridors designated as significant by the state;
v. Natural or geologic hazard areas or soil conditions, such as unstable or potentially unstable slopes, faulting, landslides, rock falls, or expansive soils; and

b. Lands that show evidence of slope instability, landslides, avalanche, flooding, or other natural or manmade hazards shall not be included in platted lots.

c. New structures intended for human occupancy shall not be located within 100 feet of any perennial stream, public lake, reservoir, or element of a public water supply system unless the City Engineer determines that a smaller setback would adequately protect water quality and wildlife habitat.

d. Natural features to be protected shall be identified in a site analysis as part of a Framework Plan or with any Site Plan or plat when a Framework Plan is not required.\(^{211}\)

3. Adequate Water Supply

An application for a Planned Community shall not be processed unless accompanied by written documentation from the Albuquerque Bernalillo County Water Utility Authority (ABCWUA) that adequate water is available to serve the development, based on known water supplies owned or controlled by the ABCWUA or the applicant, without creating adverse impacts on the cost, quality, or availability of water for existing residents of the city and the area served by the ABCWUA.\(^{212}\)

4. Mix of Uses and Housing Types\(^{213}\)

a. Each phase of a Planned Community shall include at least 10 percent of the land area for non-residential uses.

b. No phase of a Planned Community may develop more than 80 percent of the land area designated for residential or mixed-use development as single-family detached dwellings.

c. Parks shall be provided at a rate of 2 acres of park land for every 500 dwelling units as NR-PO-C or as NR-PO-B, which requires parks to be built to City standards, designed as acceptable to Parks and Recreation Department, and dedicated to the City.\(^{214}\)

d. Open spaces and trails shall be provided consistent with the Facility Plan for Major Public Open Space and the Facility Plan for Arroyos. Any open space dedications must be acceptable to and are subject to approval by the Open Space Division of the Parks and Recreation Department.

\(^{211}\) “Framework Plan” replaces the terms “general development plan” and “framework development plan” throughout the IDO since the EPC Draft per Condition #1 for clarity and consistency of terminology.

\(^{212}\) Revised since EPC Draft for consistency with current practice.

\(^{213}\) Subsection added since Consolidated Draft to implement Comprehensive Plan guidance.

\(^{214}\) Added since EPC Draft to address provisions of parks.
e. Arroyo treatment for any arroyos designated in the Facility Plan for Arroyos shall be designed per the standards in that Facility Plan.

5. Creation of Distinct Neighborhoods
   No area of the Planned Community in which more than 70 percent of the lots are occupied by a Household Living use as shown in Table 3-2-1 (Use Table) shall contain more than 100 contiguous acres unless it is separated from other adjacent residential development areas by a significant natural or man-made feature, including any of the following:215
   a. Clearly visible bluffs, rock outcroppings, or landforms designated as open space.
   b. Major drainages, arroyos, or designated open spaces at least 100 feet in width.
   c. An arterial street.
   d. A collector street with a median at least 14 feet in width.
   e. Non-residential uses allowed per Table 3-2-1.

F. Provisions for Specific Areas
   Provisions and regulations applicable to each approved PC zone district are specified in Framework Plans and associated Site Plans, on file at the City Planning Department.216

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215 Revised for clarity since Consolidated Draft.
216 Revised since EPC Draft per Condition #1 for clarity.
2-7 OVERLAY ZONES\textsuperscript{217}

Certain areas of the city have been mapped as Overlay zones that supplement, but do not replace, the underlying base zone districts listed in Sections 14-16-2-1 through 14-16-2-6 and applicable to the property. In the case of a conflict between the provisions of a base zone district and the provisions of an Overlay zone, the provisions of the Overlay zone shall prevail. Where the Overlay zone is silent, IDO requirements apply.\textsuperscript{218}

2-7.1. AIRPORT PROTECTION OVERLAY ZONE\textsuperscript{219}

A. Purpose\textsuperscript{220}

The purpose of the APO zone is to require that land use and development at or around public airport facilities comply with the regulations of the Federal Aviation Administration (FAA) that protect the public from noise, vibration, and hazard impacts of airport operations and that protect the safety of aircraft operators.

B. Applicability\textsuperscript{221}

The standards in this Section 14-16-2-7.1 apply to properties in all zone districts within the following sub-areas of the APO zone, which are mapped and briefly described below. These sub-areas correspond to FAA “zones” and/or “surfaces” and are detailed separately by the FAA.

1. Air Space Protection Sub-area

   This sub-area underlies a Horizontal Surface established at a height of 150 feet above the highest point of the usable landing area at each airport. The Horizontal Surface is a three-dimensional surface starting at an elevation of 6,028.0 feet for the Double Eagle II Airport and 5,504.9 feet for the Albuquerque International Sunport. The boundary of the surface and corresponding sub-area is curved, with arcs based on the runway centerlines and extending beyond the ends of each runway.

   a. Albuquerque International Sunport

\textsuperscript{217}This section of the IDO includes all overlay zoning controls (i.e. zoning controls that supplement but do not replace base zone districts) that were adopted by City Council as overlay zones (not as replacements for base districts).

\textsuperscript{218}New since Module 1. Final sentence added since EPC Draft per Condition #20.

\textsuperscript{219}Language in this Section incorporates existing Chapter 14, Section 15 Airport Zoning. Procedures for hearing appeals, and provisions on applicable penalties for violations, were not carried over because they are addressed by the IDO chapter on administration. Provisions that in case of conflict the stricter provisions were not carried over, because that is stated in the IDO general provisions chapter. Provisions on enforcement were not carried over, since they contain dated language and standard zoning enforcement procedures are stronger and more effective. This Section also incorporates existing 14-16-2-28(E) AP Airport Protection Overlay Zones. Sub-section C. Zones removed since EPC Draft per Condition #21. Relevant information retained and incorporated into the revised sub-sections, as indicated in footnotes.

\textsuperscript{220}Revised since EPC Draft per Condition #21 for consistency with existing regulations and practice.

\textsuperscript{221}Revised since EPC Draft per Condition #21 for consistency with existing regulations and practice.
2. Runway Protection Sub-area

This sub-area includes the runways, adjacent Approach Surfaces, and trapezoidal flares at the end of each runway.

a. Albuquerque International Sunport

b. Double Eagle II Airport

3. Noise Contour Sub-area

This irregularly shaped sub-area reflects the intermittent noise levels that are expected in each airport area, based on averaged ambient conditions and existing and projected aircraft operations (landings and takeoffs). The effect of noise generated by any other specific land use is not reflected. The sub-area is bounded by the 65 Day-night Noise Level (DNL) contour and includes the 75 DNL contour, as calculated by the FAA Integrated Noise Model 2-7.1.B.

a. Albuquerque International Sunport

Reference to Double Eagle II Airport added throughout this section since EPC Draft per Condition #21. Map pending.

Reference to Double Eagle II Airport added throughout this section since EPC Draft per Condition #21. Map pending.
C. Use Regulations

1. The following uses are prohibited within the Air Space and Runway Protection Sub-areas:

   a. Rifle range, public or private (refer to Other outdoor entertainment in Table 3-2-1 Use Table).
   b. Private Airport or Helipad aircraft landing fields that would interfere with the safe use by aircraft of the Double Eagle II Airport or Albuquerque International Sunport as determined by the City Aviation Department.
   c. Hot air balloon takeoff/landing (see Temporary Uses in Table 3-2-1 Use Table).
   d. Flying of kites.
   e. Any primary, accessory, or temporary use that creates electrical interference with radio communication between the airport and aircraft, or that creates any interference with radar transmissions or with reception between aircraft and any radar installation or between any radar installation and the airport, as determined by the City Aviation Department.
   f. Any primary, accessory, or temporary use that makes it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of flyers using the airport, impair visibility in the vicinity of the airport or otherwise endanger the landing, taking-off, or maneuvering of aircraft as determined by the City Aviation Department.
   g. Any primary, accessory, or temporary use that produces smoke, fumes, gasses, or odors that would interfere with the safe use by aircraft of the Double Eagle II Airport or Albuquerque International Sunport, as determined by the City Aviation Department.

224 Revised since EPC Draft per Condition #21 for consistency with existing regulations and practice.
2. The permissive uses within the 75 DNL contour of the Noise Contour Sub-area are as listed in Table 2-7-1 below, unless prohibited or more restricted in Subsection 1 above or by the base zone district.

<table>
<thead>
<tr>
<th>PRIMARY USES</th>
<th>APO Use-specific Standard(^{[1]})</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture, general</td>
<td>N/A</td>
</tr>
<tr>
<td>Parks and open space</td>
<td>Open space only</td>
</tr>
<tr>
<td>Parking lot</td>
<td>N/A</td>
</tr>
<tr>
<td>Airport</td>
<td>Private airport runways or taxiways only</td>
</tr>
<tr>
<td>Park-and-ride lot</td>
<td>N/A</td>
</tr>
<tr>
<td>Natural resource extraction</td>
<td>Mining only</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ACCESSORY USES</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal keeping</td>
<td>N/A</td>
</tr>
<tr>
<td>Parking of more than two truck tractors and two semitrailers for more than two hours</td>
<td>N/A</td>
</tr>
<tr>
<td>Parking of non-commercial vehicle</td>
<td>N/A</td>
</tr>
<tr>
<td>Parking of recreational vehicle, boat, and/or recreational trailer</td>
<td>N/A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TEMPORARY USES</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Park-and-ride facility, temporary</td>
<td>N/A</td>
</tr>
</tbody>
</table>

\(^{[1]}\) Additional to any Use-specific Standards referenced in Table 3-2-1 (Use Table).

3. The permissive uses between the 65 DNL and 75 DNL contours of the Noise Contour Sub-area are as listed in Table 2-7-2 below, unless prohibited or more restricted in Subsection 1 above or by the base zone district.

<table>
<thead>
<tr>
<th>PRIMARY USES</th>
<th>APO Use-specific Standard(^{[1]})</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cemetery</td>
<td>N/A</td>
</tr>
<tr>
<td>Parks and open space</td>
<td>Open space only</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>COMMERCIAL USES(^{[2]})</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>AGRICULTURE AND ANIMAL-RELATED(^{[2]})</td>
<td>N/A</td>
</tr>
<tr>
<td>FOOD, BEVERAGE AND INDOOR ENTERTAINMENT(^{[2]})</td>
<td>N/A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>MOTOR VEHICLE-RELATED(^{[2]})</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Hotel or motel</td>
<td>Construction shall provide ten decibels extra noise reduction over the industry average for similar structures. The establishment shall have airport hazard insurance.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>OFFICES AND SERVICES(^{[3]})</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>RETAIL SALES(^{[2]})</td>
<td></td>
</tr>
<tr>
<td>Airport</td>
<td>Private airport runways or taxiways only</td>
</tr>
</tbody>
</table>

\(^{[1]}\) Table added since EPC Draft per Condition #21 for consistency with existing regulations and practice.

\(^{[2]}\) Table added since EPC Draft per Condition #21 for consistency with existing regulations and practice.
TABLE 2-7-2: Permissive Uses between the 65 DNL and 75 DNL contours of the APO Noise Contour Sub-area

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Mining only</td>
<td>N/A</td>
<td>Solar energy generation subject to Glint and Glare Study per FAA</td>
<td>N/A</td>
<td></td>
</tr>
</tbody>
</table>

**ACCESSORY USES**

<table>
<thead>
<tr>
<th>N/A</th>
<th>Animal keeping</th>
<th>Parking of more than two truck tractors and two semitrailers for more than two hours</th>
<th>Parking of non-commercial vehicle</th>
<th>Parking of recreational vehicle, boat, and/or recreational trailer</th>
</tr>
</thead>
</table>

**TEMPORARY USES**

<table>
<thead>
<tr>
<th>N/A</th>
<th>N/A</th>
<th>N/A</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Park-ride-lot facility, temporary</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

[^1]: Additional to any Use-specific Standards referenced in Table 3-2-1 (Use Table).
[^2]: All or “Other” (if stated in this table) uses in this category as listed in Table 3-2-1 (Use Table).

4. The conditional uses in the Noise Contour Sub-area are the permissive uses or conditional uses allowed by the base zone district and not listed as permissive in Tables 2-7-1 or 2-7-2. Approval of a conditional use shall be per Section 14-16-5-5.2.A (Conditional Use Approval) and shall also be subject to the ZHE’s determination that, due to the particular nature of the use or the special character of the enclosing structure, one of the following applies:

a. The use will not be adversely affected by noise expected to be generated by operation of aircraft.

b. A small amount of adverse effect from the noise expected to be generated by operation of aircraft is clearly outweighed by a special need for the use.

**D. Building Standards**

1. Height Standards[^227]

   a. The height standards in this section apply to any permanent structure, temporary structure erected for however brief a period of time, and to vegetation (typically trees) based on its expected height at maturity located within the Air Space Protection Sub-area and Runway Protection Sub-area.

   b. In the Air Space Protection Sub-area, maximum height is generally 35 feet but no higher than the Horizontal Surface at each airport respectively, i.e. 6,028.0 feet elevation for Double Eagle II Airport and 5,504.9 feet elevation for Albuquerque International Sunport. Maximum height shall therefore vary based on the elevation of the land at the location of the proposed structure or vegetation. Building height may be further limited by the dimensional standards for the base zone district.

[^227]: Several sections of text revised for accuracy, and Runway Protection Zone and 65 DNL Noise Zone added, since Consolidated Draft. Revised since EPC Draft per Condition #21.
c. Where an area is covered by more than one height limitation, including standards in the base zone district, the more restrictive limitation shall prevail.

2. **Reflectivity**\(^{228}\)

   The exterior surfaces of structures shall not have a light reflective value (LRV) that results in glare in the eyes of flyers using the airport, impairs visibility in the vicinity of the airport, or otherwise endangers the landing, taking-off, or maneuvering of aircraft as determined by the City Aviation Department and per applicable FAA regulations.

E. **Transportation Routes**\(^{229}\)

   Public and private streets and rail lines are allowed within the Noise Contour Sub-area. See also Section 14-16-4-4.12 (Easements or Rights-of-Way).

F. **Hazard Marking and Lighting**\(^{230}\)

   1. The City Aviation Department may require the owner of a structure or landscaping in the APO zone at his/her own expense to install, operate, and maintain on the structure or landscaping such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard. Such markers and lights shall conform to all applicable federal regulations and specifications, which may be amended, and may require permitting through the City Planning Department.

   2. The City Aviation Department may require the owner of any existing nonconforming structure or landscaping in the APO zone to install, operate, and maintain on the structure or landscaping such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard. Such markers and lights shall be installed, operated, and maintained at the expense of the City unless the owner or user of such structure or landscaping is required to install, operate, or maintain the same by any other state or federal statute or regulation.

G. **Cross-references**\(^{231}\)

   1. Section 14-16-4-8.2.B (Exemptions to Outdoor Lighting, Applicability)

   2. Section 14-16-5-4.9 (Referrals to Commenting Agencies)

   3. Section 14-16-5-5.2.J.3.c (Variance – ZHE)

   4. Section 14-16-5-5-6.2.B.3 (Nonconforming Use of Land or a Structure in the APO Zone)

   5. Section 14-16-5-6.4.I (Airport Protection Overlay (APO) Zone)

\(^{228}\) New Section since EPC Draft per Condition #21 for consistency with existing regulations and practice.
\(^{229}\) New Section since EPC Draft per Condition #21 for consistency with existing regulations and practice.
\(^{230}\) New Section since EPC Draft per Condition #21 for consistency with existing regulations and practice.
\(^{231}\) New Section since EPC Draft per Condition #21 for consistency with existing regulations and practice.
2-7.2. CHARACTER PROTECTION OVERLAY ZONE

A. Purpose

The purpose of the Character Protection Overlay (CPO) zone is to preserve areas with distinctive characteristics that are worthy of conservation but are not historical or may lack sufficient significance to qualify as Historic Protection Overlay (HPO) zones. These areas should meet one or more of the following characteristics:

1. Have recognized neighborhood identity and character.
2. Have high architectural value.
3. Have a relationship to HPO zones that make the area’s conservation critical.
4. Have a relationship with cultural landscapes identified in the Albuquerque/Bernalillo County Comprehensive Plan (ABC Comp Plan), as amended.

B. Designated Character Protection Overlay Zones

1. Coors Boulevard – CPO-1
   a. Applicability Area

   The CPO-1 standards apply in the mapped area shown. Where the CPO-1 boundary crosses a lot line, the entire lot is subject to the CPO-1 standards.
b. **Site Standards**

Lot size, width, density, and usable open space shall be provided according to the applicable standards listed in Section 14-16-4-1 (Dimensional Standards).

c. **Setback Standards**

i. **Bosque Buffer Strip**

A 100-foot-wide buffer strip shall be established west of the Corrales Riverside Drain between the Calabacillas Arroyo and Namaste Road. The buffer strip shall remain undeveloped or be landscaped with perennial plants native to the Bosque.

ii. **Building Setback from Coors Boulevard**

a. There shall be a minimum 15 front yard setback from the right-of-way of Coors Boulevard between Central Avenue and Western Trail or Namaste Road.237

b. There shall be a minimum 35 foot front yard setback from the right-of-way of Coors Boulevard between Western Trail or Namaste Road and NM 528 (Alameda Boulevard).238

d. **Building Standards**

i. **Building Height and Bulk**239

Buildings and structures shall not exceed the height limitation in the underlying zone. Buildings within the Coors Boulevard VPO-1 (Section 14-16-2-7.4.B.1) shall comply with the height, bulk, and massing regulations of that Section.

ii. **Architectural Design and Details**

a. Parapet walls shall be treated as an integral part of the building design. Such walls shall not appear as unrelated visual elements.

b. In all zone districts, mechanical equipment shall be screened from public view from streets adjacent to the lot or from adjacent properties. The design of mechanical equipment screening shall be compatible with, and be an integral element of, the building structure. Location of such equipment within the building or at ground level is preferable to roof-mounting, unless such location would adversely affect the streetscape, pedestrian circulation, or open space.

e. **Other Development Standards**

i. **Floodplain**

All development in the corridor area shall comply with all adopted drainage policies, including restrictions on development in the 100-year floodplain. Cluster development design on land above the flood level shall be encouraged and the floodplain shall be utilized as open space area.

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237 Replaces references to Segments 1 and 2 of the Coors Corridor SU-2.

238 Replaces references to Segments 3 and 4 of the Coors Corridor SU-2.

239 Text simplified since Consolidated Draft.
ii. Grading
On slopes of 10 percent or greater, no grading shall take place until a specific development plan has been approved for construction. The development plan shall retain the sense of the natural features and vegetation.

iii. Landscaped Setback along Coors Boulevard
A minimum of 50 percent of the building setback from Coors Boulevard shall be landscaped with living, vegetative materials that help visually screen and buffer off-street parking and other vehicular use areas. Continuous landscaping (other than turf grass) shall be used along with walls or decorative fences that partially and periodically obstruct the view from the street of vehicular use areas, parking lots, and parked cars.

iv. Outdoor Lighting
The mounting height of light fixtures in off-street parking, other vehicular use areas, and/or outdoor storage areas shall be no higher than 20 feet.

v. Signs
a. Any sign type or design is prohibited that:
   i. Consists of banners pennants, ribbons, streamers, strings of light bulbs, or spinners, except under the following circumstance:
   ii. In cases where a business must close or temporarily relocate due to fire, unavoidable casualty, force majeure, or similar circumstance, one temporary banner up to 3 feet by 6 feet may be allowed for up to 90 days, with approval pursuant to Section 14-16-5.1.H (Temporary Use Permit). 240
   iii. Is in any way animated (including twinkling or wind-activated movable parts), emits smoke, visible vapors, particles or odor, or rotates or moves in any manner.
   iv. Has flashing lights incorporated as part of its design and performance.
   v. Is portable: fixed on a movable stand; self-supporting without being attached to the ground; supported by other objects, a person or animal; mounted on wheels or movable vehicle; or made easily movable in any manner.
   vi. Is located (painted, affixed, etc.) on a water tower, storage tank, smoke stack, utility pole, or other similar structure.
   vii. Is a roof sign, or attached to the roof of a building or structure between the eaves and the ridgeline of the roof.
   viii. Is an off-premises sign.
   ix. Overhangs the right-of-way or property-line.

b. On-premises signs in Mixed-use and Non-residential zone districts shall comply with the following standards: 241
   i. Where one free-standing sign is allowed by the underlying zone district, a second free-standing sign is allowed on sites five acres or larger on any street frontage longer than 1,500 linear feet.
   ii. The size of free-standing and projecting signs shall comply with the sign standards in Table 4-10-2, but not exceed 75 square feet.

240 Limitations on sign content were deleted since EPC Draft per Condition #194 to comply with the U.S. Supreme Court decision in Reed v. Gilbert. Banners was removed from this list per Condition #22 to reflect an amendment (CS R-274) to the Coors Corridor Plan allowing some temporary banners.
241 Revised since the EPC Draft per Condition #1 for clarity and consistency.
iii. The height of free-standing signs in the area north of Western Trail/Namaste Road shall comply with the sign standards in Table 4-11-2, but not exceed 9 feet in height above grade.

iv. The height of building-mounted signs shall comply with the sign standards in Table 4-11-2, but not exceed the height of the building.

v. No illuminated sign, or any illuminated element of any sign, may turn on or off, or change its brightness.

vi. No sign shall be erected, relocated, or maintained in such a manner as to cover or intrude upon any architectural features of a building such as windows, columns, moldings or any major decoration or structural feature.

f. Cross-references

See Section 14-16-2-7.4.B.1 (Coors Boulevard – VPO-1) for view protection standards.

2. Downtown Neighborhood Area – CPO-2

a. Applicability Area

The standards of CPO-2 apply in the mapped area shown. Where the CPO-2 boundary crosses a lot line, the entire lot is subject to the CPO-2 standards.

b. Site Standards

i. Lot Size

   a. In the R-T zone district, the minimum lot size is 2,000 square feet.
   b. In the R-ML zone district, the minimum lot size for townhouses is 1,000 square feet.

ii. Density

   In the MX-M zone district, for lots abutting Central Avenue, there is no maximum dwelling unit per acre.

242 Added since Module 3 because of wide variety of controls affecting this area.
243 Added since EPC Draft per Condition #1 for consistency with other sections of the IDO.
iii. Usable Open Space
   a. In R-T and MX-T zone districts, the usable open space requirement for townhouse is 360 square feet per dwelling unit. Where there is no alley access for garages, the usable open space requirement is 500 square feet per dwelling unit.
   b. In the R-ML zone district, the usable open space requirement is 150 square feet per efficiency or one bedroom and 200 square feet per two bedrooms or more.
   c. In the MX-L zone district, the usable open space is 50 square feet per dwelling unit, which may be satisfied through features such as balconies and private roof-top gardens.
   d. In the MX-M zone district for lots abutting Central Avenue or Lomas Boulevard, the usable open space requirement is 100 square feet per dwelling unit, which may be satisfied through features such as balconies and private roof-top gardens.
   e. A minimum 10 percent of the site area in the MX-M zone district shall be designated as usable open space for non-residential development and may be satisfied through features such as patios, plazas, exterior walkways, balconies, roof decks, or courtyards.

   c. Setback Standards
      i. In R-1A, R-T, and R-ML zone districts, contextual standards for front setbacks in Section 14-16-4-1.3.B shall apply regardless of development type or whether the development is in an Area of Consistency or an Area of Change.
      ii. In MX-T and R-ML zone districts, the minimum side setback is five feet, or 10 feet if adjacent to R-1A, R-1B or R-T zoned property. The minimum rear yard setback is 15 feet.
      iii. In MX-L and MX-M zone districts abutting Central Avenue:
         a. Front setbacks: 10 feet maximum.
            i. If there is a front patio or dining space, 15 feet maximum.
         b. Side setbacks: 0 feet minimum.
            i. Corner side yard setback: five feet minimum.
            ii. Abutting R-1A, R-1B, and R-T zone districts: 10 feet minimum.
         c. Rear setbacks: 15 feet minimum
            i. Abutting R-1A, R-1B or R-T zone districts: 25 feet minimum.
         d. A minimum of 50 percent of street frontage shall be building. The remaining 50 percent may be courtyard, landscaping, outdoor restaurant seating, or a combination thereof.

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244 Revised since EPC Draft per Condition #1 to combine 2 identical provisions (one for Central and the other for Lomas).
245 References to R-ML district in Subsections i and ii are new since Consolidated Draft. Provision for rear garage setbacks deleted since EPC Draft per Condition #1 to reflect the addition of a rear garage setback for most Residential zone districts since EPC Draft per Condition #97. Rear garage setback removed since EPC Draft per Condition #22 – a general rear garage setback was added to residential zones per Condition #101.
246 Revised since EPC Draft per Condition #23.
247 Revised since EPC Draft to refer to Contextual Standards instead of having a similar requirement in the CPO.
248 Revised since EPC Draft per Condition #23. The outline structure modified to clarify which standards applied to which setback; this change corrects an error in the EPC Draft. Minor text changes in section ‘e’ to better reflect DNA SDP content since EPC Draft.
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Chapter 14-16-2: Zone Districts

2-7.2: Character Protection Overlay Zone

e. Off street parking setback is a minimum of 10 feet from a property line where it fronts a public street, and 0 feet from an alley.

d. Building Standards
   i. Building Height
      a. In R-1A and R-T zone districts, a detached accessory dwelling shall not exceed the height of the principal dwelling or 18 feet, whichever is less.
      b. In the MX-M zone district, additional building height associated with Main Street areas is not applicable.
      c. In the MX-M zone for lots abutting Central Avenue, building height over 30 feet shall incorporate minimum step-back of 6 feet from the front façade facing public streets.

ii. Building Design
   a. Residential Building Design
      i. The primary entrance to the building shall be oriented toward the street.
      ii. Darkly-tinted, reflective, or opaque windows are prohibited at the ground floor.
      iii. Front entry porches with a minimum depth of five feet at finished floor elevation are required.
      iv. Individual dwellings in the R-T zone district shall be distinguished through articulation of building massing, roof forms, color, or material.
      v. Balconies in the R-ML zone shall be designed and located to minimize impacts on the privacy of adjacent residential properties. Planters or trellises can be used to obstruct views while retaining the benefits of upper level outdoor spaces.
      vi. Façades shall meet the standards for windows in Section 14-16-4-11.4.B.2.
   b. Non-residential Building Design
      i. The primary entrance to the building shall be oriented toward the street and connected to the public sidewalk by a sidewalk.
      ii. In the R-ML, MX-T, MX-M, and MX-L zone districts, façades that face public streets shall change a minimum of every 50 feet in height, setback, or material.
      iii. In the MX-L zone district, shading shall be provided along the front façade using canopies, awnings, portals or shade trees spaced 25 feet on center.

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249 Building height regulations for MX-T and MX-L deleted since Consolidated Draft, as the IDO restrictions for base zones are more restrictive and meet the intent of the adopted regulations. Building height for MX-M that reference 40 feet were changed to 45 since the Consolidated Draft to be consistent with MX-M base zone district standards. Adopted provision for 45 feet as a conditional use was removed, as the IDO does not consider building heights a conditional use, and the Neighborhood Edge provisions protect adjacent residential development.

250 Subsections ii and iii are new since Consolidated Draft. This footnote revised since EPC Draft per Condition #23. Reference to 45' building height in MX-M removed since EPC Draft per Condition #22 because that is the base building height for the zone. Provision revised for clarity and consistency.

251 Revised since Consolidated Draft to remove applicability limit to MX-M district and to apply stepback requirement to heights above 30 rather than 40 feet. Provision revised since EPC Draft per Condition #22 for clarity and accuracy.

252 Terminology revised for consistency between CPOs, VPOs, and Building Design standards for consistency regarding fenestration and window transparency standards since EPC Draft per Condition #1.

253 Window and transparency standards moved to general Building Design standards and lowered since Consolidated Draft.
iii. Other Development Standards
   a. Signs
      i. In the R-ML zone district, free-standing signs shall not exceed four
         feet in height and 16 square feet per sign face.
      ii. In the R-ML zone district, internally lit signs and electronic display
          panels are not allowed.
      iii. In the MX-T zone district, wall signs shall not exceed six percent
           of the area of the façade to which it is related. Wall sign area
           includes window signage.
      iv. In the MX-T zone district, free standing signs for office use shall
          not exceed four feet in height and 16 square feet per sign face.
      v. In the MX-T zone district, internally lit signs and electronic display
          panels are not allowed.
      vi. In the MX-L and MX-M zone districts, wall signs or canopy signs
          are the only allowed sign types.
      vii. In the MX-L and MX-M zone districts, one canopy sign per
           entrance or exit shall be allowed.
      viii. In the MX-L and MX-M zone districts, wall sign area shall not
          exceed six percent of the area of the façade to which it is related.
          Wall sign area includes window signage.
      ix. In the MX-L and MX-M zone districts, internally lit signs and
          electronic display panels are not allowed except neon signs
          (building mounted and marquee perpendicular to traffic) are
          allowed to face Central Avenue only.
   e. Cross-references
      i. Primary Parking Lots Prohibited. See Section 14-16-3.3.4.R.4.
      iv. Contextual Standards. See Section 14-16-4-1.3.B.
      v. Carports Prohibited. See Section 14-16-4-5.6.B.1.b.i.
      vi. Wall Standards. See Section 14-16-4-7.
      vii. Second Story Addition Setback. See Section 14-16-4-11.3.
      viii. Demolition Review. See Section 14-16-5-5.2.B.

3. East Downtown – CPO-3
   a. Applicability Area
      The CPO-3 standards apply to the specific parcels in the mapped area
      shown. Where the CPO-3 boundary crosses a lot line, the entire lot is
      subject to the CPO-3 standards.

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254 Cross references revised since EPC Draft per Condition #1 to provide additional information.
255 Since module 1, the EDO/UCOZ areas have now been divided into a CPO zone district and an HPO zone. Staff is continuing to
review the combined historic/character protection standards to carry out the intent of the existing regulations in a format that is
simpler to administer.
256 Map corrected since EPC Draft per Condition #1 to eliminate overlap with East Downtown HPO-1.
257 Added since EPC Draft per Condition #1 for consistency with other sections of the IDO.
b. **Site Standards**

Lot size, width, density, and usable open space shall be provided according to the applicable standards listed in Section 14-16-4-1 (Dimensional Standards).

c. **Setback Standards**

i. Front setback: 0 ft. min.; 1 ft. max.

ii. Side setbacks: 0 ft. min. for internal lots; 5 ft. min. for side streets.

iii. Rear setbacks: 5 ft. min.

d. **Building Standards**

i. **Building Height Edge Standards**

   a. Any portion of a building within 35 feet of a R-1 or R-T zone district shall be limited to 30 feet.

   b. The height limit of any portion of a structure within 15 feet of a significant or contributing building or City landmark in the HPO-1 or HPO-4 zone shall be no more than 3 stories higher than the contributing building or the maximum height allowed by the base zone district, whichever is less.

ii. **Building Articulation**

   a. Façades on the ground floor facing Central Avenue between Arno and High Streets shall be built to function as or appear as shopfronts, and shall contain a minimum of 60 percent of its surfaces in clear, transparent glass windows and/or doors, as measured to include the first 12 feet of building height above the sidewalk, with window sills no higher than 30 inches above the finished floor.

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258 Building height provisions from EDO Regulatory Plan have been removed since Consolidated Draft. Building height maximums have been changed for MX-L since the Consolidated Draft within Main Street areas to 55 feet, which would apply to EDO. a. and b. revised since EPC Draft per Condition #1, Condition #22, and Condition #24 to make this provision clearer.

259 Revised since EPC Draft per Condition #1 for consistency and clarity with the applicability of this section.

260 Added since Consolidated Draft.

261 Terminology revised for consistency between CPOs, VPOs, and Building Design standards for consistency regarding fenestration and window transparency standards since EPC Draft per Condition #1. Provision ‘d’ was deleted as unnecessary since new definition for “transparent window or door” has been added since EPC Draft per Condition #1. A new ‘d’ added for consistency among Building Design and CPO standards.
b. All other façades on the ground floor facing Central Avenue and Broadway Boulevard shall contain a minimum of 40 percent of its surfaces in clear, transparent glass windows and/or doors, as measured to include the first 12 feet of building height above the sidewalk, with window sills no higher than 30 inches above the finished floor.

c. Façades on the ground floor facing intersecting side streets shall contain a minimum of 30 percent of its surfaces in clear, transparent windows and/or doors, measured to include the first 12 feet of building height above the sidewalk, with window sills no higher than 30 inches above the finished floor.

d. Each second floor and higher façade shall contain a minimum of 20 percent of its surface in windows and/or doors.

e. Building Materials

f. Where clearly visible from the public right-of-way, only the following primary materials are allowed: stucco (smooth or sand finish only, no roughly textured finish, including brocade); brick and tile masonry; native stone or synthetic equivalent; and wood lap siding in a horizontal configuration that is smooth or rough-sawn finish (no faux wood grain).

g. Where clearly visible from the public right-of-way, only the following secondary building materials are allowed: terra cotta tiles; pre-cast masonry (for trim and cornice elements only); gypsum-reinforced fiber concrete (for trim elements only); metal (for beams, lintels, trim elements, and ornamentation only); split-faced block (for piers, foundation walls, and chimneys only); wood lap siding; and wood trim.

h. Brick, block, and stone must be detailed and in appropriate load-bearing configurations, i.e. heavier (masonry) materials support lighter (wood) materials.

i. Wall materials shall be consistent horizontally. Joints between different materials must be horizontal and continue around corners. The exceptions to this are material panel inserts (comprising no more than 15 percent of the façade, chimneys and structural piers).

iii. Doors and Windows

a. Where clearly visible from the public right-of-way, only the following window materials are allowed: anodized aluminum, wood, clad wood, vinyl, or steel.

b. Window screens shall be black or gray, and screen frames shall match window frame material or be dark anodized.

c. Where clearly visible from the public right-of-way, the following door materials are allowed: wood, clad wood, steel, and may include glass panes.

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262 Text modified to say that “only” the following primary and secondary materials are permissive. Otherwise these are only recommendations (i.e. other materials are also permissive because you did not prohibit them).

263 Revised since EPC Draft per Condition #1 for clarity.

264 Provision requiring wall openings to correspond to interior space was deleted since Consolidated Draft. Provision requiring the horizontal dimension of a wall opening not to exceed the vertical dimension deleted since the Consolidated Draft based on public comment.
d. Doors shall not be recessed more than three feet behind the shopfront windows and, in any case, shall be clearly visible.

e. Wall openings shall not span vertically more than one story; double height entryways are not allowed.

f. The following requirements apply to all window configurations:
   i. Windows may be ganged horizontally if each grouping is separated by a mullion, column, pier, or wall section that is at least seven inches wide.\(^{265}\)
   ii. Windows shall be no closer than 30 inches to building corners (excluding bay windows).
   iii. Exterior shutters, if applied, shall be one-half the width of the window and mounted appropriately for the window, even if inoperable.
   iv. All upper-story windows shall be double-hung, single-hung, awning, or casement windows.
   v. Fixed windows are allowed only as a component of a system including operable windows within a single wall opening.

g. The maximum pane size for residential buildings or floors is 48 inches vertical by 30 inches horizontal.

h. The maximum pane size for office uses is 48 inches vertical by 40 inches horizontal.

i. Shop-front (ground floor commercial) windows and doors shall:
   i. Contain single glass panes no larger than eight feet in height by five feet in width.
   ii. Allow a minimum of 60 percent of window surface view into the building for a depth of at least 20 feet.
   iii. Have sills of not more than 30 inches above the sidewalk.
   iv. Locate all window screens, including security screens, bars, and other devices, behind the window surface (on the interior).

j. Shop-fronts may extend up to 12 inches beyond the façade.

iv. Roofs and Parapets

a. Where clearly visible from the public right-of-way, the following materials are allowed: clay or concrete (faux clay), tile (barrel or flat roman), slate (equivalent synthetic or better), metal (standing seam 5-V crimp equivalent or better), or dimensional asphalt shingles.

b. Cornices and soffits may be any combination of wood, vinyl, and metal.

c. The following configurations and techniques are allowed for pitched roofs:
   i. Eaves must overhang 18 to 30 inches on the primary structure.
   ii. Rakes (gable end) must overhang 12 to 24 inches on the primary structure.
   iii. Eaves and rakes on accessory buildings, dormers, and other smaller structures must overhang at least six inches.
   iv. Open eaves and simple traditional soffits and fascia are allowed.
   v. Soffits shall be placed perpendicular to the building wall, not sloping in plane with the roof (except for gable end rakes).

\(^{265}\) Provision establishing a maximum of 5 per group deleted since Consolidated Draft.
vi. Timber eaves, vigas, and balcony brackets shall be a minimum of seven and a half inches (nominal ‘eight-by’) in dimension.

d. Parapet roofs are allowed only in a configuration where the roof material is not visible from any adjacent public right-of-way.

e. Buildings without visible roof surfaces and overhanging eaves may satisfy the overhang requirement with a cornice projecting horizontally between 6 and 12 inches beyond the building walls of the primary structure.

f. Skylights and roof vents are allowed only on the roof plane opposite the primary street or right-of-way or when shielded from view of the public right-of-way by the building’s parapet wall.

v. Awnings and Overhangs

a. Minimum 10 feet clear height above sidewalk.

b. Awnings and overhangs may extend 6 feet from the building façade or to curb or tree-planting strip, whichever is closer.

c. Canvas cloth or equivalent, metal, or glass is allowed. Shiny or reflective material is prohibited.

d. No internal illumination through the awning or overhang.

e. Lettering on awnings limited to nine inches high on vertically hanging fabric at curb side of awning.

f. No one-quarter cylinder configurations.

e. Other Development Standards

i. Street Walls

A street wall is a masonry wall that defines outdoor spaces and separates the public right-of-way from the private realm (parking lots, trash cans, gardens, and equipment).

a. The street wall shall be set back 8 inches or less from the public right-of-way or adjacent building façade-alignment.

b. An opaque vehicle entry gate, of a maximum 18 feet wide, and a pedestrian entry gate, of a maximum 6 feet wide, are both allowed as limited substitutions within any street wall length.

c. All street wall façades shall be as carefully designed as the building façade, with the finished side facing the street.

d. Where clearly visible from the public right-of-way, the following materials are allowed: native/regional stone and equivalent imitation stone, metal (wrought iron, welded steel and/or aluminum electro-statically plated black), brick, stucco, or a combination of materials (e.g. stone piers with brick infill panels).

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

f. Copings shall project between 1 inch and 4 inches from the face of the wall.

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266 One provision split into two since EPC Draft per Condition #1 and Condition #22 for clarity.

267 Section on signs deleted since Consolidated Draft as unnecessary given IDO regulations and based on public comment.
ii. Parking\textsuperscript{268}
   a. Parking areas must be set back:
      i. A minimum of 30 percent of the lot depth from the front lot line.
      ii. A minimum of 10 feet from other street frontages.
      iii. A minimum of five feet from rear lot lines.
   b. Vehicular access is allowed only from a side street or alley.
   c. Parking structures shall have liner buildings along all street frontages to the maximum extent practicable. Where not practicable, solid 3 foot minimum high walls or vegetative screens whose height at the time of installation is 3 feet shall be provided.\textsuperscript{269}

iii. Outdoor Lighting
   a. Lighting elements shall be incandescent, metal halide or halogen only. No high-intensity discharge (HID) or fluorescent lights (excepting compact fluorescent bulbs that screw into standard sockets) may be used on the exterior of buildings.
   b. All lots with alleys shall have light fixtures within five feet of the alley right-of-way to illuminate the alley.
   c. No flashing, traveling, animated, or intermittent lighting shall be visible on the exterior of any building, whether such lighting is temporary or long-term.

f. Cross-references\textsuperscript{270}
   i. Historic Preservation. See Section 14-16-2-7.3.B.1 (East Downtown HPO-1) for historic protection standards.
   ii. Demolition Review. See Section 14-16-5-5.2.B (Demolition of Non-Designated Structure Outside of HPO) for demolition review requirements.
   iii. Neon Signs: See Section 14-16-4-12.6.E.1 (Neon Signs along Central Avenue) for applicable standards.
   iv. Parking structures: See Section 14-16-4-5.7 (Parking Structure Design)

4. High Desert – CPO-4\textsuperscript{271}
   a. Applicability Area
      The CPO-4 standards apply in the mapped area below.

\textsuperscript{268} Mapped area where on-site parking is allowed deleted since Consolidated Draft.
\textsuperscript{269} Provision revised for clarity and consistency since EPC Draft per Condition #1 and Condition #22.
\textsuperscript{270} Cross references added since Consolidated Draft. Cross references added since EPC Draft per Condition #22.
\textsuperscript{271} Added since EPC Draft per public comment to carry over provisions for R-1 and the Highlands Area Design Overlay Zone in the adopted High Desert SDP.
b. **Project and Site Standards**
   
i. **Lot Size**
   Minimum lot size is ½ acre (21,780 feet).
   
ii. **Lot Width**
   Minimum lot width is 100 feet.
    
c. **Setback Standards**
   
i. **Development Envelopes**
   All development on the lot must take place within an envelope that encloses no more than 12,000 square feet of land. The development envelope must include all walls, buildings, structures, and landscaping other than native plant species on the site.
   
ii. **Setbacks**
   a. Development envelopes shall be separated from property lines by a minimum of 10 feet.
   b. Development envelopes shall be set back from rights-of-way by a minimum of 20 feet.
   c. Within the Highlands area, the minimum setback from the edge of the High Desert CPO shall be a minimum of 100 feet, except that the minimum setback on the western boundary of Simms Park is 360 feet.
   
d. **Building Standards**
   
i. **Building Height**
   a. From the highest point of the natural grade adjacent to any wall of the building in question, building height (exclusive of chimneys) shall not exceed 19 feet.
   b. No vertical wall plane (exclusive of chimneys) shall exceed 22 feet in height as measured from the highest point of natural grade at its base.
   c. The overall height of a structure (exclusive of chimneys) from the highest point to the lowest, measured from natural grade, shall not exceed 26 feet.
   d. Within 250 feet of the northern boundary of the High Desert CPO, in order to minimize the visual impact of residential structures on the approach of Simms Park, no part of a structure or building (exclusive
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of chimneys) shall be higher than any straight line beginning 5 feet above the finished grade at the centerline of Simms Park Road just north of the High Desert CPO and extending through any point 16 feet over the average natural grade along the north line of the platted building envelope.

ii. Building Design

a. Color: The exterior surfaces of buildings and structures, including but not limited to roofs, mechanical devices, roof vents, and screening materials, shall be colors with LRV ranging from 20 percent to 50 percent.272

i. Colors include the yellow ochres, browns, dull reds, and grey-greens existing in the natural landscape of the mesa and in the foothills. This middle range of reflectance is intended to avoid very light and very dark colors.

ii. Trim materials on façades constituting less than 20 percent of the façade’s opaque surface may be any color.

b. Reflectivity: Glass on any façade shall not be reflective or mirror glass, that is, glass having greater than 15 percent average daylight exterior reflectance as published by the manufacturer. The heat transmission characteristics of glass are not addressed by this standard.

c. Roofs: Pitched roofs must comply with the following:

i. Maximum slope of 1:3.

ii. No ridges or peaks may be silhouetted against the skyline. They must abut a parapet or wall that is higher.

iii. No metal roofs are allowed.

iv. No asphalt shingles are allowed.

v. No mechanical equipment or skylights may be located on pitched roofs.

vi. Tile roof materials must be of the following type or characteristic:

a. Two-part molded

b. Variegated colors darker than the building walls

c. Non-reflective

d. Mudded or grouted joints

e. Serpentine in pattern

d. Massing and Articulation

i. Each building shall be composed of at least three visual building masses distinguished from one another by both horizontal and vertical offsets of at least 2 feet. The height of each mass shall be measured from its highest adjacent natural grade. At least three distinct masses shall be perceivable in each building elevation. While it is anticipated that buildings will follow natural site

272 Language revised to be consistent with Volcano Cliffs, Volcano Trails, and Volcano Heights Sector Development Plans, which has been carried over into the Northwest Mesa Escarpment VPO.
contours, nothing in these standards shall prohibit residences with a single floor level, provided the building height requirements previously described are otherwise met. The floor or roof plan of each structure should clearly show the extent of each building, with relevant information pertaining to its height above grade.

ii. All doors and windows not protected by overhangs or portales shall be recessed at least 4 inches as measured from the door surface or window sash to the exterior face of the finished wall.

e. Views

i. The development envelope, and buildings and sight lighting within the development envelope, shall be sited to minimize impacts to views to and from adjacent lots and views of development from adjacent public rights-of-way.

ii. Within 250 feet of the northern boundary of the High Desert CPO, views of the north line of any platted building envelope from Simms Park Road at its centerline shall be blocked by topography and existing or planted native vegetation that forms a vegetative screen at least 75 percent opaque at maturity, either within High Desert or in the National Forest. Sightings shall be taken from 90 degrees (perpendicular) from the centerline of Simms Park Road to the centerline of the north line of each platted building envelope and then 45 degrees generally northwest from the centerline of the north line of the platted building envelope back to the centerline of Simms Park Road.

f. Cross References

i. See Section 14-16-3-3.6.E (Dwelling Unit, Accessory (With or Without Kitchen)).

5. Los Duranes – CPO-5

a. Applicability Area

The standards of the CPO-5 apply in the mapped area shown. Where the CPO-5 boundary crosses a lot line, the entire lot is subject to the CPO-5 standards.

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273 New CPO added since Consolidated Draft. Footnote added since EPC Draft per Condition #1.
274 Added since EPC Draft per Condition #1 for consistency with other sections of the IDO.
b. **Site Standards**
   In the R-A zone district, lot coverage (the total square footage of the principal residence footprint plus accessory building footprints) shall not exceed 50 percent of the parcel.

c. **Setback Standards**
   i. **Front Setbacks**
      a. To encourage staggered setbacks, front setbacks for single-family and two-family detached dwellings in Residential zone districts shall be a minimum of 10 feet and comply with one of the following standards:
         i. Within plus or minus 5 feet of the average setback of existing residential buildings within 300 feet in both directions, as measured from the corners of the lot line that abuts the primary public right-of-way (see figure below).
         

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Required setback = 25 feet to 35 feet

300 feet

Average Setback = 30 feet

Example development site
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   ii. In new subdivision developments of 5 or more single-family detached dwellings, front setbacks shall be a minimum 5 feet behind or in front of the front façade of principal dwelling located on one adjoining property fronting the same street.

   b. For attached townhouses, façades of the townhouses on the same frontage shall be articulated at least every 40 feet or third dwelling unit with a minimum change of two feet in setback.

   c. For multi-family residential buildings in Residential or Mixed-use zone districts, 15 feet minimum setback.

   ii. **Setbacks in Cluster Development Dwellings**
      a. Front yard: 15 feet minimum from public right-of-way; 10 feet from a private street.
      b. Rear: 25 feet minimum from cluster development boundary.
      c. Side: 10 feet minimum from cluster development boundary

   d. **Building Standards**
      i. **Building Height**
         a. In R-A, R-1, R-T, and R-ML zone districts:
            i. Building height up to 16 feet is allowed.

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275 Revised since EPC Draft per Condition #1, Condition #22, and Condition #25 for clarity.
276 Revised since EPC Draft per Condition #26 to include an illustration of the requirement.
ii. Additional building height between 16 feet and 26 feet in height (defined in this section as “second story”) is allowed pursuant to the requirements in Subsection 14-16-4-11.3 (Building Design - Residential Development), with the following conditions:\n\n   a. Second story area of single-family and two-family detached dwellings is limited to 65 percent of ground floor footprint (see figure below).

   ![Diagram of a single-family home showing the second story area at 65% of the ground floor footprint.]

   b. Second story area of attached townhouses and multi-family residential buildings is limited to 75 percent of ground floor footprint (see figure below).

   ![Diagram of attached townhouses showing the second story area at 75% of the ground floor footprint.]

b. In the MX-M zone district:
   i. Height of buildings located more than 450 feet from Interstate 40 is limited to 35 feet.
   
   ii. Minimum Building Separation
      a. 15 feet for attached townhouse and multi-family residential buildings.

\[277\] Revised since EPC Draft per Condition #22 to replace redundant requirement with cross-reference to Section 4-11.3. Illustrations added since EPC Draft per Condition #1.
iii. Building Design
   a. Single-family detached dwelling: The front façade shall not exceed the average width of principal structures on lots within 300 ft. in both directions measured from both corners of the lot line that abuts the primary public right-of-way by more than 20 percent (see figure below).

   ![Diagram showing building design requirements](image)

   b. Multi-family residential buildings in Residential and Mixed-use zone districts
      i. Entrances to second floor units shall be internal to the building if they are not located on the ground floor.
      ii. The maximum building length shall be 80 feet

   e. Other Development Standards
      a. Common Open Space is required in Cluster Developments and may include an easement associated with a Los Duranes Community Acequia. See Section 14-16-4-2.6 (Irrigation Facility (Acequia) Standards).
      b. If the project site abuts a ditch, lateral, or drain designated on the Los Duranes Community Acequias map in Section 14-16-4-2.6 (Irrigation Facility (Acequia) Standards), at least one half of the Common Open Space shall be located parallel and adjacent to this facility.
      c. Common Open Space may be within a plazuela compound, i.e. bounded on three sides by detached or attached dwellings in the Cluster Development, provided no street goes through the Common Open Space.
      d. If a Common Open Space abuts a Los Duranes Community Acequia or is in a plazuela compound, it is not required to be partially visible from a public right-of-way.
         i. Parking access for two-family detached dwellings and townhouses: Two adjoining dwelling units with vehicle access from the street are required to share a driveway with a maximum curb cut of 16 feet.
         ii. Design Standards for Drive-up Service Windows: Drive-up service windows shall not be on a façade that faces or fronts on Rio Grande Boulevard and the associated drive-up queue lanes shall not be located parallel to Rio Grande Boulevard, unless they are behind a building.

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278 Revised since EPC Draft per Condition #27 to include an illustration of the requirement.
Drive-up service windows shall be oriented away from pedestrian areas, such as sidewalks and plazas, residentially-zoned areas, and from other public streets where possible.

**f. Cross References**

i. Section 14-16-2-7.2.B.7 (Rio Grande Boulevard CPO-7). Where there is conflict between the Los Duranes CPO-5 and the Rio Grande Boulevard CPO-7 the provisions of the Los Duranes CPO-5 prevail, except that the second story building stepback requirements in the Rio Grande Boulevard CPO-7 also apply.

ii. Prohibition on Primary Parking Lots. See Section 14-16-3-3.4.R.4 (Parking Structure or Parking Lot).

iii. Acequia Setbacks. See Section 14-16-4-2.6.C.1 (Los Duranes Community Acequia System Map).

iv. Sidewalk Exception. See Section 14-16-4-3.4.A (Sidewalks in Residential Development).

v. Residential Second Story Addition Setbacks. See Section 14-16-4-11.3.

6. Nob Hill – CPO-6279

**a. Applicability Area**

The CPO-6 standards apply in the mapped area shown. Where the CPO-6 boundary crosses a lot line, the entire lot is subject to the CPO-6 standards.280

![Nob Hill CPO-6 Map](image)

**b. Site Standards**

Lot size, width, density, and usable open space shall be provided according to the applicable standards listed in Section 14-16-4-1 (Dimensional Standards).

**c. Setback Standards**

i. Side setbacks: 0 feet minimum.

ii. Rear setbacks: 0 feet minimum.

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279 Added since Module 1 because of wide variety of controls affecting this area. Removed reference to Highland since EPC Draft per Condition #28, since this CPO only contains parcels within the Nob Hill area.

280 Added since EPC Draft per Condition #1 for consistency with other sections of the IDO.
iii. Where building setbacks currently exist along Central, the street wall shall be strengthened through use of 3 foot high vegetative screens or walls for a minimum of 50 percent of the length of the building or parcel along each street frontage.

d. Building Standards
i. Building Heights
   a. These regulations apply to the following mapped areas within the Nob Hill – CPO-6.

b. Between Girard Boulevard and Aliso Avenue, height and density standards associated with the Main Street designation or Workforce Housing are not applicable. Height and density standards associated with the Premium Transit designation are only available within the blocks adjacent to the Premium Transit station.

c. Between Aliso Avenue and Graceland Drive, height and density standards associated with the Main Street designation do not apply.

ii. Building Articulation
   a. Existing façades of buildings that are designated on State and National Historic Registers, as City landmarks, or as characteristic buildings in the map above, and that abut a public right-of-way, shall comply with the following:
      i. Façade rehabilitation or remodeling shall maintain the historically characteristic window and door proportion and character of the building.
      ii. Any new building materials shall be consistent with historically employed materials on such façades.
      iii. Additions to Characteristic Buildings shall reflect the historic façade demarcations (i.e., walls, pilasters, or similar elements).

281 New section since Consolidated Draft.
282 Map updated since EPC Draft per Condition #32 to show premium transit stations.
283 Revised since EPC Draft per Condition #22 and Condition #29 to clarify that height standards are modified here, and are not height ‘bonuses’ and to clarify the areas impacted by this regulation. Revised since EPC Draft from Condition #29 for clarity to indicate that the 4 blocks adjacent to the 2 stations within the designated part of the CPO.
284 Revised since EPC Draft per Condition #22 and Condition #30 to clarify that height standards are modified here, and are not height ‘bonuses’ and to clarify the areas impacted by this regulation.
285 Revised since EPC Draft per Condition #1 to enhance consistency with the description and terminology for fenestration requirements between the Building Design and CPO standards. Subsection ‘e’ deleted as unnecessary in light of new definition for “Transparent window or door.”
iv. Additions above Characteristic Buildings shall be vertically aligned with the historic demising walls of the storefronts below (see illustration).  

b. Each ground floor façade facing Central Avenue, shall:
   i. Be built to function as or appear as shopfronts;
   ii. Contain a minimum of 60 percent of its surfaces in clear, transparent windows and/or doors, as measured to include the first 12 feet of building height above the sidewalk, with window sills no higher than 30 inches above the finished floor.

c. Each ground floor façade facing intersecting side streets, to a depth of 150 feet or to an alley or street, whichever occurs first, shall:
   i. Have at least one entrance within 40 feet of Central Avenue;
   ii. Be built to function as or appear as shopfronts or residential façade; and
   iii. Contain a minimum of 60 percent of its surfaces in clear, transparent windows and/or doors, as measured to include the first 12 feet of building height above the sidewalk, with window sills no higher than 30 inches above the finished floor.

d. Each second floor and higher façade facing a public street shall:
   i. Be built to function as or appear as shopfronts or residential façade;
   ii. Non-residential and mixed-use façades shall contain a minimum of 40 percent of its surfaces in clear, transparent windows and/or doors.
   iii. Residential façades shall contain a minimum of 20 percent of its surface in windows, with window sills no higher than 36 inches above the finished floor.

e. Vehicular Access
   i. Vehicular access to the site shall be provided from the alley. Where it is impractical, as determined by the Planning Director, parking ingress and egress to the site may be provided in the following manner:
      a. One ingress, no more than 12 feet in width, is allowed from the side street; or
      b. One ingress/egress location no more than 30 feet in width is allowed to the side street should Subsection a. be infeasible.
   ii. Alternate vehicular ingress/egress may be approved where pedestrian access to storefronts or residences is infeasible due to the adjacent sidewalk grades as determined by the Planning Director.

f. Cross-references
   i. Drive-through Facilities

286 Photograph deleted since EPC per Condition #1. Illustration added since EPC Draft per Condition #31.
287 All cross-references are new since Consolidated Draft. Cross references added since EPC Draft per Condition #22.
ii. Parking
   See Section 14-16-4-5.2.A.\(^{288}\)

iii. Carports
   See Section 14-16-4-5.6.B.1

iv. Walls and Fences
   See Section 14-16-4-7.

v. Building Design
   See Section 14-16-4-11.3 for residential building stepbacks.

vi. Pole Signs
   See Section 14-16-4-12.6.C.1.

vii. Demolition Review
   See Section 14-16-5-5.2.C for demolition review requirements.

7. Rio Grande Boulevard CPO-7\(^{289}\)
   a. Applicability Area
      The CPO-7 standards apply in the mapped area shown. Where the CPO-7 boundary crosses a lot line, the entire lot is subject to the CPO-7 standards.\(^{290}\)

   ![Map of Rio Grande Boulevard CPO-7](image)

   b. Site Standards
      Lot size, width, density, and usable open space shall be provided according to the applicable standards listed in Section 14-16-4-1 (Dimensional Standards).

   c. Setback Standards
      i. Between Alhambra Road and Indian School Road\(^{291}\) (excepting properties in the Los Duranes HPO-5 zone), front, side, and rear yards

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\(^{288}\) Cross-reference added since EPC Draft per Condition #144 to reflect new 14-16-4-5.2.A.1.d.

\(^{289}\) Provisions for Landscaping have been deleted since Consolidated Draft as unnecessary given improved requirements in Section 4-6. “Corridor” removed from CPO title since EPC Draft per Condition #282 to reduce confusion between this use of the term corridor and references to Comp Plan Corridors in the IDO. Revisions made throughout the document.

\(^{290}\) Added since EPC Draft per Condition #1 for consistency with other sections of the IDO.

\(^{291}\) Replaces reference to Subareas 1 and 2 of the Rio Grande SU-2.
facing Rio Grande Boulevard shall have the same building setback requirements as front yards in underlying zone districts.

ii. Between Indian School Road and Montano Road front, side, and rear yards facing Rio Grande Boulevard in all zone districts except R-A shall have minimum building setbacks of 20 feet.

d. Building Standards

i. Building street façades shall be 1 story. If greater building height is desired, subsequent stories must be set back 6 feet from the preceding story on sides of the building adjacent to the street or to abutting properties with residential uses. Building height shall not exceed those allowed in underlying land use zones.

ii. Unfinished concrete masonry unit (CMU) block and untreated metal are not allowed as finish materials for buildings or perimeter walls.

iii. New non-residential development shall have windows, plazas, and porches on the street-side of buildings.

iv. Reflective glass is not allowed on façades facing public streets.

v. Exterior mechanical and electrical equipment must be screened from public view as required by Section 14-16-4-6.7 (Screening of Mechanical Equipment and Support Areas). Such equipment shall be located at ground level unless such a location would adversely affect the streetscape, pedestrian circulations, or open space.

e. Other Development Standards

i. Outdoor Storage and Display

a. All outdoor storage and display of construction equipment, materials, or vehicles (other than as required for temporary construction projects) shall meet the standards in Section 14-16-4-6.7 (Screening of Mechanical Equipment and Support Areas) and in Section 14-16-3.4.T (Construction Contractor Facility and Yard); and

b. Outdoor storage or display of construction equipment and materials (other than as required for temporary construction projects) shall be located at least 10 feet outside the Rio Grande Boulevard right-of-way.

ii. Sidewalk Connections

a. Secondary entrances shall be oriented toward rear and side parking lots.

b. No driveways or parking lots paralleling Rio Grande Boulevard shall be located between new non-residential buildings and the public right-of-way.

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293 Edited since Consolidated Draft to replace 60 degree angle plane with 6-foot setback for each story.
294 Revised since EPC Draft per Condition #1 and Condition #22 to remove the unenforceable requirement that plazas and porches be publicly accessible.
295 Revised since EPC Draft per Condition #1 to enhance consistency with the description and terminology for fenestration requirements between the Building Design and CPO standards.
296 Added since Consolidated Draft to replace screening fence and wall standards that were repetitive of Section 4-6.8.
297 Handicap accessibility standard deleted because ADA requires the same result.
iii. Off-Street Parking

Off-street parking areas shall be designed and landscaped to minimize glare and reflection and reduce the visual impact of large numbers of cars and trucks. Parking and buffering regulations shall be the same as Section 14-16-4-5 (Parking and Loading) with the following exceptions and additions:

a. A minimum of 15 percent of each off-street parking area's ground surface shall be landscaped. Landscaping shall consist primarily of shade trees distributed throughout the parking area.

b. Trees shall be planted so no parking space is farther than 50 feet from a tree.

c. Off street parking for new non-residential development shall be located behind buildings away from the street. On lots less than 200 feet deep, parking may be located behind or beside new or redeveloped non-residential construction.

iv. Lighting

Site lighting regulations shall be the same as Section 14-16-4-7 (Outdoor Lighting), except that the mounting height of lights in vehicle and/or storage areas shall be no higher than the building height or 26 feet, whichever is lower.

8. Sawmill/Wells Park - CPO-8

a. Applicability Area

The CPO-8 standards apply in the mapped area shown. Where the CPO-8 boundary crosses a lot line, the entire lot is subject to the CPO-8 standards.

b. Site Standards

i. Lot Size

a. In the R-T zone district, the following lot sizes are allowed:
i. Minimum lot size for two-family dwelling units on a lot is 7,000 square feet.
   ii. Minimum lot size for each townhouse unit is 3,200 square feet with a minimum lot width of 32 feet.

b. In the R-ML zone district, the following lot sizes are allowed:
   i. Minimum lot size for two-family detached dwelling units on a lot is 2,400 square feet.
   ii. Minimum lot width is 32 feet per dwelling unit.
   iii. Minimum lot size for apartments is 7,000 square feet; the minimum lot width is 70 feet.
   iv. Minimum lot size for two-family detached dwelling units is 1,350 square feet; the minimum lot width is 24 feet

c. In the MX-T zone district, the following lot sizes are allowed:
   i. Minimum lot size for townhouses is 3,200 square feet
   ii. Maximum lot size is 10,000 square feet

ii. Density
   In the R-ML zone district, lots developed as apartments may not contain more than 25 dwelling units per acre.

iii. Usable Open Space
    In the R-ML zone district, the following amounts of usable open space are required for multi-family development:
    a. 400 square feet for each efficiency or one-bedroom dwelling unit.
    b. 500 square feet for each two-bedroom dwelling unit.
    c. 600 square feet for each dwelling unit containing three or more bedrooms.

c. Setback Standards
   i. For low-density residential development in any zone:
      a. Front setback: 15 foot minimum, except that garage fronts shall be set back a minimum of 25 feet from the property line abutting a street.
      b. Side setbacks: 0 foot minimum for internal lots; 10 feet minimum for side streets.
      c. Rear setback: 15 feet minimum; 0 foot minimum for two-family detached dwellings (duplex) and townhouses.
   ii. In the R-ML zone district (except as noted in Subsection 14-16-2-7.2.B.8.c.i above):
      a. Front setback: 15 feet minimum, except on lots abutting Mountain Road, where front setback is 15 feet maximum, with a minimum of 10 feet required between buildings.
      b. Side setbacks: 0 feet minimum, except that a minimum of 10 feet is required between buildings.
      c. Rear setback: 15 feet minimum.
   iii. In the NR-LM and NR-BP zone districts:

302 Usable open space requirements for low-density residential development removed since EPC Draft to be consistent with general standards for low-density residential development.
303 Revised since EPC Draft per Condition #22 to track more closely with the adopted Sawmill/Wells Park SDP.
Front, side, and rear setbacks: 10 feet minimum, except 25 feet minimum adjacent to a Residential zone district, the residential component of a Mixed Use zone district, or a designated trail.

d. Building Standards

i. Building Height
   a. In the R-ML zone district, 26 feet is the maximum building height allowed.
   b. In the R-ML and MX-T zone districts, within 25 feet of the front property line, 15 feet is the maximum building height.
   c. In Non-residential zone districts, 36 feet is the maximum building height allowed.

ii. Residential Building Design

   For all residential development, the following building design regulations apply:
   a. Building exterior materials, colors, window and door styles, and roof slope and materials must be the same or similar on all parts of the structure and on all detached dwelling units on one lot.
   b. The slope of new roofs may not exceed a 45 degree angle.
   c. Half gables or shed roofs may only be used on lean to portions of buildings, on the first story only.
   d. The slope of roofs on new buildings over 15 feet high must be 30 to 45 degrees.
   e. Not more than 50 percent of a building's street frontage width may be garage front.
   f. Front doors must face the street. In townhouse and multiple dwelling unit development, the dwelling unit(s) adjacent to the public right-of-way must face front doors toward the street.
   g. Not less than 12.5 percent of a building façade facing a public right-of-way must be windows.
   h. New windows must be recessed not less than two inches and/or shall be surrounded by a window casing not less than two inches wide.
   i. Unfinished CMU block is not allowed as a finished material for buildings.
   j. Reflective glass is not allowed.
   k. Residential buildings with over 35 linear feet of building façade width facing a public right-of-way must be designed to appear as a collection of smaller buildings.

iii. Non-residential Building Design

   In the MX-T and NR-LM zone districts, the following building design regulations apply.

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304 Separate FAR limit for apartments deleted since Consolidated Draft, as City is moving away from FAR-based regulations.
305 Carried over from the Sawmill/Wells Park SDP since Consolidated Draft.
306 Subsection ‘e’ (about second story additions) has been deleted since EPC Draft per Condition #1 as it is covered in the Building Design standards. Applicability revised since EPC Draft per Condition #1 from R-T to all residential development.
307 R-ML removed from this provision since EPC Draft per Condition #22 for clarity because this provision is about non-residential development.
a. Front doors must face public right-of-way.

b. In the MX-T zone district, a minimum of 25 percent of a building façade facing a public right-of-way must be windows.

c. Unfinished CMU block is not allowed as a finished material for buildings.

d. Reflective glass is not allowed.

e. Non-residential buildings with over 35 linear feet of building façade width facing a public right-of-way must be designed to appear as a collection of smaller buildings.

iv. Enclosures and Screening

a. Non-residential uses within or adjacent to a Residential zone district shall be conducted within a completely enclosed building.

b. All non-residential outdoor storage (including required off-street parking), parking lots, and vehicular circulation areas lots in a Residential zone district, residential uses in a Mixed-use zone district, or civic and institutional uses shall be visually screened with a solid fence or wall at least six feet high and a planting strip of evergreen trees and/or shrubs at least a 10 feet wide.

e. Cross References

i. Residential Second-story Setbacks

See Section 14-16-4-11.3.

9. Volcano Mesa CPO-9

a. Applicability Area

The CPO-9 standards apply to residential development with low-density residential development in the mapped area shown below.

b. Site Standards

Lot size, width, density, and usable open space shall be provided according to the applicable standards listed in Section 14-16-4-1 (Dimensional Standards).

---

308 Added since Module 3 because of wide variety of controls affecting this area. Content is from existing SU-2 regulations. The Northwest Mesa content that previously appeared in this section has been moved to the section on View Protection overlays.
C. **Setback Standards**
   For lots in excess of 10,000 square feet, building setbacks shall be as follows:
   i. Front setback: 25 feet minimum
   ii. Side setback: 15 feet minimum
   iii. Rear setback: 15 feet minimum

D. **Building Standards**
   i. **Building Heights**
      Maximum building height outside the area indicated in Section 14-16-2-7.4.B.2.b as the Northwest Mesa VPO-2 Height Restrictions area shall be 18 feet; however, height may be increased to 26 feet on a maximum of 50 percent of the building footprint.
   ii. **Building Articulation**
      a. No more than 60 linear feet of building wall may occur without a change in material and/or an offset vertically or horizontally of at least 24 inches.
      b. At least 25 percent of the area of the street-façade facing elevations shall be comprised of windows and/or entrances.
      c. Each single-family detached dwelling shall address the street with one of three options below:
         i. A covered porch or stoop at least 5 feet in depth with a floor area of at least 100 square feet and at least 6 feet clear in any direction.
         ii. A walled courtyard with an entry feature, such as but not limited to a gate, easily visible from the public right-of-way and a minimum of 6 feet wide and height between 6 feet, 8 inches and 8 feet, placed within the appropriate setback, connected by a courtyard wall between 4 feet and 5 feet high, and both designed and finished to complement the house in color and architectural style.
         iii. Clear, transparent windows shall be provided on the front façade facing a public street, consisting of any size located within the area 3 feet to 6 feet from the finished floor.
   iii. **Building Design Standards**
      a. **Exterior Finishes**
         Wall finishes may be stucco, masonry, adobe, and/or native stacked stone (or synthetic equivalent). Plain block, wood, and reflective panels shall not be used as an exterior finish. Veneer materials shall extend around exterior corners at least one foot. Brick coping and trims as per traditional New Mexico architectural styles are encouraged. Steel and synthetic wood substitutes are allowed for trim and detailing.
      b. **Roofs**
         i. Reflective and Mansard roofs are prohibited.
         ii. Parapets shall hide flat roofs.
         iii. Solar panels are allowed.

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309 Revised since EPC Draft per Condition #22 for clarity.
310 Revised since EPC Draft per Condition #1 to enhance consistency with the description and terminology for fenestration requirements between the Building Design and CPO standards.
iv. Residential Garage Access
   a. Where alleys are available, residential garages for detached dwellings shall be accessed via the alley. On streets designated collector or lower, residential garages on corner lots shall be accessed from an alley or side street.
   b. Townhouses shall use rear-loaded garages.
   c. Garage types are limited by lot width, as described in Table 2-7-1 and illustrated below.\footnote{Revised to reference table and delete two provisions that reiterate some of the content of the table since EPC Draft per Condition #1 and Condition #22 for clarity.}
   d. Front-loaded three-car garages are not allowed on lots equal to or less than 55 feet wide.
   e. Garage Types D and F may be accessed from either front or side.
   f. Driveway access, including drive pad but exclusive of wings, is limited to 20 feet wide for Garage Types B, C, D, E, and F, except where providing access from alleys.

<table>
<thead>
<tr>
<th>Lot Width</th>
<th>Allowable Garage Types\textsuperscript{(1)}</th>
<th>Front Garage Setback from Main Façade (front-loaded)</th>
<th>Side Garage Setback from Property Line (side-accessed)</th>
<th>Rear Garage Setback from Property Line (rear-loaded)</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt; 40 ft.</td>
<td>A, D</td>
<td>10 ft. min.</td>
<td>5 ft. min.</td>
<td>2 ft. minimum</td>
</tr>
<tr>
<td>≥ 40 ft.</td>
<td>A, B, C, D, E, F</td>
<td>10 ft. min.</td>
<td>5 ft. min.</td>
<td>2 ft. min.</td>
</tr>
</tbody>
</table>

\textsuperscript{(1)} Revised since EPC Draft per Condition #22 for consistency with the adopted Volcano Cliffs, Trails, and Heights plans (as amended in November 2014). Notes deleted as unnecessary since EPC Draft per Condition #1.
v. Residential Garage Design
   a. When viewed from the street, garage doors shall not exceed 50 percent of the total front façade area, inclusive of porches, so that garage doors do not dominate the front façade.
   b. Garage Type D shall have a minimum of five linear feet of fenestration on the street façade and be articulated to resemble the main structure.
   c. Garages other than Type D shall be set back from the main façade of the dwelling unit. The main façade shall share a common roof with the dwelling and garage.
   d. Three-car garages on lots greater than 55 feet wide shall have a third garage setback of two feet minimum from the primary garage façade.
Chapter 14-16-2: Zone Districts

2-7.3: Historic Protection Overlay Zone

A. Purpose

The purpose of the Historic Preservation Overlay (HPO) zone is to preserve, protect, enhance, perpetuate, and promote the use of structures and areas of historical, cultural, architectural, engineering, archeological, or geographic significance located in the city; to strengthen the city's economic base by stimulating the tourist industry; to enhance the identity of the city by protecting the city's heritage and prohibiting the unnecessary destruction or defacement of its cultural assets; and to conserve existing urban developments as viable economic and social entities. Properties in this district should have one or more of the following characteristics:

1. Embody the distinctive characteristics of a type, period, or method of construction;
2. Portray the environment of a group of people in an era of history characterized by a distinctive architectural type.
3. Have yielded, or are likely to yield, information important in history or prehistory.
4. Possess high artistic value or
5. Have a relationship to designated landmarks or a registered historic district that makes the area's preservation critical.

Cross References
i. All development within Volcano Mesa is subject to color limitations as specified in Section 14-16-2-7.4.B.2 (Northwest Mesa Escarpment – VPO-2).

2-7: Overlay zones

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313 From existing Chapter 14-12 (Landmarks and Urban Conservation). Materials on the creation and powers of the Landmarks Commission and fees for different approvals appear in Chapter 14-16-5 with the descriptions of other review and decision-making bodies. Materials in Section 14-12-7(E) on mapping to correlate historic designations with the Zoning Ordinance deleted as no longer necessary. Materials on decision time limits, fees, and procedures are in the administration and enforcement chapter. Provisions listing legal authority and clarifying that underlying zoning provisions still apply, and addressing nonconformities are included in the IDO chapters on General Provisions and Administration.

314 Combines existing purpose and intent stations.

315 Revised since the EPC Draft per Condition #1 for clarity.
B. Designated Historic Protection Overlay Zones\textsuperscript{316}

1. East Downtown HPO-1\textsuperscript{317}

a. Applicability Area\textsuperscript{318}

The HPO-1 standards and guidelines apply to all buildings that have been identified as significant and contributing to the relevant historic era and City landmarks listed in the Huning Highland National District on the National Register of Historic Places within the mapped area shown. For City landmarks, the Landmark Guidelines shall prevail over these standards and guidelines. Construction of new structures within the HPO-1 shall comply with the standards in Section 14-16-2-7.2.B.3 (East Downtown – CPO-3).

b. Standards and Guidelines\textsuperscript{319}

i. General Guidelines\textsuperscript{320}

a. Height shall be maintained as is, and in the case of additions, alterations or new construction, not exceed neighboring building heights.

b. Mass and scale shall be maintained as-is or proportional to other buildings on the block in the case of additions/alterations.

c. Setbacks shall be maintained as is to preserve the pattern of building fronts and setbacks from the street.

\textsuperscript{316} Each individual historic district, plus the H-1 district, are listed separately. Specific standards (in addition to links to approved standards and guidance documents) may be included for some of these districts. Since Module 1, the EDO/UCOZ area has been removed as a designated historic district, and is instead now regulated as a CPO overlay zone. Individual designated landmarks in the area are still subject to the IDO historic protection regulations and review by the Landmarks Commission.

\textsuperscript{317} Since module 1, the EDO/UCOZ areas have now been divided into a CPO zone district and an HPO zone. These standards are derived from the existing EDO historic preservation district standards. Staff is continuing to review the combined historic/character protection standards to carry out the intent of the existing regulations in a format that is simpler to administer. Content on lighting and signage have been deleted because they are covered by citywide standards since Consolidated Draft. Renamed since the Consolidated Draft to reflect the historic context of Huning Highland.

\textsuperscript{318} Section revised since EPC Draft per Condition #34 to clarify that HPO-1 provisions apply only to existing buildings within the mapped area, not to new development in the area. Content moved from Subsection b per Condition #1 for consistency and clarity. Map revised since EPC Draft per Condition #35 to include the portions of the SW block that lie within the HPO. The rest of the block is in the EDO CPO - 3.

\textsuperscript{319} Revised since Consolidated Draft to delete standards that have proven too vague to apply consistently. Reference to construction on sites of demolished landmarks deleted since Consolidated Draft. Revised since Consolidated Draft to clarify the standards and process required for new construction. After adoption of the IDO, these revised standards will be moved to the Planning website, consistent with the other HPO zones. Last sentence is new since Consolidated Draft.

\textsuperscript{320} Revised since EPC draft for clarity per Condition #1.
d. Profiles shall maintain the geometry created by similar shapes and sizes; for example, by pitched roofs.
e. Exposed materials and features shall comply with the standards in Section 14-16-2-7.2.B.3 (East Downtown – CPO-3).
   i. If an addition or alteration is made to historic building, all materials shall be compatible with materials on that building.
   ii. Original exposed materials should not be covered by other materials.

ii. Residential Buildings
   a. Rehabilitation, renovation, and alterations shall:
      i. Preserve unusual and irreplaceable architectural details.
      ii. Keep original building materials (i.e. wood, brick) whenever possible.
      iii. Avoid the use of inappropriate materials (i.e. plastic, metal).
      iv. Not necessarily attempt literal duplication of historic architectural styles in additions to existing structures.
      v. Keep original door, window, and roof shapes and arrangements; use of wooden window elements is encouraged; if metal frames must be used, a shiny metallic appearance must be avoided.

   b. Additions to these buildings shall be:
      i. Oriented to the alley or setback from the front façade, if placed on the side.
      ii. Related to the rest of the building in scale, mass, and shape.
      iii. Appropriate in material and color.
      iv. Compatible with the original structure in window design.
      v. Compatible with the original structure in terms of roof slope and shape.

   c. If any outbuildings are listed as significant or contributing, they shall be treated as main buildings.

iii. Commercial Buildings - Rehabilitation/Renovation/Alteration
   a. Existing setbacks shall be maintained.
   b. Storefronts shall be oriented toward the main pedestrian way. Blank façades are not allowed; window openings should encourage and enhance pedestrian traffic.
   c. On-site parking shall be located in the rear of the property or to the side of the building when adjacent to a side street.
   d. Altered façades shall closely resemble the architectural style of the original façade. The alteration of façades to resemble architectural styles not common to the era when the structure was built is not allowed.

iv. Site Design
   a. Main entrances of buildings shall be oriented to the pedestrian approaching from the sidewalk on the most-used street adjacent to the façade of the building. Parking for cars shall be at the rear of the primary structure.\textsuperscript{321}

   b. Installation of new trees and retention of existing healthy trees is encouraged. New trees should be disease-resistant and similar in shape, type, and size at maturity to those existing in the area.

\textsuperscript{321} Missing words “primary structure” added sine Consolidated Draft.
c. The patterns of existing walls, steps, and raised entrances shall be maintained.

d. New fences on these properties shall be wood, stone, brick, adobe, or wrought iron. Chain link is not allowed.

v. Energy Efficient Design

Additions to existing structures of these building types to allow the use of solar energy to increase energy efficiency are allowed. The design of such elements must be integrated into the overall building pattern with particular emphasis on preserving façades and roof slope and shape. Solar panels should not be visible from the front street.  

vi. Interiors

No interior elements are governed by these HPO-1 standards. However, if the structure is a City landmark, interior guidelines may be applicable to that structure only, according to the guidelines for that landmark.

2. Eighth/Forrester HPO-2

a. Applicability Area

The HPO-2 standards and guidelines apply in the mapped area shown.

b. Standards and Guidelines

The standards and guidelines applicable in the HPO-2 zone are available online: [http://www.cabq.gov/planning/documents/8forresterdesign.pdf](http://www.cabq.gov/planning/documents/8forresterdesign.pdf)

3. Fourth Ward HPO-3

a. Map

The HPO-3 standards and guidelines apply in the mapped area shown.

322 Revised since EPC Draft to replace reference to “Secretary’s Standards for Rehabilitation” with an applicable provision per comments from Historic Preservation planner.
b. **Standards and Guidelines**

The standards and guidelines applicable in the HPO-3 zone are available online: [http://www.cabq.gov/planning/documents/fourthwarddesign.pdf](http://www.cabq.gov/planning/documents/fourthwarddesign.pdf)

4. **Huning Highland HPO-4**

a. **Applicability Area**

The HPO-4 standards and guidelines apply in the mapped area shown.

b. **Standards and Guidelines**

The standards and guidelines applicable in the HPO-4 Huning Highland zone are available online: [http://www.cabq.gov/planning/documents/HuningHighlandHistoricOverlayZoneGuidelines0811.pdf](http://www.cabq.gov/planning/documents/HuningHighlandHistoricOverlayZoneGuidelines0811.pdf)
5. Old Town HPO-5

a. Applicability Area

The HPO-5 standards and guidelines apply in the mapped area shown.

b. Architectural Style

The Spanish Colonial, Territorial, or Western Victorian architectural styles of building and structures erected prior to 1912 in the area now constituted as the State of New Mexico comprise the traditional architectural character of the Old Town HPO-5 zone.

c. Maximum Building Height

Maximum building height is 26 feet, unless the Landmarks Commission (LC) requires a lower height to protect the historic character of the area.

d. Building Setback

Up to but not exceeding those required in the R-1 zone district, or as determined by the LC to protect the historic character of the area.

e. Minimum Parking and Loading

None, except that one 9-foot by 25-foot off-street loading space shall be provided for each property with primarily commercial uses if there is ground floor space available on the lot to accommodate that loading space.

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323 Existing Sec. 14-16-2-25 H-1 Zone, which is now an Overlay zone like all other historic protection controls. Provisions in existing Sec. 14-16-2-25(D) regarding drafting of guidelines for the H-1 District were not carried over, since those guidelines have been drafted. Provisions in 14-16-2-25(H) were not carried over since the requirement for a Certificate of Appropriateness is covered elsewhere in this Section 7.3. The Old Town H-1 buffer area controls were not carried over in this section, but are reflected in dimensional (particularly building height) standards applicable to those areas in the Module 2 Dimensional Standards if needed. Sec.14-16-2-25(I) deleted since the Consolidated Draft to remove reference to FAR. Controls on outdoor retailing moved to Use-specific Standard since Consolidated Draft.

324 Map updated since EPC Draft per Condition #36 and Condition #37 in response to LUCC comments.

325 Sec.14-16-2-25(F). Revised since EPC Draft per Condition #39 to remove text related to “otherwise provided in this IDO” as contrary to the purpose of the HPO standards and based on guidance from Historic Preservation Planner. No revision made since EPC Draft per Condition #38 (recommended taking this height to 30 feet to be consistent with other IDO standards) in response to guidance from historic preservation planner.

326 Sec.14-16-2-25(H).

327 Sec.14-16-2-25(J). Requirement that all parking lots come into compliance with landscaping standards within one year of adoption of the historic standards was deleted because that date has passed.
f. **Landscaping**

At least 15 percent of the ground area of parking lots (measured including driveways) shall be landscaped to meet the standards of Section 14-16-5-3.5 (Landscaping, Buffering, and Screening).\(^\text{328}\)

**g. Signs**\(^\text{329}\)

i. **Prohibited Signs**

a. No sign that flashes or blinks shall be allowed. No visible bulbs, neon tubing, luminous paint, or plastics (with the exception of vinyl lettering) shall be allowed as part of any sign.

b. No sign shall move. No streamers shall be allowed.

ii. **Off-premises Signs**

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

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

c. Sign height shall not exceed 10 feet.

iii. **On-premises Signs**\(^\text{330}\)

a. All signs attached to a structure fronting on Old Town Plaza or within a 150 foot radius of the exterior boundaries of the Plaza Park shall be wall signs or canopy signs.

b. Business not fronting on Old Town Plaza and not within a 150 foot radius of the exterior boundaries of the Plaza Park may have free-standing or projecting signs.

c. No more than 2 signs are allowed for any one business except that a business having frontage on 2 or more streets will be allowed a total of 3 signs. A composite group of small signs integrated into one framed unit shall be considered as one sign.

d. No wall sign's area shall exceed 8 square feet except that a wall sign on a façade abutting an arterial or collector street or a wall sign on a front façade that is wholly visible from an arterial street shall not exceed 16 square feet.

e. No non-wall sign's area shall exceed 3 square feet on each of one or 2 sides.

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

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

h. Premises with 2 or more buildings, at least one of which does not front directly on the public right-of-way, are allowed an additional sign, provided that all of the following provisions are met:

i. Sign height shall not exceed 10 feet above grade.

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\(^{328}\) Reworded and cross-reference added.

\(^{329}\) Added from existing section 14-16-2-25-B.8 and B.9 since Consolidated Draft.

\(^{330}\) Text revised since EPC Draft and per Condition # 194 to remove reference to sign content per the Reed v. Gilbert decision.
ii. The sign area shall not exceed one-half square foot for each business located on the premises.

iii. The total sign area shall not exceed 20 square feet.

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

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

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

h. Additional Standards and Guidelines

Provisions adopted by the LC for the HPO-5 zone, including the requirements of the Rio Grande CPO-6 regarding off-street parking areas, shall also apply to parking lots. Additional standards and guidelines applicable in the Old Town HPO-5 zone are available online:


i. Cross-references 331

   i. See Section 14-16-2-7.2.B.7 (Rio Grande Boulevard CPO-7).

   ii. See also Section 14-16-3-3.4.DD (General Retail) for provisions for outdoor retailing and outdoor display.

   iii. See also Section 14-16-4-5.2.A (Parking and Loading Exemptions) for provisions related to off-street parking requirements.

   iv. See also Section 14-16-4-11.6.F.4.b for provisions prohibiting portable signs.

   v. See also Section 14-16-4-11.5.H for provisions related to architectural and aesthetic compatibility of signs.

6. Silver Hill HPO-6

   a. Applicability Area

   The HPO-6 standards and guidelines apply in the mapped area shown.

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331 Additional cross-references added since EPC Draft per Condition #22 for clarity.
b. Standards and Guidelines
The standards and guidelines applicable in the HPO-6 zone are available online:

C. Designated City Landmarks
1. The list of individually designated City landmarks is available online:
2. Maintenance requirements for City landmarks can be found in Section 14-16-4-13.2.C.332

D. Designation of Historic Protection Overlay Zones and City Landmarks333
1. Landmark sites or structures and HPO Zones may be designated by the City Council pursuant to Section 14-16-5-5.3.C (Adoption or Amendment of HPO Zone or Designation of a Landmark Site or Structure).
2. Restrictions on and procedures for demolition of landmark structures and structures in HPO zones are regulated pursuant to Section 14-16-5-5.2.D (Historic Certificate of Appropriateness – Major).

E. Certificate of Appropriateness Required334
Within the boundaries of an HPO zone or on a City landmark, the exterior appearance of any structure, including but not limited to any sign, shall not be altered, new structures shall not be constructed, and existing structures shall not be demolished until a Certificate of Appropriateness is approved pursuant to Section 14-16-5-5.1.D (Historic Certificate of Appropriateness – Minor) or Section 14-16-5-5.2.D (Historic Certificate of Appropriateness – Major).335

332 Added since EPC Draft in response to staff comment to ensure maintenance of landmarked properties.
333 Procedures for designation of structures and districts from Chapters 14-12 and 14-16 are listed in the procedures and administration chapter. Subsection 2 added since Consolidated Draft.
334 Certificate of Appropriate process is one of many IDO procedures, and existing provisions appear in the procedures and administration chapter.
335 Revised since Consolidated Draft.
F. Wireless Telecommunications Facilities

Where allowed, Wireless Telecommunications Facilities located in a designated HPO zone shall comply with the Use-specific Standards in Section 14-16-3-3.5.I.336

2-7.4. VIEW PROTECTION OVERLAY ZONE337

A. Purpose

The purpose of the View Protection Overlay (VPO) zone is to preserve areas with unique and distinctive views that are worthy of conservation, such as those from public rights-of-way to cultural landscapes identified in the ABC Comp Plan, as amended.338

B. Regulations Applicable to Specific Areas

1. Coors Boulevard – VPO-1339

a. Applicability Area

VPO-1 standards apply in mapped area shown. Where the VPO-1 boundary crosses a lot line, the entire lot is subject to the VPO-1 standards.340

b. Protected Views

Views protected by this VPO-1 are from Coors Boulevard, along the segment between Western Trail/Namaste Road and Alameda Boulevard, looking toward the Rio Grande Bosque and Sandia Mountains.341

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336 Cross-reference new since Module 3.
337 This is a new overlay zone designed to collect provisions from various SU-2 zone districts and other controls aimed at protecting views. Provisions addressing the siting of telecommunications towers are contained in the use-specific standards for those towers, and provisions addressing the design and location of fences are located in the fencing regulations. Utility undergrounding requirements will also appear as part of subdivision standards in Chapter 14-16-4. La Cueva VPO included in Module 1 was deleted, since views were undefined and applicability unclear.
338 Revised since EPC Draft per Condition # 41 to provide clarity about where VPOs can be established in the future.
339 This section carries forward the view protections of the existing/adopted Coors Corridor plan (not the recently proposed amendments to that plan), and may need to be refined during later phases of the IDO project to make the content simpler and more administrable. Revised for clarity and accuracy since Module 1 and again after Module 3. Hardship exception and exceptional design option was not carried over, since options to get relief from the IDO provisions are now covered in Section 14-16-5 (Administration and Procedures). Section on compliance removed since Module 3. All compliance is checked through procedures in Section 14-16-5. “Corridor” removed from VPO title since EPC Draft per Condition #282 to reduce confusion between this use of the term corridor and references to Comp Plan Corridors in the IDC. Revisions made throughout the document.
340 Added since EPC Draft per Condition #1 for consistency with other sections of the IDO.
341 Revised for accuracy since Module 3.
c. **Definitions**

The terms defined and illustrated below are used in the standards of this VPO-1.

i. **Sight Lines**

Lines that begin at the east edge of the Coors Boulevard right-of-way and follow a 45 degree angle to the road alignment, in an approximately northeast direction toward the Sandia ridgeline. Sight lines are required to intersect the highest point(s) of the proposed building(s) on the site and the lowest elevation(s) of the Coors Boulevard right-of-way abutting or nearest the site.

![Sight Line Diagram]

ii. **View Area**

The area within a view frame or a series of view frames associated with a given site, depending on the number of sight lines that cross that site. See also View Frame.

iii. **View Frame**

A vertical rectangular frame drawn perpendicular (i.e. 90 degrees) to a given sight line through the highest point of the proposed building. The top of the view frame is established by the highest point of the Sandia ridgeline in the view frame. The bottom of the view frame is the elevation of the Coors Boulevard right-of-way where the sight line begins. The left and right edges of the view frame are an upward projection of the property lines at the site boundary where the view frame intersects the property lines. As many view frames as necessary to capture all the sight lines on a site will be required.

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342 Relocated since Consolidated Draft. Definitions for Coors CPO removed since Consolidated Draft, as they do not appear in the CPO language. Relocated back to this section from the definitions section since EPC Draft per Condition #280. Section revised as necessary to reflect this change and for clarity and consistency. Where used in these definitions, the term “property” was replaced with “site” and the term “sighting line” was replaced with “sight line” since EPC Draft per Condition #1, Condition #280, and Condition #281 for clarity and consistency. All VPO-2 graphics updated since EPC Draft per Condition #1 to reflect revisions made in this section.

343 Reorganized to keep Coors VPO terms together and illustrations added since Consolidated Draft. Definition and illustration revised since EPC Draft in response to public comment and staff review.

344 Illustration removed (and included in View Frame illustration) and reference to View Frame added since EPC Draft per Condition #279 for clarity. Definition revised since EPC Draft in response to public comment and staff review.

345 Revised since EPC Draft per Conditions #281 and #283. Definition and illustration revised further since EPC Draft in response to public comment and staff review.
iv. View Plane\textsuperscript{346}

A view plane 4 feet above the elevation of the east edge of the east driving lane on Coors Boulevard and extending horizontally above sites located east of Coors Boulevard.

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\textsuperscript{346} This definition may be revised to define an eastern edge to the view plane. Definition and illustration revised since EPC Draft per Condition #280 and for consistency.

\textsuperscript{347} Revised from existing plan and after Module 3 based on experience administering the existing regulations.
e. **Height, Bulk, and Massing**

i. No more than one third of the height of structures (including walls and fences) shall be allowed to penetrate above the view plane as shown in figure below. On lots with developable area that is constrained because it is less than or equal to 10 feet below the elevation of the east edge of Coors Boulevard and may also include sensitive lands (See Section 14-16-4-2.3), a total height of 16 feet for single-family residential and 20 feet for other uses is allowed.

![Diagram](image)

ii. Not more than 50 percent of the view area for a property shall be obscured by the bulk of the structure(s) (including walls and fences) placed on the property.

![Diagram](image)

iii. Projects containing several buildings should provide variety in building size and massing. A transition from low buildings on roadway frontages to larger and taller structures on the interior of the property is encouraged.

![Diagram](image)
Chapter 14-16-2: Zone Districts

2-7: Overlay zones

2-7.4: View Protection Overlay Zone

f. Colors\textsuperscript{349}
   i. The exterior surfaces of structures, including but not limited to mechanical devices, roof vents, and screening materials, shall be colors with light reflective value (LRV) ranging from 20 percent to 50 percent. This middle range of reflectance is intended to avoid very light and very dark colors.
   ii. Allowable colors include the browns and greens existing within the Bosque.
   iii. Trim materials on façades constituting less than 20 percent of the façade’s opaque surface may be any color.

g. Site Landscaping Within Coors Boulevard Setback
   i. Any private landscaping other than trees shall not be higher at maturity than the view plane.\textsuperscript{350}
   ii. Tree varieties shall be selected for small “see through” type foliage texture and shall be planted singularly or in small groupings with concern for enhancing, not blocking, views to the east.

2. Northwest Mesa Escarpment – VPO-2
   a. Applicability Area
      The VPO-2 standards apply in the mapped area shown. Where the VPO-2 boundary crosses a lot line, the entire lot is subject to the VPO-2 standards.\textsuperscript{351}

b. Protected Views
   Views protected by this VPO-2 are looking toward Petroglyph National Monument, the Volcanic Escarpment, and the Volcano Mesa from the east.\textsuperscript{352}

\textsuperscript{349} Added since the EPC Draft per Condition #42 to add clarity to the VPO-1 requirements.
\textsuperscript{350} Exception for trees added since Module 3. Provision about branch height removed as duplicative of landscape regulations since Consolidated Draft.
\textsuperscript{351} Map revised since Module 3.
\textsuperscript{352} Added since the EPC Draft per Condition #40 to provide clarity.
C. **Structure Height**\(^{353}\)

i. Structure height in the sub-area labeled “Height Restrictions” as shown the hatched area above shall not exceed 15 feet, as measured from natural grade.

ii. For properties within the Height Restriction area with undulating terrain that would require fill as part of site grading, the EPC may grant a Variance if the applicant demonstrates that the impact of the proposed development on views to and from the escarpment will be the same as, or less than, the impact if the 15-foot height limit were met.

iii. Additional height may be requested through a Variance – EPC per Section 14-16-5-5.2.L for requests associated with a Site Plan – EPC or a Variance – ZHE per Section 14-16-5-5.2.J for other applications for any of the following allowable exceptions:

   a. A Variance up to four feet of additional height for non-residential structures may be allowed in order to screen rooftop equipment.\(^ {354}\)

   b. On properties for which the 15-foot restriction above natural grade would render the lot undevelopable, the EPC may grant the minimum Variance that would allow the lot to develop for the least intense permissive primary uses.

   c. For low-density developments of 1 dwelling unit per net acre or less that reserve a minimum 200-foot setback from the escarpment face (i.e. 9 percent or greater slopes), a Variance up to 26 feet above natural grade may be granted.

iv. When a Variance is requested for structure height within the Height Restriction area, the visual impact of additional structure height on views to and from the escarpment shall be minimized via at least one of the following techniques:

   a. **Height/Slope**

   
   An increase in height in response to slope to produce a stepped-down effect and a smooth transition in scale. For example, one foot of additional structure height may be granted for every 3-4 feet of drop in ground elevation from a base elevation established at the escarpment face (i.e. where the 9% slope line begins). Buildings could also be depressed below the natural grade.

   b. **View Corridors**

   
   Two-story construction that is located and designed so that massing maintains views to the escarpment at the perimeter of the site, or at the nearest public road (whichever offers the predominant public views) and views from the escarpment – primarily from public trails and access points. The intent is to preserve the maximum amount of unobstructed lateral views to

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\(^{353}\) Revised since EPC Draft per Condition #43 to reflect adopted amendments to the NWMEP in 2016 per R-16-127 to allow additional exceptions above natural grade for lots that would be otherwise undevelopable. Revised since EPC Draft per Condition to be consistent with edits made to other sections

\(^{354}\) Revised since Module 3 to delete 26 foot height exception for some structures more than 200 feet from escarpment face, based on review of adopted SU-2 regulation.
the base of the escarpment. (If the site is located above the escarpment, the views will be to the top of the escarpment.)

c. Height/Slope/Setback
Structures set back from major public views (i.e. views from the site perimeter, nearest public road, public trails, or access points along the escarpment; views to the east, west, south, and north property lines; or views to the escarpment) so that building height increases in proportion to the size of the setback and the slope without increasing the visual impact from a particular vantage point.

d. Colors
The exterior surfaces of structures, including but not limited to mechanical devices, roof vents, and screening materials, shall be colors with light reflective value (LRV) ranging from 20 percent to 50 percent. This middle range of reflectance is intended to avoid very light and very dark colors.\textsuperscript{355}

i. Colors include the yellow ochers, browns, dull reds, and grey-greens existing on the Northwest Mesa and escarpment, exclusive of the basalt.

ii. Trim materials on façades constituting less than 20 percent of the façade’s opaque surface may be any color.

e. Reflectivity
Reflective glass is not allowed.\textsuperscript{356}

f. Roof-mounted Equipment
No exposed roof-mounted heating, ventilation, and air conditioning equipment shall be allowed. Any such equipment shall be fully screened from view from the ground and from the escarpment.

C. Wireless Telecommunications Facilities
Where allowed, Wireless Telecommunications Facilities located in a designated VPO zone or view corridor identified in Section 14-16-3-3.5.I.2.h shall comply with the standards in those sections, in addition to relevant Use Specific Standards specified in Section 14-16-3-3.5.I.\textsuperscript{357}

D. Deviations
Administrative deviations from VPO zone standards are not allowed. Variations from these standards are only available pursuant to Section 14-16-5-5.2.J (Variance – ZHE) or Section 5-5.2.L (Variance – EPC), which require a public hearing.\textsuperscript{358}

\textsuperscript{355} Revised per Volcano Cliffs, Volcano Trails, and Volcano Heights Sector Development Plans and references to vents, screening devices, and mechanical equipment added since Consolidated Draft.

\textsuperscript{356} Revised since EPC Draft per Condition #1 to enhance consistency with the description and terminology for fenestration requirements between the Building Design and CPO standards. The quantification of reflectivity has been added as a new definition, “reflective or mirrored glass.”

\textsuperscript{357} Cross-reference new since Module 3.

\textsuperscript{358} New since Module 3. Applied to all VPOs since Consolidated Draft.
Chapter 14-16-3: Use Regulations

3-1 GENERAL

The allowable land uses in each zone district are indicated in Table 3-2-1 (Use Table) below. Additional uses of property or restrictions on the use of property may be contained in the description of the specific district in Sections 14-16-2-3 through 14-16-2-6.2 (Base Zone Districts), or in an Overlay zone applicable to the property in Section 14-16-2-7. If the property is located in a PD (Planned Development) zone district, the uses allowed on that property, and any related standards, are documented in the approved Site Plan for that property on file with the City Planning Department.

3-1.1 ABBREVIATIONS

A. A “P” in a cell of Table 3-2-1 (Use Table) indicates that the use is Permissive Primary (i.e. a primary use allowed by-right in that zone district), subject to compliance with any Use-specific Standards referenced in the right-hand column of that line of the table.

B. A “C” in a cell of Table 3-2-1 (Use Table) indicates that the use is Conditional Primary (i.e. a primary use allowed only after the applicant obtains a Conditional Use Approval pursuant to Section 14-16-5-5.2.A) and subject to any Use-specific Standards referenced in the right-hand column of that line of the table.

C. An “A” in a cell of Table 3-2-1 (Use Table) indicates that the use is Permissive Accessory (i.e. allowed as an accessory use compatible with a Permissive Primary or Conditional Primary use on the lot), and is subject to any Use-specific Standards referenced in the right-hand column of that line of the table.

D. A “CA” in a cell of Table 3-2-1 (Use Table) indicates that the use is Conditional Accessory (i.e. an accessory use allowed only after the applicant obtains a Conditional Use Approval pursuant to Section 14-16-5-5.2.A) and subject to any Use-specific Standards referenced in the right-hand column of that line the table.

E. A “CV” in a cell of Table 3-2-1 (Use Table) indicates that the use is allowed in a structure has been vacant for a period of five or more years, only after the applicant obtains a Conditional Use Approval pursuant to Section 14-16-5-5.2.A and subject to any Use-specific Standards referenced in the right-hand column of that line of the table.

F. A “T” in a cell of Table 3-2-1 (Use Table) indicates that the use is allowed as a temporary use, subject to any Use-specific Standards referenced in the right-hand column of that line of the table.

3-1 This is a new section to provide explanatory information leading into the Use Table.

360 Revised since EPC Draft per Condition #1 for clarity.

361 Revised since EPC Draft per Condition #1 and Condition #44 for clarity. Clarified language used for what types of uses are allowed where (i.e. Permissive Primary, Conditional Primary, Permissive Accessory, Conditional Accessory, Conditional if Vacant). These revisions are reflected in Table 4-3-1 and throughout the IDO where necessary.

362 Revised since EPC Draft per Condition #1 and Condition #44 to indicate that accessory uses must be ‘compatible with’ permissive uses, not ‘only in support of’ permissive uses and to move exception for WTFs to the Use-specific Standard for that use. Revised since EPC Draft to remove language about transit facilities and WTFs not needing to be accessory to the main use on the site (Condition #43) because it is unnecessary given revision from “in support of” to “compatible with.”

363 Added since EPC Draft per Condition #1 to ensure that all abbreviations used in table 3-2-1 are defined.

364 Revised from 10 years since Consolidated Draft in response to public comments.
column of the table and as permitted pursuant to Section 14-16-5-5.1.H (Temporary Use Permit).

G. A “/” in a cell of Table 3-2-1 (Use Table) indicates that the use is either permissive or conditional, as specified in the Use-specific Standards referenced in the right-hand column of that line in the table.365

H. A blank cell in Table 3-2-1 (Use Table) indicates that the use is not allowed in that zone district.

3-1.2. MULTIPLE USES

A. A development may include multiple primary uses, including a combination of residential and non-residential uses, provided that each use is listed as an allowable Permissive Primary use or a Conditional Primary use in that zone district, that a Conditional Use Approval pursuant to Section 14-16-5-5.2.A is obtained for any Conditional Primary use, all Use-specific Standards applicable to each use are met, and the development complies with all applicable density, dimensional, impervious surface, development, and performance standards in Chapter 14-16-4 (Development Standards).

B. In Mixed-use and Non-residential zone districts, accessory uses may be on a lot abutting the primary use.366

3-1.3. UNLISTED USES367

When a proposed land use is not explicitly listed in Table 3-2-1 (Use Table), the Zoning Enforcement Officer (ZEO) shall determine whether or not it is included in the definition of a listed use or is so consistent with the size, scale, operating characteristics, and external impacts of a listed use that it should be treated as the same use. In making this determination, the ZEO shall consider the scale, character, traffic impacts, storm drainage impacts, utility demands, and potential impacts of the proposed use on surrounding properties. The ZEO’s interpretation shall be made available to the public on the City Planning Department website and shall be binding on future decisions of the City until the ZEO makes a different interpretation or this IDO is amended to treat the use differently.

3-1.4. PREVIOUSLY ALLOWED USES368

A. Each use that exists on the effective date of this IDO that is required by this IDO to obtain a Conditional Use Approval, but that was a permissive use or an approved conditional use prior to the effective date of this IDO is deemed to have a Conditional Use Approval to continue operation in structures and on land areas where the operation was conducted prior to the effective date of this IDO and to expand operations without the need to obtain a Conditional Use Approval, provided that the expansion complies with all Use-specific Standards and other requirements of this IDO (other than the requirement for a Conditional Use Approval).

365 Provision added since EPC Draft per Condition #1 to provide additional clarity about how to read Table 3-2-1.
366 Revised since EPC Draft per Condition #46 to clarify that accessory uses in MX and NR zone districts are permissive on an abutting lot.
367 New provisions to describe a new process for approving unlisted uses. Revised since EPC Draft per Condition #47 to refer to the Zoning Enforcement Officer instead of the Planning Director in order to increase clarity.
368 New provision since Zoning Code to simplify transition to the new IDO. Applicability to expansions of Permissive Uses that become Conditional Uses under the IDO clarified since Consolidated Draft. Revised since EPC Draft per Condition #48 from Permissive to Allowed for clarity.
B. Each use that exists on the effective date of this IDO that was a permissive use or an approved conditional use prior to the effective date of this IDO and that is not allowed in the IDO zone district where it is located is a nonconforming use. See Section 14-16-5-6 (Nonconformities).  

3-1.5. REQUIRED STATE LICENSES OR PERMITS

All uses required by the State of New Mexico or by another public or quasi-public or regulatory agency to have an approval, license, or permit to operate are required by the City of Albuquerque to have that State approval, license, or permit in effect at all times, and failure to do so constitutes a violation of this IDO.

3-1.6. PERMISSIVE USES IN THE NR-SU ZONE DISTRICT

Each NR-SU district is adopted for a specific primary use not allowed in a base zone district. Accessory uses that listed as allowable in NR-SU in Table 3-2-1 and found to be compatible or complementary to the primary use may be approved, subject to use-specific standards and any other appropriate layout and standards deemed necessary by the relevant decision-making body.

3-1.7. ALLOWABLE USES IN THE NR-PO ZONE DISTRICT

A. NR-PO-A: Uses may be specified in Master Plans or Site Plans beyond those listed by Table 3-2-1, as approved by the City Parks and Recreation Department.

B. NR-PO-D: The BioPark is regulated by a Master Plan, which specifies allowable uses associated with the ABQ BioPark Zoo, Aquarium, Botanic Gardens, and Tingley Beach facilities, as approved by the City Cultural Services Department.

3-1.8. SPACING OF USES

Where a specific use is required to be separated from a protected use by a minimum distance, and the specific use complies with those standards, the later arrival of a protected use located within the minimum spacing distance does not make the specific use subject to the spacing requirement nonconforming, subject to the discontinuance provisions of Section 14-16-5-6.3.B (Discontinuance of Nonconforming Use), and does not limit the ability of the specific use to expand if such expansion would have been allowed before the arrival of the protected use.

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369 Revised Section A and added Section B since the EPC Draft per Condition #48.
370 New provision to avoid having to repeat this requirement for all uses subject to a State license, and because the list of those uses changes over time.
371 Revised since EPC Draft per Condition #1 to make clear that accessory uses are also permissive, subject to approval by the decision-making body.
372 New since Consolidated Draft. Revised since EPC Draft per Condition #48 from Permissive to Allowed for clarity.
373 Revised since EPC draft to clarify that Master Plans and Site Plans for NR-PO-A zone districts are reviewed and approved by the Parks and Recreation Department.
374 Revised since EPC Draft per Condition #1 to clarify that Cultural Services can approve uses in the BioPark Master Plan.
375 Revised since Module 2 to clarify that standard discontinuance provisions still apply.
376 Last clause on expansion added since Consolidated Draft.
## 3-2 USE TABLE

**TABLE 3-2-1: Use Table**

<table>
<thead>
<tr>
<th>NEW ZONE DISTRICT &gt;&gt;</th>
<th>Residential</th>
<th>Mixed-use</th>
<th>Non-Residential</th>
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</thead>
<tbody>
<tr>
<td>R-A</td>
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<td>P</td>
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</tr>
<tr>
<td>R-1</td>
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</tr>
<tr>
<td>R-MC</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>R-T</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>R-ML</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>R-MH</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>MX-T</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>MX-L</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>MX-M</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>MX-H</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>NR-C</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>NR-TP</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>NR-TAO</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>NR-3</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>NR-2</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>NR-3SU</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>NR-PO</td>
<td>P</td>
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<tr>
<td>NR-PO</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Use-specific Standards</td>
<td>P</td>
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</table>

### Existing Zone District >>

<table>
<thead>
<tr>
<th>LAND USE CATEGORY v</th>
<th>Residential</th>
<th>Mixed-use</th>
<th>Non-Residential</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRIMARY USES THAT MAY BE ACCESSORY IN SOME DISTRICTS</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>RESIDENTIAL USES</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>HOUSEHOLD LIVING</td>
<td>P</td>
<td>P</td>
<td>P</td>
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</tbody>
</table>

**Trinity Table**

| Dwelling, single-family detached | P | P | P | P | P | 3-3.2.A |

---

377 Numerous changes to the Allowable Use Table have been made in response to public comments. Each change is footnoted. Since the EPC Draft, Condition #49 revised this table to be titled “Allowable Use Table.” Staff revised the table to be called Use Table Since the EPC draft per Condition #1 for clarity. All references to this table in this and other sections of the IDO have been updated for consistency.

378 Referenced from 10 years since Consolidated Draft in response to public comments.

379 Column for MX-FB-DT deleted since EPC Draft per revisions made to include use information in the MX-FB-DT zone district per Map Condition #6.

380 Table revised since EPC Draft per Condition #1 so that the order of the Residential zone districts is consistent with the order that they are discussed in Section 2-3.

381 Since EPC Draft, R-LT is converting to R-1A as a more appropriate conversion to reflect the one house per lot requirement. R-LT is converting to R-1A as a more appropriate conversion to reflect the one house per lot requirement.

382 Limitations on R-3 uses in C-2 deleted.

383 C-2 conversion to MX-W was revised since EPC Draft per Condition #7 to include Premium Transit locations West of the River to encourage a mix of residential and non-residential uses in limited appropriate locations, while areas outside of Premium Transit station locations remain converted to NR-C to encourage non-residential, job-related development on the West Side to address the imbalance of jobs and housing.

384 C-3 conversion to MX-H was revised since EPC Draft per Condition #7 to include Urban Center, Activity Center, Premium Transit Corridor, and Main Street Corridor areas citywide. East of the River, Major Transit Corridor areas were also converted to MX-H to encourage a mix of residential and non-residential uses. All other C-3 remains converted to NR-C.

385 C-2 conversion to MX-W was revised since EPC Draft per Condition #7 to include Premium Transit locations West of the River to encourage a mix of residential and non-residential uses in limited appropriate locations, while areas outside of Premium Transit station locations remain converted to NR-C to encourage non-residential, job-related development on the West Side to address the imbalance of jobs and housing.

386 Language revised since EPC Draft per Condition #1 for clarity.

387 Use definitions based on maximum densities were not carried over; Densities and required open spaces are addressed Section 4-1. Residential percentage limits in Mixed-use zone districts were not carried forward. “Dwelling unit (house, townhouse, apartment),” “Mixed residential,” and “Townhouses” were not carried over as too general. “Townhouses with 3 dwelling units/building and 1 dwelling unit” was not carried over as too specific. “Planned Residential Development” not carried over because now addressed through Planned Development and Planned Community Development (which do not appear in the Use Table).

388 Use definitions based on maximum densities were not carried over, but dimensions and development densities are addressed in Section 4-1. The provisions for affordable housing density bonuses for “dwelling, family housing development” appear with density controls in Section 4-1.

389 Includes or replaces “House, 1 per lot”. No longer permissive on R-3 lands. Includes “Dwelling, Manufactured Home”
### Table 3-2-1: Use Table

<table>
<thead>
<tr>
<th>NEW ZONE DISTRICT &gt;&gt;</th>
<th>Residential</th>
<th>Mixed-use</th>
<th>Non-Residential</th>
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</thead>
<tbody>
<tr>
<td>A</td>
<td>R-A</td>
<td>R-1</td>
<td>R-2</td>
</tr>
<tr>
<td>B</td>
<td>R-MC</td>
<td>R-T</td>
<td>R-WL</td>
</tr>
<tr>
<td>C</td>
<td>R-MH</td>
<td>R-O-1</td>
<td>R-3</td>
</tr>
<tr>
<td>D</td>
<td>C-1</td>
<td>C-2F</td>
<td>C-3B</td>
</tr>
<tr>
<td>E</td>
<td>MX-L</td>
<td>MX-M</td>
<td>MX-H</td>
</tr>
<tr>
<td>F</td>
<td>MX-C</td>
<td>MX-PT</td>
<td>MX-W</td>
</tr>
<tr>
<td>G</td>
<td>C-2W</td>
<td>C-2E</td>
<td>C-385</td>
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<tr>
<td>H</td>
<td>P</td>
<td>C-2F</td>
<td>P</td>
</tr>
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<td>P</td>
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<tr>
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</table>

<table>
<thead>
<tr>
<th>EXISTING ZONE DISTRICT &gt;&gt;</th>
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<th>Mixed-use</th>
<th>Non-Residential</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>R-A</td>
<td>R-1</td>
<td>R-2</td>
</tr>
<tr>
<td>B</td>
<td>R-MC</td>
<td>R-T</td>
<td>R-WL</td>
</tr>
<tr>
<td>C</td>
<td>R-MH</td>
<td>R-O-1</td>
<td>R-3</td>
</tr>
<tr>
<td>D</td>
<td>C-1</td>
<td>C-2F</td>
<td>C-3B</td>
</tr>
<tr>
<td>E</td>
<td>MX-L</td>
<td>MX-M</td>
<td>MX-H</td>
</tr>
<tr>
<td>F</td>
<td>MX-C</td>
<td>MX-PT</td>
<td>MX-W</td>
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<td>G</td>
<td>C-2W</td>
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<td>C-2F</td>
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</tr>
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</table>

<table>
<thead>
<tr>
<th>LAND USE CATEGORY</th>
<th>Residential</th>
<th>Mixed-use</th>
<th>Non-Residential</th>
<th>Use-specific Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling, mobile home</td>
<td>P</td>
<td></td>
<td></td>
<td>3.2.2.B</td>
</tr>
<tr>
<td>Dwelling, cluster development</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>3.2.2.C</td>
</tr>
<tr>
<td>Dwelling, co-housing development</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>3.2.2.D</td>
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<tr>
<td>Dwelling, cottage development</td>
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<td>P</td>
<td>P</td>
<td>3.2.2.E</td>
</tr>
<tr>
<td>Dwelling, two-family detached (duplex)</td>
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<td>P</td>
<td>P</td>
<td>3.2.2.F</td>
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<tr>
<td>Dwelling, townhouse</td>
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<td>P</td>
<td>3.2.2.G</td>
</tr>
<tr>
<td>Assisted living facility, nursing home, or independent living facility</td>
<td>C</td>
<td>C</td>
<td>P</td>
<td>3.2.2.H</td>
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<td>Community residential facility, small</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>3.2.I</td>
</tr>
<tr>
<td>Community residential facility, medium</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>3.2.I</td>
</tr>
</tbody>
</table>

**Notes:**

390 Permissive in R-A, R-1, and R-2 since Module 1. Added as P in R-ML since EPC Draft, since single-family is also permissive.

391 New use since Zoning Code. Added as P in R-ML since EPC Draft, since single-family is also permissive.

392 New use since the Zoning Code. Added as P in R-ML since EPC Draft because single-family detached is allowed in R-ML.

393 Use listed in Sawmill SU-2 as “Attached cottages” – now made more generally applicable. Added as P use in MX-T since Consolidated Draft in response to public comment.

394 Use listed in E. Gateway SU-2 now permissive in several zone districts. Includes or replaces “Live/Work Space in the form of an individual unit, building, or multiple buildings on one premises”. Changed from C to P in R-MH since Module 1 in response to public comment. Added as CA use in NR-C and NR-BP districts since Module 3 in response to public comment.

395 Includes or replaces “Assisted Living facility,” “Nursing or rest home,” “Institution, nursing or rest home,” “Institution, sanatorium,” and “SU-1 for nursing home.” Definition will include hospice facility. Revised from C to P in R-MH. Added as P where multi-family dwellings are permissive. Revised since EPC Draft to add independent living facility in order to accommodate different parking standards for this use in response to public comment.

396 Includes or replaces “Community residential program (up to 10 client residents),” and “Group training home.” Defined to include FHAA protected citizens and no more than 10 clients. Now permissive on O-1 lands. Added as P in MX-H since EPC Draft as an appropriate use.

397 Includes or replaces “Community residential program (up to 181 client residents),” “Community residential program (11 to 18 resident clients),” Defined to include FHAA protected citizens and no more than 18 residents. Added to the same districts where similarly sized multi-family housing is permissive. Medium and large community residential facilities should be permissive in the same zones, and under the same terms, that multi-family housing is permissive. Removed P in R-T zone and added P in MX-H since the EPC Draft per Condition #50 for consistency with existing regulations.
TABLE 3-2-1: Use Table

<table>
<thead>
<tr>
<th>LAND USE CATEGORY</th>
<th>Residential</th>
<th>Mixed-use (^{378})</th>
<th>Non-Residential</th>
<th>Use-specific Standards</th>
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</thead>
<tbody>
<tr>
<td><strong>NEW ZONE DISTRICT &gt;&gt;</strong></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>R-A</td>
<td>P</td>
<td></td>
<td>(\text{C} )</td>
<td></td>
</tr>
<tr>
<td>R-1</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>R-MC, R-MC/ML, R-MC/R-2</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>R-T</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>R-G &amp; R-2</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>R-3</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>C-1</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>C-2 &amp; C-2 PT</td>
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<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>C-3 &amp; C-3</td>
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<td>P</td>
<td>P</td>
<td>P</td>
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<td><strong>EXISTING ZONE DISTRICT &gt;&gt;</strong></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Community residential facility, large (^{398})</td>
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<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Group home, small (^{399})</td>
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<td>P</td>
<td>P</td>
<td>P</td>
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<td>Group home, medium (^{400})</td>
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<td>C</td>
<td>P</td>
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<tr>
<td>Group home, large (^{401})</td>
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<td>C</td>
<td>C</td>
<td>P</td>
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<td>Sorority or fraternity (^{402})</td>
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<td><strong>CIVIC AND INSTITUTIONAL USES (^{403})</strong></td>
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<td>Adult or child day care facility (^{404})</td>
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<td>C</td>
<td>C</td>
<td>P</td>
</tr>
<tr>
<td>BioPark (^{405})</td>
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<td></td>
<td>(\text{P (in D)})</td>
</tr>
<tr>
<td>Cemetery (^{406})</td>
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<td></td>
<td>P</td>
</tr>
<tr>
<td>Community center (^{407})</td>
<td>C</td>
<td>P</td>
<td>C</td>
<td>P</td>
</tr>
<tr>
<td>Correctional facility (^{408})</td>
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<td></td>
<td>P</td>
</tr>
</tbody>
</table>

398 Defined to include FHAA protected citizens with more than 18 residents, and allowed in the same districts where multi-family housing is permissive. Removed as P in R-ML since EPC Draft to be consistent with Group Home, Large.

399 Includes or replaces “Community residential corrections program (up to 10 clients),” “Community residential program for substance abusers (up to 10 clients),” and “Community residential program for substance abusers (up to 7 clients residents, all under 18).” Now permissive on R-G lands and in MX-L and MX-M districts. Defined to include facilities with up to 10 residents not covered by FHAA

Group home uses include homeless shelters, domestic abuse shelters, children’s homes, corrections facilities, residential facilities for substance abusers, rescue missions, emergency shelters .

400 Includes or replaces “Community residential program for substance abusers”, “Community residential corrections program: up 15 client residents”, “Community residential corrections program: up to 15 client residents”, “Emergency shelter with up to 18 clients normally present” Now C on R-G RC, R-3, and MX-FB lands. No longer permissive on R-1 lands.

401 Includes or replaces “Community residential facility,” “Rescue mission,” and “Emergency shelter”. Added since Zoning Code as a C use in R-MH and MX-H.

402 Changed from C to P in R-MH and added as P use in other districts where multi-family housing is permissive. Revised from P to C use in MX-T since Consolidated Draft in response to public comment.

403 “Flood control, recreational” use was not carried over as too general. The existing “Institution, including library, museum, nursing or rest home, school, day care center, except not hospital for human beings, sanatorium, or disciplinary or mental institutions” use was split into various uses, as indicated in footnotes.

404 Includes or replaces “Institution, day care center,” “Day care center” Availability expanded to new districts.

405 New use since Consolidated Draft.

406 Definition will include public/civic facilities. Added to the R-A, R-MC, and Non-residential districts. Private facilities operated by HOAs for specific residential areas are defined as the “residential community amenity” use. Added as C use to NR-PO-A and –C since Module 3. Changed C to P in NR-PO-A since Consolidated Draft.

407 Includes or replaces, “Institution, disciplinary institution”. “Institution, mental” is now included in the definition of hospital. Limitations and qualifiers in various SU-2s were dropped; the NR-SU rezoning process will involve discussion of community impacts.
### TABLE 3-2-1: Use Table

<table>
<thead>
<tr>
<th>Land Use Category</th>
<th>Residential</th>
<th>Mixed-use</th>
<th>Non-Residential</th>
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<tbody>
<tr>
<td><strong>NEW ZONE DISTRICT</strong> &gt;&gt;</td>
<td>R-A</td>
<td>R-1</td>
<td>R-MC 810</td>
</tr>
<tr>
<td></td>
<td>R-T</td>
<td>R-MI</td>
<td>R-MH</td>
</tr>
<tr>
<td></td>
<td>MX-T</td>
<td>MX-L</td>
<td>MX-M</td>
</tr>
<tr>
<td></td>
<td>NR-C</td>
<td>NR-BP</td>
<td>NR-LM</td>
</tr>
<tr>
<td></td>
<td>NR-GM</td>
<td>NR-SU</td>
<td>NR-PO</td>
</tr>
<tr>
<td><strong>EXISTING ZONE DISTRICT</strong> &gt;&gt;</td>
<td>C</td>
<td>C</td>
<td>P</td>
</tr>
<tr>
<td><strong>LAND USE CATEGORY v</strong></td>
<td>P</td>
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<td>P</td>
</tr>
<tr>
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<td>Elementary or middle school</td>
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<tr>
<td>Fire or police station</td>
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<td>C</td>
<td>P</td>
</tr>
<tr>
<td>High school</td>
<td>C</td>
<td>C</td>
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</tr>
<tr>
<td>Hospital</td>
<td>C</td>
<td>C</td>
<td>P</td>
</tr>
<tr>
<td>Library, museum, or art gallery</td>
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<td>CV</td>
<td>CV</td>
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<tr>
<td>Parks and open space</td>
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<td>Religious institution</td>
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<td>Sports field</td>
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<tr>
<td>University or college</td>
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<td>Vocational school</td>
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<td><strong>COMMERCIAL USES</strong></td>
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<tr>
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</tr>
</tbody>
</table>

#### Footnotes:

409 New use since Module 3 in response to concerns about homeless facilities. Added a Use-specific Standard since EPC Draft per Condition #52 to include a distance separation between Daytime gathering facilities.

410 Includes or replaces “Public School, including caretaker’s mobile home,” “School, including caretaker’s mobile home,” “Private school,” “Institution, including school.” Existing “Institution, Schools, public and private grades K-12,” has been split to separate high schools because of their larger sizes and greater impact. Availability has been expanded to almost all districts. Limited to public and private schools teaching a curriculum recognized by the state as leading to a diploma or continuation at that level. Added as P use in NR-PO-A and C use in NR-PO-C since Module 3. As added CV use in NR-LM since Consolidated Draft.

411 Limitations and qualifiers in various SU-2 zones were dropped; most cities allow these to be constructed where they are needed to optimize service/response times. Added as P use in NR-PO-A since Module 3. Deleted as P use in NR-PO-A since EPC Draft because P uses in the NR-SU zone district are intended to require NR-SU zoning, and therefore should not be permissive in other zone districts. Added Parks and Open Space as A in NR-SU to allow co-location of Parks and Police or Fire Stations.

412 Added as P use in NR-PO-A since Module 3. Added as CV use in NR-LM since Consolidated Draft.

413 Includes or replaces “Hospital for human beings,” “Hospital for treatment of substance abusers,” “Mental institutions,” and “Institutions, mental institutions.” Helipads are now an accessory use. Deleted as P use in MX-M since Module 3. Since the EPC Draft, per Condition #51, existing hospitals sites currently zoned SU-1 for Hospital and Related Uses will be converted to MX-H or NR-C, per conversion rule criteria, to be consistent with the permissive use. Use-specific Standard and P in MX-M added since EPC Draft per Condition #53 to allow for some very small hospitals with no ambulance service in MX-M zones.

414 Includes or replaces “Cultural center,” “Institution, including library, museum, “Institution, Library,” Library,” “Public library,” “Institution, Museum.” Availability expanded to many new zones, but no longer a C use in R-O, R-A, or R-1. Added as C use in NR-PO-A and A use in NR-PO-B since Module 3. Changed C to P in NR-PO-A since Consolidated Draft.

415 Includes or replaces “Park,” “Recreational Trail,” “Natural areas and open space,” “Private parks,” “Public park,” “Major public open space.” These are now permissive in almost all districts. Added as P use in all NR-PO subdistricts since Module 3. Added Parks and Open Space as A in NR-SU to allow co-location of Parks and Police or Fire Stations since EPC Draft.

416 Includes or replaces “Church and incidental facilities,” “Institution, church or other place of worship,” “SU-1 for church and private school.” Availability expanded too many new districts.

417 Includes or replaces “Field sports such as soccer, football, field hockey, polo, etc.,” “Tournament field sports such as softball, soccer, track, etc.” Added as P use in NR-PO-A and C use in NR-PO-C since Module 3.

418 New use added in Module 1.

419 Includes or replaces “Institutions, Schools, public, grades 13 and above” expanded to include private facilities.
### TABLE 3-2-1: Use Table

<table>
<thead>
<tr>
<th>NEW ZONE DISTRICT &gt;&gt;</th>
<th>Residential</th>
<th>Mixed-use(^{378})</th>
<th>Non-Residential</th>
<th>Use-specific Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>R-A</td>
<td>R-1</td>
<td>R-MC 180</td>
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<td>R-T</td>
<td>R-WL</td>
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<td>R-LU</td>
<td>C-1 392</td>
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<td></td>
<td>R-G &amp; R-2</td>
<td>RC &amp; O-1</td>
<td>C-2 E &amp; C-2 PT W(^{188})</td>
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<td>C-2 &amp; C-93</td>
<td>C-2 W &amp; C-383</td>
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<tr>
<td>LAND USE CATEGORY (^{v})</td>
<td>R-A1 &amp; R-A2</td>
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<td>R-1 &amp; E(^{331})</td>
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<td>Agriculture, general(^{421})</td>
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<td>Equestrian facilities(^{423})</td>
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<td>Kennel(^{424})</td>
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<td>C</td>
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<tr>
<td>Nursery(^{425})</td>
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<td>A</td>
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<td>Veterinary hospital(^{426})</td>
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<td>Other pet services(^{427})</td>
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<table>
<thead>
<tr>
<th>FOOD, BEVERAGE AND INDOOR ENTERTAINMENT</th>
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<td>Auditorium or theater(^{429})</td>
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<td>A</td>
<td>A</td>
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<td>Bar(^{430})</td>
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<td>Catering service</td>
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<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Health club or gym(^{431})</td>
<td>A</td>
<td>A</td>
<td>A</td>
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</tbody>
</table>

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\(^{420}\) "Town center use was deleted as too vague.

\(^{421}\) Now includes or replaces commercial agriculture; removed from M-1 and M-2 but covered as agricultural processing under light industry. Added as P use in NR-LM and NR-GM since Module 3 in response to public comment, and added as P in NR-PO-B and A use in NR-PO-C since Module 3

\(^{422}\) New use from some SU-2s. All entries are new. Added as A use in all three NR-PO subdistricts since Module 3.

\(^{423}\) Includes or replaces "Pony riding without stables." Added as P use in NR-PO-B and C use in NR-PO-C since Module 3.

\(^{424}\) Includes or replaces "Kennel or the breeding boarding, or sale of dogs, cats, and birds," “Training of dogs not boarded on the premises,” “Dog obedience training school.” Now permissive on C-2 lands. Added as P in NR-BP since Module 1 in response to public comment.

\(^{425}\) Availability extended to NC-LM and NG-CM. Definition will include greenhouses and outdoor plant sale areas. Added as A use in NR-PO-A and –B since Module 3. Changed from C to P use in R-A, NR-LM, and NR-GM, and added as A use to MX-M, and added as P to NR-C and NR-BP since Consolidated Draft in response to public comment.

\(^{426}\) Includes or replaces "Hospital for animals" and "small animal clinic."

\(^{427}\) Includes or replaces “Pet grooming,” "Animal grooming parlor"; definition will expand to include pet day care and other services not listed separately. No longer as C in MH. Added as C to O-1 lands. Added as P use to MX-M, MX-H, MX-FB, NR-C, and NR-BP.

\(^{428}\) Includes or replaces "Adult amusement" ("Adult store" is now covered in retail uses). Added as P use in MX-H since Module 3. Removed P in MX-H and NR-C since EPC Draft to differentiate between retail and entertainment. Adult entertainment is more appropriate in non-residential zones. NR-C removed to be consistent with MX-H, since both replace C-3 zoning.

\(^{429}\) Includes or replaces "Auditorium, place of assembly, "Theater, except adult theater". Definition will include conference centers and meeting rooms. Definition will exclude adult entertainment. Added to MX-M, MX-L, and MX-FB. Now permissive in O-1 lands.

\(^{430}\) Includes or replaces "Retail sale of alcoholic drink for consumption on premises." Added to MX-L and NR-LM districts.
### TABLE 3-2-1: Use Table

<table>
<thead>
<tr>
<th>NEW ZONE DISTRICT &gt;&gt;</th>
<th>Residential</th>
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<th>Non-Residential</th>
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<td>R-2</td>
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<td>P</td>
<td>P</td>
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<td>R-T</td>
<td>P</td>
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<td>Use-specific Standards</td>
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<table>
<thead>
<tr>
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<th>Non-Residential</th>
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</tr>
<tr>
<td>R-3</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>RC &amp; O-1</td>
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</tr>
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<td>P</td>
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<td>A</td>
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<td>P</td>
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<td>Other outdoor entertainment&lt;sup&gt;436&lt;/sup&gt;</td>
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<td>Lodging&lt;sup&gt;437&lt;/sup&gt;</td>
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<tr>
<td>Campground or recreational vehicle park&lt;sup&gt;439&lt;/sup&gt;</td>
<td>P</td>
<td>A</td>
<td>C</td>
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</tbody>
</table>

431 Includes or replaces “Health gymnasium,” and “Commercial health gymnasium.” Since Consolidated Draft, changed from A to P in NR-BP and NR-LM in response to public comment.

432 New use since Zoning Code. Definition clarifies that this does not include adult entertainment. Added as P use in NR-BP and NR-LM since Module 1 in response to public comment. Use-specific Standards added since Module 1.

433 Includes or replaces “Recreational facility, non-profit, such as community center, swimming pool, tennis club” and “Congregate meal site and or community building for senior or co-housing.” Definition covers amenities not accessory to a residential use on the same lot. Added as C use in NR-PO-C since Module 3.

434 Includes or replaces “Food and drink for consumption on the premises”, “Restaurant serving liquor,” and “Food and drink for consumption on premises, no drive-in,” “Food and non-alcoholic drink for consumption on-premises or off but not drive-in restaurant or restaurant with drive-up facility for take-out orders”, “Food and non-alcoholic drink for consumption on premises or off, but not drive-in facility”, on-premises consumption may be outdoors if the food and non-alcoholic drinks have been prepared indoors”, “Outdoor retail sales of food and drink including alcoholic drink for consumption on-premises”, “Retailing of food and drink, for consumption on premises or off, but not drive-in facility and provided that alcoholic drink is not dispensed for off-premises consumption”, “Restaurant or café”, “Restaurant with outdoor seating”, and brewpubs. Distinction between restaurant serving liquor and not has been dropped and will be handled through liquor licensing. Drive-through is an accessory use, distinctions between restaurants with and without drive-through. No longer permissive as C on RC or O-1 lands or in R-MH district. No longer permissive as a primary use in NC-LM or NC-HM (but accessory cafeteria uses still permissive). Outdoor seating is an accessory use in some zone districts, so distinctions based on outdoor seating have not been carried over. Changed from A to P in NR-LM since Module 1 in response to public comment. Added as CV in MX-T since Consolidated Draft in response to public comment.

435 Added as a C use to the MX-L district and changed from A to P in NR-LM since Module 1 in response to public comment. Allowance in the MX-L is based on approved amendments to the Huning Highland SU-2 regulations, and extends these changes to other similar areas. Use-specific Standards added since Module 1.

436 Includes or replaces, “Recreational facilities located in a building, including but not limited to baseball batting cages, bowling alleys, miniature golf course, swimming pool, skating rink, tennis club, velodrome, and other uses not listed separately”, “Games, electronic and pinball,” and “Games within a completely enclosed building, operated for profit, and not permissive in this zone.” No longer permissive in R-MH. Now permissive in MX-M, MX-H, and MX-FB, “game arcade”. Added as P use in NR-PO-A and C use in NR-PO-C since Module 3.

437 “Resort” use was not carried over, as it is a combination of other listed uses. Boarding House deleted as unnecessary use since EPC Draft

438 No longer regulated as an SU-1 use. Added as CA use in R-1 since Module 3 in response to public comment. Deleted from Mixed-use zones above MX-T since EPC Draft because the definition of Bed and Breakfast says it needs to be a house, and houses are not allowed in the higher MX districts. This use would be regulated as motel/hotel in the higher MX zones.

439 Definition will include RV park development. Added as A use in NR-PO-B and C use in NR-PO-C since Module 3.
### TABLE 3-2-1: Use Table

<table>
<thead>
<tr>
<th>NEW ZONE DISTRICT &gt;&gt;</th>
<th>Residential</th>
<th>Mixed-use</th>
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<td>C</td>
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</tr>
<tr>
<td>Light vehicle repair</td>
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</tr>
<tr>
<td>Parking structure</td>
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### Use-specific Standards

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</table>

### Definitions

- **Hotel or motel**: Includes or replaces “Hotel or motel, including incidental uses”. Added as P use in NR-LM and C use in NR-GM since Module 3. Use-specific Standards are new since Module 3. Added as P use in MX-T subject to size limits since Consolidated Draft in response to public comment.
- **Car wash**: Added as P use in MX-M since Module 3. Added as C use in MX-M in response to public comment since Consolidated Draft. Revised from P to C use in MX-FB since EPC Draft per Condition #55 in response to public comment.
- **Light vehicle repair**: Added as C use in MX-PO since Module 3. Added as a C use in NR-GM in response to public comment since Consolidated Draft. Added as a C use in NR-C since EPC Draft per Condition #54 in response to public comment.
- **Outdoor vehicle storage**: Includes or replaces “Automotive sales, rentals, service, repair, and storage.” Added as a P use in NR-LM and NR-M, and NR-PO. Definition will include electric vehicle charging station, compressed natural gas fuel and alternative fuel dispensing, and convenience store.
- **Parking structure**: Includes or replaces “Automotive repair,” “Repair business,” “Vehicle painting,” “Automobile and motorized bicycle (moped) repairing, excluding bodywork.” Changed A to P use in NR-GM in response to public comment since Consolidated Draft.
- **Use-specific Standards**: Includes or replaces “Automotive sales, rentals, service, repair, and storage.” Added as a P use in MX-M, NR-C, and NR-PO. Definition will include cars, light trucks, RVs, trailers, motorcycles, mopeds, and ATVs, as well as accessory repairs and sales. Definition clarifies that this does not include outdoor vehicle storage as a primary use.

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Integrated Development Ordinance
Albuquerque, NM

LUPZ Draft – July 2017
Page 130
### TABLE 3-2-1: Use Table

<table>
<thead>
<tr>
<th>NEW ZONE DISTRICT &gt;&gt;</th>
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<th>Mixed-use&lt;sup&gt;378&lt;/sup&gt;</th>
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### OFFICES AND SERVICES<sup>449</sup>

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<td>P</td>
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<tr>
<td>Medical or dental clinic&lt;sup&gt;454&lt;/sup&gt;</td>
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<td>Personal and business services, small&lt;sup&gt;457&lt;/sup&gt;</td>
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<sup>449</sup> Revised from A to CA use in MX-T, and deleted as A use in NR-PO-C since Module 3. Term revised from “parking garage” to “parking structure” since EPC Draft per Condition #1 for consistent use of terms throughout IDO and to distinguish commercial parking structures from garages associated with Residential uses.

<sup>450</sup> “Services” use was deleted as too general.

<sup>451</sup> Includes or replaces “Bank,” “Bank, loaning money,” “Savings and loan association.” Since Module 1, changed from CV to P in NR-LM in response to public comment.

<sup>452</sup> Includes or replaces “Wedding chapel, including related sales and services,” “Club,” “Club, no liquor license,” “Institution, club-no liquor,” “Lodge or fraternal organization,” “Visitor’s center.” Revised from CV to P in NR-LM since Module 1 in response to public comment. Added as C use in NR-PO-A and –C and as P use in NR-PO-B since Module 3. Changed C to P in NR-PO-A since Consolidated Draft.

<sup>453</sup> “Upholstering,” “Welding,” “Commercial laundry or uniform service,” “Printing, publishing, lithographing, or blueprinting,” “Photo direct offset printing, perforating, scoring, cutting, and other light duty printing services,”

<sup>454</sup> Includes or replaces “Construction contractor’s equipment storage, or contractor’s plant.” Definition will include plumbing, electrical, carpentry, roofing, landscaping, and general contractors. Added as C use in NR-BP to reflect existing IP zone uses since Consolidated Draft, in response to public comment. Added landsaping to list since Consolidated Draft. Changed C to P use in MX-L since EPC Draft per Condition #57 in response to public comment.

<sup>455</sup> Includes or replaces “Clinic,” “Physiotherapy Office,” “Physical therapy office, or shop for fabricating and fitting prosthetic or correcting devices”. Added a use in MX-L in response to public comment. Added as P use in MX-T and revised from C to P use in MX-L, subject to size limits, since Consolidated Draft in response to public comment.

<sup>456</sup> Added as C use in NR-LM since Module 1 in response to public comment.

<sup>457</sup> Includes or replaces “Fish farm, “Insurance agency,” “Artists Studio,” “Radio or and television station” (which use has been split: The office function is just an office, but the antenna is an accessory or communications facility), “Savings and loan association.” Now permissive in R-T, R-ML, and R-MH districts if located in a structure originally designed for non-residential uses (per some SU-2’s) and in R-MC district.

<sup>458</sup> Personal and business services includes or replaces “Bail bond office,” “Barber, beauty shop,” “Bicycle rental and related service (maintenance and minor repairs) and storage,” “Dry cleaning laundry/clothes pressing,” “dry cleaning (no processing), self-service laundry,” (dry cleaning is now split into two uses – a drop-off/pick-up center and commercial volume establishment), “Instruction in music, dance, fine arts, crafts, modeling,” “Instruction in music, dance, fine arts, crafts, modeling,” “Studio for the instruction of music or dance,” “Interior decorating,” “Photocopy shop,” “Photography, photocopy, except adult photo studio,” “Photographer’s studio, except adult photo studio,” “Printing, copying, blueprinting incidental to office uses,” “Copying,” “Photostatting,” “Repair of shoes,
**TABLE 3-2-1: Use Table**

<table>
<thead>
<tr>
<th>NEW ZONE DISTRICT &gt;&gt;</th>
<th>Residential</th>
<th>Mixed-use$^{378}$</th>
<th>Non-Residential</th>
<th>Use-specific Standards</th>
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<tr>
<td>R-A</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>3-3.4.W</td>
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<td>C</td>
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**EXISTING ZONE DISTRICT >>**

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<td>Personal and business services, large</td>
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<td>Research or testing facility$^{458}$</td>
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<td>CV/P/C</td>
<td>P/C</td>
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<td>Self-storage$^{459}$</td>
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**OUTDOOR RECREATION & ENTERTAINMENT**

- **Amphitheater**$^{460}$
  - C
  - C
  - C
  - C
  - C
  - A
  - P
  - A
  - C

- **Balloon Fiesta Park events and activities**$^{461}$
  - C
  - C
  - C
  - A
  - P
  - A

- **Drive-in theater**$^{462}$
  - C
  - C
  - C

- **Fairgrounds**$^{463}$
  - C
  - C
  - C

- **Other outdoor entertainment**$^{464}$
  - CA
  - CA
  - CA
  - CA
  - CA
  - A
  - A
  - A
  - P
  - A
  - A
  - P
  - P
  - 3-3.4.BB

- **Residential community amenity**$^{465}$
  - P
  - P
  - P
  - P
  - P
  - P
  - P
  - P
  - 3-3.4.BB

- **Stadium or race track**$^{466}$
  - P
  - P

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**Definitions and Notes:**

- Household equipment, “Shoe repairing,” “Tailoring, dressmaking.” No longer a C use in MH. Uses involving blueprinting are now included in Light Industry.

- Includes or replaces “Laboratory, experimental, testing, or medical.” “Medical or dental laboratory.” “P”’s replaced with “C/P”’s since Consolidated Draft to clarify that operations using hazardous procedures or materials require conditional use approval.

- Includes or replaces “Self-storage,” “Storage of household goods, office records, equipment or material reasonable to neighborhood function,” and “Transfer or storage of household goods.” Revised from CV to P use in NR-LM and NR-GM since Module 1 in response to public comment. Deleted as P use in MX-M and added as A use in NR-PO-B since Module 3. Retitled from “Mini-warehouse” and facilities with only indoor access permissive in MX-M, MX-H, and MX-FB since Consolidated Draft.

- Definition will include an outdoor open-air area or structure having tiers of seats, benches or berms with less than 1,000 seats in number, suitable for small performances. Added to NR-CP, NR-LM, and NR-LM districts. Deleted as C use in MX-M, added as P use in NR-PO-A, A use in NR-PO-B, and C use in NR-PO-C since Module 3. Deleted “stadium” since EPC Draft, since it is part of the NR-SU use “Stadium or race track.” Added as A in NR-SU so that it could be accessory to stadium NR-SU use.

- Added as P use in NR-PO-A since Module 3. Retitled and P deleted from NR-SU since Consolidated Draft.

- Added as C use in NR-BP and NR-LM since Module 2 in response to public comment. Deleted as C use in MX-M since Module 3. Removed as a use from NR-SU since EPC Draft because this use is allowed conditionally in other zones and therefore does not require NR-SU zoning.

- New use since Zoning Code.

- Includes or replaces “Amusement facility of a permanent character, including but not limited to kiddieland, baseball batting range, or golf driving range”, “Recreational facilities located outdoors, including but not limited to baseball batting cages, miniature golf course, swimming pool, tennis club,” skateboarding and in-line skating facilities, go-cart tracks, and other uses not listed above”, “Golf clubhouse, other clubhouse use”, “Golf course or golf driving range”, “Golf driving range, miniature golf course, baseball batting range, located in a building or outdoors”, “Uses related to a golf course”, and “Golf practice area”. Added as P use in NR-PO-A and C since Module 3. Changed to P use in NR-C and NR-BP since EPC Draft per Condition #58.

- Includes or replaces “Recreational facility, non-profit, such as community center, swimming pool, tennis club”. Definition covers amenities not accessory to a residential use on the same lot. Added as A use to NR-PO-C since Module 3.
### TABLE 3-2-1: Use Table

<table>
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<tr>
<th>NEW ZONE DISTRICT  &gt;&gt;</th>
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</tbody>
</table>

[^2]: Permissive Primary  C: Conditional Primary  A: Permissive Accessory  CA: Conditional Accessory  CV: Conditional if Structure Vacant for 5 years or more[^78]  T: Temporary

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[^46]: Includes or replaces "Stadium" and "Enclosed sports arena". And race track. Added as C use to NR-PO-A since Module 3.

[^47]: Changed C to P in NR-PO-A since Consolidated Draft.

[^48]: "Commercial retail service uses" and "Retail" uses not carried forward as too general. "Regional shopping center" not carried over, because it is simply a collection of large retail uses. Additional design standards will apply to large buildings.

[^49]: Existing "Adult amusement establishment or adult store" has been split into two uses. Added to MX-M, and MX-FB. Deleted from MX-M and MX-FB since Module 3. Footnote revised since EPC Draft per Condition #1 to remove reference to adding this use to MX-L, which was never intended. Added to MX-M since EPC Draft to distinguish this use from Adult Entertainment, which is now only allowed in Non-residential zones. Adding Adult Retail to MX-M retains acreage for adult uses required by the courts to protect First Amendment rights associated with this use.


[^51]: Includes or replaces "Building material storage or sales." Definition will include lumber, will apply to large facilities, and will allow for outdoor display, storage, and sales areas.

[^52]: Added as P use in NR-PO-A, A use in NR-PO-B, and CA use in NR-PO-C since Module 3.

[^53]: Definition will limit uses to 10,000 sq. ft. General retail Includes or replaces "Antiques", "Appliance store", "Art supply store", "Arts and crafts objects, supplies, and their incidental creation" (no longer a C use in R-MC), "Arts and crafts objects, supplies, plus their incidental creation provided there is little or no reproduction of identical objects", "Auto parts and supplies", "Bicycles and bicycling accessories", "Books, magazines, newspapers, stationery" (no longer a C use in R-MC), "Clothing, shoes, dry goods" (no longer a C use in R-MC or on R-3 lands), "Bike and skate rentals", "Sports equipment", "Cosmetics, notions, hobby supplies" (no longer a C use in R-MH or on R-3 lands),"Drugs, medical supplies", "Firewood sales", "Flowers and plants", "Furniture, household furnishings, and appliances", "Furniture, household furnishings", "Gift shop", "Grocery, fruit, vegetable, fish, or meat market", "Hardware, building materials in enclosed building," "Hardware", "Jewelry", "Medical supplies and services, such as drug prescription and supply shop", "Musical instruments and supplies", "Office machines and equipment sales and repair", "Paint store", "Picture framing shop", "Pets", "Pharmacy", "Photography equipment", "Photo equipment shop", "Prosthetic or corrective devices shop", "Record shop", "Religious articles supply shop", "Smoker’s shop", "Sporting goods", "Retailing of any consumer product and provision of any customer, personal, or business service, except adult amusement establishments and adult stores, hospitals for human beings and transit facilities, provided it is not listed as a conditional use in this zone, or as a permissive or conditional use listed for the first time in the C-3 zone", "Retail business in which products may be manufactured, processed, assembled, treated, or repaired, as an accessory use", "Secondhand shop", and "Wholesaling of jewelry.

[^54]: Definition will limit uses to 10,000 to 50,000 sq. ft., except for groceries, which can be up to 70,000 sq. ft. All uses listed in General retail, small, are permissive in this use. Regulating the scale of retail uses (including grocery stores) is consistent with the intent of the Hunning Highland SU-2 regulations for the CRZ subarea. Added as C use in NR-LM since Module 3. Revised from A to C in NR-BP since Consolidated Draft.
### TABLE 3-2-1: Use Table

<table>
<thead>
<tr>
<th>NEW ZONE DISTRICT &gt;&gt;</th>
<th>Residential</th>
<th>Mixed-use[^378]</th>
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<th>Non-Residential</th>
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<td>General retail, large[^474]</td>
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<tr>
<td>Liquor retail[^475]</td>
<td>C P C CA</td>
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<tr>
<td>Pawn shop[^476]</td>
<td>C P P C</td>
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<table>
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<tr>
<th>TRANSPORTATION</th>
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<th>Use-specific Standards</th>
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<tr>
<td>Airport[^477]</td>
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<tr>
<td>Freight terminal or dispatch center[^478]</td>
<td>C P</td>
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</tr>
<tr>
<td>Helipad[^479]</td>
<td>CA CA A P P</td>
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<td>3-3.4.HH</td>
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<tr>
<td>Park-and-ride lot[^480]</td>
<td>C C C P C C</td>
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<td>3-3.4.II</td>
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<tr>
<td>Railroad yard[^481]</td>
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<td></td>
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<td>3-3.4.JJ</td>
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<tr>
<td>Transit facility[^482]</td>
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<table>
<thead>
<tr>
<th>INDUSTRIAL USES</th>
<th>Residential</th>
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<th>Use-specific Standards</th>
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<tbody>
<tr>
<td>MANUFACTURING, FABRICATION, AND ASSEMBLY[^483]</td>
<td>CV</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

[^474]: Definition will describe uses as over 50,000 sq. ft. and over 70,000 for grocery stores. All uses listed in General retail, small, are permissive in this use. Deleted as P use in MX-M since Module 3.
[^475]: Includes or replaces “Retail sale of alcoholic drink for consumption off premises” and “Package liquor store.” Added to MX-H and MX-FB districts. Renamed from Liquor Store and added as CA to NR-BP and NR-LM since Consolidated Draft in response to public comment.
[^476]: New use to distinguish from general retail. Added as C use in MX-L since EPC Draft per Condition #60 in response to public comment.
[^478]: Includes or replaces “Truck terminal, tractor, trailer, or truck storage, including maintenance facilities,” and “Truck plaza.” Footnote revised since EPC Draft per Condition #59.
[^479]: Includes or replaces “Helicopter landing pad for emergency medical purposes,” “Helipad,” “Law enforcement helipad,” and “Helipad, other than a medical helipad or law enforcement helipad.” Added since EPC Draft as A in NR-SU, since Police Stations require NR-SU zoning.
[^480]: Availability expanded to several new districts. Changed from C to P use in MX-M, added as C use in MX-H and added as A use in NR-PO-A since Module 3. Added as C use in MX-FB in response to public comment. Since EPC Draft, per Condition #61, added as A use in NR-SU, so they can be added as accessory uses in appropriate locations and changed to P in the NR-BP zone in response to agency comment.
[^481]: Includes or replaces “Railroad right-of-way and incidental facilities,” “Railroad repair shop.” Railroad rights-of-way are no longer included in this category. Added as P use in NR-LM in response to public comment since Consolidated Draft.
[^482]: Includes facilities on parcels, but not public rights-of-way. Footnote revised since EPC Draft per Condition #1 in response to agency comment.
[^483]: “Manufacturing, assembling, or treating of articles” and “Manufacturing, assembling, treating, repairing or rebuilding articles” not carried over as too general.
[^484]: New use, based on similar use in Tower/Unser SU-2 for the NAC subarea.
## TABLE 3-2-1: Use Table

<table>
<thead>
<tr>
<th>Land Use Category</th>
<th>Residential</th>
<th>Mixed-use</th>
<th>Non-Residential</th>
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<td><strong>NEW ZONE DISTRICT &gt;&gt;</strong></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Light manufacturing</td>
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<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Heavy manufacturing</td>
<td>P</td>
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</tr>
<tr>
<td>Natural resource extraction</td>
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</tr>
<tr>
<td>Special manufacturing</td>
<td>C</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>EXISTING ZONE DISTRICT &gt;&gt;</strong></td>
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</tr>
<tr>
<td>Solar or geothermal energy generation</td>
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</tr>
<tr>
<td>Utility, electric</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Utility, other major</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

Use-specific Standards

3-3.5.B
3-3.5.C
3-3.5.D
3-3.5.E
3-3.5.F
3-3.5.G

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<table>
<thead>
<tr>
<th>LAND USE CATEGORY</th>
<th>Residential</th>
<th>Mixed-use</th>
<th>Non-Residential</th>
</tr>
</thead>
<tbody>
<tr>
<td>Light manufacturing</td>
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<td>Natural resource extraction</td>
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<td></td>
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<tr>
<td>Special manufacturing</td>
<td>C</td>
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<td></td>
</tr>
<tr>
<td><strong>TELECOMMUNICATIONS, TOWERS, AND UTILITIES</strong></td>
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<tr>
<td>Solar or geothermal energy generation</td>
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<tr>
<td>Utility, other major</td>
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</table>

Use-specific Standards

3-3.5.B
3-3.5.C
3-3.5.D
3-3.5.E
3-3.5.F
3-3.5.G

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485 Includes or replaces “Tire recapping or retreading,” “Bottling plant,” “Dry cleaning, clothes pressing, dyeing, including rug and carpet,” “Sheet metal working (light),” “Sheet metal working,” “Recycled materials sorting and processing,” and “Agricultural processing.” Added to MX-H, MX-FB, NR-C, and NR-BP districts.

486 Includes or replaces “Air separation plant for nitrogen, oxygen, and argon only,” “Automotive engine manufacturing, wholesale assembling or rebuilding of automotive vehicles or parts,” “Blacksmith shop,” “Boiler works,” “Concrete or cement products manufacturing, batching plant, processing of stone,” “Distillation of bones,” “Fat rendering,” “Iron or steel foundry or fabrication plant, forging, rolling, or heavy weight casting,” “Machine shop,” “Manufacture or treating of: (a) Acetylene Gas. (b) Alcohol. (c) Ammonia, bleaching powder, chlorine. (d) Asphalt. (e) Brick, tile, terra-cotta. (f) Chemicals. (g) Oilcloth, linoleum. (h) Paint, oil (including linseed), shellac, turpentine, lacquer. varnish. (i) Petroleum by-products. (j) Plastics. (k) Pyroxylin. (l) Soap. (m) Sodium compounds. (n) Stove or shoe polish. (o) Tar products.” “Ore reduction, smelting,” “Metal stamps, tool and die making,” “Poultry and animal slaughter” (previously categorized as light industry), “Slaughter of animals,” “Tannery, curing of rawhides,” “Wool pulling or scouring,” “Ice plant, wholesale.”

487 Includes or replaces “Drilling, production, or refining of petroleum gas or hydrocarbons,” “Drilling, refining, or production of natural gas or hydrocarbons,” “Gravel, sand, or dirt removal activity, stockpiling, processing, or distribution, and batching plant,” “dirt removal activity.”

488 Includes or replaces manufacture of “Gasoline, oil, liquefied petroleum gas,” “Manufacture (treating not listed) of: (a) Cement, lime, gypsum, plaster of Paris. (b) Explosives. (c) Fertilizer. (d) Glue. (e) Products not elsewhere listed.”

489 “Point of Presence (POP) utility enclosure” is not carried over. “Private utility structures” not carried over since only reference was to prohibit. “Drainage ROW” not carried over. “Utility, other minor” deleted since Consolidated Draft, as this is not a land use but a service necessary for almost all development subject to standards in the DPM. Since Consolidated Draft, Wireless Telecommunication Facility (WTF) uses have been divided into several sub-categories to match current availability and practice. Collectively, they replace the tower portion of “Radio and television station,” “Radio and television studio,” and “Radio or television studio or station,” “Antenna up to 65 feet,” “Antenna over 65 feet,” “Antenna without limit as to height,” “Antenna (commercial),” and “Antenna (non-commercial),” “Wireless telecommunications facility which is concealed or located on a public utility structure,” “Wireless telecommunications facility,” “Wireless telecommunications facility, roof-mounted,” “Concealed wireless telecommunications facility may be allowed in conjunction with an approved use.”

490 New use. Added as C use to NR-PO-A and A use in NR-PO-B since Module 3. Changed from A to P in NR-BP and from C to P in NR-PO-A since Consolidated Draft. Revised since EPC Draft to be A instead of P in NR-PO-A and B.

491 Revised since Module 1 to reflect that electric utility facilities are permissible in all districts subject to compliance with the City’s approved Facility Plan for Electric System Transmission and Generation. Added as P use in all three NR-PO subdistricts since Module 3. Revised since EPC Draft to be A instead of P in NR-PO zones.
### Table 3-2-1: Use Table

**P=Permissive Primary  C=Conditional Primary  A=Accessory Use  CA=Conditional Accessory  CV=Conditional if Structure Vacant for 5 years or more**

<table>
<thead>
<tr>
<th>NEW ZONE DISTRICT &gt;&gt;</th>
<th>Residential</th>
<th>Mixed-use</th>
<th>Non-Residential</th>
<th>Use-specific Standards</th>
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<th>LAND USE CATEGORY v</th>
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### WASTE AND RECYCLING

- Recycling drop-off bin facility**  | A | A | A | A | P | P | P | 3-3.5.J |
- Solid waste convenience center** | P |   |   |   |   |   |   | 3-3.5.K |
- Salvage yard**               | C |   |   |   |   |   |   | 3-3.5.L |
- Waste and/or recycling transfer station** | P |   |   |   |   |   |   | 3-3.5.M |

### WHOLESALING AND STORAGE**

- Above-ground storage of fuels or feed** | P |   |   |   |   |   |   |          |

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**492** This use replaces “Public utility structure” and “Public utility structure s which is not permissive”, as well as other utilities that serve all or most of the city, other than electric utilities, which are regulated per the Electric System Transmission and Generation Facility Plan. Minor utilities (pipes, wires, boxes, and small facilities necessary to serve all properties) are considered necessary support services, not land uses regulated by this IDO. “Utility, Minor” was removed as a row in the table since Consolidated Draft. Revised from Module 1 to reflect existing Zoning Code in which this is a P use in every district. Added as P use in all three NR-PO subdistricts since Module 3. Added as P use in NR-SU district since Consolidated Draft. **Revised since EPC Draft to be A instead of P in NR-PO zones.**

**493** New use. Added as C use in NR-PO-A, A use in NR-PO-B, and deleted as A use in NR-PO-C since Module 3. Changed from C to P in NR-PO-A since Consolidated Draft. **Revised since EPC Draft to be A instead of P in NR-PO-A.**

**494** Added as P use in NR-SU district since Consolidated Draft.

**495** Includes or replaces “Neighborhood (non-commercial) recycling activities,” “Recycling bin as an accessory use”. Revised from P to A use in MX-M zone district since Consolidated Draft.

**496** New use added since Consolidated Draft to reflect recent City Council amendments to existing Zoning Code.

**497** Includes or replaces “Automobile dismantling yard,” “Salvage yard for storage and sale of used material.” No longer a C use in NC-LM. **Revised since EPC Draft to be A or CA in all zones where a Community Garden is allowed because Community Gardens allow sales stands.**


**499** Cold storage removed since EPC Draft as use as unnecessary. Cold storage has been added to the definition for Warehousing. Cold storage uses, i.e., not as a primary use, is allowed as an accessory use to other primary uses and is not referenced as a stand-alone use. This use no longer has the same noise impacts as when the zoning code originally was written, which is why this use was listed in the SU-1 zone.
### TABLE 3-2-1: Use Table

<table>
<thead>
<tr>
<th>NEW ZONE DISTRICT &gt;&gt;</th>
<th>Residential</th>
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<tbody>
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<td>CA</td>
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<td>CA</td>
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<td>NR-GM</td>
<td>CA</td>
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| Use-specific Standards | 3-3.5.N | 3-3.5.P |

### EXISTING ZONE DISTRICT >>

<table>
<thead>
<tr>
<th>LAND USE CATEGORY v</th>
<th>Residential</th>
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<tbody>
<tr>
<td>Outdoor storage</td>
<td>CA</td>
<td>CA</td>
<td>A</td>
</tr>
<tr>
<td>Warehousing</td>
<td>A</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Wholesaling and distribution center</td>
<td>C</td>
<td>C</td>
<td>P</td>
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### ACCESSORY AND TEMPORARY USES

<table>
<thead>
<tr>
<th>ACCESSORY USES</th>
<th>3-3.6.A applies to all</th>
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<tbody>
<tr>
<td>Agriculture sales stand</td>
<td>A</td>
</tr>
<tr>
<td>Animal keeping</td>
<td>A</td>
</tr>
<tr>
<td>Automated Teller Machine (ATM)</td>
<td>A</td>
</tr>
<tr>
<td>Drive-through or drive-up facility</td>
<td>CA</td>
</tr>
</tbody>
</table>

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500 Includes or replaces “Feed or fuel storage or sales.”

501 Includes or replaces “Outdoor storage or activity except as specifically listed as a permissive or conditional use in this Section.” Added as CA use in MX-M and A use in MX-H, and revised from C to P in NR-LM, and added as CA in MX-L in response to public comment since Consolidated Draft. Added as CA use in NR-C since EPC draft per Condition # 64 in response to public comment.

502 Includes or replaces “Warehousing, warehouse.” Since EPC Draft, this added as an accessory use to complement other intense uses.

503 Includes or replaces “Wholesaling,” “Distribution.” Added as C use with size limits in MX-M and MX-H, C use without size limits in NR-C, P use in the NR-BP zone to reflect existing IP zone uses since Consolidated Draft.

504 Since Consolidated Draft, “Permissive accessory structures in required setback areas” was deleted and content relocated to fence and wall, parking, and dimensional encroachment sections.

505 Includes or replaces “Garage conversion with zero rear and side setbacks” not carried over as too general. “Parking meters or kiosks on public streets” were not carried over, as only reference is as a prohibition. Carport in required front or side setback not carried over, as this is usually approved through a variance. “Kiosk” was not carried over, as it is a form of wayfinding/information sign.” Solar, geothermal, and wind energy lines deleted from this portion of the table since Consolidated Draft because addressed earlier in table.

506 Includes “Stand and incidental signs for display or sale of agricultural products raised on the premises” (sometimes with rabbits). Definition limited to items grown on premises. Availability expanded to R-1 and R-T districts, but size and location of standards limited by use-specific standards. Added as A use in NR-PO-B since Module 3.

507 Includes or replaces “Agricultural animal keeping, for non-commercial purposes”. Renamed from “Animal keeping, approved species” and added as A use to NR-C, NR-BP, NR-LM, and NR-GM since Consolidated Draft. Revised since EPC Draft per Condition #1 for clarity and to incorporate “Animal keeping, agricultural,” which only specified horses and cows. Keeping of horses/cows is conditional per the Use-specific Standard. Other agricultural animal keeping is included in Agriculture, General use.

508 New use. Added as A use to R-ML and R-MC since Module 1. Added as T use to NR-PO-A and –B since Module 3.

509 Includes or replaces “Drive-up service window, except where listed as permissive in C-1 zone,” All drive-through/drive-up facilities are now treated as accessory uses rather than being tied to specific primary uses, and are C uses in those districts where they may interfere with the intended character of the districts. Limiting the availability of this accessory use is consistent with the...
### TABLE 3-2-1: Use Table

<table>
<thead>
<tr>
<th>NEW ZONE DISTRICT &gt;&gt;</th>
<th>Residential</th>
<th>Mixed-use[^2]</th>
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</tbody>
</table>

### Use-specific Standards

[^1]: Includes or replaces “Accessory living quarters”, “Minor second dwelling unit”. “Caregiver quarters”, “Dwelling units in an accessory structure”. "New construction/ additions that result in 2 attached or detached dwelling units on 1 lot.” "One dwelling per premises for a watchman or caretaker.” “A” replaced by “C/P A” since Module 1 to indicate that these are C uses in some neighborhoods P uses in others in the R-1 zone only (since EPC Draft per Condition #1), with specifics shown with maps for those areas in the Use-specific Standards. Added as A use to MX-M and NR-C since Module 1 in response to public comment. Added as CA use to NR-PO-A and A use to NR-PO-B since Module 3. Removed as CA use in NR-PO-A and added as A use in MX-L since Consolidated Draft. Since EPC Draft, removed from the R-A zone, to reflect existing entitlements.

[^2]: Added since Consolidated Draft; replaces existing “Secondary unit” and “Accessory living quarters” uses in the Zoning Code. Definition allows bathroom but not kitchen.

[^3]: Includes or replaces “Family day care home as an accessory use.” Now permissive on R-2 and R-G lands. Term revised since Consolidated Draft.

[^4]: Includes “Growing Plants, Non-commercial”. Small-scale sales from accessory gardens are now permissive as an Agriculture sales stand. Added as A use to NR-PO-B since Module 3. Footnote revised since EPC Draft per Condition #1.

[^5]: Includes “Home Occupations, excluding physicians, nursing homes, massage, and the like,” “Health care, including physicians, massage, therapy, and the like.” Requirement for conditional use approval for physicians, massage, therapy, etc. was dropped as unnecessary.

[^6]: New use based on Trumbull SU-2.

[^7]: Includes or replaces “Accessory use customarily associated with a use permissive in this zone, provided it is incidental to the major use” “Incidental uses within a building, most of which is occupied by offices, including news, cigar or candy stand, personal-service establishment and the like,” “Incidental and internally oriented restaurants and shops for sale of personal services and convenience goods may be allowed in appropriate large recreational developments.” Deleted as A use in residential uses and added as A use to all non-residential uses except NR-PO-A and NR-PO-B (to correct error) since Module 3. Title of use revised since EPC Draft per Condition #1 for clarity.
### TABLE 3-2-1: Use Table

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<th>NEW ZONE DISTRICT &gt;&gt;</th>
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<th>LAND USE CATEGORY v</th>
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<td>residential primary uses 518</td>
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<td>Outdoor animal run</td>
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<td>Outdoor dining area 519</td>
<td>CA A A A A A</td>
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<tr>
<td>Parking of more than two truck tractors for more than two hours 520</td>
<td>CA CA A A A</td>
</tr>
<tr>
<td>Parking of non-commercial vehicle</td>
<td>A A A A A A</td>
</tr>
<tr>
<td>Parking of recreational vehicle, boat, and/or recreational trailer 521</td>
<td>A A A A A A</td>
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<td>Second kitchen within a house</td>
<td>CA CA CA CA CA</td>
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<thead>
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<th>TEMPORARY USES 522</th>
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<tr>
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<tr>
<td>Construction staging area, trailer, or office 524</td>
<td>T T T T T T T T T T T T</td>
</tr>
<tr>
<td>Dwelling unit, temporary 525</td>
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</tr>
<tr>
<td>Fair, festival, or theatrical</td>
<td>T T T T T T T T T T T T</td>
</tr>
</tbody>
</table>

518 Includes or replaces “Accessory Building, structure or use customarily incidental to houses and not listed as a conditional use in R-O.” “Accessory structure (non-commercial) for garage, storage, recreation, hobby, greenhouse, bathhouse, or for the keeping or housing of domestic pets, other allowed animals or agricultural products,” “Includes or replaces “Accessory use customarily associated with a use permissive in this zone, provided it is incidental to the major use.” “Uses incidental to an apartment such as day care center, news, cigar, or candy stand, delicatessen, personal-service shop, and the like, are permissive with an apartment development,” “Incidental uses within a building, most of which is occupied by offices and/or dwelling units, such as news, cigar or candy stand, restaurant, personal-service shop, and the like.” Definition will state that this includes unlisted accessory not listed in the table. Added as A use to all residential districts and deleted as A use in all non-residential districts except NR-PO-A and NR-PO-B (to correct error) since Module 3.

519 Revised from A to CA and CA to MX-T since EPC Draft to provide additional protection for neighborhoods.

520 Includes or replaces “Parking of recreational vehicle, boat, or boat-and-trailer” “Packing, trailer.”

521 “Includes or replaces “Parking of recreational vehicle, boat, or boat-and-trailer” “Packing, trailer.”

522 Includes or replaces “Circus or carnival operation outdoor or in a tent.” Availability extended to more districts. Added as T use in NR-PO-A and –B, and deleted as A use in NR-PO-C, since Module 3. Name revised since EPC Draft per Condition #68 in response to agency comment.

523 Includes or replaces “Circus or carnival operation outdoor or in a tent.” Availability extended to more districts. Added as T use in NR-PO-A and –B, and deleted as A use in NR-PO-C, since Module 3. Name revised since EPC Draft per Condition #68 in response to agency comment.

524 Includes or replaces “Parking, trailer,” “Construction office,” and “Storage structure or yard for equipment, material, or activity incidental to a specific construction project.” Availability expanded to more districts. Added as T use in NR-PO-A and –B, and deleted as A use in NR-PO-C, since Module 3. Name revised since EPC Draft per Condition #68 in response to agency comment.

525 Includes or replaces “One mobile home for a watchman or caretaker.” Definition clarifies this is for temporary events. Availability expanded to more districts. Added as T use in NR-PO-A and –B since Module 3. Added as T use in R-A, R-1, and R-T since EPC Draft per Condition #67.
### TABLE 3-2-1: Use Table

<table>
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<th>NEW ZONE DISTRICT &gt;&gt;</th>
<th>Residential</th>
<th>Mixed-use</th>
<th>Non-Residential</th>
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<td>Use-specific Standards</td>
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<td>LAND USE CATEGORY v</td>
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<td>R-A</td>
<td>R-1</td>
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<td>R-1 &amp; R-2</td>
<td>R-1 &amp; R-2</td>
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<td>MH</td>
<td>R-T</td>
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<td>R-MC</td>
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<td>R-MH</td>
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<th>Residential</th>
<th>Mixed-use</th>
<th>Non-Residential</th>
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<td>Use-specific Standards</td>
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<td>Hot air balloon takeoff/landing</td>
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<td>Open air market</td>
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<td>Real estate office or model home</td>
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<td>Seasonal outdoor sales</td>
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<tr>
<td>Temporary use not listed</td>
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<td>T</td>
<td>T</td>
</tr>
</tbody>
</table>

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526 Includes or replaces “Craft fairs,” “Antique fairs,” “Charitable or fundraising special events,” “Special Events Permit such as community activities,” “Temporary outdoor event,” “Car show,” “Car wash,” “Outdoor theatrical performances,” “Music, theater, and artistic performances.” Availability extended to new districts. Added as T use in NR-PO-A and –B, and deleted as A use in NR-PO-C, since Module 3.

527 Expanded to O-1 lands.

528 New use since Consolidated Draft to reflect current practice.

529 New use. Added as T use to NR-PO-B since Module 3.

530 Availability expanded to more districts. Added as T use in MX-H and NR-PO-B since Module 3.

531 Includes or replaces “Office, real estate,” “Sample dwelling unit used to sell such units, including incidental sales office activity” and “Temporary buildings or trailers.” Availability expanded to more districts. Deleted as a T use in NR-PO-C since Module 3.

532 Includes or replaces “Christmas trees, including outdoor sales,” “Fireworks sales.”

533 New since Module 2. Added as T use in NR-PO-B and deleted as T use in NR-PO-C since Module 3.
3-3 USE-SPECIFIC STANDARDS

3-3.1. GENERAL

A. Each activity required to have a license, permit, or approval to operate from the state or federal government or any other governmental or quasi-governmental entity, or required to have a City business license to operate, shall maintain that license, permit, or approval in effect at all times, and shall comply with the requirements of that license, permit, or approval.

B. All uses shall comply with City ordinances regulating noise, odors, vibration, glare, heat, and other nuisance conditions affecting other properties, as well as the requirements of Section 14-16-4-13 (Operation and Maintenance) unless specifically exempted from one or more of those requirements.

C. All uses and associated regulations approved through SU-1, PD, PC, or specific Site Plan processes prior to the effective date of this IDO shall remain valid.

3-3.2. RESIDENTIAL USES

A. Dwelling, Single-family Detached

1. If the single-family detached dwelling meets the definition of a manufactured home, and the dwelling is not located in an R-MC zone district, the manufactured home shall meet the following standards:

   a. Each manufactured home shall comply with the federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 USC. Sec. 5401).
   
   b. When used as a residence, only one manufactured home may be located on a lot.
   
   c. Each manufactured home shall be installed on a permanent foundation with an anchorage and tie-down constructed to meet the requirements of Articles 14-1 and 14-3 of ROA 1994 (Uniform Administrative Code and Uniform Housing Code) or the manufactured home installation code.
   
   d. All development standards applicable to other detached single-family dwellings in the zone district where the manufactured home is located shall apply to this use.

2. If the single-family detached dwelling meets the definition of a manufactured home, and the dwelling is located in an R-MC district, the provisions of Subsection 1 above do not apply, and the provisions of Section 14-16-2-3.3 (Residential – Manufactured Home Community Zone District (R-MC)) shall apply.

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534 New standard to clarify current practice.
535 New since Module 3 for clarity.
536 Existing O-1 requirements prohibiting buildings with more than 60 percent of gross floor area in dwelling units were not carried over. The goal of the MX-T district is an overall mix of use, not a mix in each building.
537 Revised to remove reference to manufactured homes in USS title since EPC Draft per Condition #1 for clarity and consistency.
538 Expands existing Mobile Home Development Regulations (Zoning Code Section 14-16-3-6). Some provisions of that section were added to the R-MC district.
B. Dwelling, Mobile Home

When located outside of the R-MC zone district, mobile homes (as opposed to manufactured homes) shall become nonconforming structures 30 years after the effective date of this IDO. See Section 14-16-5-6 (Nonconformities).

C. Dwelling, Cluster Development

1. Minimum project size for this use is one acre.\(^{539}\)

2. The number of dwelling units is determined by dividing the site area by the minimum lot size allowed in the zone rounded to the nearest whole number but shall not exceed 20.\(^{540}\)

3. The cluster development project site shall include a Common Open Space set aside for agriculture, landscaping, on-site ponding, outdoor recreation, or any combination thereof allowed in the zone district, and for the use and enjoyment of the residents.\(^{541}\)
   a. The Common Open Space area shall be 30\% of the gross area of the project site or 100\% of the area gained through lot size reductions, whichever is greater.
   b. The Common Open Space shall have a minimum length and width of 35 feet.
   c. The Common Open Space may be walled or fenced but shall be partially visible from a public right-of-way through openings in, and/or with trees visible above, the wall or fence.
   d. No structure is allowed in the Common Open Space except if necessary for its operation and maintenance.

4. The Cluster Development shall be designated on a Site Plan and plat with each dwelling on an individual subdivided lot and the Common Open Space on a separate subdivided lot or easement.

5. Maintenance for Common Open Space areas is the responsibility of the property owner. See Section 14-16-4-13.2 (Maintenance Standards).\(^{542}\)

D. Dwelling, Co-housing Development\(^{543}\)

1. Minimum project size for a co-housing development is 1 acre, and the maximum project size is 5 acres.\(^{544}\)

2. The development shall contain a shared indoor community space for all residents in the development to use for activities, cooking, and/or dining.

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\(^{539}\) R-1 zone district has been added to this list. Minimum lot size in R-O and R-A districts is currently 2 acres. Based on the recently adopted updates for Los Duranes SDP and Private Commons Development.

\(^{540}\) Revised since Consolidated Draft to incorporate provision from 14-16-3-16 Private Commons Development and SU-2 standard from Los Duranes SDP of 20 max dwelling units.

\(^{541}\) This section not revised since EPC Draft per Condition #70 because the provisions in a and b are not redundant.

\(^{542}\) Added since EPC Draft per Condition #71 in response to agency comment.

\(^{543}\) New standards for a new land use. Since Module 1, requirement for condominium ownership structure were deleted in response to public comment. Revised since EPC Draft per Condition #1 to remove reference to dwelling types as unnecessary, since that is covered in the definition.

\(^{544}\) R-1 zone district has been added to this list. Minimum lot size in R-O and R-A districts is currently 2 acres. Maximum size reduced from 5 acres since Consolidated Draft in response to public comment. Maximum size increased back to 5 acres since EPC Draft in response to public comment that such projects need to be slightly larger to be possible.
3. Zone district lot and setback requirements, including contextual standards in Subsection 14-16-4-1.3.B, shall apply to the project site as a whole but not to individual co-housing dwelling sites.\textsuperscript{545}

4. Each project site shall maintain a landscape buffer at least 10 feet wide, meeting the requirements of Section 14-16-4-6 (Landscaping, Buffering, and Screening) along each side and rear lot line, and no portion of any primary or accessory structure may be located in that buffer area.

5. Maximum project density shall be measured in square feet of gross floor area in co-housing units, rather than in the number of dwelling units. The total gross square footage in co-housing dwelling units shall be no more than the total square footage allowed on an equal size property in the same zone district platted into standard lots, and assuming a standard dwelling unit size of 2,500 square feet per dwelling unit. The portion of the development that is allocated for shared use is not included in the maximum square footage calculation.\textsuperscript{546}

\textit{Example:}\textsuperscript{547}

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

Assuming 2,500 square feet for each dwelling unit, the site would be allowed 10,000 square feet of gross floor area for dwellings, exclusive of the shared community space.

Assuming a size of 1,000 square feet for each dwelling unit in the co-housing development, 10 dwelling units would be allowed on the 1 acre site.

6. Homeowner association or other recorded documents shall require that any the sale of individual dwelling units also include any associated interest in shared or common lands, structures or facilities, and shall require the buyer’s continued responsibility for its share of those responsibilities.\textsuperscript{548}

\textbf{E. Dwelling, Cottage Development}\textsuperscript{549}

1. Minimum project size for a cottage development is one acre, and the maximum project size is two acres.\textsuperscript{550}

2. The maximum size of each dwelling unit is 1,000 square feet of gross floor area.

3. Zone district lot and setback requirements, including contextual standards in Subsection 14-16-4-1.3.B, shall apply to the project site as a whole, but not to individual dwellings.\textsuperscript{551}

\textsuperscript{545} Revised since EPC Draft per Condition #98 to include reference to contextual standards, which have been revised to apply more appropriately to cottage and co-housing developments.

\textsuperscript{546} Added since Module 1 in response to public comment. Benchmark size raised from 2,000 sq. ft., and last sentence added, since Consolidated Draft.

\textsuperscript{547} Example added since EPC Draft per Condition #1 to include an example of how to calculate the allowed gross floor area and number of units that would be allowed on a co-housing development site.

\textsuperscript{548} Added since Module 1.

\textsuperscript{549} New standards for a new land use. Since Module 1, requirement for condominium ownership structure were deleted in response to public comment. Revised since EPC Draft per Condition #1 to remove reference to dwelling types as unnecessary, since that is covered in the definition.

\textsuperscript{550} Since Module 1, maximum size increased from 2 to 5 acres in response to public comment. Maximum size reduced from 5 acres back to 2 acres since Consolidated Draft in response to public comment.

\textsuperscript{551} Revised since EPC Draft per Condition #98 to include reference to contextual standards, which have been revised to apply more appropriately to cottage and co-housing developments.
4. Each project site shall maintain a landscape buffer at least 10 feet wide, meeting the requirements of Section 14-16-4.4-6 (Landscaping, Buffering, and Screening) along each side and rear lot line, and no portion of any primary or accessory structure may be located in that buffer area.

5. Maximum project density shall be measured in square feet of gross floor area in cottage units, rather than in the number of dwelling units. The total gross square footage in cottage dwelling units shall be no more than the total square footage allowed on an equal size property in the same zone district platted into standard lots, and assuming a standard dwelling unit size of 2,500\textsuperscript{552} square feet per dwelling unit.

*Example:*

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

Assuming 2,500 square feet for each dwelling unit, the site would be allowed 10,000 square feet of building area for dwellings.

Divided by the maximum size of 1,000 square feet for each dwelling unit in the cottage development, a maximum of 10 dwelling units would be allowed on the 1 acre site.\textsuperscript{553}

6. Homeowner association or other recorded documents shall require that any the sale of individual dwelling units also include any associated interest in shared or common lands, structures or facilities, and shall require the buyer’s continued responsibility for its share of those responsibilities.\textsuperscript{554}

**F. Dwelling, Townhouse\textsuperscript{555}**

1. Each attached dwelling must be located on a separate legal lot, or, if located on a common lot, shall be situated so that a lot conforming to the requirements of the zone district could be created for each individual townhouse in the future.

2. The required side setbacks required by Section 14-16-4-1 (Dimensional Standards) shall apply to the end units of each residential building containing townhouses, and shall not apply to interior side lot lines where townhouses share a common interior wall.

3. For properties on which the rear lot line abuts a lot zoned R-A or R-1, no more than 3 townhouse units shall be allowed.\textsuperscript{556}

\textsuperscript{552} Increased from 2,000 sq. ft. since Consolidated Draft.

\textsuperscript{553} Example added since EPC Draft per Condition #1 to include an example of how to calculate the allowed gross floor area and number of units that would be allowed on a co-housing development site.

\textsuperscript{554} Added since Module 1.

\textsuperscript{555} New standards. Required separation of townhouse developments in some SU-2s was not carried forward. Term revised since Consolidated Draft to delete “Attached” as unnecessary given the definition of townhouse as attached units.

\textsuperscript{556} Revised since EPC Draft per Condition #1 to be consistent with the definition of townhouse in the IDO.
G. **Dwelling, Live-Work**<sup>557</sup>
   1. The building and lot may be used for both residence and for a business that does not qualify as a home occupation being conducted by a resident of the building.
   2. The building and lot may not be used for the following business activities identified in Table 3-2-1: any motor vehicle-related use; animal agricultural or animal-related use; food, beverage, or indoor entertainment use; adult retail; liquor retail; mortuary or crematorium; commercial services;<sup>558</sup> outdoor storage as a primary use; landscaping, building, or construction contractor; or any industrial use except artisan manufacturing.
   3. 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. A wall sign no more than 8 square feet in size or as allowed by underlying zoning, whichever is greater, located no higher than the first floor of the building is allowed.

H. **Dwelling, Multi-family**<sup>559</sup>
   In addition to meeting all applicable standards in Section 14-16-4-6 (Landscaping, Buffering, and Screening), this use shall provide the following landscaping somewhere on the lot:
   1. At least 1 tree per ground floor dwelling unit, and at least 1 tree per second floor dwelling unit; no additional trees are required for additional dwelling units on the third or higher floors.
      a. In Downtown; Urban Centers; and Main Street and Premium Transit areas, only ground floor dwelling units are used to calculate the required street trees.<sup>560</sup>
   2. At least 50 percent of the trees required by Subsection 1 shall be deciduous canopy-style shade trees or coniferous trees capable of attaining a mature canopy diameter of at least 25 feet.

I. **Community Residential Facility, Small, Medium, or Large**
   1. This use must comply with all applicable local, state, and federal regulations.<sup>561</sup>
   2. Each community residential facility occupying a structure originally designed for a use in the Household Living category shall comply with the development standards in Section 14-16-4 applicable to the zone district in which it is located.<sup>562</sup>

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<sup>557</sup> New standards derived from East Gateway SU-2: Provisions on dwelling space per person deleted because addressed by building code. Requirements for compliance with building, noise, odor, regulations deleted because addressed elsewhere in the IDO. Provisions on location of residential areas and limit on number of outside employees are new since Zoning Code. List of prohibited uses replaces existing list of allowed uses. Reference to use of lot added, and prohibition on contractors added, since Consolidated Draft.

<sup>558</sup> Exclusion of heavy commercial use is new since Module 3. Revised since EPC Draft per Condition #1 and Condition #72 to reflect language used in Table 3-2-1.

<sup>559</sup> New since Consolidated Draft based on Council’s 2016 amendments to existing Zoning Code 14-16-3-10.

<sup>560</sup> Added since EPC Draft per Condition #73.

<sup>561</sup> Revised for clarity since Module 3.

<sup>562</sup> Revised for clarity since EPC Draft per Condition #1.
J. Group Home, Small, Medium, or Large
   1. All group homes must comply with all applicable local and state regulations.\textsuperscript{563}
   2. This use shall be located a minimum of 1,500 feet from any other group home.
   3. The total number of group homes shall not exceed 30 in each Council District.\textsuperscript{564}

3-3.3. CIVIC AND INSTITUTIONAL USES

A. Community Center\textsuperscript{565}
   1. In the R-A, R-1, and R-T zone districts, this use is limited to (a) facilities with 40,000 square feet of gross floor area or less, or (b) facilities constructed before the effective date of this IDO.
   2. In the MX-T zone district, this use is limited to (a) facilities with 60,000 square feet of gross floor area or less, or (b) facilities constructed before the effective date of this IDO.

B. Daytime Gathering Facility\textsuperscript{566}
   This use shall be located a minimum of 1,500 feet from any other Daytime Gathering Facility.

C. Hospital\textsuperscript{567}
   1. In the MX-M zone district, this use is limited to no more than 20 overnight beds and may not include ambulance transportation to or from the facility.

D. Library, Museum, or Art Gallery\textsuperscript{568}
   1. In the R-A, R-1, and R-T zone districts, this use is limited to (a) facilities with 40,000 square feet of gross floor area or less, or (b) facilities constructed before the effective date of this IDO.
   2. In the MX-T zone district, this use is limited to (a) facilities with 60,000 square feet of gross floor area or less, or (b) facilities constructed before the effective date of this IDO.

E. Parks and Open Space\textsuperscript{569}
   1. Subzone A (City-owned or City-operated Parks)
      a. Parks, community buildings, recreational facilities, including associated lighting, parking areas, trails, play areas, playgrounds, exercise stations, basketball courts, restrooms, drinking water facilities, picnic shelters, storage sheds and enclosures, and any other structures or improvements approved by the City Parks and Recreation Department are allowed.

\textsuperscript{563} Revised for clarity since EPC Draft per Condition #1.
\textsuperscript{564} New provisions since EPC Draft per Condition #74 to reflect the intent of existing regulations.
\textsuperscript{565} New since Module 3.
\textsuperscript{566} Use-specific Standard added since EPC Draft per Condition #52 and Condition #75.
\textsuperscript{567} Use-specific Standard added since EPC Draft per Condition #53.
\textsuperscript{568} New since Module 3.
\textsuperscript{569} Division of Parks and Recreation Department uses into three categories is new since Zoning Code. Standards are also new from Parks and Recreation Department. Subsections to which different standards apply may be renamed for clarity. Text of several sections revised since Consolidated Draft to reflect current terminology and practices.
b. Parks are prohibited in certain areas within the Airport Protection Overlay Zone, pursuant to Subsection 14-16-2.7.1.C.\(^{570}\)

2. Subzone B (City-owned or City-operated Major Public Open Space)\(^{571}\)
   a. Areas designated as Major Public Open Space must comply with standards in the City Facility Plan for Major Public Open Space for the following types of facilities:
      i. Open Space Preserve
      ii. Protected Undeveloped Open Space
      iii. Open Space Facilities
      iv. Open Space Trails
      v. Special Use Area
   b. Facilities designated by the Facility Plan for Major Public Open Space as Extraordinary Facilities must be reviewed by the Open Space Advisory Board for recommendation to the EPC.\(^{572}\)
   c. Uses not specified as allowed in Resource Management Plans, Master Plans, and/or Site Plans are considered to be Extraordinary Facilities that must be recommended for approval by the Open Space Advisory Board to the EPC.

3. Subzone C (Privately Owned and Managed Parks and Open Spaces)\(^{573}\)
   a. Parks, open spaces, trails, play areas, playgrounds, exercise stations, basketball courts, restrooms, drinking water facilities, picnic shelters, storage sheds/enclosures, and other facilities generally included in parks and open spaces designed for routine use by the public (rather than organized sports) in facilities accommodating no more than 25 persons per acre of site area at any one time are allowed by right.
   b. Other facilities included in a City-approved Site Plan for the property are allowed provided that the property owner complies with any conditions attached to that approval.
   c. Ball fields, fields for organized sports, nighttime lighting facilities, spectator bleachers or seating, parking areas for more than 25 cars, and any facility or improvement intended to be used by a group of more than 25 people at any one time are conditional uses requiring a Conditional Use Approval pursuant to the procedure in Section 5-5.2.A.
   d. Recreational facilities that are open for public use shall be built to City Parks and Recreation standards and subject to review and approval by City Parks and Recreation Department for compliance.\(^{574}\)
   e. Recreational facilities that are not open for public use, including play areas, playgrounds, and basketball courts, shall be built to ADA standards. Recreational areas, particularly playgrounds, shall be enclosed with a fence

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570 Provision added since EPC Draft per Condition #1 to reflect changes made to the APO regulations per Consition #21.
571 Revised since Consolidated Draft to remove language duplicated in the Facility Plan for Major Public Open Space to avoid conflict.
572 Reference to Advisory Board and EPC are new since Module 3.
573 New standards.
574 New standard since Zoning Code.
or wall of 5 feet or more and accessed via a locked gate. Signage at the entrance of the recreational area shall indicate the entity with ownership and maintenance responsibilities, and lighting must be provided so that the sign is visible after dark. The facility shall comply with the standards in Section 14-16-4-7 (Walls and Fences) and Section 14-16-4-8 (Outdoor Lighting).  

f. Dog parks shall be subject to regulations in Article 14-5 of ROA 1994 (Drainage Control).  

g. Trails built within the public right-of-way shall be paved and built to City standards as required by the Development Process Manual and the Bikeways and Trails Facility Plan. Trails built outside the public right-of-way shall be maintained by the property owner or Homeowners Association. Signs shall be posted every one-half mile or at every intersection, whichever is closer, that indicate ownership/management and current contact information.  

h. Parks, but not open space, are prohibited in certain areas within the Airport Protection Overlay Zone, pursuant to Subsection 14-16-2-7.1.C.  

4. Subzone D (BioPark)

Uses specified in the BioPark Master Plan as approved by the Cultural Services Department are allowed.

F. Religious Institution

1. Accessory uses and recreational and educational facilities are allowed, including but not limited to an emergency shelter, on the principal premises of the religious institution that is used regularly for public worship, provided that:
   a. Emergency shelters must comply with all applicable state and local regulations for emergency shelters.  
   b. All incidental recreational, educational and emergency shelter facilities must be operated by the religious institution.  

2. In the R-A, R-1, and R-T zone districts, this use is limited to facilities with a total of 40,000 square feet of gross floor area or less, or facilities constructed before the effective date of this IDO.  

3. In the MX-T zone district, this use is limited to facilities with a total of 60,000 square feet of gross floor area or less, or facilities constructed before the effective date of this IDO.

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575 New standard since Module 3. Restriction to 1 acre in size removed since Consolidated Draft.  
576 New standard since Module 3. All references in the IDO to the Code of Ordinances or City Code revised to reference ROA 1994, which is the official title of that code, since the EPC Draft per Condition #1 for consistency and clarity.  
577 New provision since Consolidated Draft.  
578 Provision added since EPC Draft per Condition #1 to reflect changes made to the APO regulations per Consition #21.  
579 Added since Consolidated Draft.  
580 New standards.  
581 City legal department is reviewing this provision.  
582 New standard since the Zoning Code.  
583 New since Module 3.
3-3.4. COMMERCIAL USES

A. Agriculture, General\textsuperscript{584}

1. Livestock and birds are allowed, provided the lot has an area of at least one acre and the following standards are met:
   a. The number of cattle or horse does not exceed one for each 10,000 square feet of open lot area, and the number of sheep and goats does not exceed one sheep or goat for each 4,000 square feet of open lot area, or equivalent combination. Animals under four months old are not counted.
   b. Animals shall be so controlled that they cannot graze on any other premises.
   c. Any building, pen, or corral for agricultural animals or birds shall be at least 50 feet from any existing residential dwelling unit.\textsuperscript{585}

2. One non-illuminated sign not exceeding eight square feet in area is allowed.

B. Community Garden\textsuperscript{586}

1. The maximum size of this use is 3 contiguous acres.
2. This use shall be limited to the propagation and cultivation of plants.
3. Accessory structures such as hoop houses, shade structures, and storage sheds are allowed, but no such structure shall be more than eight feet in height or located closer than 10 feet to a property line, and the total area covered by structures shall not exceed 25 percent of the site area.
4. Operation of power equipment or generators shall not occur between the hours of 10:00 P.M. and 7:00 A.M.
5. The site drainage and maintenance must prevent water and fertilizer from draining onto adjacent property that is not part of the contiguous land in urban agricultural use.
6. Food products may be grown in soil native to the site if a composite sample of the native soil, consisting of no less than five individual samples, has been tested for lead content and the lead content in the soil is determined to be at or below the New Mexico direct-contact standards for lead; and either:
   a. The applicant demonstrates through maps, deeds, prior permits, or a combination of those sources that the site has only been put to residential or agricultural use in the past; or
   b. The applicant demonstrates that a composite sample of the native soil, consisting of no less than five individual samples, has been tested for metal content using the US EPA 3050B, 3051, or a comparable method and that the metals arsenic, cadmium, mercury, molybdenum, nickel, selenium, and zinc are at or below the thresholds listed in Table 3-3-1.

\begin{table}[h]
\centering
\begin{tabular}{|l|}
\hline
\textbf{TABLE 3-3-1: Soil Testing Standards} \\
\hline
\end{tabular}
\end{table}

\textsuperscript{584} Combines existing standards for R-O and R-A districts. Animal densities are from existing R-A district. Revised to reflect edits from Animal Control since Consolidated Draft.
\textsuperscript{585} Distance increased from 20 feet.
\textsuperscript{586} New standards for new land use. Reference to allowing a sale stand removed since EPC Draft because this is a separate use, Agricultural sales stand.
### Chapter 14-16-3: Use Regulations

#### 3-3: Use-specific Standards

<table>
<thead>
<tr>
<th>Chemical Name</th>
<th>CASRN</th>
<th>Soil Exposure Direct Contact Residential Maximum (mg/kg)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Arsenic, Inorganic</td>
<td>7440-38-2</td>
<td>5.5</td>
</tr>
<tr>
<td>2. Cadmium (Diet)</td>
<td>7440-43-9</td>
<td>98</td>
</tr>
<tr>
<td>3. Mercuric Chloride (and other Mercury salts)</td>
<td>7487-94-7</td>
<td>32</td>
</tr>
<tr>
<td>4. Lead and Compounds</td>
<td>7439-92-1</td>
<td>400</td>
</tr>
<tr>
<td>5. Mercury (elemental)</td>
<td>7439-97-6</td>
<td>3.1</td>
</tr>
<tr>
<td>6. Molybdenum</td>
<td>7439-98-7</td>
<td>550</td>
</tr>
<tr>
<td>7. Nickel Soluble Salts</td>
<td>7440-02-0</td>
<td>2100</td>
</tr>
<tr>
<td>8. Selenium</td>
<td>7782-49-2</td>
<td>550</td>
</tr>
<tr>
<td>9. Zinc and Compounds</td>
<td>7440-66-6</td>
<td>32000</td>
</tr>
</tbody>
</table>

### C. Equestrian Facilities

This use shall be located at least 300 feet from any Residential zone district or lot containing a residential use in a Mixed-use zone district.

### D. Kennel\(^{587}\)

1. In the MX-L and MX-M zone districts, this use must be in a completely enclosed building and no closer than 30 feet from any Residential zone district.

2. In the NR-C, NR-LM and NR-GM zone districts:
   a. This use must be in a completely enclosed building or within an area enclosed on all sides by a wall or fence at least six feet high, which must be solid when it faces or abuts land not zoned NR-C, NR-LM, or NR-GM.
   b. This use must be located no less than 30 feet from any Residential zone district or residential use in a Mixed-use zone district.\(^{588}\)

### E. Veterinary Hospital\(^{589}\)

1. In the MX-L and MX-M zone districts, treatment of large animals, including but not limited to cattle, horses, sheep, goats, or pigs weighing over 100 pounds, is not allowed. Only treatment of dogs, cats, other domestic pets, and small animals is allowed.

2. In the MX-M and NR-C zone districts, outside exercise runs are allowed, provided they are enclosed with a solid wall or fence at least six feet high. Outside areas for occupancy by animals overnight are not allowed.

### F. Adult Entertainment or Adult Retail

1. These uses are prohibited in the following locations:
   a. Within of 1,000 feet of any other adult entertainment or adult retail use.
   b. Within 500 feet of any Residential zone district, lot containing any residential component of a Mixed-use zone district, religious institution, or elementary, middle, or high school.\(^{590}\)

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\(^{587}\) Standards are based on C-1, C-3, M-1, and M-2 zone districts and concepts in various SU-2s. Since Module 3, reference to Noise Ordinance was deleted as unnecessary; all uses are subject to the Noise Ordinance.

\(^{588}\) Wording revised to since EPC Draft per Condition #1 to remove requirement for completely enclosed building to avoid conflict with Subsection a.

\(^{589}\) Standards are based on C-1 and C-2 zone district standards and concepts in various SU-2s.
2. If any Residential use, religious institution, or school locates within 500 feet of an existing adult entertainment or adult retail use that was originally located in compliance with Subsection 1 above, the adult entertainment or adult retail use shall still be considered a conforming use.

3. Adult entertainment and adult retail are not permitted in the MX-FB-DT zone district.

G. Bar, Nightclub, Restaurant, and Tap Room

1. Alcohol sales for on-premises consumption is allowed, provided that the establishment complies with all New Mexico state law requirements, including but not limited to any required spacing from other uses or facilities.

2. Notwithstanding Subsection 2 above, alcohol sales are prohibited in the following locations:
   a. Within 500 feet of any Residential zone district.
   b. Within 300 feet of any religious institution or an elementary, middle, or high school.

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

H. Health Club or Gym

In the MX-T zone district, this use shall not exceed 10,000 square feet of gross floor area.

I. Bed and Breakfast

1. If allowed only as an accessory use, the owner of the Bed and Breakfast shall reside on-site as their permanent residence.

2. The use shall have no more than 8 bedrooms for use by guests. Larger facilities are categorized as a Hotel.

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

4. The use shall appear outwardly to be a single-family dwelling, with no evidence of business use other than allowed signs.

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592 Revised since Consolidated Draft to clarify how to measure distance from residential component on Mixed-use zone.
593 Added since EPC Draft per Condition #1 to reflect the prohibition of Adult Entertainment and Adult Retail in MX-FB-DT.
594 Use-specific Standards for Bars and Restaurants consolidated since Module 1 and extended to Nightclubs and Tap Rooms. Existing list of specific spacing requirements were deleted in Module 1, but have now been reinserted, reworded for clarity and extended to Nightclubs. Tap Rooms addition reflects amendments to Huning Highland SU-2 regulations and makes those changes applicable to this use in other areas. Some of these conditions may not be enforceable under current court rulings. Subsection 4 has been deleted since EPC Draft per Condition #79 in response to public comment and because it does not apply if this use .
595 Provisions regarding sales of alcohol in broken packages, distilled spirits, and fortified wines have been removed since Consolidated Draft as unenforceable under current court rulings. Prohibition on specific products generalized to a prohibition near the listed areas districts. Revised since EPC Draft per Condition #79 in response to public comment. Residential, church, and school distance separations added since EPC Draft to match existing regulations in the Zoning Code and state law
596 Extended from Restaurants to other uses, since Module 1. Examples added since EPC Draft per Condition #1 to clarify what this provision entails.
597 Size limit added since Consolidated Draft in response to public comment.
598 Integrates new regulations with existing regulations from SU-1, Huning Highland SU-2, and Sawmill SU-2. Space limits based on square footage of the building were not carried over; occupancy should be governed by the building and occupancy code. Separation requirements from other bed and breakfasts, and location requirements based on street classifications, were deleted as unnecessary. Since Consolidated Draft, parking requirements have been deleted because they are addressed in Section 4-5 (Parking and Loading). Revised since EPC Draft to remove reference to Residential zones to reflect changes to where this use is allowed in the Use Table.
5. If located in a Residential zone district, a non-illuminated sign up to 8 square feet in area is allowed. If located in the MX-T zone district, a non-illuminated sign up to 12 square feet in area is allowed.

6. If located in a Residential zone district, only the following persons may eat meals in the bed and breakfast:
   a. The resident household and their personal guests;
   b. Resident guests;
   c. Guests of resident guests; and
   d. Guests participating in meetings or other private events hosted by the facility when other overnight guests are not present, not to exceed the approved seating capacity of the facility. Special events on the premises that involve a total number of participants in excess of the approved dining area seating capacity shall be limited to 6 days per year.

J. Campground or Recreational Vehicle Park

1. Minimum project size for a campground or recreational vehicle park is 5 acres.

2. The maximum gross density within a campground shall be 15 camp sites per acre. Land that is not accessible to campers shall not be included in the calculation of gross density.

3. All recreational vehicles or tents parked or attached to the ground for use as an overnight accommodation shall be on a camp site.

4. Each camp site shall provide parking spaces of adequate size to accommodate the vehicles allowed at the site. Each parking space shall be constructed so that no portion of the vehicle it is designed for shall extend onto any drive aisle within the campground.

5. Camp sites shall comply with the following minimum setback requirements:
   a. From the perimeter of the campground: 20 feet.
   b. From the boundary of a public right-of-way other than a local street: 100 feet.
   c. The minimum setback requirements above may be reduced if the camp site is totally obscured from sight from off-site by natural barriers or a solid wall or fence at least six feet high.

6. This use shall be serviced by a private street system providing safe and convenient access to all camp sites or RV spaces, which shall be paved as required for off-street parking regulations in the Development Process Manual.

7. On any side of the premises adjacent to a Residential zone district, a solid wall or fence at least six feet high shall be erected and maintained.

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597 Since Module 3, cross-reference to existing 14-16-3-7 replaced with text of that section. Since Consolidated Draft, minimum requirement of 15 RV sites, minimum size of each space, special setbacks for campgrounds adjacent to manufactured home parks, and traffic signage provisions were deleted as outdated, and specific toilet and lavatory requirements replaced with a cross-reference to the building code.

598 Revised since EPC Draft per Condition #278 to replace “contiguous or across the street from.”
8. Water-flush toilets and urinals shall be provided, and shall not be more than 300 feet from any camp site without an individual sewer connection.

9. Toilets and lavatories shall be provided as required by Articles 14-1 and 14-3 of ROA 1994 (Uniform Administrative Code and Uniform Housing Code).

K. **Hotel or Motel**

1. In the MX-T zone district, this use is limited to a maximum of 15 beds.


L. **Car Wash**

1. This use is prohibited adjacent to Major Public Open Space.

2. Within 330 feet of Major Public Open Space, this use shall require a Conditional Use Approval pursuant to Section 14-16-5-5.2.A.

M. **Heavy Vehicle and Equipment Sales, Rental, Fueling, and Repair**

1. The lot must be graded and surfaced with 2 inches of asphaltic concrete on a prime coat and a 4 inch compacted subgrade, or a surface of equal or superior performance characteristics, and shall be maintained in a level and serviceable condition.

2. This use shall have a fence, wall, or vegetated screen between 6 and 8 feet high on each property boundary, unless the Planning Director requires a taller fence, wall, or vegetated screen in order to adequately buffer an abutting Residential zone district or residential component in a Mixed-use zone district from the reasonably anticipated visual or noise impacts of this use.

3. All outdoor areas where vehicles are stored must be must be screened as required by Section 14-16-4-6.7 (Screening of Mechanical Equipment and Support Areas).

4. Trucks and trailers parked outdoors shall not exceed 35 feet in length, 12 feet in height, or a registered gross vehicle weight capacity of 26,000 pounds. The length of trailer bodies shall not exceed 14 feet unless it is a recreational vehicle. Facilities for larger vehicles may be approved per Section 14-16-5-5.2.A (Conditional Use Approval).

5. Any accessory vehicle repairing shall be within a completely enclosed building located at least 20 feet from any Residential zone district or residential portion of a Mixed-use zone district.

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599 New since Module 3.

600 New provision since EPC Draft per Condition #21 for consistency with existing regulations and practice.

601 Use-specific Standards added since EPC Draft per Condition #76 and Condition #78 in response to public comment.

602 Revised from existing standards: Zoning Hearing Examiner process to determine fence/wall height was deleted. Provisions for screening of this use in a parking structure, prohibition on truck and road tractors, and limitation that vehicles not cover more than 25 percent of the parcel, and vague allowance for additional controls were deleted as unnecessary or too vague. Since Module 1, limits on length and weight of vehicles stored have been deleted in response to public comment. Fueling added since Module 3. Staff reviewed this section since EPC Draft per Condition #54 and did not make any revisions.

603 Revised since Consolidated Draft to make standard more objective and delete conditional use permit requirement.

604 New since Consolidated Draft, and to carry forward intent of 2016 City Council amendments.

605 Enclosed building requirement is based on standards in Martineztown/Santa Barbara SU-2 regulations for the C-3 subarea.
N. Light Vehicle Fueling Station⁶⁰⁶
1. This use is prohibited within 330 feet of Major Public Open Space.⁶⁰⁷
2. If located adjacent to a Residential zone district, this use shall require a Conditional Use Approval pursuant to Section 14-16-5-5.2.A.
3. If located adjacent to a Residential zone district or residential component of a Mixed-use zone district, this use shall have a fence, wall, or vegetated screen between 6 and 8 feet high on each property boundary.
4. No inoperable vehicles shall be stored outside an enclosed building at any time.
5. This use shall not be located where the only vehicle access to the lot is from a local street.
6. Each street that provides access to the lot shall have either 2 travel lanes in each direction, or a center turn lane with access to the site.
7. Uses located on a corner lot with access from both streets shall have no more than one access point per frontage. Uses located mid-block or with access from only one street shall have no more than two access points from that street.
8. Access points shall be located no closer than 20 feet from any adjacent property that is not under common ownership.
9. Site access from a paved alley connecting to a public street is allowed provided that the access points from the site to the alley shall be a minimum of 25 feet from the intersection of the alley and the street.
10. Sites shall be designed so that for every fueling position there is one on-site vehicle stacking space in addition to the vehicle parked at the fueling position. Vehicle stacking spaces shall be a minimum of 10 feet in width by 20 feet in length and shall be distinct from on-site vehicle drive aisles and parking spaces.
11. This use must comply with stormwater quality requirements found in Chapter 22 of the Development Process Manual.

O. Light Vehicle Repair⁶⁰⁸
1. This use is prohibited within 330 feet of Major Public Open Space.⁶⁰⁹
2. Outdoor storage of inoperative vehicles is limited to two vehicles at any time, and no inoperative vehicle shall be parked outdoors for more than two weeks in any 12 month period.
3. Painting and major automotive repair shall be conducted within a completely enclosed building at least 20 feet from any Residential zone district or lot containing a residential use in a Mixed-use zone district.
4. This use must comply with stormwater quality requirements found in Chapter 22 of the Development Process Manual.

⁶⁰⁶ Revised and supplemented from existing C-1, C-2, C-3, Los Duranes and La Cueva SU-2 standards. Limits on the number of pumps and location of wholesale fuel delivery points, requirements for bollards along alleys providing access, and special provisions for redevelopment of existing sites were not carried forward. Since Consolidated Draft, requirements for stacking spaces were deleted because already addressed in Section 14-16-4-5 (Parking and Loading).
⁶⁰⁷ Provision added since EPC Draft per Condition #77 in response to public comment.
⁶⁰⁸ Wording clarified from existing standards.
⁶⁰⁹ Provision added since EPC Draft per Condition #77 in response to public comment.
P. Light Vehicle Sales and Rental

1. In the MX-H and MX-FB zone districts, outdoor display, storage, or incidental maintenance and servicing of vehicles is not allowed.

2. In other zone districts where this use is allowed, accessory outdoor display, storage, and sales areas are not allowed within 50 feet of a Residential zone district or lot containing a residential use in a Mixed-use zone district, and are not allowed within any required front setback area.

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

Q. Outdoor Vehicle Storage

All outdoor areas where vehicles are stored must be must be screened from any adjacent Residential zone district or residential component of a Mixed-use zone district as required by Section 14-16-4-6 (Landscaping, Screening, and Buffering).

R. Parking Structure or Parking Lot

1. This use must comply with all standards in Section 14-16-4-5 (Parking and Loading Standards).

2. Minor accessory structures, including but not limited to trash and recycling receptacles, bike racks or lockers, bike sharing facilities, and an attendant/payment booth, are allowed on the property, but shall not be located in any required setback area.

3. This use is limited to the parking of motor vehicles and any allowable temporary use of the property. No repair of motor vehicles, sales of motor vehicles, or other uses are allowed on the property.

4. Primary parking lots are not allowed in the following mapped areas:
   a. MX-FB-DT zone district
   b. Downtown Neighborhood Area – CPO-2
   c. Huning Castle Raynolds Addition Area
      This use is prohibited in the Mixed-use and Non-residential zone districts in the mapped area shown below.

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610 Text slightly revised since Consolidated Draft for consistency with use definition and to clarify that outdoor display and storage areas must be accessory to the primary use of selling or renting vehicles.
611 New since Consolidated Draft, and to carry forward intent of 2016 City Council amendments.
612 New standards.
613 Term revised since EPC Draft per Condition #1 and definition adjusted accordingly for clarity and consistency.
614 Map added since Consolidated Draft. Prohibition from the adopted Downtown 2025 SDP. Map replaced with reference to MX-FB-DT since EPC Draft per Condition #1 to be more concise and reduce repetition.
615 Map added since Consolidated Draft. Prohibition from adopted Downtown Neighborhood Area SDP. Map replaced with reference to CPO-2 since EPC Draft per Condition #1 to be more concise and reduce repetition.
616 Added since Consolidated Draft. Prohibition from the adopted Huning Castle Raynolds Addition SDP.
d. Los Duranes CPO-5\textsuperscript{617}

e. Martineztown/Santa Barbara\textsuperscript{618}

f. South Broadway\textsuperscript{619}

\textsuperscript{617} Added since Consolidated Draft. Prohibition from the Los Duranes SDP. Footnote revised since EPC Draft per Condition #1 to correct SDP reference. Map replaced with reference to CPO-5 since EPC Draft per Condition #1 to be more concise and reduce repetition.

\textsuperscript{618} Added since Consolidated Draft. Prohibition from the Martineztown/Santa Barbara SDP.

\textsuperscript{619} Added since Consolidated Draft. Prohibition from the South Broadway SDP.
S. Bank

The following Use-specific Standards apply only to Small Loan Businesses:

1. Small Loan Businesses may not be located within 1 mile (5,280 ft.) of any other Small Loan Business.

2. If a Small Loan Business is abandoned, discontinued, or ceases continuous operation for more than 1 year, it shall not be reestablished at that location if it is within 1 mile of any other Small Loan Business.\(^\text{621}\)

3. Small Loan Businesses shall maintain a valid license under the New Mexico Small Loan Business Act from the New Mexico Regulations and Licensing Department at all times. Small Loan Businesses shall submit to the Zoning Enforcement Officer proof on an annual basis that they have renewed their license with the New Mexico Regulations and Licensing Department.

T. Construction Contractor Facility and Yard

1. This use may be conducted outside of an enclosed building.

2. All outdoor areas where construction equipment or goods or vehicles are parked or stored or work is conducted must comply with requirements in Section 14-16-4-6 (Landscaping, Buffering, and Screening).

U. Medical or Dental Clinic\(^\text{622}\)

If located in an MX-T or MX-L zone district, this use shall not exceed 10,000 square feet of gross floor area.

V. Office\(^\text{623}\)

In the R-T, R-ML, and R-MH districts, this use may only be located in a building located on a corner and originally built for commercial use.

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\(^\text{620}\) New since Module 1. Regulations adopted by City Council in August 2015 as existing 14-16-3-24. Definition revised since EPC Draft per Condition #1 for clarity and to specify that the Use-specific standards only apply to Small Loan Businesses. Text about reserving a location for 90 days deleted as unenforceable and too detailed for the IDO.

\(^\text{621}\) Added since EPC Draft per Condition #1 to clarify what happens if a small loan business use is discontinued in a particular location.

\(^\text{622}\) Added since Consolidated Draft.

\(^\text{623}\) New standard since Zoning Code Limits on bail bonds have been relocated to personal service standards since Consolidated Draft. Reference to Small Loan Business removed since EPC Draft per Condition #1 because it is considered a Bank use for the purpose of this IDO.
W. Personal and Business Services, Small or Large\textsuperscript{624}

1. If the use includes dry cleaning of clothes and is located in Mixed-use zone district, the following provision apply:
   a. Only nonflammable or noncombustible materials may be used in the cleaning process.
   b. The portion of the structure in which any cleaning process is done must be at least 50 feet from any Residential zone district or lot containing a residential use in a Mixed-use zone district.

2. If the use makes available bail bonds, the following requirements apply:\textsuperscript{625}
   a. The lot must receive its access from a collector or arterial street (not a local street).\textsuperscript{626}
   b. The use may not be located on the same parcel as another use that makes available bail bonds.
   c. Unless located within 500 feet of a courthouse, the use may not be located closer than one mile (5,280 feet) to any other parcel on which another use that makes available bail bonds is located.\textsuperscript{627}
   d. If a bail bond use is abandoned, discontinued, or ceases continuous operation for more than one year, it shall not be reestablished at that location if it is within a one-mile radius of the location of any other use that makes available bail bonds, unless it is located within 500 feet of a courthouse.\textsuperscript{628}

X. Research or Testing Facility\textsuperscript{629}

Any facility using hazardous materials or procedures subject to additional review, licensing, or approval by state or federal law, or emitting electromagnetic radiation or other radiation, shall comply with all state and federal requirements regarding the storage, handling, transfer, use, and safety of those materials, procedures, or radiation, and require a Conditional Use Approval pursuant to Section 14-16-5-5.2.A.

Y. Self-Storage\textsuperscript{630}

1. All storage shall be within enclosed buildings. No outdoor storage of goods or vehicles is allowed.

2. In the MX-M, MX-H, and MX-FB zone districts, and on lots in the NR-C zone district within an Activity Center, Urban Center, Main Street area, or Premium Transit area, access to individual storage units shall be through interior corridors; direct access to individual units from outdoor areas is not allowed.\textsuperscript{631}

\textsuperscript{624} Integrates and revises existing RC, MH, and C-1 standards.

\textsuperscript{625} New since consolidated draft, and based on criteria in DHA SU-2 regulations.

\textsuperscript{626} New since consolidated draft, and based on criteria in DHA SU-2 regulations.

\textsuperscript{627} New standard since Module 1, based on existing standards in DNA SU-2 regulations, and extended citywide. Since Module 3, last clause revised to clarify that spacing is from other bail bond facilities. Relocated from office use to this use since Consolidated Draft. Added provision allowing bail bonds to cluster near courthouses since Consolidated Draft.

\textsuperscript{628} Added since EPC Draft per Condition \#1 to clarify what happens if a bail bonds use is discontinued in a particular location.

\textsuperscript{629} New standard since Zoning Code.

\textsuperscript{630} New standards since Zoning Code.

\textsuperscript{631} New since Consolidated Draft, and changes to other standards for consistency included. Revised since EPC Draft per Condition \#1 and Condition \#7 to reflect changes to the C-2 conversion rules.
3. In the NR-C zone district outside of Urban Centers, Main Street areas, or Premium Transit areas, exterior doors to individual storage units shall not face any abutting street frontage, or, if the site is located on a corner parcel, shall not face the primary street frontage.  

4. An opaque fence or wall between six and eight feet in height, or a vegetated buffer at least 50 feet in width, shall be provided along any lot line that abuts a Residential zone district or residential component of a Mixed-use zone district.  

5. Security fencing shall not include razor wire or barbed wire.  

6. Public access to any storage units within 100 feet of any Residential zone district or lot containing a residential use in a Mixed-use zone district is not allowed between 10:00 P.M. and 7:00 A.M.  

Z. Balloon Fiesta Park Events and Activities

Uses and conditions on operations are governed by the adopted Balloon Festival Master Plan, as amended 2012.  

AA. Drive-in Theater  

1. A screen located less than 500 feet from an arterial street shall be located, oriented, or shielded so that the picture surface cannot be seen from the arterial street.  

2. This use shall be enclosed with an opaque wall, fence, or vegetated buffer between six and eight feet high.  

BB. Other Outdoor Entertainment

1. This use shall include fencing or other measures meeting the standards in Section 14-16-4-6 (Landscaping, Buffering, and Screening) and designed to prevent balls or other objects from the activity from passing beyond the property line and onto any surrounding properties not owned by the owner or operator of the use.  

2. In the R-A, R-1, and R-T zone districts, this use is limited to facilities with a total of 40,000 square feet of gross floor area or less, or facilities constructed before the effective date of this IDO.  

3. In the MX-T zone district, this use is limited to facilities with a total of 60,000 square feet of gross floor area or less, or facilities constructed before the effective date of this IDO.  

4. Rifle range (public or private) and flying of kites are prohibited in the Air Space and Runway Protection Sub-areas. See Section 14-16-2-7.1.C (Airport Protection Overlay Zone Use Regulations).
CC. Building and Home Improvement Materials, Large

1. All outdoor storage, display, and sales areas must be screened from any adjacent Residential zone district or residential component of a Mixed-use zone district as required by Section 14-16-4-6 (Landscaping, Buffering, and Screening).

2. For building and home improvement materials uses that also meet the definition of a large retail facility, the General Retail use specific standards for large retail facilities also apply. See section 3-3.4/DD.2.642

DD. General Retail[643]

1. This use may not include an outdoor storage or display area unless a Conditional Use Approval is obtained pursuant to Section 14-16-5-5.2.A and the use is screened from any adjacent Residential zone district or residential component of a Mixed-use zone district as required by Section 14-16-4-6 (Landscaping, Buffering, and Screening), except for in the Old Town HPO-5, pursuant to Subsection 3 below.

2. For general retail uses that meet the definition of a large retail facility the following standards apply:

a. General.644 The large retail facility regulations address the build-out of a large site over time in order to guide the transition from more vehicle-oriented "big box" type retail development with large surface parking fields to finer-scaled, pedestrian oriented, mixed-use development, replacing surface parking with some parking structures, producing a village center that is integrated into the surrounding neighborhoods. This transition reflects actual trends in development and creates a better, more marketable, and higher use development.

b. Access.645 Large retail facilities shall meet the road access requirements for each size of facility. If warrants are met, the intersection of the primary driveway and the arterial street shall be signalized, unless prohibited by the City Traffic Engineer for safety reasons, at the expense of the applicant.

   i. Large retail facilities containing at least 50,000646 but no more than 90,000 square feet of gross floor area are required to be located adjacent to and have primary and full access to a street designated as a collector or higher and having at least two through traffic lanes.

   ii. Large retail facilities containing over 90,000 but no more than 125,000 square feet of net leasable area are required to be located

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641 New provision since EPC Draft per Condition #21 for consistency with existing regulations and practice.
642 Since EPC Draft, additional elements of the Large Retail Facility (LRF) regulations, §14-16-3-2(D), have been carried forward per Condition #80 and #128. See additional information and footnote explanations in the General Retail section, below.
643 Restrictions on alcohol sales for off-premises consumption have been added since Module 1. Under existing code these apply to liquor stores but not general retail. Some of these restrictions may not be enforceable under current court decisions.
644 Since the EPC Draft, additional elements of the LRF regulations, §14-16-3-2(D), have been carried forward as Use Specific Standards, Parking Standards, and Building Articulation standards for large-scale retail building types. This addition per Condition #80 and #128 (see public comments #551, 727, 949, 996, and 1119).
645 Since EPC Draft, the LRF access requirements have been carried forward in the IDO per Condition #80.
646 This threshold has been changed from the existing Large Retail Facility regulations since the EPC Draft per Condition #1 to track with the IDO’s thresholds for Large General Retail. It is also consistent with industry definitions of ‘big box retailer’ as occupying large-scale buildings of more than 50,000 SF.
adjacent to and have primary and full access to a street designated as a collector or higher and having at least 4 through traffic lanes.

iii. Large retail facilities containing over 125,000 square feet of gross floor area are required to be located within 700 feet from the intersection of two roadways, both of which are designated as at least a collector or higher and shall have full access to these roadways. One of the adjacent roadways shall have at least 4 through traffic lanes and another adjacent roadway shall have at least 6 through traffic lanes or shall be designated a limited access principal arterial and have a minimum of 4 lanes.

c. Site division. The site shall be designed with internal block sizes that are walkable and support land use changes over time, according to the following standards:

i. The entire site shall be planned or platted according to the block dimensions established for Activity Centers in the DPM and summarized in Subsection 14-16-4.5.C (Block Dimensions), except as provided in Subsections b.vi and b.vii.

ii. Primary buildings shall be screened from the adjacent streets by means of smaller buildings, retail suite liners, or 20 foot wide landscape areas with a double row of trees.

iii. Primary and secondary driveways (or platted roadways) that separate the blocks shall be between 60 feet and 85 feet wide and shall include all of the following:

1. Two 10 foot travel lanes.

2. Two 6 foot landscaped buffers with shade trees spaced approximately 30 feet on center.

3. Two 8 foot pedestrian walkways constructed of material other than asphalt.

4. Pedestrian-scale lighting that is a maximum of 16 feet in height.

5. Standup curb.

iv. Two parallel or angle parking rows or a combination of the two on both sides of the driveway rights-of-way are allowed but not required.

v. Parking shall be distributed on the site to minimize visual impact from the adjoining street. Parking shall be placed on at least 2 sides of a building and shall not dominate the building or street frontage.

vi. Every third double row of parking shall have a minimum 10 feet wide continuous walkway dividing that row. The walkway shall be either patterned or colored material other than asphalt and may be at grade. The walkway shall be shaded by means of trees, a trellis or similar structure, or a combination thereof. Tree wells, planters, or supports for shading devices may encroach on the walkway up to 3 feet. In no case shall the walkway be diminished to less than 5 feet at any point.

647 Site Division content carried forward from LRF regulations, §14-16-3-2(D), and modified for consistency with IDO Block size, design, and layout standards per Condition #1 and #128.
vii. One block can be expanded to approximately 800 feet by 400 feet if a primary building (including retail suite liners) covers more than 80 percent of the gross square footage of the block.

viii. If the site dimensions result in irregular block sizes, blocks of different dimensions are allowed provided that all of the following are met:
   1. The block sizes achieve the intent of this section.
   2. Approval is granted by the EPC.
   3. The narrow side of the block abuts the adjacent street that provides the primary access.
   4. The center of the long side has a major entrance, including a forecourt.

3. Within the HPO-5 Old Town zone the following retail standards apply:
   a. Outdoor retail sales and related display of “handcrafted items” is allowed provided that the installation is on specified portions of the public sidewalk and allowed in accordance with City Section 13-3-2-4 (Old Town Solicitations).
   b. Limited outdoor display of retail goods is allowed provided:

648 Building Articulation standards carried forward from LRF regulations, §14-16-3-2(D), to complement the Mixed-use and Non-residential Development Façade articulation regulations, IDO 4-10.5, per Condition #128.

649 Signage standards carried forward from LRF regulations, §14-16-3-2(D), to complement the IDO’s sign regulations, 4-11, per Condition #128.

650 Relocated from HPO content since Consolidated Draft.
Chapter 14-16-3: Use Regulations

3: Use-specific Standards

3-3: Commercial Uses

i. The display of retail goods on tables, cases, racks, kiosks, boards, or blankets is prohibited.

ii. The display of retail goods on second-story railings is prohibited.

iii. The area of any one surface of an individual item or the total (cumulative) surface area of more than one item displayed by any one business shall not be greater than 15 square feet.

c. The display of chile ristras is not restricted.

EE. Liquor Retail

1. Alcohol sales for off-premises consumption is allowed provided that the establishment complies with all New Mexico state law requirements, including but not limited to any required spacing from other uses or facilities.

2. Alcohol sales for on-premises consumption is also allowed as an incidental activity provided that the establishment complies with all New Mexico state law requirements.

3. Notwithstanding Subsection 1 above, this use is prohibited in the following locations:

   a. Within 1,000 feet of any other liquor retail use.

   b. Within 500 feet of any Residential or NR-PO zone district or any group home use.

   c. Within 300 feet of any religious institution or elementary, middle, or high school.

FF. Pawn Shop

1. This use shall not be located within two miles of another pawn shop location.

2. If a pawn shop use is abandoned, discontinued, or ceases continuous operation for more than one year, it shall not be reestablished at that location if it is within a two-mile radius of the location of any other pawn shop.

GG. Airport

See Section 14-16-2-7.1.C (Airport Protection Overlay Zone Use Regulations) for use-specific standards for private airport aircraft landing fields, airport runways and taxiways.
HH. Helipad

1. This use shall comply with all applicable state and federal regulations regarding design, location, construction, and public safety.
2. In Non-residential zone districts, this use is permissible for emergency medical service or law enforcement.
3. In Non-residential zone districts, all helipads for purposes other than emergency medical service or law enforcement require a Conditional Use Approval under Section 14-16-5-5.2.A.
4. This use must be located at least 500 feet from the nearest Residential zone district or lot containing a residential use in a Mixed-use zone district.
5. Helicopter landing and takeoff operations for all uses other than emergency medical service or law enforcement are prohibited between 10 P.M. and 7 A.M.

II. Park-and-Ride Lot

This use must comply with all standards in Section 14-16-4-5 (Parking and Loading).

JJ. Railroad Yard

No portion of this use where railroad equipment or supporting motor vehicles operate may be located within 100 feet of any Residential zone district or lot containing a residential use in a Mixed-use zone district.

3-3.5. INDUSTRIAL USES

A. Artisan Manufacturing

1. All activities must be conducted within a completely enclosed building.
2. If located in a Mixed-use zone district, this use shall not exceed 10,000 square feet of gross floor area.
3. Retail sales of goods produced on the property are allowed.

B. Light Manufacturing

1. Within 330 feet of Major Public Open Space, this use shall require a Conditional Use Approval pursuant to Section 14-16-5-5.2.A.

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657 Simplified from Zoning Code standards; limit to three takeoffs/landings per day was deleted; exception allowing shorter separation distances deleted because normal variance procedure applies; requirement for documentation of all helicopter operations was not carried over.
658 Revised since EPC Draft per Condition #81 and split into two provisions for clarity.
659 Revised from 650 feet since Zoning Code to align with other spacing requirements.
660 New use-specific standard since EPC Draft per Condition #21 for consistency with existing regulations and practice.
661 Revised standard.
662 Integrates and revises existing C-2 and some E. Gateway SU-2 standards. Requirements for non-objectionable odors, noise, vibration, etc. not carried forward, because they are addressed in Section 14-16-4-11 (Operating and Maintenance Standards).
663 Revised from existing regulations to clarify screening and outdoor activities; requirement to place buildings along street frontages is derived from Central Avenue SDP; conditional use process is new, and replaces the screening standards in the existing ordinance. NR-LM should reflect a half-way point between NR-BP, where outdoor activities are not permissible, and NR-GM, where they are permissible.
664 Provision added since EPC Draft per Condition #78 in response to public comment.
2. Except as specified in Subsection 3, all activities in this use must be conducted in an enclosed building unless a Conditional Use Approval is obtained under Section 14-16-5-5.2.A to conduct specific activities outside of enclosed structures.

3. An outdoor storage area incidental to the light manufacturing use is allowed but must be screened from view from each property boundary as described in Section 14-16-4-6.7 (Screening of Mechanical Equipment and Support Areas).

4. This use may include a sales/display room for items manufactured on the property.

5. The property containing this use shall meet edge buffer screening requirements in Section 14-16-4-6.5.

6. If this property is located with frontage on an arterial or collector street, the principal building on the site shall be placed between the primary street frontage and any allowed outside storage, service, or work areas.

C. Heavy Manufacturing

1. This use is prohibited in the following locations:
   a. Within 330 feet of Major Public Open Space.
   b. Within 1,000 feet of a lot containing a religious institution; elementary, middle, or high school; or residential use other than an Accessory Dwelling Unit used as a caretakers dwelling for a non-residential property.

2. This use may be conducted outside of an enclosed building.

3. This use may include a sales/display room for items manufactured on the property.

4. An outdoor storage area incidental to this use is allowed but must be screened from view from each property boundary as described in Section 14-16-4-6.7 (Screening of Mechanical Equipment and Support Areas).

D. Natural Resource Extraction

1. This use must obtain all applicable state and federal permits or approvals for the activity and comply with the terms of those permits and approvals throughout the duration of the activity.

2. This use is prohibited in the following locations:

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666 Revised since EPC Draft per Condition #82.
667 Removed provision exempting this use from parking lot landscaping requirements since EPC Draft.
668 Provision added since EPC Draft per Condition #77 in response to public comment.
669 New since Consolidated Draft. Revised since EPC Draft per Condition #83 in response to public comment. Revised since EPC Draft to be consistent with drafted provision for Special Manufacturing and to add religious institutions and schools, consistent with liquor use provisions.
670 Revised since EPC Draft per Condition #82.
671 New standards for an existing use allowed in the SU-1 zone. Revised footnote since Consolidated Draft. Removed provision exempting this use from parking lot landscaping requirements since EPC Draft.
a. Within 330 feet of Major Public Open Space.  

b. Within 1,000 feet of a lot containing a religious institution, school, or residential use other than an Accessory Dwelling Unit used as a caretakers dwelling for a non-residential property.

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

4. Within the Airport Protection Overlay Zone, mining only is permissive in the Noise Contour Sub-area. See Section 14-16-2-7.1.C (Airport Protection Overlay Zone Use Regulations).

E. Special Manufacturing

1. This use must obtain all applicable state and federal permits or approvals for the activity and comply with the terms of those permits and approvals throughout the duration of the activity.

2. This use shall also comply with the Use-specific Standards in Subsection 14-16-3-3.5.C, applicable to Heavy Manufacturing uses.

F. Solar or Geothermal Energy Generation or Device

1. Primary or accessory use underground geothermal energy devices may be located anywhere on the property.

2. Where this use is listed as Permissive Primary, it may include utility-scale or private energy generation. Where this use is listed as Permissive Accessory, it must be for private energy generation.

3. If a primary use of property, solar energy devices shall be located at least 10 feet from each property line.

4. If a primary use of property, the supporting structure of the solar energy devices shall be screened from view on the street frontage and on each property line adjacent to a Residential zone district as described in Section 14-16-4-6 (Landscaping, Screening and Buffering), to the maximum extent feasible in light of the need for solar access to the equipment.

5. Solar energy facilities as a primary use occupying more than 2 contiguous acres of land area are only allowed in the NR-GM zone district.

6. If an accessory use of property, ground-mounted solar energy devices shall not be located in the required front setback. In other locations on the lot, a ground-
mounted solar energy device may be located in a required setback, but no closer than 3 feet from any property line.\textsuperscript{680}  

7. If an accessory use of property, roof-mounted solar energy devices may extend up to 18 inches above the maximum building height in Residential zone districts or 3 feet above the maximum building height in Mixed-use and Non-residential zone districts.\textsuperscript{681}  

G. Utility, Electric\textsuperscript{682}  

1. All uses and facilities shall be subject to those terms and conditions in the Facility Plan for Electric System Transmission and Generation, as amended.  

2. Electric Generation Facilities, as identified in the Facility Plan for Electric System Transmission and Generation, are of a larger scale and more industrial in nature. This facility type is only permitted in the NR-GM zone.\textsuperscript{583}  

3. Where this use includes solar or geothermal energy generation, the provisions of Section 14-16-3-3.5.F apply.  

H. Wind Energy Generation or Device\textsuperscript{684}  

1. All wind energy devices shall be located at least as far from each property boundary as the height of the device (including any tower on which it is mounted).\textsuperscript{685}  

2. Rooftop-mounted wind energy devices shall only be allowed on structures with a valid building permit.\textsuperscript{686}  

3. In the Mixed-use and the NR-C, NR-BP, NR-SU, and NR-PO\textsuperscript{687} zone districts, this use may exceed the maximum building height in the zone district by no more than 30 feet, unless a Variance is obtained under Section 14-16-5-5.2.J (Variance – ZHE) or Section 5-5.2.L (Variance – EPC).  

4. In the NR-LM and NR-GM zone districts, this use may exceed the maximum building height by no more than 60 feet\textsuperscript{688} unless a Variance is obtained under Section 14-16-5-5.2.J (Variance – ZHE) or Section 5-5.2.L (Variance – EPC).
I. Wireless Telecommunications Facility\textsuperscript{689}

1. Applicability

a. Every Wireless Telecommunications Facility (WTF) located within the City limits, whether upon private or public lands, shall comply with this Section 14-16-3-3.5.G, unless exempted by Subsection b below, or unless a WTF Waiver is obtained under Section 14-16-5-5.2.L.\textsuperscript{690}

b. The following types of WTFs are exempted from the provisions of this Section 14-16-3-3.5.1.

   i. Amateur radio station operator/receive-only antenna if owned and operated by a federally licensed amateur radio station operator or used exclusively for a receive-only antenna.

   ii. Any WTF erected prior to January 15, 1999 (Council Bill O-54; Enactment O-9-1999)\textsuperscript{691} provided a building permit was issued for that antenna or tower.

   iii. WTFs used exclusively for emergency services including police, fire, and operation of the water utility.

   iv. Any antenna used for AM, FM, or TV broadcasting.

2. Basic Requirements

   The following regulations shall apply to all WTFs in all zone districts, unless otherwise stated.

   a. Concealment Required\textsuperscript{692}

      i. All proposed WTFs, excluding co-locations of antennas on existing towers, public utility co-locations, and upgrades that do not result in “Substantial Changes” (as defined in federal law) shall use concealed technology.

      ii. The WTF shall be the least visually and physically intrusive as possible and shall have the least adverse visual effect on the environment and its character, on existing vegetation, and on nearby residences.

      iii. A WTF is considered concealed if the Planning Director determines that the facility is: \textsuperscript{693}

         a. Aesthetically integrated with existing buildings, structures, and landscaping to blend in with the nature and character of the built and natural environment, considering height, color, style, massing, placement, design, and shape.

         b. Located to avoid a dominant silhouette of the WTF on escarpments and mesas and to preserve views within VPO zones.

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\textsuperscript{689} In Module 1, existing Section 14-16-3-17 standards were not included correctly; they have now been included (but in some cases similar standards were integrated or materials reorganized for clarity). In addition, new materials address requirements of the Middle Class Tax Relief and Job Creation Act (2012), FCC Declaratory Ruling (FCC 14-153, Oct. 2014), and the federal OTARDS Rule (47 CFR 1.4000). Application material list from existing Section 14-16-3-17(A)(13) and the required fees from existing Section 14-16-3-17(D) were not included, as they are technical materials to be listed on the City’s website with other similar Development Process Manual materials. Renamed from Telecommunications Antenna or Tower, and revised to continue the City’s existing standards, criteria, and procedures, since Module 3.

\textsuperscript{690} Cross-reference to Waiver procedures added since Consolidated Draft

\textsuperscript{691} Original effective date of Zoning Code section 14-16-3-17 added since EPC Draft per Condition #1 for clarity and to remove reference to the Zoning Code from the IDO.

\textsuperscript{692} Integrates information on this topic from various portions of the existing regulations. Provision a.vi removed because it is addressed generally for all applications in section 5-4.8.

\textsuperscript{693} Wording revised for clarity since Consolidated Draft.
c. Located on existing vertical structures, including utility poles and public utility structures to the maximum extent practicable.694

d. Located in areas where the existing topography, vegetation, buildings, or other structures provide the greatest amount of screening of the WTF.

e. Located so as not be a readily visible or identifiable as a WTF.

iv. To minimize visibility, roof-mounted WTFs are not allowed in the R-A, R-1, R-T, R-MC, and NR-PO-A zone districts.695

v. Consistent with federal law, these concealment requirements shall not be administered so as to have the effect of prohibiting the provision of wireless telecommunications services.

b. Height 696

i. Single-carrier WTFs: up to 65 feet.

ii. Co-locations on any existing unconcealed WTF tower or existing structure: up to 75 feet.

c. Setbacks and Separation

i. A free-standing WTF shall be located a minimum of 100 feet from the property line of a Residential zone district.

ii. New free-standing WTFs in public utility substations shall be exempt from the setback requirement if the WTF tower is no taller than the existing utility structure within 20 feet of the public utility station substation.

iii. A free-standing WTF shall be set back a minimum of 50 feet from the existing right-of-way.

iv. Except as stated in Subsections i, ii, and iii above, the setback requirements of the zone in which the WTF is located shall apply.

v. This use shall be located a minimum of 1,000 feet from any other free-standing WTFs, as measured from the wall or fence of each free-standing WTF. This requirement does not apply to free-standing small cell WTFs.697

d. Lighting and Signage

i. Only security lighting or lighting required by a state and/or federal agency is allowed, provided:

a. The location and cut-off angle of the light fixture shall be such that it does not shine directly on any public right-of-way or any lot containing a residential use.

b. The lighting shall not have an off-site luminance greater than 1,000 footlamberts at any point, and shall not have an off-site luminance greater than 200 footlamberts measured from any private property in a Residential zone district.

ii. Only signage required by state or federal law is allowed.

694 Revised and term “sub-transmission” deleted since Consolidated Draft per comments from PNM as unnecessary.
695 Added since Consolidated Draft.
696 New provision since Consolidated Draft to reflect current practice.
697 Exclusion for small cell WTFs added since EPC Draft per Condition #85. Revised for clarity and consistency since EPC Draft per Condition #1. Section 3-3.5.1.2.n deleted since EPC Draft per Condition #1 as repetitive of this provision.
e. **Abandonment**
All WTFs that are not in use for three consecutive months shall be removed by the WTF owner within the following three months. Upon removal, the site shall be revegetated to blend with the existing surrounding vegetation. If there is no vegetation on a WTF site, the site shall be returned to its preconstruction condition. The facility owner shall notify the City when removal of the facility occurs.

f. **Interference**
Every WTF shall meet the regulations of the Federal Communications Commission, or any successor of that agency, regarding physical and electromagnetic interference.

g. **Health Issues**
Every WTF shall meet health and safety standards for electromagnetic field emissions as established by the Federal Communications Commission or any successor of that agency, and any other federal or state agency.

h. **Location Near View Corridors**
Only co-locations, public utility co-locations, and architecturally integrated WTFs are allowed within 660 feet (⅛ mile) of either of the following:

i. The right-of-way of any flood control arroyo designated by the City or the Albuquerque Metropolitan Arroyo Flood Control Authority and identified as part of an existing or future trail system by the City.

ii. The following streets: Alameda Boulevard, Griegos Road, Coors Boulevard, Central Avenue, Unser Boulevard, Sunport Boulevard, Paseo del Norte, Rio Grande Boulevard, Tramway Boulevard, Interstate 25 and Interstate 40.

i. **Location Near Open Space**
Only co-locations, public utility co-locations, and architecturally integrated WTFs are allowed within 1,320 feet (¼ mile) of the property line of any Major Public Open Space or the Petroglyph National Monument.

j. **Location in Historic Overlay Zones and Historic Districts**

i. Only architecturally integrated WTFs are allowed within any HPO zone, except that within the Old Town HPO-5 zone all WTFs are prohibited.

ii. Only architecturally integrated WTFs are allowed on properties listed on the State Register of Cultural Properties or the Federal Register of Historic Places.698

k. **Location in Other Areas**

i. Uptown699

Only architecturally integrated WTFs are allowed in the mapped area shown below.

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698 Text simplified by deleting unneeded references to specific areas since Consolidated Draft.
699 Added since Consolidated Draft to reflect current practice.
Chapter 14-16-3: Use Regulations

3-3: Use-specific Standards

3-3.5: Industrial Uses

II. South Yale area
Free-standing WTFs are prohibited in MX-M zone districts in the following mapped area.

I. Co-locations and Public Utility Co-location
i. Collocations and public utility co-locations are encouraged. Co-location on a concealed WTF shall maintain the concealed nature of the facility. Otherwise, such co-locations or public utility co-locations are not subject to the concealment requirements prescribed by Subsection 3-3.5.1.2.a above, but shall be done in the least visibly intrusive manner, to blend in with the existing structure and its surroundings.

ii. Unless otherwise specified in this IDO, public utility co-locations are allowed in all zone districts except the Old Town HPO-5.

iii. When mounted on a public utility structure, the equipment cabinet(s) shall be not more than 3 feet by 4 feet by 18 inches deep, at a minimum height of 10 feet and a maximum height of 20 feet.

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700 New since EPC Draft to reflect South Yale SDP regulation.
701 Order of provisions in this section revised since EPC Draft per Condition #1 for clarity.
702 Revised since EPC Draft per Condition #86.
703 Revised since EPC Draft per Condition #88.
704 Term “sub-transmission” deleted as unnecessary since Consolidated draft per comment from PNM.
iv. No new free-standing WTF shall be allowed unless the Planning Director or his/her designee determines, upon the applicant’s demonstration, that no existing tower, structure, or public utility structure can be used in lieu of new construction to accommodate the applicant’s proposed WTF. Evidence that demonstrates that co-location or public utility co-location cannot be used in lieu of new construction to reasonably accommodate the proposed WTF shall consist of an affidavit with supporting exhibits submitted by the applicant addressing the following:

a. That no existing tower, structure, or public utility structure within a one-half mile radius meets the minimum engineering requirements and/or lacks available space to support the proposed WTF;

b. That co-location or public utility co-location of the proposed WTF would cause unavoidable electromagnetic interference with the antenna(s) on the existing towers, structures or public utility structures, or the antenna(s) on the existing towers, structures or public utility structures would cause interference with the applicant’s proposed telecommunications facility;

c. That there are other limiting factors that render existing towers, structures, or public utility structures within the one-half mile radius unsuitable; or

d. That the owners of existing towers, structures, or public utility structures within the one-half mile radius will not allow the applicant to place its WTF on that facility, or such owners are requiring payments for such placement that substantially exceed commercially reasonable prices.

m. **Landscaping and Screening**

   i. All free-standing WTFs shall be surrounded by solid fence or wall, at least 6 feet high and not more than 9 feet high. Chain link with slats shall not constitute a solid fence or wall.

   ii. All free-standing WTFs shall include vegetation that is planted and maintained to screen ground equipment facilities from public view, as shown on a landscaping plan approved by the Planning Director.

iii. Small free-standing WTFs are not subject to the landscaping requirements in this section, but must comply with the following requirements:

   a. Equipment shall be screened by use of a wall, fence, or other method such as a telco box, artificial rock, or decorative feature that fully screens the equipment with opaque material.

   b. Equipment and screening materials shall not block pedestrian pathways and sidewalks.

J. **Recycling Drop-off Bin Facility**

   This use is prohibited within 330 feet of Major Public Open Space.

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705 Provision for adjustments to these standards have been consolidated with other waiver provisions the procedures and administration chapter.

706 New section since EPC Draft per Condition #87.

707 New standards for new use. Renamed since Module 3. Revised since Consolidated Draft to more specifically refer to outdoor bin facilities. Use-specific Standard added since EPC Draft per Condition #77 in response to public comment.
K. Solid Waste Convenience Center

This use is prohibited within 330 feet of Major Public Open Space.

L. Salvage Yard

1. All activities shall be conducted within a completely enclosed building or within an area enclosed on all sides by an opaque wall, fence, retaining wall, or vegetative screen at least 6 feet high. Additional requirements in Section 14-16-4-6 (Landscaping, Screening and Buffering) may apply.

2. Inoperative light vehicles or heavy equipment may not extend above the height of the opaque wall, fence, retaining wall, or vegetative screen, unless those items are located at least 100 feet inside the required wall, fence, or vegetative screen.

M. Waste and/or Recycling Transfer Station

1. This use is prohibited within 330 feet of Major Public Open Space.

N. Outdoor Storage

1. This use shall comply with the provisions of Section 14-16-4-6 (Landscaping, Screening, and Buffering).

2. In all zone districts except for NR-GM, the height of any items stored outside shall not exceed the height of any screening wall, fence, or vegetation, unless the item is located at least 100 feet inside the screening wall, fence, or vegetative screen.

O. Warehousing

1. Within 330 feet of Major Public Open Space, this use shall require a Conditional Use Approval pursuant to Section 14-16-5-5.2.A.

P. Wholesaling and Distribution Center

1. Within 330 feet of Major Public Open Space, this use shall require a Conditional Use Approval pursuant to Section 14-16-5-5.2.A.

2. This use is limited to 50,000 square feet of gross floor area in the following locations:
a. The MX-M and MX-H zone districts.

b. Lots in the NR-C zone district located in an Urban Center, Main Street area, or Premium Transit area. 719

3-3.6 ACCESSORY USES 720

A. General 721

1. All accessory uses must operate within an enclosed structure unless this IDO provides otherwise or outside operation or features are inherent in the use.

2. Accessory uses and approved conditional accessory uses run with the land, and are not personal to an operator.

3. No accessory use may begin, and no structure for the accessory use may be erected, before the primary use of the property. No accessory use may continue after the primary use of the property to which it is accessory ends.

4. A permit for an accessory use may not be issued if there is no evidence of a City building permit for a primary structure on the site, or in the alternative evidence of a City business license for operation of a primary structure on the site. 722

B. Agriculture Sales Stand 723

1. This use may be operated outside an enclosed structure.

2. This use is limited to one per lot.

3. The sales area associated with this use may not exceed 400 square feet in the R-A zone district. In all other zone districts where this use is allowed, this use may not exceed 100 square feet where accessory to a community garden or 50 square feet. 724

4. In any zone district except R-A, this use must be located behind the front façade of the primary building or residence.

5. One non-illuminated sign is allowed, provided it does not exceed four square feet in the R-A zone district or one square foot in any other zone district.

C. Animal Keeping 725

1. The use shall comply with all applicable City, state, and federal regulations related to animal care and protection.

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719 Added since EPC Draft per Condition #1 and Condition #7 to reflect changes to the C-2 conversion rules.
720 Content from existing “Accessory Uses in Required Setback Areas” was relocated to carport, wall/fence, and setback encroachment regulations for internal consistency. USS for Garden deleted since EPC Draft per Condition #1 because the standards are covered by the agricultural sales stand use.
721 New provision to clarify current practice
722 New since Consolidated Draft to clarify operation of accessory use controls.
723 Simplified from existing RO-20, RO-1, RA-1, and RA-2 standards.
724 Separated into two provisions since the EPC Draft for clarity per Condition #1. Revised since EPC Draft to incorporate provision allowing sales stands associated with community gardens.
725 Revised from existing R-A provisions These standards were significantly revised since Consolidated Draft per comments from Animal Control, City Legal, and Code Enforcement to allow animal regulation to be subject primarily to the animal control ordinance, for clarify and to simplify administration. Animal density limits for cows and horses were carried over. Provisions for poultry, bees, rabbits, pigeons, hens, and ducks were deleted since the Consolidated Draft and HEART ordinance cross-referenced instead.
Chapter 14-16-3: Use Regulations

2. Animal species and number shall be regulated pursuant to Article 9-2 of ROA 1994 (Humane and Ethical Animal Rules and Treatment or “HEART” Ordinance), enforced by the City Animal Welfare Department.

3. This use may be operated outside an enclosed structure. Animals shall be contained on the property by a fence, wall, vegetated screen, retaining wall, pen, or enclosure that complies with requirements in Section 4-6.

4. In Residential and Mixed-use zone districts, keeping cows and horses on a property shall require a Conditional Use Approval, pursuant to Section 14-16-5-5.2.A, provided the following:
   a. The property contains at least one-half acre of gross land area.
   b. The number of animals does not exceed one cow or horse for each 10,000 square feet of open lot area, or equivalent combination. Animals under four months old are not counted.

5. Where general agriculture is allowed in Non-residential zone districts, keeping cows and horses is allowed as incidental to that use, pursuant to any Use-specific Standards in Section 14-16-3-3.4.A.

6. In the NR-C, NR-BP, NR-LM, and NR-GM zone districts, this use is limited to the keeping of guard dogs, and is subject to an approved permit from Animal Control.

D. Drive-through or Drive-up Facility

1. This use is prohibited adjacent to Major Public Open Space.

2. Within 330 feet of Major Public Open Space, this use shall require a Conditional Use Approval pursuant to Section 14-16-5-5.2.A.

3. Each stacking lane is limited to a total of 50 square feet of order board area.

4. This use shall comply with the provisions of Section 14-16-4-5 (Parking and Loading) and Section 14-16-4-8 (Neighborhood Edges).

5. In Urban Centers; Activity Centers; Main Street, Major Transit, and Premium Transit areas; and MX-H zone districts, no drive-through lanes shall be located between the front façade of the primary building and the front lot line or within a required side yard setback abutting a street.

6. This use is prohibited in the following mapped areas:

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726 Revised since EPC Draft to make keeping cows or horses conditional in residential and mixed-use zones.
727 Limitation to R-A district is new since Zoning Code.
728 Added since EPD Draft per Condition #1 to be consistent with the definition of general agriculture, which allows animal keeping.
729 Revised from existing C-1 and East Gateway SU-2 standards; requirement for Traffic Engineer approval of on-site circulation deleted as unnecessary if access points to streets and parking spaces are addressed in the IDO. Deleted reference to allowing these uses outside as unnecessary since EPC Draft per Condition #1. Moved provision about distance from residential to Section 4-5.9 since EPC Draft per Condition #1 to consolidate similar provisions.
730 Standards added since EPC Draft per Condition #76 and Condition #78 in response to public comment.
731 Added since EPC Draft per Condition #90 in response to public comment.
732 Cross-reference to area-specific prohibitions added since Consolidated Draft. Revised since EPC Draft per Condition #1 to remove redundant internal cross-reference to this section.
733 Revised since Consolidated Draft and moved to Use Specific Standards from Parking and Loading Development Standards.
734 New section since Consolidated Draft to indicate where drive-through and drive-up facilities are prohibited.
a. **MX-FB-DT zone district**

b. **Downtown Neighborhood Area**
This use is prohibited in the following hatched sub-area.

c. **East Downtown**
This use is prohibited within the East Downtown CPO-3 and HPO-1.

d. **Nob Hill/Highland**

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735 Prohibition from the Downtown 2025 SDP. Map replaced with reference to MX-FB-DT since EPC Draft per Condition #1 to be more concise and reduce repetition.

736 Prohibition from the Downtown Neighborhood Area SDP.

737 Prohibition from the Huning Highland SDP.

738 Prohibition from the Nob Hill Highland SDP.
Chapter 14-16-3: Use Regulations

3-3: Use-specific Standards

3-6: Accessory Uses

E. Dwelling Unit, Accessory (With or Without Kitchen)

1. When accessory to a Permissive Primary use in a Non-residential zone district, this use is limited to lodging for one caretaker of the property.

2. In Residential and Mixed-use zone districts, this use must be accessory to a single-family or two-family detached dwelling.

3. Only one accessory dwelling unit may be associated with a lot containing a use in the Household Living category.

4. An accessory dwelling shall not exceed 650 square feet of gross floor area.

5. A detached accessory dwelling shall be located behind the rear wall of a principal dwelling. On corner lots, the accessory dwelling shall be set back from side streets not less than the distance required for the principal residence.

6. A detached accessory dwelling shall not occupy more than 30 percent of the rear yard.

7. A detached accessory dwelling shall not exceed the height of the principal dwelling or 24 feet, whichever is less.

8. When an accessory dwelling is attached to a principal dwelling, only one dwelling unit entrance may face the front lot line.

9. Accessory dwelling units with kitchens are not allowed within the R-1 zone district, with exceptions in the following mapped areas, where they are allowed as a permissive or conditional use, as noted below.

739 Prohibition from the University Neighborhood SDP.

740 New provisions incorporating some SU-2 provisions. Size limit from Volcano Cliffs SDP revised; limit on total percentage of units with ADUs in Mesa del Sol not carried over as difficult to enforce. Revised since Module 1 to indicate where these are already permissive as conditional or permissive uses, and to map those areas. Since Module 3, requirement for maximum spacing of ADU from the street has been deleted. Some content moved to stacking space standards in Section 4-5-9 since Consolidated Draft. Added Accessory Dwelling Units without Kitchens to reflect existing regulations about “Accessory Living Quarters,” which are allowed conditionally in R-1 and other residential zones citywide. Text simplified since Consolidated Draft.

741 Increased from 600 feet in Consolidated Draft.

742 Second sentence is new since Consolidated Draft; standard accessory structure setbacks apply.

743 Second sentence is new since Consolidated Draft. Revised since EPC Draft per Condition #1 to remove second sentence as unnecessary.
a. **Barelas**
Accessory dwelling units are a conditional use in the following mapped area.\(^\text{744}\)

b. **Downtown Neighborhood Area**
Accessory dwelling units are a permissive use in the Downtown Neighborhood Area – CPO-2.\(^\text{745}\)

c. **High Desert**
Accessory dwelling units are a permissive use in the following mapped area.\(^\text{746}\)

d. **Huning Highland**
Accessory dwelling units are a conditional use in the following mapped area.\(^\text{747}\)

\(^{744}\) Carried over from the Barelas SDP. Barelas SU-2 does not mention ADUs but allows two homes on a single lot, which effectively allows ADUs.

\(^{745}\) Map replaced with reference to CPO-2 area since EPC Draft per Condition #1 for clarity and consistency.

\(^{746}\) Carried over from the High Desert SDP.

\(^{747}\) Carried over from the South Broadway SDP and Huning Highland SDP.
e. **South Broadway**

Accessory dwelling units are a conditional use in the following mapped area.  

f. **University Neighborhoods**

Accessory dwelling units are a conditional use in the following mapped area.

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748 Carried over from the South Broadway SDP.
749 Allowed per the adopted University Neighborhoods SDP.
g. Volcano Mesa
Accessory dwelling units are a permissive use in the following mapped area.\textsuperscript{750}

F. Family Care Facility\textsuperscript{751}

1. The operator of this use must obtain and maintain in effect at all times any city or state permit or license required for the operation of this use.
2. Only members of the residing household may provide care.
3. Any outdoor play area shall be enclosed by an opaque fence, wall, or vegetative screen 6 feet in height.
4. No sign is allowed.

\textsuperscript{750} Carried over from Volcano Cliffs, Volcano Heights, and Volcano Trails SDPs.
\textsuperscript{751} Existing standards addressing services by household members and sign expanded to be parallel to those for family home daycare.
G. Family Home Daycare

1. The operator of this use must obtain and maintain in effect at all times any city or state permit or license required for the operation of this use.
2. Only members of the residing household may provide care.
3. Any outdoor play area shall be enclosed by an opaque fence, wall, or vegetative screen 6 feet in height.
4. Only a sign meeting the requirements for a home occupation is allowed.

H. Hobby Breeder

1. This use may be operated outside an enclosed structure.
2. The operator of this use must comply with all applicable city, state, and federal regulations and permitting procedures that govern the breeding of animals, including Article 9-2 of ROA 1994 (Humane and Ethical Animal Rules and Treatment or “HEART” Ordinance), enforced by the City Animal Welfare Department.

I. Home Occupation

1. The dwelling unit within which the home occupation is conducted shall be the permanent residence of the home occupation operator.
2. The following are not allowed as home occupations:
   a. The repair, storage or parking of motor vehicles not owned by the property owner.
   b. All uses involving the storage or use of hazardous materials or the outdoor storage of non-residential equipment or supplies.
   c. Home-based food production or brewing of beverages for sale.
   d. Any motor vehicle-related use.
   e. Animal agricultural or animal-related use.
   f. Food, beverage, or indoor entertainment use.
   g. Adult retail.
   h. Liquor retail.
   i. Mortuary or crematorium.

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752 Simplified from existing RO-1, RO-2O, and R-1 district provisions. Requirement for conditional use approval of outdoor play area was replaced by requirement for fencing and screening of that area. Number of children provision deleted here as unnecessary since EPC Draft per Condition #1, since the definition provides this requirement.
753 Based on provision in University SU-2 for DR subarea; replaces ban on all signs.
754 Existing standards reworded for clarity. Revised since Consolidated Draft to require compliance with applicable laws rather than specific requirement to obtain an animal control permit. Prohibition on signs deleted since Consolidated Draft; general sign provisions apply.
755 Revises since EPC Draft per Condition #296 and Condition #1 to add reference to HEART Ordinance, which provides standards and guidance about this use.
756 Integrates existing standards from RO-1, RO-2O, RA-1, RA-2, R-1, MH, R-LT, F-G, R-2, R-3, R-C and R-D districts; limit in stock in trade to 5 percent of floor area deleted as unnecessary; ban on health-related home occupations was not carried over; slightly larger sign permissive in R-A zone; requirement that sign be a wall sign was not carried over. Order and text of provisions revised since EPC Draft per Condition #1, Condition #72, and Condition #92 for clarity.
757 Prohibited uses added since EPC Draft per Condition #72 to be consistent with prohibited uses in Live/work Use Specific Standard 3-3.2.G.
3-3: Use-specific Standards

Chapter 14-16-3: Use Regulations

3-3.6: Accessory Uses

j. Commercial services.
k. Outdoor storage as a primary use.
l. Landscaping, building, or construction contractor.
m. Any industrial use.

3. Only members of the residing family may be employed to work on-site.\(^{758}\)
4. Only goods and services created on the premises may be sold on the premises.
5. All business activities shall be conducted entirely indoors in the primary structure or a allowed accessory structure.
6. No more than 25 percent of the floor area of the dwelling unit may be devoted to home occupations, except that in the MX-T district up to 50 percent of the floor area of the dwelling unit may be devoted to home occupations. If more than one home occupation is conducted in the dwelling, these limits shall apply to all home occupations collectively, not individually.
7. The outside appearance of the dwelling or unit shall not show evidence of the use, except that one non-illuminated sign is allowed, provided it does not exceed four square feet in the R-A zone district or one square foot in any other zone district.
8. No provision for off-street parking or loading facilities, other than requirements for the residence in the applicable dwelling district, shall be allowed. No part of the minimum required yard shall be used for such off-street parking or loading purposes. No additional driveway to serve home occupations shall be allowed.\(^{759}\)
9. The home occupation shall not regularly attract more than two\(^{760}\) individuals simultaneously onto the premises for reasons related to the home occupation and shall not generate significantly greater traffic volume than would normally be expected in the residential area in which the home occupation is conducted.
10. Commercial vehicle visits to the property shall be limited to no more than 10 per week.
11. Customer visits and deliveries to the home occupation shall not occur between 10:00 P.M. and 7:00 A.M.\(^{761}\)
12. The operator must obtain and maintain in effect at all times any city or state permit or license required for the operation of this use, including a business registration permit from the City.\(^{762}\)

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\(^{758}\) Increased from 0 in Zoning Code. Revised since EPC Draft per Condition # 92 from two to no non-family employees in response to public comment and staff recommendation.

\(^{759}\) This provision and those that follow are new since Zoning Code.

\(^{760}\) Revised from 4 to 2 since EPC Draft per Condition #93 in response to public comment.

\(^{761}\) Revised since Module 1 to clarify that only visitor, patron, and deliveries are restricted during nighttime hours, in response to public comment.

\(^{762}\) Added since Consolidated Draft.
J. Mobile Food Unit

1. For purposes of this section, “operation” of a mobile food unit includes any activity involved with food preparation or sales.

2. This use is allowed to operate on private property in any Mixed-use or Non-residential zone district, provided:

   a. The mobile food unit and any associated tables, chairs, displays, umbrellas, or the like, must not physically occupy or obstruct access to any parking stalls necessary to meet the minimum parking requirements for any on-premises land uses, except that this requirement does not apply if the mobile food unit is operating outside of the hours of operation of on-premises uses.

   b. The mobile food unit and any associated tables, chairs, displays, umbrellas, or the like, must not obstruct any designated ingress or egress from the property, or any designated drive-aisle.

   c. The mobile food unit has written permission from the property owner for use of the site and allowed location on the site, a copy of which shall be kept and maintained in the mobile food unit and made available for review by any City inspector at all times during operation of the mobile food unit at the site.

   d. The use must be located on a paved surface on private property.

   e. The mobile food unit operator must provide trash receptacles and remove them after use.

   f. Every mobile food unit is subject to, and must comply with, the general noise restrictions prescribed by Part 9-9-12 of ROA 1994, and all other relevant requirements and restrictions of local, state, and federal law.

3. This use is allowed to operate on private property in any Residential zone district, provided:

   a. The mobile food unit has written permission from the property owner for use of the site and allowed location on the site, a copy of which shall be kept and maintained in the Mobile Food Unit and made available for review by any City inspector at all times during the operation of the mobile food unit at the site.

   b. The mobile food unit may not operate on the same residential property more than 12 days per year.

   c. The mobile food unit operator must provide trash receptacles and remove them after use.

4. Mobile food units may remain in place for the following periods of time:

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

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763 New standards for private property per Council adoption of O-15-36 (Enactment O-15-024). Provisions related to parking moved from Mobile vending cart since EPC Draft per Condition #94 because Mobile food units take up parking spaces, while Mobile vending carts do not.

764 Revised since EPC Draft per Condition #94 to move these standards from Mobile Vending Cart to Mobile Food Unit, for consistency with current practice and regulations.
b. Up to 7 consecutive days, if they do not occupy more than 10 percent of the required off-street parking spaces for the primary land use on the property.

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

5. If more than 5 mobile food units are located on one lot, approval of a Site Plan demonstrating adequate public access and safety and vehicle circulation must be approved by the City.

6. Mobile food units shall comply with all other applicable City requirements, including Section 8-5-1-42 of ROA 1994 (Traffic Code) Part 9-6-5 of ROA 1994 (Health, Safety & Sanitation Code).

K. Mobile Vending Cart

1. This use may be operated outside an enclosed structure.

2. All applicable Environmental Health and other City regulations shall apply to the operation of Mobile vending carts.

L. Uses Accessory to Non-residential Primary Use

1. In Mixed-use zone districts, this use must be accessory to a Non-residential use.

2. Unless accessory to a Religious Institution, the use must be intended primarily for the use of occupants of the building.

3. Unless accessory to a Religious Institution, the use is limited to a maximum of 10 percent of the gross floor area of the principal building.

4. This use may be operated outside an enclosed structure.

M. Uses Accessory to Residential Primary Use

1. In Mixed-use zone districts, this use must be accessory to a Residential use.

2. The use must be intended for the exclusive use of residents of the premises on which the accessory use is located, and their invited guests.

3. This use may be operated outside an enclosed structure.

N. Outdoor Animal Run

1. This use may be operated outside an enclosed structure.

2. Where outdoor animal runs are allowed, they must be screened from any adjacent property in a Residential zone district or any residential component of a Mixed-use zone district by an opaque fence or wall or vegetative screen at least

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765 Revised from Trumbull SDP standards; provision allowing occupancy of 25 percent of required parking spaces reduced to 10 percent, because required parking will probably decrease. Provisions related to parking moved from Mobile vending cart to Mobile food unit since EPC Draft per Condition #94 because Mobile food units take up parking spaces, while Mobile vending carts do not.

766 Revised from existing M-1 and M-2 standards. Since Module 1, conditions 2 and 3 were modified to exclude Religious Institutions, because of the difficulty of finding users for unoccupied spaces, in response to public comment. Title of this use revised for clarity since EPC Draft per Condition #1.

767 Simplified standards; 100 minimum dwelling unit threshold was not carried over; gross square footage of apartment building not carried over; prohibition on outside entrances and signage visible from the street not carried over. Title of this use revised for clarity since EPC Draft per Condition #1.

768 Simplified from existing screening requirements; hour limits carried over. Since Consolidated draft, prohibition on signs deleted; general sign standards apply.
six feet in height, made of materials similar in color and materials to those used on the primary structure.

3. No animals shall be allowed to occupy the outdoor run between 7:00 P.M. and 7:00 A.M.

O. Outdoor Dining Area

1. The outdoor dining area shall be accessory to the immediately abutting primary use, and the items sold for consumption in the outdoor dining area shall be sold in the immediately abutting primary use.

2. A decorative fence, wall, or similar barrier between 3 and 4 feet in height shall be erected and maintained along the perimeter of the use, which shall be located at least 6 feet from any building standpipe, hydrant, crosswalk, driveway, alleyway, access ramp, parking meter, landscape bed, street tree, sign post, utility pole, or similar obstacle.

3. If the use is located on a public sidewalk:
   a. The owner or operator of the immediately abutting primary use shall be required to obtain a sidewalk encroachment permit from the City.
   b. The depth of the area enclosed by a fence, wall, or barrier shall not be greater than 50 percent of the width of the sidewalk, measured from back of curb to the building edge closest to the sidewalk, and shall leave a clear pedestrian passage area at least six feet in width.
   c. The area enclosed by a fence, wall, or barrier shall not contain any utility vault.
   d. Before and after the immediately abutting primary business's hours of operation, all furniture, equipment, and goods shall be removed from the sidewalk area or otherwise secured to prevent movement by natural elements or by unauthorized persons.

4. The use shall not include any open flames or other safety or health hazards, with the exception of tabletop candles.

5. No additional parking is required in Urban Centers or Main Street and Premium Transit areas. See Section 14-16-4-5.3 (Off-Street Vehicle Parking) for parking requirements.

P. Parking of Non-commercial Vehicle

1. This section shall not apply to the parking of commercial vehicles on a temporary basis to provide a commercial service incidental to a residential use, such as delivery, repair, and utility installation and/or repair.

2. This use may occur outside an enclosed structure.

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769 New standards incorporating existing six foot clear passage standard. Since Consolidated draft, prohibition on signs deleted; general sign standards apply. Revised since EPC Draft per Condition #1 to refer to outdoor dining areas instead of sidewalk cafes for clarity.

770 Text added since Module 3 in response to public comments. Revised since EPC Draft per Condition #151 to reflect changes to off-street parking requirement.

771 Existing standards integrated and revised for clarity. Reviewed provision since EPC Draft epr Cond #66 – no changes necessary.
3. This use must be accessory to another permissive or approved conditional primary use on or adjacent to the property.

4. All motor vehicles that are not parked inside a building must be operative and must not be wholly or partially dismantled. Inoperative and dismantled vehicles shall comply with the provisions of Article 8-5 of ROA 1994 (Stopping, Standing, and Parking).

5. The parking of a recreational vehicle, boat, or recreational trailer is governed by the provisions of Section 14-16-3.6.Q.

Q. Parking of Recreational Vehicle, Boat, and/or Recreational Trailer

1. This use may occur outside an enclosed structure.

2. The vehicle must be parked (a) inside an enclosed structure, or (b) outside in a side or rear yard, or (c) outside in a front yard, with the unit perpendicular to the front curb and the body of the recreational vehicle at least 11 feet from the face of the curb.

3. No part of the vehicle may extend over any public sidewalk or into any required corner clear sight triangle.

4. A unit may be parked anywhere on the premises during active loading or unloading.

5. No parked vehicle may be used for dwelling purposes, except one recreational vehicle may be used for dwelling purposes for a maximum of 14 days in any calendar year on any lot.

6. Cooking is not allowed in any vehicle at any time.

7. Butane or propane fuel shall not be used in any vehicle at any time.

8. Use of electricity or propane fuel is allowed when necessary to prepare a recreational vehicle for use.

9. A vehicle may not be permanently connected to sewer lines, water lines, or electricity. A vehicle may be connected to electricity temporarily for charging batteries and other purposes if the receptacle and the connection from the recreational vehicle have been inspected and a permit issued by the City as meeting the adopted electrical code. The individual taking out the permit must call for an inspection of the electrical wiring when ready for inspection, and standard inspection fees will be charged.

10. The vehicle may not be used for storage of goods, materials, or equipment other than those items considered to be a part of the unit or essential for its immediate use.

R. Second Kitchen within a House

1. This use must be accessory to a one-family detached or two-family home.

2. The kitchen must be incidental to occupancy of the entire house in common by members of one family, and two distinct dwelling units may not be created.

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772 Simplified from existing R-T and R-LT standards. Since Consolidated draft, prohibition on signs deleted; general sign standards apply.

773 Simplified standard from Los Duranes SU-2 regulations.
3-3.7. TEMPORARY USES

Temporary uses require a Temporary Use Permit pursuant to Section 14-16-5-5.1.H unless stated otherwise in the Use-specific Standards below.

A. Circus

1. This use is allowed for a period not to exceed 10 days in any calendar year, and may operate (including erection and dismantling of equipment) between the hours of 7:30 A.M. and 10:30 P.M.

2. This use must be located at least 300 feet from any Residential zone district or lot containing a residential use in a Mixed-use zone district.

3. A Site Plan – Administrative demonstrating adequate parking, vehicle circulation, and toilet facilities for anticipated employees and attendees is required to be approved by the City pursuant to Section 14-16-5-5.1.F prior to any activity related to the use.

4. The tent and other facilities shall be approved by the Fire Marshall as meeting the requirements of Sections 14-2-1 et. seq. of ROA 1994.

5. A sign of not more than 100 square feet is allowed from the time equipment erection begins until dismantling of equipment ends.

B. Construction Staging Area, Trailer, or Office

1. This use may not begin, and any structure for the use may not be installed, more than 1 month before site construction begins.

2. This use may only be located on the lot for the following timeframes:

   a. If associated with a construction project, from 30 days before construction begins to 30 days after issuance of a certificate of occupancy for a structure, or 30 days after construction finishes if no certificate of occupancy is required.

   b. If specified in a special event permit approved by the City, from 7 days before to 7 days after the approved event.

   c. If neither Subsection (a) nor (b) applies, then not longer than a period of 30 consecutive days.

3. In those zone districts where temporary dwelling units are allowed, the construction trailer or office may be used as a temporary dwelling unit provided it meets all applicable building and occupancy requirements for a temporary dwelling unit.

4. This use may not occur in any required front yard area or between the front façade of a primary building and the street, but a trailer may be parked anywhere on the site for a period of up to 3 consecutive days for active loading and unloading.

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774 General standards for all activities in tents not carried forward as overlapping of specific activity standards or unnecessary.
775 Added since EPC Draft to refer to new section for Temporary Use Permits.
776 Revised for clarity since EPC draft per Condition #1.
777 Simplified standards from existing Zoning Code and Uptown SU-2; SU-2 ban on animal exhibits not carried forward.
778 Simplified from existing C-1, C-2, C-3, O-1, and M-1. and SDP standards; limits on outside storage deleted as inappropriate during construction; more specific time limits deleted; references to sign deleted. Use revised since EPC Draft per Condition #68 in response to agency comment.
779 New provision since EPC Draft per Condition #95.
5. The body of the trailer shall be set back at least 5 feet from any lot line and 8 feet from the building or structure under construction.

6. If work on the project has been dormant for a period of 6 or more months, the trailer must be removed, unless an extension is granted by the Planning Director based on an anticipated construction restart date.

C. Dwelling Unit, Temporary

1. This use must be associated with a permissive primary use, approved conditional use, or allowed temporary use on the property and located in a structure on the same premises as the activity or construction that it serves.

2. This use may only be located on the lot for the following timeframes:
   a. If associated with a construction project, from 30 days before construction begins to 30 days after issuance of a certificate of occupancy (for a structure) or 30 days after construction finishes (if no certificate of occupancy is required).
   b. If associated with a special event approved by the City or permitted under this IDO, from seven days before to seven days after the event, or as stated in any approval for the event approval issued by the City.
   c. If neither Subsection a nor b applies, then not longer than a period of 30 consecutive days.

D. Fair, Festival, or Theatrical Performance

Limited to seven consecutive days and to 45 days in a calendar year unless conditional use approval is obtained.

E. Garage or Yard Sale

1. For Household Living uses other than multi-family dwellings and Group Living uses located in Household Living structure other than multi-family dwelling structures: no more than one sale within a 12-month period.

2. For multi-family dwellings and for Group Living uses located in multi-family dwelling structures: no more than two sales within a 12-month period.

3. The duration of the sale shall not exceed three consecutive days.

F. Hot Air Balloon Takeoff and/or Landing

Hot air balloon takeoff and/or landing is prohibited in the Air Space and Runway Protection Sub-areas of the Airport Overlay Zone. See also Section 14-16-2-7.1.C (Airport Protection Overlay Zone Use Regulations).

G. Open Air Market

May only be operated for up to 60 consecutive days.

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780 Simplified standards integrating content from R-C, C-1, C-2, and C-3; reference to mobile home deleted; reference to distance from any dwelling unit deleted. Provision prohibiting this use from begin within 100 ft. of a residential zone or residential component of an MX zone removed since EPC Draft per Condition #67. Added time limits since EPC Draft.

781 Revised standard incorporating general and SDP controls. More specific limit on sale items not carried forward; authority to grant additional yard sales deleted; sign limits deleted. Revised since EPC draft to remove provision limiting resale of items purchased as unenforceable.

782 New use-specific standard since EPC Draft per Condition #21 for consistency with existing regulations and practice.

783 New use-specific standard since EPC Draft per Condition #21 for consistency with existing regulations and practice.
H. Park-and-Ride Facility, Temporary\textsuperscript{785}
   This use shall be limited to the time period specified in any agreement with the property owner.

I. Real Estate Office or Model Home\textsuperscript{786}
   1. This use may not begin, and any structure for the use may not be installed, more than one month before site construction begins.
   2. This use must terminate, and any structure for the use must be removed from the site, no later than 30 calendar days after issuance of the Certificate of Occupancy for the last unit or portion of the development is issued.
   3. In those zone districts where temporary dwelling units are allowed, the structure housing this use may also be used as the temporary dwelling unit provided it meets all applicable building and occupancy requirements for a temporary dwelling unit.
   4. If work on the project has been dormant for a period of six months or more, the trailer must be removed unless an extension is granted by the Planning Director based on an anticipated construction restart date.
   5. A sign of up to four square feet is allowed.

J. Seasonal Outdoor Sales\textsuperscript{787}
   This use is limited to a total of 45 days in one calendar year.

K. Temporary Use Not Listed\textsuperscript{788}
   This use may be approved on a case-by-case basis if the City Planning Department determines that the use has a demonstrable public purpose, will not create material adverse impacts on surrounding area, and will not exceed 45 calendar days. A traffic management plan may be required.

\textsuperscript{785} New since Consolidated Draft.
\textsuperscript{786} Revised standard; more specific timeframes and references to extensions in R-O and R-1 districts not carried forward.
\textsuperscript{787} Existing standard.
\textsuperscript{788} Added since Module 2.
Chapter 14-16-4: Development Standards

4-1 DIMENSIONAL STANDARDS

4-1.1. PURPOSE
The purpose of this Section 14-16-4-1.1 is to regulate the size, scale, and location of new development and redevelopment throughout the city and to ensure that residential development, particularly single-family detached home development, reinforces the scale and character of residential areas in those portions of the city designated as Areas of Consistency in the Albuquerque/Bernalillo County Comprehensive Plan (ABC Comp Plan), as amended.

4-1.2. APPLICABILITY
A. The standards of this Section 14-16-4-1 apply in all zone districts of the city except those designated as MX-FB (Mixed-use Form-based), where development size, scale, location, and massing are regulated by Section 14-16-2-4.5 (Mixed-use – Form-based Zone District (MX-FB)).

B. Section 14-16-2-7 (Overlay Zones) may contain maximum height, maximum or minimum setback, or other dimensional standards that differ from those in this Section 14-16-4-1. In the case of a conflict between the dimensional standards, Overlay zone standards shall prevail.

C. Section 14-16-4-9 (Neighborhood Edges) may contain maximum height, maximum or minimum setback, or other dimensional standards that differ from those in this Section 14-16-4-1. In case of a conflict between the dimensional standards, Neighborhood Edge standards shall prevail.

D. Notwithstanding any standard in thisIDO, all development must meet relevant setback standards in Article 14-2 of ROA 1994 (Fire Code).

4-1.3. RESIDENTIAL ZONE DISTRICTS

A. Residential Zone District Table
All primary and accessory structures in Residential zone districts in the following two categories shall comply with the dimensional standards in Table 4-1-1, except under any of the following circumstances, in which case individual standards in the relevant sections prevail over conflicting standards in Table 4-1-1:

1. The project is a residential development of primary structures in an Area of Consistency, in which case any relevant Contextual Residential Standards in Section 14-16-4-1.3.B prevail.

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789 Consolidates numerous dimensional standards in existing document, with changes as noted.
790 New since Zoning Code.
791 New since Consolidated Draft.
792 New since Consolidated Draft.
793 Moved from Section 4-1.3.B.1.d since EPC Draft per Condition #1 to clarify that all development is subject to provisions in the Fire Code.
794 Detached Open Space Standards from existing 14-16-3-8 have not been carried over after discussions with Parks and Recreation staff.
795 Special dimensional standards and bonuses from existing Section 14-17 were not carried over since they have not been used.
796 List revised since Consolidated Draft to delete references to R-1 lots in Areas of Change, because there are none. Revised for clarity since EPC Draft per Condition #1.
2. A different standard is stated in another section of this IDO, such as an Overlay zone standard in Section 2-7 or a Use-specific Standard in Section 3-3, in which case that standard prevails.\textsuperscript{797}

3. Where any Residential zone district has dimensional standards that are specific to a particular use, unlisted uses that are allowable in that zone district shall follow the lowest minimum requirements specified in that zone district.

<table>
<thead>
<tr>
<th>Zone District</th>
<th>R-A\textsuperscript{801}</th>
<th>R-1</th>
<th>R-MC\textsuperscript{1}\textsuperscript{802}</th>
<th>R-T\textsuperscript{803}</th>
<th>R-ML\textsuperscript{804}</th>
<th>R-MH\textsuperscript{805}</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot size, minimum</td>
<td>10,890 sq. ft.\textsuperscript{806}</td>
<td>R-1A: 3,500 to 4,999 sq. ft.</td>
<td>R-MC: 2,500 sq. ft. / manufactured home space</td>
<td>Single-family or two-family detached: 3,500 sq. ft.</td>
<td>Single-family or two-family detached: 3,500 sq. ft.</td>
<td>10,000 sq. ft.\textsuperscript{807}</td>
</tr>
<tr>
<td>Contextual</td>
<td>See Section 14-16-4-1-3.B</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Lot width, minimum</td>
<td>75 ft.</td>
<td>R-1A: 25 to 37.4 ft.</td>
<td>R-MC: 40 ft. / manufactured home space</td>
<td>Single-family or two-family detached: 35 ft.</td>
<td>Single-family or two-family detached: 35 ft.</td>
<td>150 ft.\textsuperscript{808}</td>
</tr>
</tbody>
</table>

UC-MS-PT = Urban Centers, Main Street areas, and Premium Transit areas as identified in the ABC Comp Plan; EC = Employment Centers as identified in the ABC Comp Plan;\textsuperscript{799} DU = dwelling units.\textsuperscript{800}

Note: Any different dimensional standards in Sections 14-16-2-7 (Overlay Zones) and 14-16-4-8 (Neighborhood Edges) applicable to the property shall supersede the standards in this table.

Table 4-1-1: Residential Zone District Standards\textsuperscript{798}

\textsuperscript{797} Inserted since EPC Draft per Condition #98 to accommodate different standards specified in Use-specific standards for Co-housing and Cottage Development.

\textsuperscript{798} Consolidates standard from existing codes, with changes as noted. All Center and Corridor standards are new since Zoning Code. All breakdowns of R-1 standards into subcategories are new, based on analysis of lot patterns. The East Atrisco, Barelas, La Cueva, Martineztown/ Santa Barbara, South Yale, and Tower/Unser SU-2 regulations reference the existing Zoning Code standards with only minor changes, which have not been carried over. Dimensions for the R-1 subdistricts are still under review and may be changed to better match platted lot patterns in the City. Premium Transit areas included in areas where more intense development is permissible since Module 1. Since Consolidated Draft, all references to DT (Downtown) area have been deleted from the table because that area is covered by the standards in MX-FB-DT (not this table). Content re-organized since EPC Draft per Condition #1 for clarity and so that general standards are always first, with UC-MS-PT and other additional rules after the general standard. Table re-named since EPC Draft per Condition #1 to remove “Summary” for clarity because this table includes standards, not a summary.

\textsuperscript{800} Abbreviation added since EPC Draft per Condition #1 to make table less cluttered.

\textsuperscript{801} Standards from existing 14-16-2-4 RA-1 Residential and Agricultural Zone; Semi-Urban Area and 14-16-2-5 RA-2 Residential and Agricultural Zone.

\textsuperscript{802} Standards from existing 14-16-2-7 MH Residential Zone.

\textsuperscript{803} Standards from existing 14-16-2-8 R-LT Residential Zone and 14-16-2-9 R-T Residential Zone. References to two-family detached added since Consolidated Draft.

\textsuperscript{804} Standards from existing 14-16-2-10 RG Residential Garden Apartment Zone and 14-16-2-11 R-2 Residential Zone. References to two-family detached added since Consolidated Draft. Multi-family lot size and width standards reduced since EPC Draft per Condition #6. “Two-family detached” added to lot size standards since EPC Draft per Condition #1 to reflect the fact that duplexes are permissible in R-ML zone district.

\textsuperscript{805} Standards from existing 14-16-2-12 R-3 Residential Zone. Since EPC Draft, revised to reflect the dimensional standards from Downtown 2025 SDP per Map Condition #5.

\textsuperscript{806} Since Consolidated Draft, “Determined by Open Space” has been deleted.

\textsuperscript{807} New since Zoning Code.

\textsuperscript{808} 150 ft. min. lot depth was not carried over.
### Chapter 14-16-4: Development Standards

#### 4-1: Dimensional Standards

### 4-1.3: Residential Zone Districts

**TABLE 4-1-1: Residential Zone District Standards**

UC-MS-PT = Urban Centers, Main Street areas, and Premium Transit areas as identified in the ABC Comp Plan; EC = Employment Centers as identified in the ABC Comp Plan; DU = dwelling units.

Note: Any different dimensional standards in Sections 14-16-2-7 (Overlay Zones) and 14-16-4-8 (Neighborhood Edges) applicable to the property shall supersede the standards in this table.

<table>
<thead>
<tr>
<th>Zone District</th>
<th>R-A</th>
<th>R-1</th>
<th>R-MC</th>
<th>R-T</th>
<th>R-ML</th>
<th>R-MH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Density, maximum</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>30 DU/ac.</td>
<td>50 DU/ac.</td>
</tr>
<tr>
<td>Usable open space, minimum</td>
<td>N/A</td>
<td>N/A</td>
<td>400 sq. ft. / manufactured home space</td>
<td>N/A</td>
<td>Efficiency or 1 BR unit: 200 sq. ft. / unit</td>
<td>Efficiency or 1 BR unit: 200 sq. ft. / unit</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2 BR unit: 250 sq. ft. / unit</td>
<td>2 BR unit: 250 sq. ft. / unit</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>≥ 3 BR unit: 300 sq. ft. / unit</td>
<td>≥ 3 BR unit: 300 sq. ft. / unit</td>
</tr>
<tr>
<td>Front, minimum</td>
<td>N/A</td>
<td>R-1D: 20 ft.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front, maximum</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

**Notes:**
- "N/A" added in the table where no density maximum exists since EPC Draft per Condition #1 for clarity.
- Exclusion of these areas from maximum density limits is new since Module 2.
- Revised from 1,200 sq. ft.
- Usable open space requirements removed from R-T zone district to be consistent with the fact that other low-density single-family development does not require usable open space.
- New standards from R-MH.
- Note [2] added since EPC Draft per Condition #1 to include reference to clear sight triangle requirements for consistency with other dimensional standards tables. Exception that would allow 10’ front setbacks in R-T and R-ML as conditional use deleted since EPC Draft because such a change would be available through the variance process if appropriate and is unnecessary to state here.
- All R-1 setback standards are new since Zoning Code. Reference to carports removed since EPC Draft per Condition #97.
- Reference to carport and garage setbacks removed since EPC Draft per Condition #97.
- Reference to carports removed since EPC Draft per Condition #97.
- R-MH standard is new; from R-ML.
- Added to R-ML since EPC Draft because single-family development is permissive in R-ML.
- Revised from 10 ft. since Consolidated Draft in response to public comment.
- Added since Consolidated Draft in response to public comment.
TABLE 4-1-1: Residential Zone District Standards

UC-MS-PT = Urban Centers, Main Street areas, and Premium Transit areas as identified in the ABC Comp Plan; EC = Employment Centers as identified in the ABC Comp Plan; DU = dwelling units.

Note: Any different dimensional standards in Sections 14-16-2-7 (Overlay Zones) and 14-16-4-8 (Neighborhood Edges) applicable to the property shall supersede the standards in this table.

<table>
<thead>
<tr>
<th>Zone District</th>
<th>R-A</th>
<th>R-1</th>
<th>R-MC</th>
<th>R-T</th>
<th>R-ML</th>
<th>R-MH</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Side, minimum</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10 ft.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R-1A and R-1B:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R-1C</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R-1D</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Interior:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5 ft.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Street side of corner lots:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10 ft.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Side, maximum</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>UC-MS-PT: Street side of corner lots: 15 ft.</td>
<td></td>
</tr>
<tr>
<td><strong>Rear, minimum</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>25 ft. min</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R-1A:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10 ft.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Garage off alley: 3 ft.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R-1B, R-1C, and R-1D:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15 ft.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Garage off alley: 3 ft.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Building height, maximum</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>26 ft. (2 stories)</td>
<td>26 ft. (2 stories)</td>
<td>26 ft. (2 stories)</td>
<td>26 ft. (2 stories)</td>
<td>45 ft. (3 stories)</td>
<td>UC-MS-PT: 65 ft. (5 stories)</td>
<td></td>
</tr>
</tbody>
</table>

[1] In the R-MC zone district, setback standards apply to the entire project site, not to individual manufactured home spaces.

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

[3] No height limit applies to portions of the building located more than 100 ft. from each lot line.

---

824 Added since EPC Draft to clarify that this provision applies only in UC-MS-PT.
825 Replaces cross-reference to R-T standards, which have changed. Reduced from 20 ft. since Consolidated Draft.
826 Standards from R-ML extended to R-T and R-MH added since EPC Draft per Condition #1, R-MH added since EPC Draft per Condition #103.
827 Provision for UC-MS-PT in R-T, R-ML, R-MH added since EPC Draft per Condition #100, Condition #102, and Condition #103.
828 Max. side setback for UC-MS-PT in R-MH added since EPC Draft per Condition #103.
829 Provision for rear setbacks for garages off alleys added to R-1, R-T, R-ML, and R-MH since EPC Draft per Condition #101.
830 Building separation standards added in earlier drafts now deleted as unnecessary since Consolidated Draft.
831 Provision for maximum building height in stories added since EPC Draft per Condition #104.
832 Increased from 26 ft. to reflect moderate intensity intended for this district. Revised from 35 ft. since Module 3 in response to public comment. Since Consolidated Draft, bulk plane standards were deleted because Section 4-8 Neighborhood Edge standards accomplish the same goal.
833 Revised from 26 ft. Bulk Plane added in Module 2 deleted since Consolidated Draft because Neighborhood Edge standards provide protection.
834 Note [1] added since EPC Draft per Condition #1 to clarify how setback standards apply to lots within the R-MC zone district.
835 Note [2] added since EPC Draft per Condition #1 to include reference to clear sight triangle requirements for consistency with other dimensional standards tables.
836 Height limit deleted in interior of lot since Consolidated Draft in response to public comment.
B. Contextual Residential Development in Areas of Consistency

1. Applicability

   a. In the case of residential development in the R-MC zone district or co-housing or cottage development in zone districts where those uses are allowed, the contextual setback standards in Subsection 3 apply to the frontage of the lot, not to the individual primary buildings, and lot size standards in Subsection 2 do not apply.

   b. All other development in Residential zone districts on blocks where lots have been platted and at least one primary building is constructed shall comply with the standards in Subsections 2 and 3.

2. Lot Size

   In Residential zone districts in Areas of Consistency, the minimum and maximum lot sizes for construction of new low-density residential development shall be based on the size of the Bernalillo County Tax Assessor’s lot, or a combination of adjacent Tax Assessor’s lots, in the block where the new low-density residential development is to be constructed, rather than on the size of the individual subdivision lots shown on the existing subdivision plat.

   a. New low-density residential development shall not be constructed on a Tax Assessor’s lot, or combination of abutting Tax Assessor’s lots, that is smaller than 75 percent of the average of the size of the Tax Assessor’s lots, or combinations of adjacent Tax Assessor’s lots, that contain a primary building, on that block.

   b. New low-density residential development shall not be constructed on a Tax Assessor’s lot, or combination of abutting Tax Assessor’s lots, that is larger than 125 percent of the average of the size of the Tax Assessor’s lots, or combinations of adjacent Tax Assessor’s lots, that contain a primary building on that block.

   c. In making these calculations, the size of any Tax Assessor lot or combination of adjacent tax assessor’s lots containing primary buildings on that block that are not low-density residential development shall be ignored.

---

837 New provision since Zoning Code. Because many R-1 residential neighborhoods have developed with houses constructed on multiple adjacent lots or partial lots, rather than with houses on individual lots, future redevelopment or reconstruction of primary structures in R-1 neighborhoods in Areas of Consistency needs to be similar in scale to the pattern of tax assessor parcels or adjacent tax assessor parcels containing a single house. Revised since Module 3 to apply to all single-family detached homes in Residential districts (not just R-1). This concept is taken from several Sector Development Plans, including Downtown Neighborhood Area and Los Duranes, and made into a citywide standard for R-1.

838 Section added since EPC Draft per Condition #99 to clarify that setbacks apply to the frontage of the lot, not each building, for Co-housing or Cottage Development. Added R-MC zone district since EPC Draft to make the same clarification.

839 Subsection D moved to Section 4-1.2 since EPC Draft per Condition #1 to clarify that all development must comply with the Fire Code.

840 Wording clarified since Consolidated Draft. Revised since EPC Draft per Condition #99 to remove “detached” so that this provision applies to townhouses. This change made throughout Section 4-1.3.B. Revised to use the term “low-density residential development” to further clarify since EPC Draft. Term defined in Section 6-1 to refer to all “Household Living” uses except for multi-family dwellings.

841 Revised since EPC Draft to clarify based on the definition for building added per Condition #275.
3. Setbacks

In Residential zone districts in Areas of Consistency, the front setback for construction of new low-density development shall be based on the existing front setbacks of primary buildings on adjacent lots.\textsuperscript{842}

a. If only one of the abutting lots facing the same street is a low-density residential development, the front setback of any new dwelling shall be within 3 feet of the front setback of the existing dwelling on the adjacent lot or within the front setback required by Table 4-1-1, whichever allows the new buildings to be closer to the street.

b. If both of the abutting lots facing the same street are low-density residential development, the front setback of any new dwellings shall be between the closer and farther front setbacks of the two dwellings on the abutting lots.\textsuperscript{843}

c. If both of the abutting lots are vacant, but at least two adjacent lots facing the same street are low-density residential development, the front setback of any new dwellings shall be between the closer and farther front setbacks of the two dwellings on adjacent lots or within the front setback required by Table 4-1-1, whichever allows the new buildings to be closer to the street.

d. If both of the abutting lots are vacant, but only one adjacent lot facing the same street is low-density residential development, the front setback of any new dwellings shall be constructed per the standards in Table 4-1-1.\textsuperscript{844}

4-1.4. MIXED-USE ZONE DISTRICTS

All primary and accessory structures in the Mixed-use zone districts shall comply with the dimensional standards in Table 4-1-2, unless an exception or a different standard is stated in another section of this IDO. Section 14-16-2.4.5 (Mixed-use – Form-based Zone District (MX-FB)) includes additional dimensional standards for the MX-FB (form-based) zone districts.

\textsuperscript{842} New provision added since Module 1. Revised since EPC Draft to distinguish between abutting and adjacent lots.

\textsuperscript{843} Revised since EPC Draft to remove the option to develop per Table 4-1-1 in order to ensure consistency in the case of existing development on either side of an infill lot.

\textsuperscript{844} Provisions c and d added since EPC Draft to clarify how contextual standards can be applied where there is no abutting low-density residential development.
### Table 4-1-2: Mixed-use Zone District Dimensional Standards

<table>
<thead>
<tr>
<th>Zone District</th>
<th>MX-T&lt;sup&gt;848&lt;/sup&gt;</th>
<th>MX-L&lt;sup&gt;849&lt;/sup&gt;</th>
<th>MX-M&lt;sup&gt;850&lt;/sup&gt;</th>
<th>MX-H&lt;sup&gt;851&lt;/sup&gt;</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Site Standards</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Density, residential maximum&lt;sup&gt;852&lt;/sup&gt;</strong></td>
<td></td>
<td>30 DU/ac.&lt;sup&gt;853&lt;/sup&gt;</td>
<td>75 DU/ac.&lt;sup&gt;854&lt;/sup&gt;</td>
<td>125 DU/ac.&lt;sup&gt;855&lt;/sup&gt;</td>
</tr>
<tr>
<td><strong>Usable open space, minimum</strong></td>
<td></td>
<td>Efficiency or 1 BR unit: 200 sq. ft./unit</td>
<td>2 BR unit: 250 sq. ft./unit</td>
<td>≥3 BR unit: 300 sq. ft./unit</td>
</tr>
<tr>
<td><strong>Setbacks&lt;sup&gt;[(1)]&lt;sup&gt;858&lt;/sup&gt;</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Front</strong>&lt;sup&gt;859&lt;/sup&gt;</td>
<td>Front yard and corner yard, from street, minimum / maximum</td>
<td>5 ft. min / no max.</td>
<td>UC-MS-PT: 0 ft. min / 15 ft. max.&lt;sup&gt;860&lt;/sup&gt;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>MS: 50% of front property line width must be occupied by the primary building constructed within 15 ft. of the property line. On a corner lot, the required 50% must begin at the corner.&lt;sup&gt;861&lt;/sup&gt;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Side</strong></td>
<td>Interior: 5 ft. min.; no max.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

<sup>845</sup> Consolidates standards from several sections of existing Zoning Code; all Center and Corridor standards are new since Zoning Code. The Barelas, East Atrisco, La Cueva, Martineztown/Santa Barbara, South Yale, and Tower/Unser SU-2 regulations reference the existing Zoning Code standards with only minor changes, which have not been carried over. Premium Transit areas included in areas where more intense development is permissive since Module 1. Since Module 3, minimum lot sizes in Mixed-use zone districts have been deleted. Since Consolidated Draft, all references to DT (Downtown) area have been deleted from the table, because MX-FB-DT standards apply in that area (not the standards in this table). Content re-organized since EPC Draft per Condition #1 for clarity and so that general standards are always first, with UC-MS-PT and other additional rules after the general standard. Table re-named since EPC Draft per Condition #1 to remove “Summary” for clarity because this table includes standards, not a summary.

<sup>848</sup> Abbreviation added since EPC Draft per Condition #1 to make table less cluttered.

<sup>849</sup> Abbreviation added since EPC Draft per Condition #1 to make table less cluttered.

<sup>850</sup> Standards from 14-16-2-13 R-C Residential/Commercial Zone and 14-16-2-15 O-1 Office and Institution Zone.

<sup>851</sup> Standards from 14-16-2-16 C-1 Neighborhood Commercial Zone.

<sup>852</sup> Standards from 14-16-2-17 C-2 Community Commercial Zone. Since EPC Draft, revised to reflect the dimensional standards from Downtown 2025 SDP per Map Condition #5.

<sup>853</sup> Standards from 14-16-2-18 C-3 Heavy Commercial Zone. Since EPC Draft, revised to reflect the dimensional standards from Downtown 2025 SDP per Map Condition #5.

<sup>854</sup> 0.3 FAR maximums from existing C-1, C-2, and C-3 districts were not carried forward. Building envelopes now govern development size. Increased maximum densities added for MX-L and MX-M in UC-MS-PT since EPC Draft per Condition #106 to allow for more density where higher building heights are permisive.

<sup>855</sup> New standard since Zoning Code.

<sup>856</sup> Increased from 30 du / ac in existing regulation.

<sup>857</sup> Increased from 30 du / ac in existing regulation. Provision removing density maximum when Workforce Housing Bonus is used added since Consolidated Draft in response to public comment. That provision removed since EPC Draft per Condition #1 because WHH bonus only applies in UC-MS-PT and there is no max. density in UC-MS-PT.

<sup>858</sup> Exclusion of these areas from maximum density limits is new since Consolidated Draft.

<sup>859</sup> Minimum related to townhouse development deleted since EPC Draft per Condition #1 for consistency with R-T edits that removed them.

<sup>860</sup> Note [1] added since EPC Draft per Condition #1 to include reference to clear sight triangle requirements, which were removed from the table for clarity.

<sup>861</sup> Existing 11 ft. setback from driveways replaced by reference to DPM. Separate 0-15 ft. setback/build-to standard for residential buildings was not carried forward.

<sup>862</sup> New standard for Centers.

<sup>863</sup> Provision added since EPC Draft per Condition #105 and Condition #109.
TABLE 4-1-2: Mixed-use Zone District Dimensional Standards

<table>
<thead>
<tr>
<th>Zone District</th>
<th>MX-T⁸⁴⁸</th>
<th>MX-L⁸⁴⁹</th>
<th>MX-M⁸⁵⁰</th>
<th>MX-H⁸⁵¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>UC-MS-PT</td>
<td>Street side of corner lots: 10 ft. min.; no max.⁸⁶²</td>
<td>UC-MS-PT: 55 ft. (4 stories)³</td>
<td>45 ft. (3 stories)²</td>
<td>65 ft. (5 stories)²</td>
</tr>
<tr>
<td>Rear</td>
<td>15 ft. min.; no max.</td>
<td>Garage off alley: 3 ft. min.; no max.</td>
<td>45 ft. (3 stories)²</td>
<td>65 ft. (5 stories)²</td>
</tr>
</tbody>
</table>

**Building Standards**

- **Building height, maximum**: 30 ft. (2 stories)³, 35 ft. (2 stories), 45 ft. (3 stories)², 65 ft. (5 stories)²
- **UC-MS-PT**: 55 ft. (4 stories)³

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⁸⁴⁸ Standards from R-ML extended to R-T and R-MH.
⁸⁴⁹ New provision for UC-MS-PT added since EPC Draft per Condition #102 and Condition #103.
⁸⁵⁰ Provision for rear setbacks for garages off alleys added since EPC Draft per Condition #101.
⁸⁵¹ Max building heights are new since Zoning Code. Provision for maximum building height in stories added since EPC Draft per Condition #104.
⁸⁶² Replaces standard applying bulk plane to heights about 26 feet, which would allow taller buildings than appropriate in these transition areas. Provision for maximum building height in stories added since EPC Draft per Condition #104.
⁸⁶³ New bonus since Module 3, added to help implement existing Workforce Housing Opportunity regulations. Replaces current minimum lot size and width incentives for Family Housing Developments (as reflected in Workforce Housing Opportunity regulations) with an incentive allowing construction of one more floor of height in mixed use areas near transit opportunities.
⁸⁶⁴ Footnote revised since EPC Draft per Condition #110 for clarity.
⁸⁶⁵ Revised since EPC Draft per Condition #1 to allow for 2 additional floors for subterranean parking in MX-H.

4-1.5. NON-RESIDENTIAL ZONE DISTRICTS

All primary and accessory structures in the Non-residential zone districts other than NR-PO or NR-SU shall comply with the dimensional standards in Table 4-1-3, unless an exception or a different standard is stated in another section of this IDO.
A. NR-SU Zone District

Dimensional standards in NR-SU shall be determined in the approval of a Site Plan – EPC as part of the approval of an amendment to zoning map to the NR-SU zone district.

B. NR-PO Zone District

Dimensional standards in NR-PO subzones shall be determined in the approval of a Master Plan, Natural Resource Management Plan, standards specified by the implementing Department, or standards appropriate to a Site Plan approval for a park or open space owned or managed by an entity other than the City.

TABLE 4-1-3: Non-residential Zone District Dimensional Standards

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

Note: Any different dimensional standards in Sections 14-16-2.7 (Overlay Zones) and 14-16-4.8 (Neighborhood Districts) apply to the property shall supersede the standards in this table.

<table>
<thead>
<tr>
<th>Zone District</th>
<th>NR-C678</th>
<th>NR-BP679</th>
<th>NR-LM680</th>
<th>NR-GM681</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Standards</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lot width, minimum</td>
<td>N/A</td>
<td>100 ft.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Impervious lot coverage, maximum</td>
<td>N/A</td>
<td>50%</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Setback Standards[1]684</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front[685]</td>
<td>5 ft. min.; no max.</td>
<td>20 ft. min.; no max.[2]</td>
<td>5 ft. min.; no max.</td>
<td></td>
</tr>
<tr>
<td>Side</td>
<td>N/A</td>
<td>10 ft. min.; no max.[2]</td>
<td>N/A</td>
<td></td>
</tr>
</tbody>
</table>

675 Added since EPC Draft per Condition #1 and NR-SU column deleted from Table 4-1-3 because all dimensional standards in this zone district are per a separately approved plan.

676 Added since EPC Draft per Condition #1 and NR-PO column deleted from Table 4-1-3 because all dimensional standards in this zone district are per a separately approved plan.

677 Consolidates standards from may portions of the existing Zoning Code, and adds new standards for the new NR-SU and NR-PO districts. The Barelas, East Atrisco, La Cueva, Martineztown/Santa Barbara, South Yale, and Tower/Unser SU-2 regulations reference the existing Zoning Code standards with only minor changes, which have not been carried over. Since Consolidated Draft, all references to DT (Downtown) area have been deleted from the table because that area is covered by the standards in MX-FB-DT (not this table). Content re-organized since EPC Draft per Condition #1 for clarity and so that general standards are always first, with UC-MS-PT and other additional rules after the general standard. Table re-named since EPC Draft per Condition #1 to remove “Summary” for clarity because this table includes standards, not a summary.

678 Zoning Code standards from 14-16-2.18 C-3 Heavy Commercial Zone.

679 Zoning Code standards from 14-16-2.19 IP Industrial Park Zone.

680 Zoning Code standards from 14-16-2.20 M-1 Light Manufacturing Zone.

681 Zoning Code standards from 14-16-2.21 M-2 Heavy Manufacturing Zone.

682 Minimum Lot Size removed since EPC Draft as unnecessary.

683 “Impervious” added since Consolidated Draft for consistency.

684 Note [1] added since EPC Draft per Condition #1 to include reference to clear sight triangle requirements, which were removed from the table for clarity.

685 Zoning Code 11 ft. setback from driveways replaced by reference to DPM.

686 New standard since Zoning Code for Centers.

687 Revised since EPC Draft per Condition #1 and Condition #7 so that NR-C dimensional standards match MX-M standards in UC-MS-PT to reflect changes to the C-2 conversion rules.
4-1.6. EXCEPTIONS AND ENCROACHMENTS

Table 4-1-4 identifies exceptions to required building setback areas and exceptions to building height limits that apply unless otherwise regulated by an Overlay zone. Required setback areas other than the exceptions allowed in the following table shall be open and unobstructed from the ground upward. Building height limits apply to all portions of all buildings on the property, unless an exception is specified in Table 4-1-4.

<table>
<thead>
<tr>
<th>Structure or Feature</th>
<th>Conditions or Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory ground mounted solar or wind energy systems</td>
<td>As specified in Section 14-16-3-3.5.F (Solar or Geothermal Energy Generation or Device).</td>
</tr>
<tr>
<td>Architectural features including awnings, balconies, bay windows, canopies, sills, chimneys, belt courses, cornices, and ornamental features</td>
<td>May encroach up to 2 ft. into a required setback, but no closer than 3 ft. to property line.</td>
</tr>
<tr>
<td>Evaporative coolers</td>
<td>May encroach up to 4 ft. into rear or side setbacks.</td>
</tr>
</tbody>
</table>

---

886 Revised since EPC Draft per Condition #1 and Condition #7 so that NR-C dimensional standards match MX-M standards in UC-MS-PT to reflect changes to the C-2 conversion rules.
889 Provision for maximum building height in stories added since EPC Draft per Condition #104.
890 Revised from 26 ft. in Zoning Code with complex bulk planes. Building height in NR-C revised since EPC Draft per Condition #112 to 35 ft. generally and 55 ft. in UC-MS-PT. [2] added in UC-MS-PT to allow for no max height more than 100 ft. from lot lines.
891 Revised from 120 ft. (originally intended to accommodate smokestacks) and bulk plane standard deleted since Consolidated Draft.
892 Revised from 36 ft.: bulk plane requirements deleted. Revised from 60 ft. since Consolidated Draft.
893 Revised from 36 ft.: bulk plane requirements deleted. Revised from 60 ft. since Consolidated Draft.
894 Note [1] added since EPC Draft per Condition #1 to include reference to clear sight triangle requirements for consistency with other dimensional standards tables.
895 Height limit deleted in interior of lot since Consolidated Draft.
896 Height limit deleted in interior of lot since Consolidated Draft. Revised since EPC Draft to allow taller heights on side and rear portions of the property for NR-BP, NR-LM, and NR-GM.
897 New section since Zoning Code consolidating materials from several sections of existing Zoning Code and expanding to cover additional items.
898 Reference to “yard” replaced with “setback” since EPC Draft per Condition #1 for clarity and consistency.
899 New since Zoning Code. Revised since EPC Draft per Condition #1 to refer to USS for clarity and consistency.
900 Existing standards from 14-14-3-3(B)(1)(a)/3. Expanded to cover additional features. 3 ft. distance from property line is new since Zoning Code.
901 Existing standards from 14-14-3-3(B)(1)(a)/4
### TABLE 4-1-4: Allowed Encroachments and Exceptions

<table>
<thead>
<tr>
<th>Structure or Feature</th>
<th>Conditions or Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open or lattice-enclosed fire escapes, fireproof outside stairways and balconies opening upon smoke towers&lt;sup&gt;902&lt;/sup&gt;</td>
<td>May encroach up to 10 ft. into rear setback.</td>
</tr>
<tr>
<td>Site design elements placed directly upon the average lot grade that are less than 18 inches above the surrounding average lot grade including, decks, walkways, steps, patios and terraces&lt;sup&gt;903&lt;/sup&gt;</td>
<td>May project any amount, except that decks, patios, and terraces above grade may not encroach closer than 3 ft. from a lot line.</td>
</tr>
</tbody>
</table>
| Shade structures<sup>904</sup> | The following standards apply in the R-A, R-1, R-T, R-ML, R-MH, and MX-T zone districts:  
- May encroach into side or rear setbacks, but not closer than 3 ft. to a property line.  
- No more than 50% of rear yard may be covered by a roof.  
- No wall to support the structure may be constructed in any setback area. |
| Walls and fences<sup>905</sup> | As specified in Section 14-16-4-7 (Walls and Fences). |

#### Exceptions to Building Height Limits

- **Accessory rooftop solar collectors**  
  As specified in Section 14-16-3-3.5.F (Solar or Geothermal Energy Generation or Device).<sup>906</sup>
- **Wind generation device<sup>907</sup>**  
  As specified in Section 14-16-3-3.5.H (Wind Energy Generation or Device).<sup>908</sup>
- **Shade structures**  
  In the R-A, R-1, R-T, R-ML, R-MH, and MX-T zone districts, may not exceed 12 ft. in height.<sup>909</sup>
- **Belfries, church spires and towers, flag poles, flues, monuments, ornamental towers and spires, chimneys, conveyors, cooling towers, cupolas and domes, elevator housings, mechanical equipment and related screening, observation towers, penthouses, smoke enclosures, smoke stacks, stage towers or scenery lofts, tanks, water towers<sup>910</sup>**  
  Exempt from height limits for primary buildings.

---

<sup>902</sup> Existing standard from 14-16-3-3(B)(1)(a)2.
<sup>903</sup> New since Zoning Code.
<sup>904</sup> Relocated from Use-specific Standards for accessory uses since Consolidated Draft. Revised since EPC Draft per Condition #1 to remove reference to decks and drainage as unnecessary.
<sup>905</sup> New since Zoning Code. Content replaced with a reference to Section 4-7 Walls since EPC Draft per Condition #179 to ensure that regulations are consistent. Provision about walls along a rear property line adjacent to a sidewalk removed and replaced with a new provision in Section 4-7 since EPC Draft per Condition #179.
<sup>906</sup> New since Zoning Code. Revised since EPC Draft per Condition #1 to refer to USS for clarity and consistency.
<sup>907</sup> New since Zoning Code.
<sup>908</sup> New since Zoning Code. Revised since EPC Draft per Condition #1 to refer to USS for clarity and consistency.
<sup>909</sup> This provision moved from the Setback encroachments for shade structures above in this table since EPC Draft per Condition #1 for clarity because this provision refers to height, not setbacks.
<sup>910</sup> Existing standard from 14-16-3-3(A)(1) and 14-16-3-3(B)(2). Reference to religious signs deleted as content-based regulation to comply with Reed v. Gilbert decision.
4-1.7. **UTILITY CLEARANCE**\textsuperscript{911}

Walls and fences that run parallel to and are contained within utility easements are prohibited. In addition to the building setbacks and encroachments in this Section 14-16-4-1, the Development Process Manual (DPM), or the Facility Plan for Electric System Transmission and Generation, as amended, may require that buildings, structures, or other site features be located on or near utility facilities. See those documents for details.

\textsuperscript{911} New section since Consolidated Draft in response to public comment.
4-2 SITE DESIGN AND SENSITIVE LANDS

4-2.1. Purpose
Sensitive land protection standards are intended to minimize the impacts of development on the natural environment and to create more distinctive neighborhoods by connecting them to surrounding natural features and amenities. Site design standards are intended to enhance the visual appearance of non-residential development, promote street and neighborhood character, and strengthen the pedestrian environment.

4-2.2. Applicability
These standards apply to all site development and new subdivisions, unless explicitly exempted elsewhere in this IDO. The design standards in this section are minimum standards. The City may impose more restrictive standards if necessary to comply with applicable engineering or design standards or other standards in this IDO.

4-2.3. Avoidance of Sensitive Areas
A. Both the subdivision and site design processes shall begin with an analysis of site constraints sensitive lands. To the maximum extent practicable, new subdivisions of land and site development shall avoid locating development or redevelopment, except for open spaces and areas that will not be disturbed during the development process, in the following types of sensitive areas:
   1. Floodplains and flood hazard areas;
   2. Steep slopes;
   3. Unstable soils;
   4. Wetlands;
   5. Arroyos;
   6. Irrigation facilities (acequias);
   7. Escarpments;
   8. Rock outcroppings;
   9. Large stands of mature trees; and
   10. Archaeological sites.

B. Avoidance of sensitive lands shall be incorporated as part of the applicable review procedures in Chapter 14-16-5.

C. Development next to Major Public Open Space shall meet the requirements of Section 14-16-4-2.8 (Major Public Open Space Edges).

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*912 New since Zoning Code. Portions of the general intent from Section 14-16-3-18(A) included in this purpose statement for site design elements.*

*913 New since Zoning Code. Further limitations on applicability of site design standards are stated in Subsections below, such as specific site design standards for non-residential uses. The last sentence gives the City staff some flexibility to impose additional requirements based on certain situations.*

*914 New standard since Zoning Code to promote the importance of avoiding development of sensitive areas. Deleted reference to Geological Hazards since Consolidated Draft.*

*915 Added since Consolidated Draft.*

*916 Added since Module 3 in response to public comment.*

*917 Added since Consolidated Draft.*
D. Street crossings of irrigation ditches and drains shall be minimized to the maximum extent practicable.  

E. Street crossings of sensitive areas shall be minimized to the maximum extent practicable. 

F. If avoidance of sensitive areas, other than floodways and flood fringe areas referenced in Article 14-5 of ROA 1994 (Flood Hazard and Drainage Control), results in the subdivision containing fewer buildable parcels than it would have if sensitive areas were not avoided, the Planning Director may adjust the minimum lot size or lot width dimensions by up to 25 percent to allow for additional lots that would have otherwise been possible if sensitive lands had not been avoided.  

4-2.4. ARCHAEOLOGICAL SITES

A. Applicability

This section applies when an applicant initiates the approval process for any of the following:

1. A preliminary plat for any subdivision that is 5 acres or more in size.
2. A Site Plan or Master Development Plan for a project that is 5 acres or more in size.

B. Additional Review Required

For applications meeting the applicability standards in Subsection A above, prior to the approval of a Preliminary Plat, Site Plan, or Master Development Plan, the applicant shall obtain either a Certificate of No Effect or a Certificate of Approval, pursuant to review and decision procedures and criteria in Section 14-16-5.1.A.

C. Unexpected Archaeological Discovery

1. In the event that an archaeological resource is unexpectedly discovered in the city during any demolition, development, or land disturbance activity on any property for which a Certificate of No Effect has been issued, such activity in the immediate vicinity of the archaeological resource shall immediately cease and the person or entity responsible for or overseeing the demolition, development or land disturbance activity shall immediately notify the Planning Director or City Archaeologist of the discovery.
2. Activity that ceases because of the unexpected discovery of an archaeological resource may resume only after the City Archaeologist determines that the resource is not significant or approves a treatment plan.
3. If the City Archaeologist determines that the area containing the archaeological resource can be separated from the project and the resource protected until the treatment plan is completed, the demolition, development, or land disturbance activity may resume.

4. The failure to immediately cease demolition, development or land disturbance activity upon the discovery of an archaeological resource is a violation subject to the penalties in §Part 1-1-99 of ROA 1994 (General Penalty).

D. Human Remains

In the event that human remains or funerary artifacts are discovered on any property in the city during demolition, development or land disturbance activity, Section 18-6-11.2 of the New Mexico Cultural Properties Act shall control.

4-2.5. ARROYO STANDARDS

A. Applicability

This section applies to development or redevelopment on parcels abutting a major arroyo.

B. Drainage

1. All subdivisions and site development shall comply with all applicable requirements of Article 14-5 of ROA 1994 (Flood Hazard and Drainage Control), the DPM, and the Albuquerque Metropolitan Arroyo Flood Control Authority (AMAFCA).

2. Development will not be allowed to discharge stormwater runoff into a major arroyo, unless an engineering analysis can demonstrate that discharge will have minimal impact on the treatment called for in the drainage management plan for the arroyo and on existing detention basins.

C. Arroyo Corridor Right-of-Way and Trails

1. Accessory buildings shall be set back from the property line 2 feet for each foot of building height in excess of 6 feet.
2. Property owners shall dedicate property as shown in the Facility Plan for Major Arroyos for trails and/or arroyo right-of-way. Right-of-way for a trail and landscaping adjacent to the arroyo right-of-way shall average 20 feet in width.\(^{933}\)

3. Access to the trail system shall be provided at all roadway intersections and adjacent public facilities, including parks, libraries, community centers, and Major Public Open Space.\(^{934}\)

4. For new subdivisions adjacent to existing arroyo corridors, access to existing arroyo corridor trails shall be provided for residents of the subdivision at an interval of ¼-mile for unpaved trails and ½-mile for paved trails. Access for the public may be provided at the applicant’s option or as required to comply with other provisions of this IDO, the DPM, or other adopted City regulations.\(^{936}\)

5. Land adjacent to barriers across the arroyo, such as dams, roads, and culverts, shall be platted to allow space for a trail around the barrier, providing for a continuous trail system.\(^{937}\)

6. Access for wheelchair accessible trails in or along arroyos shall comply with ADA standards.

D. Landscaping Adjacent to Arroyos

1. Disturbance to slopes and vegetation and cut and fill shall be minimized to the extent practicable and balanced against the need to provide for bikeways or other amenities within the arroyo easement and/or right-of-way.\(^ {938}\)

2. Disturbed areas shall be reseeded or planted with low-water, low-maintenance, native or naturalized plant materials and maintained for three years. After that time, the City will take over maintenance responsibility for the planted area within the arroyo easement and/or right-of-way.\(^ {939}\)

3. Development shall landscape usable open space along the property line abutting the arroyo easement or right-of-way.\(^ {940}\)

E. Walls and Fences\(^ {941}\)

For properties adjacent to major arroyos, all walls, fences, retaining walls, and combinations of those site features facing the arroyo must comply with all applicable standards in Section 14-16-4-7.5.D (Walls Adjacent to Arroyos or Major Public Open Space).

4-2.6. IRRIGATION FACILITY (ACEQUIA) STANDARDS\(^ {942}\)

A. All subdivisions and site development shall comply with applicable requirements of Article 14-5 of ROA 1994 and the DPM.\(^ {943}\)

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\(^{933}\) Carried over from the Rank 3 Amole and Pajarito Arroyo Corridor Plans since Consolidated Draft.

\(^{934}\) Carried over from the Rank 3 Bear Canyon Arroyo Corridor Plan since Consolidated Draft.

\(^{935}\) Revised since EPC Draft per Condition #113 in response to agency comment.

\(^{936}\) Second sentence added since Consolidated Draft in response to public comment.

\(^{937}\) Carried over from the Rank 3 Amole Arroyo Corridor Plan since the Consolidated Draft.

\(^{938}\) Carried over from the Rank 3 Amole, Bear Canyon, and Pajarito Arroyo Corridor Plans since Consolidated Draft.

\(^{939}\) Regulation based on policy from the Facility Plan for Arroyos added since the Consolidated Draft.

\(^{940}\) Added since the Consolidated Draft.

\(^{941}\) Content moved to Walls section (4-7) since EPC Draft per Condition #179 and replaced with cross-reference here.

\(^{942}\) New since Zoning Code to reflect public comments and general statements in SU-2 regulations about protection of these features. Retitled since Module 3 in response to public comment. Heading revised since Consolidated Draft.

\(^{943}\) New since Module 3.
B. These standards apply to all irrigation facilities owned or maintained by the Middle Rio Grande Conservancy District (MRGCD) or community acequia associations.\textsuperscript{944}

C. No primary or accessory structure, fence, wall, or impervious surface shall be constructed within 5 feet of the toe of the slope of an irrigation facility or of the associated easement boundary, whichever is greater, without the approval of the authority or association with operations and maintenance responsibility for the irrigation facility, except as noted in the Subsection below.\textsuperscript{945}

1. Within the Los Duranes area as mapped below, all structures, excluding walls and fences, must be set back a minimum of 15 feet from the centerline of any ditch, lateral, or drain designated on the Los Duranes Community Acequia System Map.\textsuperscript{946}

\textit{Los Duranes Community Acequia System Map}

D. No vegetation within five feet of the toe of the slope of an irrigation facility shall be removed, treated, or planted without coordination with the authority or association responsible for operating and maintaining the irrigation facility.\textsuperscript{947}

E. Street crossings of acequias shall be minimized to the maximum extent practicable.

4-2.7. \textbf{LANDFILL BUFFERS}\textsuperscript{948}

A. Applicability

The standards for minimum distance from landfills in Subsection B below shall apply in the buffer zones, as indicated in Table 4-2-1.

\begin{table}[h]
\centering
\begin{tabular}{|l|l|}
\hline
Landfill & Buffer Zone Distance \\
\hline
Atrisco & 250 ft. \\
Coronado & Site specific \\
\hline
\end{tabular}
\caption{Landfill Buffer Zone Standards}
\end{table}

\textsuperscript{944} Revised since EPC Draft per Condition #114, Condition #116, and Condition #117 to remove language about encouraging property owners to follow standards, as that language is inappropriate for a regulatory document.

\textsuperscript{945} Text revised for clarity since Module 3, and distance reduced from six to five ft.

\textsuperscript{946} New provision to reflect regulations in the Los Duranes SDP since Consolidated Draft, in response to public comment. Map revised since EPC Draft per Condition #115 to include street labels.

\textsuperscript{947} Revised from *non-invasive existing vegetation in Module 2. Text revised for clarity since Module 3, and distance reduced from six to five ft.

\textsuperscript{948} From the City’s Interim Guidelines for Development within City Designated Landfill Buffer Zones (2005), which are referenced in the North I-25 SU-2 regulations.
### TABLE 4-2-1: Landfill Buffer Zone Standards

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

Note: Private permitted landfills have been permitted by the New Mexico Environment Department (NMED) Solid Waste Bureau, while private unpermitted landfills have not been permitted by the NMED Solid Waste Bureau.

### B. Standards

1. All development, whether it proceeds through the Environmental Planning Commission (EPC), Development Review Board (DRB), Design Review Committee (DRC), or the building permit process shall be subject to the City Environmental Health Department Environmental Services Division’s Interim Guidelines if the property falls on or within a City designated landfill buffer zone. The City Environmental Health Department Environmental Services Division or its consultant will review all documentation concerning development within each designated landfill buffer zone from professional engineers and the developers, owners, and other responsible parties to ensure that the Interim Guidelines have been followed.

2. Development projects will include input from a professional engineer with expertise in landfills and landfill gas issues to determine if landfill gas (including but not limited to methane) exists on the property in question and whether there is a potential for the migration of landfill gas to impact the property or other properties in the future.

3. If landfill gas is present at the property in question or there is a potential for the property to be impacted in the future, plans must include risk abatement measures that are adequate to address any existing and/or future risk related to landfill gas. The portion of the construction plans dealing with landfill gas abatement measures shall be certified by a professional engineer with landfill gas experience, noted on plat/site development plans or building permits, reviewed and signed-off by designated City Environmental Health Department Environmental Services Division staff or its designated consultant. Work orders for construction of public infrastructure will not be issued by the Department of Municipal Development until the City Environmental Health Department has
verified that the risk abatement measures are properly detailed on infrastructure construction plans. Certificates of occupancy will not be issued by the City Planning Department until the City Environmental Health Department has verified that the risk abatement measures are properly detailed on the building permit plans and properly constructed.

C. Certification Process

The certification process shall include the following steps:

1. An assessment performed by the professional engineer with expertise in landfills and landfill gas to determine the current presence and/or potential for future presence and extent of landfill gas at the property. The scope of work undertaken concerning the assessment of landfill gases and/or the risk abatement measures at the property must be sufficient for the professional engineer to render an unqualified opinion concerning the current presence and/or potential for future presence and extent of landfill gases at the property, and identify risk abatement measures sufficient to eliminate any hazards or potential hazards associated with landfill gases.

2. A commitment by the owner, developer, or responsible party to follow abatement measures and acknowledgment that the commitment is a condition of development approval. In the case of a large corporation, the certification letter will be signed by a representative with the authority to commit the corporation to implementing the risk abatement measures.

3. Construction plans detailing the risk abatement measures shall be submitted with the building permit plans.

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

5. Copies of landfill certification documentation will be submitted to the City Planning Department and maintained in its development files.

6. If a determination is made that there is no landfill gas existing at the property and there is no future risk from landfill gas, the assessment report shall state how such a determination was made and shall be certified by a professional engineer with landfill gas experience. The “no risk” certification process shall include the same steps outlined above.

7. Properties within City designated landfill buffer zones must note on the Site Plan, plats, or as-built drawings the following disclosure statement:

“The subject property is located (near, on) a (former, existing) landfill. Due to the subject property being (near, on) a (former, existing) landfill, certain precautionary measures may need to be taken to ensure the health and safety of the public. Recommendations made by a professional engineer with expertise in landfills and landfill gas issues (as required by the most current version of the Interim Guidelines for Development within City Designated Landfill Buffer Zones) shall be consulted prior to development of the site.”
8. These standards are for the development process and are not intended to affect planning or administrative processes that are not associated with physical changes to sites on or within City designated landfill buffer zones other than to raise the awareness of procedures to be undertaken prior to development.

9. Any removal of landfill materials during development of the property must also be coordinated with the New Mexico Environment Department – Solid Waste Bureau.

4-2.8. MAJOR PUBLIC OPEN SPACE EDGES

A. Properties within 330 feet of Major Public Open Space

These standards apply to development within 330 feet of Major Public Open Space in order to enhance and protect Major Public Open Space. For additional standards regulating adjacent properties, see Subsection 14-16-4-2.8.B. Projects within 330 feet of Major Public Open Space shall do all of the following:

1. Limit the colors of exterior surfaces of structures, including but not limited to mechanical devices, roof vents, and screening materials, to those with light light reflective value (LRV) rating between 20 and 50 percent.
   a. Colors shall blend with the surrounding natural environment and generally include yellow ochres, browns, dull reds, and grey greens.
   b. Trim materials on façades constituting less than 20 percent of the façade’s opaque surface may be any color.

2. Use native and/or naturalized vegetation for landscaping materials.

3. Screen mechanical equipment pursuant to Section 14-16-4-6.7 (Screening of Mechanical Equipment and Support Areas).

4. Design lighting pursuant to Section 14-16-4-8 (Outdoor Lighting).

5. Design signage per Section 14-16-4-11.3.D and Section 14-16-4-12.6.E.2.c.i.c and locate signs to minimize visibility from Major Public Open Space.

6. Provide pedestrian and bicycle access to the Major Public Open Space consistent with the City’s adopted Bikeways and Trails Facility Plan and as acceptable to the Open Space Division of the City Parks and Recreation Department.

B. Properties Adjacent to Major Public Open Space

In addition to the standards that apply within 330 feet of Major Public Open Space in Subsection A above, the following standards apply to development adjacent to Major Public Open Space.

1. Development on properties of any size adjacent to Major Public Open Space shall:
   a. Be platted and/or designed to incorporate a single-loaded street between the Major Public Open Space and development, with access generally not allowed unless approved by the Open Space Division of the City Parks and Recreation Department. (Where a single-loaded street is not desired by the
Parks and Recreation Department Open Space Division, a landscape buffer with a minimum width of 20 feet may be substituted as approved by the Open Space Superintendent.)  

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

c. Locate lower densities and less intense uses abutting the Major Public Open Space in Mixed-use zone districts.  

d. Include a landscaped strip between off-street parking and the Major Public Open Space with a minimum width of 6 feet that varies in width to avoid the appearance of a hard, straight line. Plant selection shall include sufficient shrubs or trees to provide a visual barrier.  

e. Limit height of site lighting luminaries to 20 feet.  

f. Incorporate Crime Prevention through Environmental Design (CPTED) principles to deter crime and to facilitate security measures.  

g. Manage stormwater per Section 14-16-4.4.8.  

h. Design grading per Section 14-16-4.4.10.  

i. Locate and design vehicle access, circulation, and parking per Subsection 14-16-4.5.6 (Parking Location and Design) and Subsection 14-16-4.6.6 (Parking Lot Landscaping).  

j. Locate and design all walls, fences, retaining walls, and combinations of those site features facing the Major Public Open Space in compliance with all applicable standards in Section 14-16-4.7.5.D (Walls Adjacent to Arroyos or Major Public Open Space).  

k. Prevent and mitigate construction impact per the DPM.  

2. Development on properties 5 acres or greater adjacent to Major Public Open Space shall:  

a. Comply with the requirements of Subsection 1 above.  

b. Not create any material negative environmental impacts on the visual, recreational, or habitat values of the Major Public Open Space.  

c. Locate and design vehicle access, circulation, and parking to minimize impact to Major Public Open Space.  

d. Design grading and manage stormwater to minimize impact to Major Public Open Space.  

e. Locate, design, and orient site lighting to be compatible with Major Public Open Space, including consideration of periphery lighting and lighting of...
any pedestrian access to Major Public Open Space that is acceptable to the Parks and Recreation Open Space Division.

f. Design walls to balance the following needs as appropriate on a case-by-case basis:
   i. Aesthetics that blend with the natural environment,
   ii. Safety and surveillance, and
   iii. Screening and privacy.

g. Locate, design, and orient signage to minimize impact to the Major Public Open Space.

h. Be reviewed by the EPC per Section 14-16-5.2.F.\footnote{Revised since EPC Draft per Condition #119.}

i. Have an approved Site Plan – EPC that meets conditions deemed necessary by the EPC to further compliance with the above standards to minimize impact on the Major Public Open Space and maximize compatibility of the proposed development prior to the submittal of any request for platting on the property.\footnote{Added since EPC Draft to require EPC Site Plan approval prior to platting to close the loophole of the carving up of property adjacent to MPOS into pieces less than 5 acres in order to avoid these requirements.}

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

a. Comply with the requirements of Subsections A and B above.

b. Comply with the applicable standards in Section 14-16-2-7.4.B.2 (Northwest Mesa Escarpment – VPO-2).

c. Comply with the Wireless Telecommunications Facilities concealment requirements in Section 14-16-3-3.5.I.

d. Comply with the applicable wall design and materials standards in Section 14-16-4-7.5.D (Walls Adjacent to Arroyos or Major Public Open Space).

e. Comply with the applicable sign restrictions in Sections 14-16-4-12.6 and 14-16-4-12.7.

C. Preventing and Mitigating Construction Impact\footnote{Revised since EPC Draft per Condition #120. This content will be moved to the DPM.}

See the DPM for standards.
4-3. **PURPOSE**

The purpose of the access, circulation, and connectivity standards is to improve connectivity in existing and future development areas by:

A. Encouraging transportation connections consistent with long-range system maps.
B. Providing adequate street connectivity.
C. Supporting a multi-modal transportation network.
D. Ensuring convenient and efficient access to current and future neighborhoods.
E. Mitigating the traffic impacts of new development.
F. Reducing vehicle miles traveled.
G. Increasing the effectiveness of local service delivery and reducing emergency response times.

4-3.2. **APPLICABILITY**

A. The design standards in this section are minimum standards. The City may impose more restrictive standards if necessary to comply with applicable engineering standards, design standards, DPM standards, or other standards in this IDO.

B. Standards in Section 14-16-4-3.3 (General Access and Circulation) and Section 14-16-4-3.4 (Pedestrian Circulation) apply to all site development and new subdivisions, unless explicitly exempted elsewhere in this IDO.

C. Standards in Section 14-16-4-3.5 (Subdivision Access and Circulation) apply to new subdivisions, unless explicitly exempted elsewhere in this IDO.

4-3.3. **GENERAL ACCESS AND CIRCULATION**

**A. Americans with Disabilities Act**

1. All “places of public accommodation,” as defined in the federal Americans with Disabilities Act (42 USC 12101 et. seq.) shall comply with the requirements of that Act concerning on-site circulation and access.

2. All properties subject to the federal American with Disabilities Act shall comply with applicable Public Right-of-Way Guidelines (PROWAG), as amended. Where PROWAG standards conflict with ADA standards, the ADA standards shall prevail.

**B. Complete Streets**

1. To the maximum extent practicable, new streets in Areas of Change shall include right-of-way necessary to accommodate convenient and safe access by
users of all ages and abilities, including pedestrians, bicyclists, motorists, and transit riders to allow comfortable, convenient, and universally accessible street crossings, transit stops, and pedestrian access to adjacent land uses.\textsuperscript{963}

2. Complete streets shall be designed to the specifications in the DPM, which incorporates implementation of Part 6-5-6 of ROA 1994 (Complete Streets Ordinance), to the maximum extent practicable.

C. Driveways and Access

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

D. Pedestrian Circulation

Development shall comply with the pedestrian circulation standards in Section 14-16-4.3.4 (Pedestrian Circulation) and the DPM.

E. Bicycle Circulation

1. New development involving more than one parcel adjacent to existing bikeways shall provide at least one access point to the bikeways to allow residents and users of the development to easily and safely access those bikeways to the maximum extent practicable. Access location and design shall be coordinated with City Parks and Recreation Department.\textsuperscript{964}

2. Development shall comply with the bicycle circulation standards in Section 14-15-4.3.5.D (Bicycle Facilities) and the DPM.

4-3.4. PEDESTRIAN CIRCULATION

A. Sidewalks in Residential Development\textsuperscript{965}

1. Perimeter sidewalks shall be provided in accordance with the DPM, exclusive of the exception noted in Subsection 2 below.\textsuperscript{966}

2. A sidewalk of at least four feet wide shall be provided on at least one side of new residential subdivision streets, or on private residential streets that are converted to public streets, in the Los Duranes – CPO-5.\textsuperscript{967} A sidewalk on such a street that serves 10 or fewer dwelling units may be accommodated within the minimum vehicular right-of-way.

\textsuperscript{963} Revised since EPC Draft per Condition #121 in response to agency comment. Reference to coordination with Parks and Recreation added since EPC Draft per Condition #1.

\textsuperscript{964} New provision since Zoning Code based on Development Process Manual section 23.5.N.3.b(6). Revised since EPC Draft per Condition #179 to include access to trails, which was moved here from the Walls section.

\textsuperscript{965} New standard since Zoning Code The existing standards from 6-5-5-14, Design and Construction Standards and Procedures (from the sidewalk ordinance) should be relocated to the DPM. Revised since EPC Draft per Condition #125 to move regulations related to development in mixed-use areas to be consistent with non-residential development, in response to Staff discussion.

\textsuperscript{966} Added since Consolidated Draft. Revised since EPC Draft per Condition #130 to remove exception language, which is in the DPM and more appropriate to specify in that technical standards manual. Exceptions from existing14-16-3-18(C)(1)(g) deleted since EPC Draft as unnecessary after discussion with DPM Subcommittee updating Ch. 23 Transportation.

\textsuperscript{967} Map replaced with reference to Los Duranes CPO-5 since EPC Draft per Condition #1 to be more concise and reduce repetition.
B. Sidewalks in Mixed-use and Non-residential Development\textsuperscript{968}

1. Applicability

These standards apply to the following mixed-use and non-residential development, except in the NR-SU and NR-PO zone districts, unless specified otherwise elsewhere in this IDO:\textsuperscript{969}


b. Expansion of an existing building that increases the existing square footage by 25 percent.\textsuperscript{970}

2. Sidewalks\textsuperscript{971}

a. Sidewalks meeting the standards of the DPM shall be provided along the entire frontage of each lot or parcel.

C. On-site Pedestrian Connections\textsuperscript{972}

All non-residential, mixed-use, and multi-family development shall comply with the following standards:

1. General\textsuperscript{973}

   a. For the purposes of this section, the building’s overall footprint will be considered the area for calculation of sidewalk width. A collection of smaller buildings linked by common walls will be considered as one building.

   b. Where primary entrances are located adjacent to a public sidewalk, the width of the public sidewalk may be included in the calculation.

2. Network of Walkways\textsuperscript{974}

   a. On-site pedestrian walkways that meet the minimum width required by the DPM shall be provided between the pedestrian entrances of each primary building on the site.

   b. On-site pedestrian walkways shall connect to all of the following:

      i. A sidewalk meeting the standards of the DPM along at least one lot frontage that extends to the boundary the subject parcel.\textsuperscript{975}

\textsuperscript{968} From 14-16-3-18, revised for clarity. Building design standards were relocated to the building design standards section 4-9 in this IDO. Existing standards for sidewalks in 14-16-3-18 are limited to office/institutional and commercial/retail service uses. This draft did not carry forward that limitation so that these standards apply more broadly to all non-residential uses categories. Also did not carry forward the applicability of these standards to only include sites of 5 acres or greater (14-16-3-18(C)). NR-SU and NR-SU districts were excluded because they often need tailored locations and types of pedestrian access depending on the character or the land. Revised since EPC Draft per Condition #125 so that development in mixed-use areas is consistent with non-residential development, in response to Staff discussion. Revised since EPC Draft per Condition #127 to move private walkway requirements to new section.

\textsuperscript{969} Revised since EPC Draft per Condition #1 for clarity.

\textsuperscript{970} This was previously "less than 25 percent", however this triggers for renovations in other areas. Removed “or by 15,000 square feet, whichever is less” that currently follows the 50 addition threshold. The 15,000 square foot threshold serves as a disincentive to redevelop Albuquerque’s larger parcels and buildings. General applicability of development standards requires further discussion. Alternatively, these standards could be modified to exclude industrial uses, or specific zone districts.

\textsuperscript{971} From 14-16-3-18(C)(1), revised for clarity.

\textsuperscript{972} New since Zoning Code.

\textsuperscript{973} Added since EPC Draft per Condition #1 to provide clarity about how the building size is calculated for this purpose. From §14-16-3-18(C)

\textsuperscript{974} Reworded for clarity, and specific width replaced with reference to DPM since Consolidated Draft. “Walkways” added since EPC Draft per Condition #131 for clarity and to include walkways that are not in the public right-of-way.

\textsuperscript{975} Added since EPC Draft per Condition #132.
ii. Any abutting public park, trail, Major Public Open Space, or other civic or institutional use.

iii. Any abutting public transit facility.

c. In Mixed-use zone districts, the following requirements shall apply:\footnote{976}

   i. Walkways shall be installed along the entry façade of each building facing a public right-of-way. Walkways shall meet the standards of the DPM, except in the following situations:

      a. For all mixed-use and non-residential developments 10,000 square feet or less, walkways shall be 8 feet wide.

      b. For buildings greater than 10,000 square feet up to and including 50,000 square feet, walkways shall be 10 feet wide.

      c. For buildings greater than 50,000 square feet, the width of the sidewalk shall increase at the rate of 1 foot in width per 10,000 square feet of building size to a maximum required width of 15 feet.

   ii. The width of the required walkway may vary along the entire length of the façade provided that the average required width is maintained and provided that the width of the sidewalk along the façade is a minimum of 8 feet.

   iii. A 4-foot\footnote{977} wide clear path shall be maintained along the walkway at all times. Site amenities, other uses of the sidewalk, the overhang of parked cars, and landscaping, may not encroach upon the 4-foot clear path.

3. Materials to Alert Motorists

   On-site walkways and crosswalks shall be identified to motorists and pedestrians through the use of one or more of the following:

   a. Changing material, patterns, or paving color (i.e. changing the color of the paving itself, not painting the paving material).

   b. Changing paving height.

   c. Decorative bollards or planters.

   d. Raised median walkways with landscaped buffers.

   e. Stamped or stained concrete.

D. Trails\footnote{978}

   Trails shall be dedicated on alignments that connect to any planned or existing trails on adjacent properties, as necessary to serve the residents, occupants, and users of the proposed development, and shall be constructed pursuant to the Development Process Manual.

\footnote{976}{Revised since EPC Draft per Condition #128 to be consistent with retail size and administrative review thresholds. Revised since EPC Draft per Condition #127, Condition #128, and Condition #129 to apply these standards to mixed-use development only.}

\footnote{977}{Reduced from six feet.}

\footnote{978}{DPM should include provisions related to trail rights-of-way from 14-14-4-5(B) through (D). Revised to clarify that this obligation is tied to the need to serve the proposed development, as required to comply with the Nollan and Dolan court decisions.}
4-3.5. SUBDIVISION ACCESS AND CIRCULATION \footnote{Section revised since EPC Draft per Condition \#1 and Condition \#122 for internal consistency and to reduce overlap with technical standards in the LRTS and DPM.}

A. Street Connectivity \footnote{This Subsection includes provisions from the DPM; the LRTS guidelines; existing 14-14-4-2, street location and arrangements; 14-14-4-5, public right-of-way standards and street characteristics; and 14-14-4-6, private way standards.}

1. Level of Connectivity Required \footnote{Based on Long Range Transportation System Guide information to be matched to proposed new menu of zone districts.}

The street network in new subdivisions shall be created through block standards in Section 14-16-4-4.5 (Block Design and Layout). The connectivity and classification of each street shall be consistent with standards in the Metropolitan Transportation Plan Long Range Transportation System (LRTS) Guide and DPM, intended to create a hierarchy of street classifications for arterials, connectors, and local streets spaced adequately for a complete network that provides circulation throughout the city to accommodate various travel modes.

2. Detailed Design

a. Detailed intersection spacing and geometry and horizontal alignment for streets shall meet the criteria specified in the DPM. \footnote{Removed “block corner property line configurations” since EPC Draft after discussion with DPM Subcommittee updating Ch. 23 Transportation as unnecessary.}

b. Streets shall be designed to the standards of the DPM.

c. The character, extent, width, and location of all streets shall conform to the LRTS Guide and other policies, plans, and Ordinances adopted by the City and shall be consistent in their relationship to existing and planned streets, topographic conditions, public convenience, safety, and the proposed uses of the land to be served by the streets. \footnote{From 14-14-4-2(C), revised for clarity and to eliminate reference to cul-de-sac standards, since this draft discourages the use of cul-de-sacs. From La Cueva SDP connectivity regulations. Reference has been added since Consolidated Draft. Removed “block corner property line configurations” since EPC Draft after discussion with DPM Subcommittee updating Ch. 23 Transportation as unnecessary.}

3. Right-of-Way Dimensions

a. The design of each new subdivision street shall comply with the dimensional ranges shown in the DPM. \footnote{From 14-14-4-2(A)(1), revised for clarity. Reference to correct plan revised since Module 2.}

b. Where an arterial or collector street is not shown in the LRTS Guide and there is no adopted future street line, the arrangement of streets in a subdivision shall do one of the following. \footnote{These dimensions were carried forward from the LRTS guidelines, Chapter 5 – Roadway Design Guidelines.}

i. Provide for the continuation of existing arterial and collector streets in surrounding areas.

ii. Conform to a plan approved by the City to address a particular situation where topographic or other conditions make continuance of, or conformance to, existing streets impractical.

iii. Conform to spacing standards for various street classifications to provide and enhance circulation for various travel modes as specified in the DPM and best suited to provide appropriate access to the...
4. Stub Streets and Cul-de-Sacs

Stub streets and cul-de-sacs that terminate the road are prohibited, with the following exceptions:

a. **Cul-de-sacs** are allowed where necessary to avoid those types of Sensitive Areas listed in Section 14-16-4-2.3 (Avoidance of Sensitive Areas), or where vehicular safety factors make a connection impractical, such as, but not limited to size or shape or lots, topography, surrounding development patterns, and physical characteristics.\(^{988}\)

b. **Permanent stub streets** are allowed only where a connection to an existing street and a future road extension is not possible or feasible. Where allowed, stub streets are limited to 150 feet in length.\(^{989}\)

c. Mid-block “bubble” cul-de-sacs without throats are allowed.

d. Whenever cul-de-sac streets are created, one 20 foot wide pedestrian access/public utility easement shall be provided, between the cul-de-sac head or street turnaround and the sidewalk system of the closest adjacent street or pedestrian sidewalk or pathway, unless the city engineer determines that public access in that location is not practicable due to site or topography constraints.\(^{990}\)

5. Street Signs and Lights\(^{991}\)

a. Street name signs and required traffic control signs, supplied, and installed by the Traffic Engineer for a street in a fully or substantially developed area at partial expense of the subdivider as specified in the DPM, shall be at all intersections of two or more local streets.

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\(^{986}\) Provision added since EPC Draft per Condition #122 for clarity and consistency with the DPM.

\(^{987}\) New standards based on language from the Volcano Heights SDP, within the secondary street design standards. This section revised since EPC Draft per Condition #122 and Condition #123 for consistency with the DPM updates.

\(^{988}\) Added “surrounding development patterns” since Consolidated Draft to respond to public comments.

\(^{989}\) Increased from four lots in Consolidated Draft to respond to public comment that proposed standard was too restrictive. Revised since EPC Draft after discussion with Transportation Engineer to replace number of lots with distance, which meets the intent but is more enforceable and a clearer standard.

\(^{990}\) New standard since Zoning Code.

\(^{991}\) From Section 14-14-4-12(B) and (C).
b. Street lights on major local and local streets will normally be required to be installed at the expense of the subdivider and shall be at locations approved by the Development Review Board (DRB). 992

6. Private Ways 993

Private ways to provide access to subdivision lots shall be created only where public right-of-way would not better serve public purposes and where private ways can adequately serve all identified transportation, utility, and stormwater handling requirements. Private ways shall be subject to the following conditions:

a. Private ways may be platted only where the DRB determines that such ways will clearly function as a local street.

b. Private ways providing access to a lot that does not abut a public right-of-way may be platted only when approved by the DRB.

c. The DRB may require private ways to include public or private utility easements, including easements for stormwater drainage.

d. If a private way is approved, it shall clearly be identified as such on the final plat and the responsibility for operation and maintenance shall be indicated on the plat. Any legal instrument intended to assure future operation and maintenance of such private way, such as an instrument creating a homeowner’s association, shall be included in the subdivider’s submittals to the DRB pursuant to Section 14-16-5-5.2.G. (Subdivision of Land – Minor) and Section 14-16-5-5.2.H (Subdivision of Land – Major).

B. Connections to Adjacent Land 994

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

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

C. Driveways and Access 995

1. General

   a. Every lot shall have sufficient access to afford a reasonable means of ingress and egress for emergency vehicles, as well as for those needing to access the property for its intended use.

   b. Driveways and access points shall be constructed to the standards of the DPM.

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992 Replaced “traffic engineer” with “DRB.” Revised since EPC draft per Condition #124. Revised since Condition #124 to reflect current practice.

993 From Section 14-14-4-2(E), revised for clarity. Standards and procedures from Section 14-14-4-6 are now included in the the DPM.

994 New standards since Zoning Code to provide better connections between existing, proposed, and future subdivisions.

995 New standards since Zoning Code. The curb cut requirements in existing 6-5-4-3 will be relocated to the DPM.
c. Driveway entrances and other openings onto streets shall be constructed so that:
   i. Vehicles may safely enter and exit from the lot.
   ii. Interference with the free and convenient flow of traffic in abutting or surrounding streets is minimized.
   iii. Shared driveways are established to minimize the number of access points to streets.

2. Residential Development
   a. There shall be no direct driveway access from any low-density residential development lots to any arterial street or highway unless no alternative access is feasible.
   b. Multi-family development on sites greater than 5 acres shall include a minimum of 2 through-access drives, unless deemed impracticable by the DRB due to physical constraints or natural features.

3. Mixed-use and Non-residential Development
   a. Each property shall have no more than 2 access points on any one street unless deemed necessary by the DRB to increase traffic safety or avoid traffic congestion.
   b. Driveways shall be located at least the minimum distance from street intersections required by the DPM.

D. Bicycle Facilities along Streets
   Each street designated in the Metropolitan Transportation Plan and/or the Bikeways and Trails Facility Plan as an existing or proposed route to accommodate bicycles shall be incorporated into the development to the maximum extent practicable and shall be designed to comply with the standards of the DPM. Right-of-way and pavement widths for those streets may be increased up to 12 feet on adopted bike routes and lanes by the DRB based on considerations of bicycle, pedestrian, and motor vehicle safety.

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996 Revised since EPC Draft per Condition #1 and Condition #125 to clarify that standards apply to both non-residential and mixed-use development.

997 New standard since Zoning Code to implement the LRTS guidelines in the MTP and the recommendations in the Bikeways and Trails Facility Plan (2015). Did not carry forward 14-14-4-4, bicycle and equestrian location and arrangement, as the standard was vague.

998 From 14-14-4-5(A)(7)(c), revised to reference DRB instead of traffic engineer. Footnote revised since EPC Draft per Condition #126 to correct reference.
4-4 SUBDIVISION OF LAND

4-4.1 PURPOSE
The regulations in this Section 14-16-4-4 are established to promote the public health, safety, and general welfare of the current and future inhabitants of the City by ensuring that development sites:

A. Are consistent with the land use planning objectives of the adopted ABC Comp Plan, as amended, and other plans, policies, and ordinances adopted by the City Council.
B. Are appropriately sized and shaped to meet the intended use of land consistent with the zoning provisions and development standards in this IDO.
C. Accurately document the boundaries of each development lot or parcel.
D. Avoid development of sensitive areas.
E. Are adequately served by a safe street and trail network that is consistent with the City’s adopted transportation plans, with convenient access for motor vehicles, bicycles, and pedestrians.
F. Require the timely installation and dedication of public improvements and utilities necessary to serve the development, while providing economy for governmental purposes and efficiency in governmental operations.

4-4.2 APPLICABILITY

A. The standards in this Section 14-16-4-4 apply to all subdivisions of land into two or more parcels, building sites, tracts, or lots, or when two or more platted lots are consolidated into a larger lot for development or redevelopment, unless expressly exempted elsewhere in this IDO, in a development agreement, an approved Site Plan within the NR-SU or PD zone districts, an approved Framework Plan within the PC zone district, or an approved annexation plan.

B. The subdivision standards apply to all areas within the City unless specifically exempted.

C. Land shall be subdivided only in accordance with the subdivision approval procedures in Sections 14-6-5-2.G (Subdivision of Land – Minor) and 14-16-5-2.H (Subdivision of Land – Major).

4-4.3 COMPLIANCE WITH ZONING REQUIREMENTS

A. All lots and parcels created by a subdivision shall comply with the standards in Section 14-16-4-1 (Dimensional Standards) for lots in the zone district(s) where the property is located, and with the lot access standards in Section 14-16-4-3 (Access and Connectivity) and this Section 14-16-4-4.

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999 New since Zoning Code to reflect goals in the Comprehensive Plan. Sections A and F revised since EPC Draft per Condition #133.
1000 New since Zoning Code, except as noted.
1001 Reference to PC added since Consolidated Draft. Reference to NR-SU added since EPC Draft.
1002 Replaces 14-4-4-1(A), general policy. Revised for clarity and to remove reference to variance requirements from DRB. Variances and/or waivers from these standards are included in Section 14-16-4 (Administration and Enforcement).
1003 Replaces standard from 14-14-2-1, general appropriateness.
1004 New since Zoning Code. Subsections A.1, A.2, B, and C are new since Module 2.
1. The City shall take into consideration prior zoning actions and determinations of land use as decided by the appropriate zoning authority.

2. Nonconforming property may be replatted without requiring a lot size Variance if the replat meaningfully decreases the degree of already existing nonconformity.

B. No land shall be subdivided that is found to be unsuitable for subdividing by reason of flooding, ponding, poor drainage, adverse soil conditions, adverse geological formations, unsatisfactory topography, limitations of water quantity, and/or quality, lack of access or restrictions on accessibility, or other conditions likely to be harmful to the public health, safety, or general welfare, unless such unsuitable conditions are corrected or mitigated to the satisfaction of the city. The DRB is responsible for making determinations regarding unsuitability of land for subdivision.\textsuperscript{1005}

C. The availability of adequate access, fire protection, police protection, refuse service, public schools, public parks and recreation facilities, other elements of public infrastructure or private facilities, and privately provided utilities shall all be weighed in considering proposed subdivisions. They are not all necessarily required.\textsuperscript{1006}

D. Each subdivision shall comply with the provisions of Section 14-16-4-2.3 (Avoidance of Sensitive Areas) unless encroachment into those Sensitive Areas is corrected or mitigated to the satisfaction of the City.\textsuperscript{1007}

E. The general layout of lots, roads, driveways, utilities, drainage facilities, and other services within proposed subdivisions shall be designed to avoid making compliance with the standards of the applicable zone district difficult or infeasible.

F. In the PD or NR-SU zone districts, and development in any zone district on a site 5 acres or greater adjacent to Major Public Open Space, an approved Site Plan – EPC is required prior to any platting action. In the PC zone district, an approved Framework Plan is required prior to any platting action. Subsequent platting must conform to the approved plans.\textsuperscript{1008}

4-4.4 EXISTING AGREEMENTS AND COVENANTS\textsuperscript{1009}

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

\textsuperscript{1005} Revised since Consolidated Draft to more closely follow currently adopted subdivision ordinance Land Suitability criteria.
\textsuperscript{1006} Revised since EPC Draft per Condition #139 to replace "private infrastructure" with "private facilities" in response to agency comment.
\textsuperscript{1007} From the first half of existing 14-14-2-3(A), revised for clarity. The remainder of 14-14-2-3 has been integrated into the procedures and administration chapter.
\textsuperscript{1008} Revised for clarity and consistency with other edits since EPC Draft.
\textsuperscript{1009} New since Zoning Code. This should be more broadly applied and could move to Chapter 1 – general provisions with Module 3.
4-4.5. BLOCK DESIGN AND LAYOUT

A. Connectivity, Streets and Alleys

1. Street connectivity patterns shall comply with the provisions of Section 14-16-4-3 (Access and Connectivity).  
2. Medians and pedestrian refuges shall be designed to be integrated stormwater infiltration areas to the maximum extent practicable.  
3. In Areas of Consistency, alleys shall be included in subdivision design in those areas of the city where surrounding areas are platted with alleys and shall continue the alignments of those alleys to the maximum extent practicable.  
4. Construction of all streets and alleys shall comply with all applicable standards in the DPM.

B. General Block Layout

1. Blocks shall generally be square or rectangular but may vary in shape to protect natural features or respond to site constraints.  
2. To the maximum extent practicable, streets and access lanes shall be oriented to create block and lot configurations with their longest dimension along an east-west access to facilitate solar access.

C. Block Dimensions

1. **Block Lengths**

   Block lengths shall meet the requirements and comply with standards in the DPM associated with each Center and Corridor area and each street classification. Table 4-4-1 is provided as a summary for reference only. In the case of conflict, requirements in the DPM shall prevail.

<table>
<thead>
<tr>
<th>Location</th>
<th>Block Length, ft.</th>
<th>Signalized Pedestrian Crossing, ft.</th>
<th>Designated Pedestrian Crossing, ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Streets in Center &amp; Corridor Areas</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Downtown</td>
<td>300-500</td>
<td>≤660</td>
<td>≤400</td>
</tr>
<tr>
<td>Urban Center</td>
<td>300-500</td>
<td>≤660</td>
<td>≤400</td>
</tr>
<tr>
<td>Main Street Area</td>
<td>300-500</td>
<td>≤660</td>
<td>≤400</td>
</tr>
</tbody>
</table>

1010 New standard since Zoning Code, cross-referencing the earlier access, circulation, and connectivity section.
1011 New since Zoning Code. Low-impact development and stormwater management BMPs are introduced here, but requires further discussion. Reference to pedestrian refuges added since EPC Draft per Condition #134.
1012 Replaces existing 14-14-4-3, which states that alleys may be allowed in place of driveways, and reflects text encouraging alleys in the Volcano Heights SU-2 regulations.
1013 New since Zoning Code. This standard encourages a well-established grid with increased connectivity.
1014 Replaces existing 14-14-4-2(B), Solar Access. Did not carry forward limitation of this provision to local and major streets or broad reference to Development Process Manual.
1015 New standards since Zoning Code, based on form districts, best practices, and policies in the LRTS Guide.
1016 Revised since EPC Draft for consistency with DPM updates to Ch. 23 Transportation. Does not include revisions since EPC Draft per Condition #136 because DPM assigns block length based on street classification and Center/Corridor designation, not zones. EPC Condition #136 recommended including discussion of private streets. Staff coordinated with DPM Subcommittee working to update Ch. 23 Transportation and determined that level of detail is best left in the DPM.
1017 Table added since EPC Draft for consistency with DPM updates to Ch. 23 Transportation.
1018 Reference to “mid-block pedestrian access points” revised to “designated pedestrian crossing” since EPC Draft per Condition #135 for consistency with terminology used in the DPM.
### TABLE 4-4-1: Summary of Block Lengths in the DPM\textsuperscript{1017}

<table>
<thead>
<tr>
<th>Location</th>
<th>Block Length, ft.</th>
<th>Signalized Pedestrian Crossing, ft.</th>
<th>Designated Pedestrian Crossing, ft.\textsuperscript{1018}</th>
</tr>
</thead>
<tbody>
<tr>
<td>Activity Center</td>
<td>400-600</td>
<td>≤1,320</td>
<td>≤600</td>
</tr>
<tr>
<td>Employment Center</td>
<td>≤800</td>
<td>≤2,640</td>
<td>As appropriate</td>
</tr>
<tr>
<td>Village Center</td>
<td>400-600</td>
<td>≤1,320</td>
<td>≤600</td>
</tr>
</tbody>
</table>

### Streets in Other Areas

<table>
<thead>
<tr>
<th>Collectors and Above</th>
<th>Per DPM</th>
<th>Per DPM</th>
<th>Per DPM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Streets</td>
<td>≤600</td>
<td>≤2,640</td>
<td>As appropriate</td>
</tr>
</tbody>
</table>

2. Pedestrian Crossings

Pedestrian crossings shall be provided per the requirements in Table 4-1-4 and designed per DPM standards.

### 4-4.6 LOT DESIGN AND LAYOUT\textsuperscript{1019}

#### A. Avoidance of Sensitive Lands

1. Each subdivision shall comply with the provisions of Section 14-16-4-2.3 (Avoidance of Sensitive Areas).

2. Lots within floodplains or other designated flood hazard areas shall comply with Article 14-5 of ROA 1994 (Flood Hazard and Drainage Control), the DPM, and the requirements of the Albuquerque Metropolitan Arroyo Flood Control Authority (AMAFCA).

#### B. Access to Public Streets

1. All lots shall have frontage on a public street unless deemed impracticable due to topography or other constraints and an alternative layout and access provisions are approved by the DRB.

2. Residential lots shall avoid layouts where the rear lot line is adjacent to an arterial or collector street to the maximum extent practicable. Local frontage roads may be used within a subdivision to avoid locating residential rear yard walls along collector and arterial streets.\textsuperscript{1020}

#### C. Lot Dimensions

1. Lot sizes shall comply with all applicable zone district dimensional requirements in Section 14-16-4-1 and all other standards in this IDO.

2. The Planning Director is authorized to make those adjustments in required lot dimensions shown in Section 14-16-4-2.3 (Avoidance of Sensitive Areas).

3. Through lots shall be avoided to the maximum extent practicable.\textsuperscript{1021}

4. Cluster developments shall be subdivided pursuant to the standards in Sections 14-16-4-1 (Dimensional Standards) and 14-16-3-3.2.C ( Dwelling, Cluster

\textsuperscript{1019} New since Zoning Code.

\textsuperscript{1020} New standard since Zoning Code to avoid “fence canyons.” Language to discourage this condition was included in some SDPs, including the La Cueva SDP which states “subdivisions in the area are designed so that backs of lots and walls line the major local streets. This has encouraged speeding and created visually unappealing public spaces.” Clarifying text about frontage roads added since Consolidated Draft.

\textsuperscript{1021} This standard is common in modern zoning codes to prevent “fence canyons.” Similar language was included in SDPs. E.g., the East Atrisco SDP states that “double frontage lots shall be discouraged.”
Development) and the approval procedures in Sections 14-16- 5-5.2.G (Subdivision of Land – Minor) or 14-16-5-5.2.H (Subdivision of Land – Major), as applicable.  
5. Tracts for open space, drainage, landscaping, or other communal purposes shall have their use, beneficiaries, and maintenance responsibilities clearly noted on the subdivision plat.

D. Remainder Parcels Prohibited
No subdivision shall result in any remainder parcel or tract that does not meet the standards of this IDO.

4.4.7. WATER AND SANITARY SEWER SYSTEMS
A. The developer shall install, at the developer’s expense, necessary infrastructure to connect all lots within a proposed subdivision to the ABCWUA’s water supply and sanitary sewer systems.
B. Public water and sanitary sewer systems shall meet the standards of the DPM and conform to the adopted facility plans and current ABCWUA policy on water and sanitary sewer line extensions.
C. At the time of preliminary plat review, the Development Review Board will determine whether water and sanitary sewer infrastructure improvements are to be publicly or privately owned and maintained, based on considerations of system capacity and public health, safety, and welfare.

4.4.8. STORMWATER MANAGEMENT
A. The developer shall install, at the developer’s expense, all site features and infrastructure necessary to retain, detain, and/or infiltrate stormwater to ensure that the new subdivision does not result in surface flooding or unnecessary burden on the City’s infrastructure. Stormwater management for all subdivisions shall comply with all of the following:
1. Standards in the DPM.
3. The requirements of the Albuquerque Metropolitan Arroyo Flood Control Authority.
B. To the maximum extent practicable, the developer shall incorporate best management practices for low-impact development stormwater management minimize stormwater runoff and increase on-site infiltration.

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1022 Existing Zoning Code refers to cluster developments as “private commons development, in section 14-16-3-16. Revised since Consolidated Draft to remove reference to Cottage Development and Co-Housing, which do not require subdivided lots.
1023 New provision since EPC Draft per Condition #137 in response to agency comments.
1024 New standard since Zoning Code to avoid undevelopable lots that have the propensity to be neglected.
1025 New standard since Zoning Code to avoid undevelopable lots that have the propensity to be neglected.
1026 From 14-14-4-10(A), revised to include reference to the Development Process Manual.
1027 From 14-14-4-10(B) with decision criteria added.
1028 Most of these requirements were carried forward from 14-14-4-11, revised for clarity. The general introductory paragraph is new since Zoning Code.
1029 New standard since Zoning Code to promote LID principles. If this is something the DPM will include, this proposed standard should cross-reference the DPM while listing some of the appropriate LID methods, such as bioswales, raingardens, and disconnecting impervious surfaces from stormwater infrastructure.
4-4.9. ELECTRICAL AND COMMUNICATION LINES1030

A. Distribution Lines 12 Kilovolts or Less

New communications lines, new single phase electrical distribution lines carrying 12 kilovolts (kV) or less, and all other lower voltage electrical lines shall be installed underground within subdivisions approved under this IDO. The DRB may grant a Variance pursuant to Section 14-16-5-5.2.K if it is determined that no significant public purpose would be served by requiring the new construction to be placed underground and that one or more of the following conditions exists:

1. The lot is already served by an overhead distribution line.
2. All adjacent areas are already served by overhead distribution facilities.
3. Subsurface conditions make underground lines economically unreasonable.

B. Distribution Lines Between 12-40 Kilovolts

New electrical three phase distribution lines carrying above 12 kilovolts (kV), but less than 40 kilovolts (kV) shall be installed underground within subdivisions approved under this IDO that have underground distribution lines unless a Variance is granted. The Development Review Board may grant a Development Standard Variance pursuant to Section 14-16-5-5.2.L if it is determined that no significant public purpose would be served by requiring that the new construction to be placed underground and that one or more of the following conditions exists:

1. The immediate or adjacent area is presently served by overhead lines; or
2. Subsurface conditions make underground lines economically unreasonable.

C. Distribution Lines Over 40 Kilovolts

The electrical line carries 40 kilovolts (kV) or more are not regulated by this IDO, but rather the Facility Plan for Electric System Transmission and Generation, as amended.1031

D. Safety Clearances from Buildings and Other Structures1032

Safety clearances are required by the National Electric Safety Code (NESC) to ensure utility worker and public safety. Refer to the Public Service Company of New Mexico (PNM) Electric Service Guide for all structure clearance requirements.

4-4.10. GRADING AND EROSION CONTROL

A. General

1. Grading and erosion control practices shall comply with the DPM.1033
2. New subdivisions shall blend development into the adjacent environment with a minimum of grade change. Extensive fill that raises the grade for proposed lots at the edge of a new subdivision above the grade of nearby property shall be avoided to the maximum extent practicable. Significant cuts near the edges of

1030 From 14-14-4-9, revised for clarity. Revised since Consolidated Draft to ensure consistency with a stipulation between the City and PNM, based on PNM comments.
1031 Revised since Module 3 to refer to the most current facility plan. Revised provisions since Consolidated Draft based on comments from PNM.
1032 New content since Consolidated Draft. Added to reflect safety clearance content adopted in the Central Avenue Neon Design Overlay Zone document.
1033 New since Zoning Code.
proposed new subdivisions to lower the grade within the development shall be avoided to the maximum extent practicable.1034

B. Slope Criteria1035
All final slopes shall comply with all applicable standards in the DPM.

C. Grading near the Property Line1036
Particular care shall be taken to ensure that existing foundations, retaining walls, stable slopes, or other structures are not compromised and that the adjacent property is not damaged or its use constrained due to grading at or near the property line.

D. Grading in Floodplains
Grading in a FEMA Special Flood Hazard Area (A zones)1037 without an approved drainage report and financial guarantees for the permanent improvements shall be prohibited.

4-4.11. DEDICATION OF LAND FOR PUBLIC PURPOSES

A. General1038
Dedication of land for the following public uses may be required in accordance with City policies or regulations:

1. Streets and other access pursuant to the Metropolitan Transportation Plan;1039
2. Drainage facilities pursuant to the IDO, the DPM, or Albuquerque Metropolitan Arroyo Flood Control Authority standards; or
3. Other public facilities required in accordance with the DPM.

B. Dedication of Public Areas Designated in Adopted Plans1040
If a proposed public area shown on an adopted City or County plan is located in whole or in part in the area being subdivided, an appropriate tract shall be shown as reserved, deed restricted, or dedicated for public use on the plat unless, after a written request from the subdivider, the appropriate governmental body notifies the subdivider that it does not intend to either acquire or accept the lot within three years from the date of the inquiry.

C. Acceptance of Dedications
The procedure for accepting dedications of public lands and improvements is specified in Section 14-16-5-5.2.G (Subdivision of Land – Minor) or Section 14-16-5-5.2.H (Subdivision of Land – Major).1041

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1034 Replaces existing 14-14-2-4(E). Language clarified and simplified, and eliminates vague references to policy language.
1035 Revised to replace specific slopes with cross-reference to DPM since Module 3.
1036 Reference to V zone deleted since Module 3 as inapplicable in Albuquerque.
1037 Replaces existing 14-14-2-4(A). The method for dedication and other procedures has been incorporated into the procedures and administration chapter. Existing section 14-16-3-8 (Dedication of Detached Open Space).
1038 Revised since EPC draft to correct reference to the regional “Metropolitan Transportation Plan.”
1039 Revised since EPC draft to correct reference to the regional “Metropolitan Transportation Plan.”
1040 From 14-14-2-4(C), revised for clarity. Revised “reasonable time” to say “three years from the date of the inquiry.” Revised since EPC Draft per Condition #138 to specify that an undevelopable ‘tract’ may be deed restricted to reflect comments from DRB.
1041 From 14-14-2-4(D), revised for clarity. Additional procedures from 14-14-5-9 (Acceptance and Maintenance of Improvements) have then been incorporated into Section 14-16-4 (Administration and Enforcement) or the DPM.
D. Drainage, Flood Control, or Erosion Control Facilities

1. Whenever no beneficial use can be derived by an owner from continued retention of land necessary for permanent drainage, flood control, or erosion control facilities or when the facilities involve a major arroyo, the land required for the operation and maintenance of the facilities must be dedicated to the Albuquerque Metropolitan Arroyo Flood Control Authority or the City.

2. Unless subject to Subsection 1 above, easements for drainage, flood control, and erosion control facilities are acceptable as long as a written agreement between the owner and the City exists that specifies uses allowed on the lands covered by the easement, and as long as no permanent facilities are constructed on those lands (including masonry fences and retaining walls but excluding pavement).

3. Rights-of-way and easements required for drainage, flood control, and erosion control shall conform to the standards in the DPM.

E. Limits on Dedication

The City shall not require the dedication of land or payment of fees-in-lieu of dedication of land in an amount beyond that necessary to serve the needs of the proposed development or in an amount that is not roughly proportionate to the impacts of that development on those public facilities listed in Section 14-16-4-4.11.A above.

4-4.12. EASEMENTS OR RIGHTS-OF-WAY

A. The Development Review Board may require rights-of-way or easements for public infrastructure or private facilities.

B. Easements or rights-of-way for public infrastructure shall be granted or dedicated, respectively, in accordance with the minimum standards and requirements set forth in the DPM and described below:

1. All easements or rights-of-way designated for public infrastructure shall be granted or dedicated, respectively, for a specific purpose.

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

3. ABCWUA easements shall exclude other underground utilities, unless specifically allowed and approved on a case-by-case basis by the ABCWUA. ABCWUA easements shall not include storm drain facilities.

C. Utility easements may be required along any lot line.

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1042 From DPM, Chapter 22, Section 6-A. and B., slightly revised for clarity.
1043 Standard revised since EPC Draft per Condition #1 for clarity.
1044 New standard since Zoning Code to cross-reference back to the DPM for all other criteria on this subject.
1045 New provision since Zoning Code to comply with U.S. Supreme Court decisions in the Nollan and Dolan cases.
1046 From 14-14-4-8(A). Revised per EPC Condition #139 to correct reference to private facilities.
1047 From 14-14-4-8(B), revised for clarity. Revised since EPC Draft per Condition #140 and Condition #316 to add “granted or dedicated” in response to comments from DRB (revisions made in subsequent Subsections as well).
1048 Revised since EPC Draft per Condition #141 to disallow jointly occupied easements for ABCWUA facilities per agency comment. Added allowance for exceptions to be granted by ABCWUA on a case-by-case basis since EPC Draft.
1049 New since Zoning Code. Revised since EPC Draft per Condition #142 to allow utility easements along any lot line to be consistent with current practice.
D. Development adjacent to electric utility easements and/or distribution facilities must comply with safety clearance requirements in Section 14-16-4-4.9.D (Safety Clearances from Buildings and Other Structures).

E. Easements may be jointly used for private facilities\textsuperscript{1050} with approval from the Development Review Board as specified in the DPM and in Section 14-16-5-5.2.G (Subdivision of Land – Minor) or Section 14-16-5-5.2.H (Subdivision of Land – Major).\textsuperscript{1051}

4-4.13. IMPACT FEES\textsuperscript{1052}

Development may be subject to impact fees listed in Section 14-19 of ROA 1994 (Impact Fees), as applicable.\textsuperscript{1053}

4-4.14. MONUMENTATION\textsuperscript{1054}

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

4-4.15. IMPROVEMENTS REQUIRED\textsuperscript{1055}

A. The subdivider shall install and construct all improvements required by this Section 14-16-4-4 and the DPM. Required improvements shall be installed and constructed as shown on the approved preliminary plat and as specified in a Subdivision Improvements Agreement between the subdivider and the City. The City may accept commitments to provide improvements or services by the County and/or by franchised and/or private utility systems where the Development Review Board determines that acceptance of such commitments will result in timely provisions of required improvements or services needed to serve the subdivision imposing burdens on surrounding properties or the city as a whole and will adequately protect the public health, safety, and welfare.

B. Construction of some or all infrastructure may be waived by the Development Review Board for bulk land subdivisions where further subdivision or Site Plan approval is required or expected, and a commitment to provide the waived infrastructure can be included in that future subdivision or Site Plan approval.\textsuperscript{1056}

4-4.16. SUBDIVISION IMPROVEMENTS AGREEMENT\textsuperscript{1057}

Upon approval of a plat and/or Site Plan, and prior to recording, the subdivider shall execute a Subdivision Improvements Agreement to guarantee completion of required improvements. The format and required contents of the subdivision improvements agreement shall comply with Section 14-16-5-5.2.G (Subdivision of Land – Minor) or Section 14-16-5-5.2.H (Subdivision of Land – Major), as applicable, and the DPM.

\textsuperscript{1050} Revised per EPC Condition #139 to correct reference to private facilities.

\textsuperscript{1051} From 14-14-4-8(C), revised for clarity. Revised since EPC Draft per Condition #139 to replace “private infrastructure” with “private facilities” in response to agency comment.

\textsuperscript{1052} New standard since Zoning Code to cross-reference impact fee ordinance. Revised since EPC Draft per Condition #143.

\textsuperscript{1053} Revised for clarity since EPC Draft per Condition #1 and Condition #143.

\textsuperscript{1054} From 14-14-4-13(A). Subsections (B) through (D) excluded and suggested for inclusion in the DPM.

\textsuperscript{1055} From 14-14-5-1, revised for clarity, and with criteria for DRB added.

\textsuperscript{1056} From 14-14-5-1(B). Did not carry forward the following: “However, a variance as provided in Part 6 of this article must be obtained from the Development Review Board at the time of preliminary plat approval in order for there to be a waiver of the provisions.” By removing this provision, the DRB has the authority to waive certain elements without additional approval procedures required. Variances should be reserved for unique instances with particular hardship, not for waiving construction due to project phasing. Wording revised for clarity since Consolidated Draft in response to public comment.

\textsuperscript{1057} From 14-14-5-3(A), revised for clarity. Procedures related to the SIA are included the procedures and administration chapter and the Development Process Manual.
4-4.17. ADDITIONAL DESIGN CRITERIA AND CONSTRUCTION STANDARDS

In addition to the standards set forth in this Section 14-16-4-4, the City shall maintain technical standards for infrastructure improvements in the DPM. Such technical standards for infrastructure improvements shall contain the minimum acceptable design criteria and specifications for the construction of such improvements. Such technical standards may be updated periodically and may vary for improvements based on the classification of streets or other improvements and the extent and characteristics of the area to be served by the improvements. All subdivisions shall comply with additional design criteria and construction standards applicable to the proposed development.

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1058 From 14-14-4-14. Removed reference to “adoption by the Mayor.” Eventually, the manual will move online and outside the code of ordinances, giving the city flexibility to adjust the technical standards as necessary without an adoption process.
4-5 PARKING AND LOADING

4-5.1. PURPOSE
The purpose of this Section 14-16-4-5 is to ensure new development and redevelopment provide adequate off-street parking spaces for all modes of transport by establishing standards and requirements that minimize traffic congestion, avoid increased parking on neighborhood streets, allow flexibility in addressing parking demand, and improve the visual appeal of the city by regulating the placement, layout, and design of parking areas and garages.

4-5.2. APPLICABILITY
Unless modified elsewhere in this IDO, the requirements of this Section 14-16-4-5 shall apply to all uses, development and redevelopment in all zone districts. No final development approval or building permit shall be issued unless the parking requirements of this section are met or modified in accordance with the applicable parking requirements of this IDO.

A. Exemptions

1. The following areas are exempt from requirements in Sections 4-5.3 (Off-Street Vehicle Parking) and 4-5.4 (Motorcycle Parking), except those required to satisfy the Americans with Disabilities Act. If parking is provided where it is otherwise exempt pursuant to this Section 14-16-4-5.2.A, parking standards in the remainder of this Section 14-16-4-5 shall apply.

   a. The MX-FB-DT zone district.

   b. The lots to the north of the MX-FB-DT zone district shown in the mapped area below.

   c. The Old Town HPO-5 zone.

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1059 Incorporates and updates existing Section 14-16-3-1 with significant changes as noted – particularly the table of minimum off-street parking requirements.

1060 New section since Zoning Code. Replaces 1st paragraph Section 14-16-3-1 and removes reference to building construction dates and requirements to comply with parking standards.

1061 New section since Zoning Code.

1062 Carries over existing exemptions.

1063 Revised since EPC Draft per Condition #1 to clarify that parking has to meet parking standards, even though it isn’t required.

1064 From the McClellan Park Metropolitan Redevelopment Plan/SDP.
d. Non-residential uses other than restaurants in establishments of less than 3,000 square feet in the Nob Hill – CPO-6 zone.\textsuperscript{1065}

2. Primary buildings constructed prior to 1965 do not have to meet new parking standards if the primary building is expanded by less than 200 square feet, but the number of existing parking spaces on the parcel may not be reduced.\textsuperscript{1066}

B. Activities that Trigger Off-Street Parking Requirements

The following activities shall require compliance with the standards in this Section 14-16-4-5.


2. Expansion of the gross floor area of an existing primary building by more than 25 percent or 2,500 square feet, whichever is less, from the square footage originally approved, in which case the provisions of Tables 4-5-1 and 4-5-2 shall apply to the expanded gross floor area of the building. All parking location, layout, and design standards shall apply to any new parking added to conform with this provision and to any portions of the site affected by the expansion.\textsuperscript{1067}

3. A change in use of a primary building that complies with the requirements of Tables 4-5-1 and 4-5-2 before the change in use, and that increases the minimum off-street parking requirements for the building by more than 25 percent. Changes in use that result in a smaller increase in off-street parking spaces shall not be required to provide additional parking.

4. A change in use associated with a tenant improvement or renovation of a primary building that does not comply with the requirements of Table 4-5-1 and 4-5-2 prior to the change in use, provided that: \textsuperscript{1068}

a. The maximum number of parking spaces possible is provided in compliance with the standards of Section 14-16-4-5.6 (Parking Location and Design) without the removal or partial removal of a structure or required landscaping;

b. Any area resulting from the voluntary removal or partial removal of a structure shall be used to provide additional parking toward fulfilling the required number of off-street parking spaces for the new use(s) required by Tables 4-5-1 and 4-5-2 as adjusted by Section 14-16-4-5.3.D (Parking Adjustments and Credits); and

c. The amount of parking available for the new use is at least 80 percent of the off-street parking spaces for the new use(s) required by Tables 4-5-1 and 4-5-2, as adjusted by Section 14-16-4-5.3.D (Parking Adjustments and Credits).

C. Existing Parking

Off-street parking or loading spaces provided prior to the effective date of this IDO shall not be reduced or reconfigured in any way that would bring the property or use

\textsuperscript{1065} Provision added since EPC Draft per Condition #144.
\textsuperscript{1066} Added since Module 2 to reflect existing regulation unintentionally omitted from Module 2.
\textsuperscript{1067} Rewords and changes the threshold for triggering additional to a percentage – see 1st paragraph Section 14-16-3-1. Revised since EPC per Condition #1 for consistency with Nonconformance thresholds and for clarity.
\textsuperscript{1068} Rewords Section 14-16-3-1(E)(3) to allow alternative parking compliance for change of use from one permissive use that does not comply with parking to another permissive use to promote opportunities for re-use/re-purposing of existing buildings and decrease unnecessary reviews for changes of use that would otherwise be allowed
out of compliance with the Section 14-16-4-5 or would increase the degree of any existing nonconformity with the provisions of this Section 14-16-4-5.\textsuperscript{1069}

D. Unlisted Uses\textsuperscript{1070}

For any use not expressly listed in Tables 4-5-1 and 4-5-2, the Planning Director is authorized to:

1. Apply the minimum off-street parking space requirement specified in Table 4-5-1 or Section 14-16-4-5.3 (Off-Street Vehicle Parking) for the listed use that the Planning Director determines is most similar to the proposed use; or

2. Establish the minimum off-street parking space requirement by reference to standard parking resources published by the National Parking Association, the American Planning Association, or another recognized parking reference resource; or

3. Establish the minimum off-street parking space requirement based on local or national best practices; or

4. Establish the minimum off-street parking space requirement based on a parking demand study prepared by the applicant that estimates parking demand based on information provided by the of the National Parking Association, the American Planning Association, or another recognized parking reference resource, and/or the Institute of Transportation Engineers or another recognized traffic reference resource.

4-5.3. OFF-STREET VEHICLE PARKING

A. Calculation\textsuperscript{1071}

Off-street parking spaces used to comply with the requirements of this Section 14-16-4-5 shall be calculated as follows:

1. No space used for a required loading or stacking space may be used to satisfy minimum off-street parking requirements.

2. No space used for shopping corrals or for other uses that make the space unavailable for vehicle parking may be used to satisfy minimum off-street parking requirements.\textsuperscript{1072}

3. When a computation of required parking spaces results in a fraction of a space, the number of required parking spaces shall be rounded down to the next whole number.\textsuperscript{1073}

B. Minimum Off-Street Parking Table

Unless otherwise provided in this IDO or modified by Sections 14-16-4-5.3.C (Schedule A for Amenity, Recreation, and Entertainment Uses) and 14-16-4-5.3.D (Parking Adjustments and Credits), off-street parking spaces shall be provided in accordance with Table 4-5-1(Off-Street Parking Requirements). For unlisted uses, required parking is determined by Planning Director per Section 14-16-4-5.2.D.\textsuperscript{1074} If

\textsuperscript{1069} Reflects text in from Uptown and University SU-2 regulations.
\textsuperscript{1070} New provision since Zoning Code.
\textsuperscript{1071} Consolidates and expands existing calculation standards. Rounding rule revised to round downward to reduce requests for parking variances when the shortage from IDO requirements is less than one space.
\textsuperscript{1072} Added since Consolidated Draft.
\textsuperscript{1073} Revised since Consolidated Draft to ignore all fractions.
\textsuperscript{1074} Added since EPC Draft per Condition #1 for clarity.
the use is approved pursuant to Section 14-16-5-5.2.A (Conditional Use Approval), and that Conditional Use Approval states a different parking requirement, then the parking requirement in the Conditional Use Approval shall apply. See also Section 14-16-4-5.3.E (Parking Maximums).

**TABLE 4-5-1 Off-Street Parking Requirements**

<table>
<thead>
<tr>
<th>USE</th>
<th>EXISTING PARKING REQUIREMENT</th>
<th>NEW PARKING REQUIREMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>PERMISSIVE PRIMARY USES</td>
<td></td>
<td></td>
</tr>
<tr>
<td>RESIDENTIAL</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dwelling, single-family detached</td>
<td>a) 1 space/bath but not less than 2 spaces</td>
<td>1 space per DU up to 2 BR 2 spaces per DU with 3 or more BR</td>
</tr>
<tr>
<td>Dwelling, mobile home</td>
<td>b) 1 space/bath but not less than 1.5 spaces for apartments less than 1,000 sq. ft.</td>
<td>2 spaces per mobile home</td>
</tr>
<tr>
<td>Dwelling, cluster development</td>
<td>1,000 sq. ft. b) Mobile Home: 2 spaces/mobile home</td>
<td>1 space per DU up to 2 BR 2 spaces per DU with 3 or more BR</td>
</tr>
<tr>
<td>Dwelling, co-housing development</td>
<td>c) Apartment in R-4: 1 space per bath but no less than 1-1/4 spaces d) Houses or townhouses on streets classified for Intermittent Parking:</td>
<td>1 space per dwelling unit</td>
</tr>
<tr>
<td>Dwelling, cottage development</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dwelling, two-family detached (duplex)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dwelling, townhouse</td>
<td>c) 3 spaces for dwellings up to 2 bedrooms</td>
<td>1 space per DU up to 2 BR 2 spaces per DU with 3 or more BR</td>
</tr>
<tr>
<td>Dwelling, live-work</td>
<td>d) 4 spaces for dwellings with 3-4 bedrooms</td>
<td>General: 2 spaces per DU</td>
</tr>
<tr>
<td>Dwelling, multi-family</td>
<td>e) 5 spaces for dwellings with 5 or more bedrooms</td>
<td>UC-MS-PT: 1 space per DU</td>
</tr>
</tbody>
</table>

**GROUP LIVING**

1075 The existing requirements column will be deleted before adoption of the IDO. Proposed changes to parking ratios can be viewed by comparing the last two columns of the table, so each change is not footnoted. Premium Transit areas included in areas where less parking is required since Module 1. References to Downtown area removed since Module 3 because downtown is exempt from minimum parking standards.

1076 Activity Centers added since EPC Draft to reflect addition of Center-specific provisions.

1077 Existing requirements listed are based on Section 14-16-3-1 and various SU-2 regulations.

1078 Proposed parking requirements are significantly revised to simplify calculations, standardize requirements and reduce required off-street parking where possible. Revisions reflect current best practices and are adjusted based on our experience in similar communities around the nation and review of SU-2 regulations. Requirements based on number of employees were removed wherever possible, because employee counts change regularly.

1079 Eliminates number of baths as basis for number of parking spaces. Reduces parking requirements for all types of dwelling units and bases parking requirement on number of bedrooms.

1080 New standard since Zoning Code for new use.

1081 New standard since Zoning Code for new use.

1082 Revised from 1.5 spaces since Module 3.

1083 Additional guest parking deleted since Module 3 based on testing results.
### TABLE 4-5-1 Off-Street Parking Requirements\(^{1075}\)

DU = Dwelling Unit  BR = Bedroom  GFA = Gross Floor Area  
UC-MS-PT = Urban Centers, Main Street areas, and Premium Transit areas as identified in the ABC Comp Plan;  
AC = Activity Centers as identified in the ABC Comp Plan\(^{1076}\)  
Design Capacity = Maximum occupancy per building or fire codes, whichever is greater

<table>
<thead>
<tr>
<th>USE</th>
<th>EXISTING PARKING REQUIREMENT(^{1077})</th>
<th>NEW PARKING REQUIREMENT(^{1078})</th>
</tr>
</thead>
</table>
| Assisted living facility, nursing home, or independent living facility | 1 space per 2 beds                     | Assisted living facility: 1 space per 3 beds  
Nursing home: 1 space per 5 residential care beds, but not less than 2 spaces  
Independent living facility: 1 space per DU\(^{1084}\) |
| Community residential facility, small                  | 1 space plus 1 space per 4 clients or fraction thereof or as required by conditional use approval | 1 space per 4 persons design capacity |
| Community residential facility, medium                 |                                        |                                    |
| Community residential program, large                   |                                        |                                    |
| Group home, small                                       | 2 spaces per employee on largest shift or as required by conditional use approval |                                    |
| Group home, medium                                      | 2 spaces per employee on largest shift or as required by conditional use approval |                                    |
| Group home, large                                       | 7 spaces or as required by conditional use approval |                                    |
| Sorority or fraternity                                  | 1 space for each 3 persons in residence | 1 space per 3 persons design capacity |
| **CIVIC AND INSTITUTIONAL USES**                        |                                        |                                    |
| Adult or child day care facility                        | 2 spaces plus one additional space for each 500 sq. ft. of net leasable area | UC-MS-PT: 1 space per 15 persons design capacity  
Other Areas: 1 space per 10 persons design capacity |
| Cemetery                                               | New Use                                | No requirement                     |
| Community center                                       | 2 spaces per 1,000 sq. ft. GFA         |                                    |
| Correctional facility                                  | 3 spaces per 1,000 sq. ft. GFA         |                                    |
| Elementary or middle school                            | 1 space per employee                   | 2 spaces per classroom              |
| Fire or police station                                 |                                         | 2 spaces per 1,000 sq. ft. GFA      |
| High school                                            | 1 space per 4 seats in main auditorium or 3 spaces for each classroom, whichever greater | 1 space per 4 seats in main auditorium or 3 spaces per classroom, whichever is greater |
| Hospital                                               | 1 space per 2 beds                     | 1 space per 3 beds design capacity or 2 spaces per 1,000 sq. ft. GFA, whichever is greater |
| Library, museum, or art gallery                        | General: 3 spaces per 1,000 sq. ft. GFA, but not less than 2 spaces | |

\(^{1084}\) Added since EPC Draft in response to public comment that this use has a lower parking need, compared to other multi-family projects.
TABLE 4-5-1 Off-Street Parking Requirements

DU = Dwelling Unit  BR = Bedroom  GFA = Gross Floor Area  
UC-MS-PT = Urban Centers, Main Street areas, and Premium Transit areas as identified in the ABC Comp Plan;  
AC = Activity Centers as identified in the ABC Comp Plan 

Design Capacity = Maximum occupancy per building or fire codes, whichever is greater

<table>
<thead>
<tr>
<th>USE</th>
<th>EXISTING PARKING REQUIREMENT</th>
<th>NEW PARKING REQUIREMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parks and open space</td>
<td>No requirement</td>
<td>UC-MS-PT: 2 spaces per 1,000 sq. ft. GFA, but not less than 2 spaces</td>
</tr>
<tr>
<td>Religious institution</td>
<td>1 space per 4 seats in main room (each 30 inches of pew space = 1 seat)</td>
<td>General: 1 space per 1,000 sq. ft. GFA or 1 space per 4 seats in main assembly area, whichever is greater (30 in. pew space=1 seat) UC-MS-PT: 1 space per 1,500 sq. ft. GFA or 1 space per 6 seats in main assembly area, whichever is greater (30 inches of pew space=1 seat)</td>
</tr>
<tr>
<td>Sports field</td>
<td>1 space per 200 sq. ft. of site where customers circulate, participate in or watch the recreation</td>
<td>4 spaces per 1,000 sq. ft. of site area where attendees circulate, participate, or watch the recreation</td>
</tr>
<tr>
<td>University or college</td>
<td></td>
<td>1 space per 500 sq. ft. GFA of office, research, and library area plus 1 space per 200 sq. ft. GFA of largest auditorium space</td>
</tr>
<tr>
<td>Vocational school</td>
<td>1 space per 2 seats or if no seats provided, 1 space for each 2 student and employee stations</td>
<td>General: 3 spaces per 1,000 sq. ft. GFA UC-MS-PT: 2 spaces per 1,000 sq. ft. GFA</td>
</tr>
</tbody>
</table>

**COMMERCIAL USES**

| AGRICULTURE AND ANIMAL-RELATED USES     |                              |                              |
| Agriculture, general                    | No requirement               |                              |
| Community garden                        | No requirement               |                              |
| Equestrian facilities                   | 1 space per 200 sq. ft. of site where customers circulate, participate in or watch the recreation | No requirement |
| Kennel                                  | 1 space per 200 sq. ft. for 1st 15,000 sq. ft. net leasable area; then 1 space per 250 sq. ft. for next 45,000 sq. ft. net leasable area, then 1 space per 300 sq. ft. for net leasable area exceeding 60,000 sq. ft. | 2.5 spaces per 1,000 sq. ft. GFA |
| Nursery                                 | 1 space per 400 sq. ft. net leasable area | 2 spaces per 1,000 sq. ft. GFA |
| Veterinary hospital                     | 1 space per 200 sq. ft. for 1st 15,000 sq. ft. net leasable area; then 1 space per 250 sq. ft. for next 45,000 sq. ft. net leasable area, then 1 space per 300 sq. ft. for net leasable area | 2.5 spaces per 1,000 sq. ft. GFA |
| Other pet services                      |                              |                              |

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1085 Reduced from 1,000 GFA since EPC Draft per Condition #148 to be less than required in non-Center areas.  
1086 Town center use was deleted as too vague.
### TABLE 4-5-1 Off-Street Parking Requirements

<table>
<thead>
<tr>
<th>USE</th>
<th>EXISTING PARKING REQUIREMENT&lt;sup&gt;1077&lt;/sup&gt;</th>
<th>NEW PARKING REQUIREMENT&lt;sup&gt;1078&lt;/sup&gt;</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Food, Beverage and Indoor</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Entertainment</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adult entertainment</td>
<td>1 space/4 seats with full service liquor license; otherwise 1 space per 3 persons of permitted fire occupancy load</td>
<td>General: 1 space per 1,000 sq. ft. GFA or 1 space per 4 seats in main assembly area, whichever is greater (30 in. of bench space = 1 seat)</td>
</tr>
<tr>
<td>Auditorium or theater</td>
<td>1 space for each 4 seats (30” = 1 seat)</td>
<td>UC-MS-PT: 1 space per 1,000 sq. ft. GFA or 1 space per 6 seats in main assembly area, whichever is greater (30 in. of bench space = 1 seat)</td>
</tr>
<tr>
<td>Bar</td>
<td>1 space/ four seats with full service liquor license; otherwise 1 space per 3 persons of permitted fire occupancy load</td>
<td>General: 8 spaces per 1,000 sq. ft. GFA or 1 space per 3 persons design capacity UC-MS-PT: 5 spaces per 1,000 sq. ft. GFA or 1 space per 4&lt;sup&gt;1087&lt;/sup&gt; persons design capacity</td>
</tr>
<tr>
<td>Catering service</td>
<td>1 space per 200 sq. ft. for 1&lt;sup&gt;st&lt;/sup&gt; 15,000 sq. ft. net leasable area; then 1 space per 250 sq. ft. for next 45,000 sq. ft. net leasable area, then 1 space per 300 sq. ft. for net leasable area exceeding 60,000 sq. ft.</td>
<td>2 spaces per 1,000 sq. ft. GFA</td>
</tr>
<tr>
<td>Health club or gym</td>
<td>1 space/3 persons of permitted fire occupancy load</td>
<td>2.5 spaces per 1,000 sq. ft. GFA</td>
</tr>
<tr>
<td>Nightclub</td>
<td>New Use</td>
<td>General: 8 spaces per 1,000 sq. ft. GFA or 1 space per 3 persons design capacity, whichever is greater UC-MS: 5 spaces per 1,000 sq. ft. GFA or 1 space per 4&lt;sup&gt;1088&lt;/sup&gt; persons design capacity, whichever is greater</td>
</tr>
<tr>
<td>Residential community amenity</td>
<td>1 space per 200 sq. ft. for 1&lt;sup&gt;st&lt;/sup&gt; 15,000 sq. ft. net leasable area; then 1 space per 250 sq. ft. for next 45,000 sq. ft. net leasable area, then 1 space per 300 sq. ft. for net leasable area exceeding 60,000 sq. ft.</td>
<td>3 spaces per 1,000 sq. ft. GFA plus requirements in Table 4-5-2 following this table.</td>
</tr>
<tr>
<td>Restaurant</td>
<td>1 space/ 4 seats with full service liquor license; otherwise 1 space per 3 persons of permitted fire occupancy load</td>
<td>General: 8 spaces per 1,000 sq. ft. GFA or 1 space per 3 persons design capacity, whichever is greater UC-MS-PT: 5 spaces per 1,000 sq. ft. GFA or 1 space per 4&lt;sup&gt;1089&lt;/sup&gt; persons design capacity, whichever is greater</td>
</tr>
<tr>
<td>Other indoor entertainment</td>
<td>4 spaces/alley or lane; 1 space/3 persons of permitted fire occupancy load</td>
<td>1 space per 3 persons design capacity, or per Table 4-5-2, whichever is greater.</td>
</tr>
</tbody>
</table>

<sup>1077</sup> Revised since EPC draft per Condition #148 to consistently reduce the parking requirement in UC-MS-PT areas.

<sup>1078</sup> Revised since EPC draft per Condition #148 to consistently reduce the parking requirement in UC-MS-PT areas.

<sup>1087</sup> Revised since EPC draft per Condition #148 to consistently reduce the parking requirement in UC-MS-PT areas.

<sup>1088</sup> Revised since EPC draft per Condition #148 to consistently reduce the parking requirement in UC-MS-PT areas.

<sup>1089</sup> Revised since EPC draft per Condition #148 to consistently reduce the parking requirement in UC-MS-PT areas.
## TABLE 4-5-1 Off-Street Parking Requirements

DU = Dwelling Unit  
BR = Bedroom  
GFA = Gross Floor Area  
UC-MS-PT = Urban Centers, Main Street areas, and Premium Transit areas as identified in the ABC Comp Plan;  
AC = Activity Centers as identified in the ABC Comp Plan  

Design Capacity = Maximum occupancy per building or fire codes, whichever is greater

<table>
<thead>
<tr>
<th>USE</th>
<th>EXISTING PARKING REQUIREMENT</th>
<th>NEW PARKING REQUIREMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Tap Room/Tasting Room</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>LODGING</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bed and breakfast</td>
<td>1 space/rental unit</td>
<td>1 space for manager plus 1 space per guest room</td>
</tr>
<tr>
<td>Boarding house</td>
<td>1 space/2 guest rooms</td>
<td>1 space per 2 guest rooms</td>
</tr>
<tr>
<td>Campground or recreational vehicle park</td>
<td>1 space per designated camping or RV spot</td>
<td>1 space per designated camping or RV spot</td>
</tr>
<tr>
<td>Hotel or motel</td>
<td>1 space/rental unit</td>
<td>General: 1 space per rental unit</td>
</tr>
<tr>
<td><strong>MOTOR VEHICLE-RELATED</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Car wash</td>
<td>1 space per 200 sq. ft. for 1st 15,000 sq. ft. net leasable area; then 1 space per 250 sq. ft. for next 45,000 sq. ft. net leasable area, then 1 space per 300 sq. ft. for net leasable area exceeding 60,000 sq. ft.</td>
<td>2 spaces per 1,000 sq. ft. GFA of retail, office, and waiting area</td>
</tr>
<tr>
<td>Heavy vehicle and equipment sales, rental, fueling, and repair</td>
<td></td>
<td>1 space per 1,000 sq. ft. GFA</td>
</tr>
<tr>
<td>Light vehicle fueling station</td>
<td></td>
<td>4 spaces per 1,000 sq. ft. GFA</td>
</tr>
<tr>
<td>Light vehicle repair</td>
<td></td>
<td>1 space per 1,000 sq. ft. GFA</td>
</tr>
<tr>
<td>Light vehicle sales and rental</td>
<td></td>
<td>2 spaces per 1,000 sq. ft. GFA</td>
</tr>
<tr>
<td>Outdoor vehicle storage</td>
<td></td>
<td>No requirement</td>
</tr>
<tr>
<td>Parking lot</td>
<td></td>
<td>No requirement</td>
</tr>
<tr>
<td>Parking structure</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>OFFICES AND SERVICES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bank</td>
<td>1 space per 200 sq. ft. for 1st 15,000 sq. ft. net leasable area; then 1 space per 250 sq. ft. for next 45,000 sq. ft. net leasable area, then 1 space per 300 sq. ft. for net leasable area exceeding 60,000 sq. ft.</td>
<td>General: 3 spaces per 1,000 sq. ft. GFA</td>
</tr>
<tr>
<td>Club or event facility</td>
<td>1 space/5 members if in separate structure; otherwise 1 space/200 sq.</td>
<td>General: 1 space per 1,000 sq. ft. GFA or 1 space per 4 seats in main assembly area</td>
</tr>
</tbody>
</table>

---

1075 Revised since EPC draft per Condition #148 to consistently reduce the parking requirement in UC-MS-PT areas.  
1076 Provision for UC-MS-PT added since EPC Draft per Condition #147 in response to public comment.  
1077 Term revised since EPC Draft per Condition #1 for consistency with other edits.  
1080 Minimum parking required for banks reduced from 2.5 (UC-MS-PT) and 4 (Other Areas) since EPC Draft per Condition #149 in response to public comment.
### TABLE 4-5-1 Off-Street Parking Requirements

<table>
<thead>
<tr>
<th>USE</th>
<th>EXISTING PARKING REQUIREMENT</th>
<th>NEW PARKING REQUIREMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial services</td>
<td>1 space/3 employees on largest shift or 1 space/1,000 sq. ft. net leasable area, whichever is greater</td>
<td>3 spaces per 1,000 sq. ft. GFA</td>
</tr>
<tr>
<td>Construction contractor facility and yard</td>
<td></td>
<td>No requirement</td>
</tr>
<tr>
<td>Medical or dental clinic</td>
<td>5 spaces/doctor</td>
<td>General: 5 spaces per 1,000 sq. ft. GFA</td>
</tr>
<tr>
<td>Mini-warehouse</td>
<td>1 space/2,000 sq. ft. net leasable area</td>
<td>1 space per 3,000 sq. ft. GFA</td>
</tr>
<tr>
<td>Mortuary or crematorium</td>
<td>1 space/4 seats (30&quot; = 1 seat)</td>
<td>1 space per 1,000 sq. ft. GFA or 1 space per 4 seats in main assembly area, whichever is greater (30 in. of bench space = 1 seat)</td>
</tr>
<tr>
<td>Office</td>
<td>1 space/200 sq. ft. net leasable area on ground floor and 1 space/300 sq. ft. net leasable area in basement areas and on all floors above ground floor</td>
<td>General: 3.5 spaces per 1,000 sq. ft. GFA</td>
</tr>
<tr>
<td>Personal and business services, small</td>
<td>1 space per 200 sq. ft. for 1st 15,000 sq. ft. net leasable area; then 1 space per 250 sq. ft. for next 45,000 sq. ft. net leasable area, then 1 space per 300 sq. ft. for net leasable area exceeding 60,000 sq. ft.</td>
<td>General: 4 spaces per 1,000 sq. ft. GFA</td>
</tr>
<tr>
<td>Personal and business services, large</td>
<td></td>
<td>UC-MS-PT: 2.5 spaces per 1,000 sq. ft. GFA</td>
</tr>
<tr>
<td>Research or testing facility</td>
<td>1 space/200 sq. ft. net leasable area on ground floor and 1 space/300 sq. ft. net leasable area in basement areas and on all floors above ground floor</td>
<td>Maximum (UC-MS-PT): 4 spaces per 1,000 sq. ft. GFA for primary buildings with more than 100,000 sq. ft. GFA</td>
</tr>
<tr>
<td>OUTDOOR RECREATION &amp; ENTERTAINMENT</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amphitheater or stadium</td>
<td>1 space/4 seats (30&quot; = 1 seat)</td>
<td>1 space per 4 seats in main assembly area (30 in. of bench space = 1 seat)</td>
</tr>
<tr>
<td>Balloon fiesta park events and uses</td>
<td>Per Sector Development Plan</td>
<td>Per parking study or adopted Master Plan.</td>
</tr>
<tr>
<td>Drive-in theater</td>
<td>1 space/200 sq. ft. of site where</td>
<td>No requirement</td>
</tr>
</tbody>
</table>

1075 DU = Dwelling Unit  BR = Bedroom  GFA = Gross Floor Area  UC-MS-PT = Urban Centers, Main Street areas, and Premium Transit areas as identified in the ABC Comp Plan;  
1076 AC = Activity Centers as identified in the ABC Comp Plan.  
1077 Design Capacity = Maximum occupancy per building or fire codes, whichever is greater.  
1078 USE EXISTING PARKING REQUIREMENT ft. net leasable area, whichever is greater (30 in. of bench space = 1 seat)  
1079 UC-MS-PT: 1 space per 1,500 sq. ft. GFA or 1 space per 6 seats in main assembly area, whichever is greater (30 in. of bench space = 1 seat)  
1094 Reduced from 1,000 since EPC Draft per Condition #148 to reflect lower parking requirements in Center areas.  
1095 Reduced from 4 since Consolidated Draft.  
1096 Clarified since EPC Draft per Condition #150 that parking maximums only apply in UC-MS-PT areas.
### TABLE 4-5-1 Off-Street Parking Requirements

DU = Dwelling Unit  
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<th>NEW PARKING REQUIREMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Fairgrounds</strong></td>
<td>customers circulate, participate in, or watch the recreation</td>
<td>4 spaces per 1,000 sq. ft. of site area where attendees circulate, participate, or watch activities</td>
</tr>
<tr>
<td><strong>Other outdoor entertainment</strong></td>
<td></td>
<td>3 spaces per 1,000 sq. ft. GFA plus requirements in Table 4-5-2.</td>
</tr>
<tr>
<td><strong>Residential community amenity</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Stadium or race track</strong></td>
<td>1 space/4 seats (30” = 1 seat)</td>
<td>1 space per 4 seats in main assembly area (30 in. of bench space = 1 seat)</td>
</tr>
<tr>
<td><strong>RETAIL SALES</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| **Adult retail**                            | 1 space per 200 sq. ft. for 1st 15,000 sq. ft. net leasable area; then 1 space per 250 sq. ft. for next 45,000 sq. ft. net leasable area, then 1 space per 300 sq. ft. for net leasable area exceeding 60,000 sq. ft. | General: 4 spaces per 1,000 sq. ft. GFA  
UC-MS-PT: 2.5 spaces per 1,000 sq. ft. GFA |
| **Bakery goods or confectionery shop**      |                              |                          |
| **Building and home improvement materials, large** |                              | 2 spaces per 1,000 sq. ft. GFA |
| **Farmers market**                          | 1 space/200 sq. ft. stall space and customer circulation area | No requirement |
| **General retail, small**                   | 1 space per 200 sq. ft. for 1st 15,000 sq. ft. net leasable area; then 1 space per 250 sq. ft. for next 45,000 sq. ft. net leasable area, then 1 space per 300 sq. ft. for net leasable area exceeding 60,000 sq. ft. | General: 4 spaces per 1,000 sq. ft. GFA  
UC-MS-PT: 2.5 spaces per 1,000 sq. ft. GFA |
| **General retail, medium**                  |                              | Maximum (UC-MS-PT)4.1098; 41099 spaces per 1,000 sq. ft. GFA for primary buildings with more than 100,000 sq. ft. GFA |
| **General retail, large**                   |                              |                          |
| **Liquor retail**                           |                              | 4 spaces per 1,000 sq. ft. GFA |
| **Pawn shop**                               |                              | 4 spaces per 1,000 sq. ft. GFA |
| **TRANSPORTATION**                          |                              |                          |
| **Airport**                                 | Determined by airport management |                          |
| **Freight terminal or dispatch center**     | No requirement |                          |
| **Helipad**                                 | No requirement |                          |
| **Park-and-ride lot**                       | No requirement |                          |
| **Railroad yard**                           | No requirement |                          |
| **Transit facility**                        | Determined by transportation authority |                          |
| **INDUSTRIAL USES**                         |                              |                          |
| **MANUFACTURING, FABRICATION, AND ASSEMBLY**|                              |                          |
| **Artisan manufacturing**                   | 1 space/3 employees on largest shift or 1 space/1,000 sq. ft. net leasable area, whichever is greater | 3 spaces per 1,000 sq. ft. GFA |
| **Light manufacturing**                     |                              | 1 space per 1,000 sq. ft. GFA |
| **Heavy manufacturing**                     |                              | No requirement |
| **Natural resource extraction**             |                              |                          |

1097 Requirement of 4 spaces per 1,000 sq. ft. of stall area and customer circulation area removed since Consolidated Draft.  
1098 Clarified since EPC Draft per Condition #150 that parking maximums only apply in UC-MS-PT areas  
1099 Increased from 2.5 since Consolidated Draft in response to public comment.
**TABLE 4-5-1 Off-Street Parking Requirements**

**DU = Dwelling Unit  BR = Bedroom  GFA = Gross Floor Area**

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

**AC = Activity Centers as identified in the ABC Comp Plan**

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<th>NEW PARKING REQUIREMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Special manufacturing</strong></td>
<td>1 space per 1,000 sq. ft. GFA</td>
<td></td>
</tr>
<tr>
<td><strong>TELECOMMUNICATIONS, TOWERS, AND UTILITIES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Solar or geothermal energy generation</td>
<td>No requirement</td>
<td></td>
</tr>
<tr>
<td>Utility, electric</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Utility, other major</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wind energy generation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wireless Telecommunications Facilities (All)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>WASTE AND RECYCLING</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recycling drop-off bin facility</td>
<td>No requirement</td>
<td></td>
</tr>
<tr>
<td>Salvage yard</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Solid Waste Convenience Center</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Waste and/or recycling transfer station</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>WHOLESALING AND STORAGE</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Above-ground storage of fuels or feed</td>
<td>1 space/2,000 sq. ft. net leasable area</td>
<td>No requirement</td>
</tr>
<tr>
<td>Outdoor storage</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Warehousing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wholesaling and distribution center</td>
<td>1 space/3 employees on largest shift or 1 space/1,000 sq. ft. net leasable area whichever is greater</td>
<td>1 space per 2,000 sq. ft. GFA</td>
</tr>
<tr>
<td><strong>ACCESSORY AND TEMPORARY USES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>ACCESSORY USES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agriculture sales stand</td>
<td>No requirement</td>
<td></td>
</tr>
<tr>
<td>Animal keeping</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Automated Teller Machine (ATM)</td>
<td>No parking requirement. Stacking space requirements in Section 14-16-4-5.9 apply if</td>
<td></td>
</tr>
</tbody>
</table>

---

1075 Solar, geothermal, and Wind generation removed from this section of the table since EPC Draft per Condition #1 because they are not listed as Accessory uses in Table 3-2-1.

1076 Animal keeping, agricultural and domestic combined into one line for animal keeping since EPC Draft per Condition #1 to track with the Use Table.
### TABLE 4-5-1 Off-Street Parking Requirements

**DU = Dwelling Unit  BR = Bedroom  GFA = Gross Floor Area**  
**UC-MS-PT = Urban Centers, Main Street areas, and Premium Transit areas as identified in the ABC Comp Plan;  
AC = Activity Centers as identified in the ABC Comp Plan**

**Design Capacity = Maximum occupancy per building or fire codes, whichever is greater**

<table>
<thead>
<tr>
<th>USE</th>
<th>EXISTING PARKING REQUIREMENT&lt;sup&gt;1077&lt;/sup&gt;</th>
<th>NEW PARKING REQUIREMENT&lt;sup&gt;1078&lt;/sup&gt;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drive-through or drive-up facility</td>
<td>No parking requirement. Stacking space requirements in Section 14-16-4-5.9 apply</td>
<td></td>
</tr>
<tr>
<td>Dwelling unit, accessory</td>
<td>1 space/bath but not less than 2 spaces or if net leasable area less than 1,000 sq. ft. 1 space/bath but not less than 1-1/2 spaces</td>
<td>1 space per accessory dwelling unit</td>
</tr>
<tr>
<td>Dwelling, accessory without kitchen</td>
<td>No requirement</td>
<td></td>
</tr>
<tr>
<td>Family care facility</td>
<td>No requirement</td>
<td></td>
</tr>
<tr>
<td>Family home daycare</td>
<td>No requirement</td>
<td></td>
</tr>
<tr>
<td>Hobby breeder</td>
<td>No additional spaces required</td>
<td></td>
</tr>
<tr>
<td>Home occupation</td>
<td>No requirement</td>
<td></td>
</tr>
<tr>
<td>Mobile vending cart</td>
<td>No additional spaces required</td>
<td></td>
</tr>
<tr>
<td>Other non-residential accessory use</td>
<td>No requirement</td>
<td></td>
</tr>
<tr>
<td>Other residential accessory use</td>
<td>No requirement</td>
<td></td>
</tr>
<tr>
<td>Outdoor animal run</td>
<td>No additional spaces required</td>
<td></td>
</tr>
</tbody>
</table>
| Outdoor dining area              | 1 space/4 seats without full service liquor license; otherwise 1 space/3 persons of permitted fire occupancy load | General: 5 spaces per 1,000 sq. ft. GFA outdoor seating space or 1 space per 4 persons design capacity, whichever is greater  
AC-UC-MS-PT: No requirement<sup>1102</sup> |
| Open air market                 | 1 space/200 sq. ft. of stall space and customer circulation area | No requirement<sup>1103</sup> |
| Parking of more than two truck tractors and two semitrailers for more than two hours | No requirement |                                          |
| Parking of non-commercial vehicle | No requirement |                                          |
| Parking of recreational vehicle, boat, and/or recreational trailer | No requirement |                                          |
| Second kitchen within a house   | 1 additional space required |                                          |
| **TEMPORARY USES**              |                               |                                         |
| Circus                          | 1 space/200 sq. ft. of site where customers circulate, participate in or 4 spaces per 1,000 sq. ft. of site area where attendees circulate, participate, or watch | |

<sup>1077</sup> Requirement for additional parking deleted for consistency with Use-specific Standard since Consolidated Draft. Since EPC Draft, revised to add parking requirement for outdoor dining areas outside of UC-MS-PT per Condition #151. Activity Centers added to area where additional parking is not required since EPC Draft as appropriate in the Center context.

<sup>1078</sup> Requirement of 4 spaces per 1,000 sq. ft. of stall area and customer circulation area removed since Consolidated Draft.

<sup>1079</sup> Requirement of 1 space/200 sq. ft. of site removed since Consolidated Draft.

<sup>1080</sup> Requirement of 4 spaces per 1,000 sq. ft. of site area where attendees circulate, participate, or watch removed since Consolidated Draft.

<sup>1102</sup> Requirement of 4 spaces per 1,000 sq. ft. of site area where attendees circulate, participate, or watch removed since Consolidated Draft.
## TABLE 4-5-1 Off-Street Parking Requirements

<table>
<thead>
<tr>
<th>USE</th>
<th>EXISTING PARKING REQUIREMENT</th>
<th>NEW PARKING REQUIREMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction trailer or office</td>
<td>No requirement</td>
<td></td>
</tr>
<tr>
<td>Dwelling unit, temporary</td>
<td>2 spaces/dwelling unit</td>
<td>1 space per DU</td>
</tr>
<tr>
<td>Fair, festival, or theatrical performance</td>
<td>4 spaces per 1,000 sq. ft. of site area where attendees circulate, participate, or watch activities</td>
<td></td>
</tr>
<tr>
<td>Filming events</td>
<td>No requirement</td>
<td></td>
</tr>
<tr>
<td>Garage or yard sale</td>
<td>No requirement</td>
<td></td>
</tr>
<tr>
<td>Park-and-ride facility, temporary</td>
<td>No requirement</td>
<td></td>
</tr>
<tr>
<td>Real estate office or model home</td>
<td>1 space per 200 sq. ft. net leasable area on ground floor and 1 space per 300 sq. ft. net leasable area in basement areas and on all floors above ground floor</td>
<td>2 spaces per 1,000 sq. ft. GFA of office</td>
</tr>
<tr>
<td>Seasonal outdoor sales</td>
<td>1 space per 200 sq. ft. of stall space and customer circulation area</td>
<td>4 spaces per 1,000 sq. ft. of stall area and customer circulation area</td>
</tr>
</tbody>
</table>

### C. Amenity, Recreation, and Entertainment Uses

Uses in Table 4-5-1 (Off-Street Parking Requirements) that reference Table 4-5-2 shall provide the minimum number of off-street parking spaces listed in Table 4-5-2 (Off-street Parking Requirements for Amenity, Recreation, and Entertainment Uses) below. If a site includes more than one use listed in Table 4-5-1, the Planning Director may authorize a reduction in the combined parking requirements for the individual uses based on anticipated joint use of facilities as determined by the Planning Director.

<table>
<thead>
<tr>
<th>ACTIVITY</th>
<th>NUMBER OF SPACES REQUIRED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Miniature Golf</td>
<td>2 spaces per hole</td>
</tr>
<tr>
<td>Golf Driving Range</td>
<td>1 space per tee plus 1 space per 15 sq. ft. of hitting area</td>
</tr>
<tr>
<td>Golf Course</td>
<td>4 spaces per hole</td>
</tr>
<tr>
<td>Court Sports</td>
<td>3 spaces per court</td>
</tr>
<tr>
<td>Swimming Pool</td>
<td>1 space per 3 persons design capacity</td>
</tr>
<tr>
<td>Batting Cage</td>
<td>1 space per 2 batting spaces</td>
</tr>
<tr>
<td>Skate Facility</td>
<td>4 spaces per 1,000 sq. ft. of skating surface</td>
</tr>
<tr>
<td>Amusement Park</td>
<td>1 space per 300 sq. ft. GFA plus 1 space per 5,000 sq. ft. of</td>
</tr>
</tbody>
</table>

---

1075 DU = Dwelling Unit  BR = Bedroom  GFA = Gross Floor Area  UC-MS-PT = Urban Centers, Main Street areas, and Premium Transit areas as identified in the ABC Comp Plan  AC = Activity Centers as identified in the ABC Comp Plan  Design Capacity = Maximum occupancy per building or fire codes, whichever is greater.

1076 Use Existing Parking Requirement  Use New Parking Requirement

1077 New parking requirements since Zoning Code for specific types of activities.
TABLE 4-5-2 Off-Street Parking Requirements for Amenity, Recreation, and Entertainment Uses

<table>
<thead>
<tr>
<th>ACTIVITY</th>
<th>NUMBER OF SPACES REQUIRED</th>
</tr>
</thead>
<tbody>
<tr>
<td>outdoor area</td>
<td></td>
</tr>
<tr>
<td>Unlisted Uses</td>
<td>As determined by Planning Director per Section 14-16-4-5.2.D</td>
</tr>
</tbody>
</table>

D. Parking Adjustments and Credits

The minimum amounts of off-street automobile parking required by Tables 4-5-1 and 4-5-2 above shall be adjusted by the factors shown in this Section 14-16-4-5.3.D. These factors may be applied individually or in combination, but the cumulative reduction in off-street spaces shall not exceed 50 percent of the parking spaces required by Tables 4-5-1 and 4-5-2 unless the applicant satisfies the requirements of Sections 14-16-4-5.3.D.7 (Public Parking) or 14-16-4-5.3.D.8 (Parking Study).

1. General Adjustment for Some Centers and Corridors
   a. Where Tables 4-5-1 and 4-5-2 do not indicate a different parking requirement for Urban Centers or Main Street areas, a 10 percent reduction in required off-street parking requirements shall apply to properties in those Center and Corridor areas.
   b. Where Tables 4-5-1 and 4-5-2 indicate a different parking requirement for Urban Centers or Main Street or Premium Transit areas, that standard shall apply, and Subsection a above shall not provide an additional 10 percent reduction from that standard.

2. Shared Parking

Where two or more uses listed in Table 3-2-1 (Use Table), share a parking lot or structure, the total off-street parking requirement for those uses may be reduced by the factors shown in Table 4-5-3 below. Off-street parking required shall be the sum of the two parking requirements for the two uses divided by the factors for that combination of uses. If more than two uses share a parking lot or structure, the required parking shall be calculated by applying Table 4-5-3 to the two uses with the largest parking requirements and then adding the required parking for the additional uses.

Example:
Proposed project in a Main Street area includes 40 two-bedroom residential dwelling units and 15,000 gross square feet of retail area and child care center designed for 50 children.

   a. Step 1: Identify basic parking requirements from Table 4-5.1:

---

1104 New section since Zoning Code consolidating all options to reduce parking requirements to promote infill, allow flexible standards near transit and promote alternative modes of transportation. Incorporates shared parking reduction standards from N. 4th Street SU-2 regulations. Maximum reduction available through combined use of parking credits from 25 percent to 30 percent from existing regulation. Maximum reduction available through combined use of parking credits increased to 50 percent since Module 3. Footnote revised since EPC Draft for clarity and internal consistency per Condition #1.

1105 Updates existing mixed-use shared parking reductions (Section 14-16-3-1(E)(6)) and N. 4th Street SU-2 regulations. Changes category of “residential” to “multi-family residential”, adds “public, institutional, or civic” as a category; includes “food, beverage, and indoor entertainment” with “lodging” category; and includes “office” category in new “other commercial” category. Decreases office/residential factor from 1.4 to 1.3 resulting in less reduction for shared parking for these uses than in existing N. 4th Street SU-2.
Chapter 14-16-4: Development Standards

4-5-3: Off-Street Vehicle Parking

i. 40 units times 1 space per dwelling unit = 40 spaces
ii. 15,000 sq. ft. times 2.5 spaces per 1,000 sq. ft. = 37.5 space; rounded to 37
iii. 50 child capacity times 1 space per 15 persons capacity = 3.33 spaces; rounded to 3 spaces

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

c. **Step 3:** Divide by the factor in Table 4.5.3. For multi-family residential and retail the factor is 1.2. 78 divided by 1.2 = 65 spaces.

d. **Step 4:** Add the third (smallest) parking requirement without adjustment. 65+3 = 68 spaces = adjusted final parking requirement

<table>
<thead>
<tr>
<th>Table 4-5-3 Shared Parking Reduction Factors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Use</td>
</tr>
<tr>
<td>---------------------------------------------</td>
</tr>
<tr>
<td>Multi-family residential</td>
</tr>
<tr>
<td>Civic or Institutional</td>
</tr>
<tr>
<td>Food, Beverage, Indoor Entertainment, or Lodging</td>
</tr>
<tr>
<td>Retail</td>
</tr>
<tr>
<td>Other Non-residential</td>
</tr>
</tbody>
</table>

3. **Proximity to Transit**

a. The minimum number of off-street parking spaces required for new development or redevelopment may be reduced by 30 percent if the proposed development or redevelopment is located within ¼ mile of any transit stop or transit station with a peak service frequency of 15 minutes or better.

b. The minimum number of off-street parking spaces required for new development or redevelopment may be reduced by 50 percent if the proposed development or redevelopment is located within 660 feet (1/8 mile) of any transit station.

C. No development approved with this parking reduction shall be considered nonconforming if the transit line, station, or stop is later relocated or if peak

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1107 Revised form Other Commercial in Module 2.
1108 Revises existing transit reduction provisions to increase area eligible for parking reduction and increase amount of parking reduction. Eliminates parking reduction for provision of transit facilities (bus shelters and pullouts) because placement may not coincide with development.
1109 Revised since EPC Draft per Condition #1 to correct typo.
service frequency decreases, resulting in a number of parking spaces that does not meet the minimum requirements that would apply without the Proximity to Transit reduction.

4. Electric Vehicle Charging Stations\textsuperscript{1110}

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

b. When a new parking lot containing more than 200 off-street spaces is constructed, at least two percent of the vehicle parking spaces shall include electric vehicle charging stations with a rating of 240 volts or higher.

5. Van and Car Pool Parking\textsuperscript{1111}

a. Each off-street parking space designated and signed for the exclusive use of a shared carpool vehicle shall count as four spaces toward satisfaction of minimum off-street parking requirements.

b. Each off-street parking space designated and signed for the exclusive use of a shared vanpool vehicle shall count as seven spaces toward satisfaction of minimum off-street parking requirements.

6. On-street Parking\textsuperscript{1112}

In Urban Centers, Main Street areas, and Premium Transit areas, on-street parking located directly abutting the subject property may be counted toward off-street parking requirements, subject to the following conditions:

a. Credits for on-street parking spaces are not available on streets where residential parking permits are in place.\textsuperscript{1113}

b. Only those street parking spaces directly abutting any lot\textsuperscript{1114} line of the subject lot or parcel, and with at least one-half the length of the parking space located between imaginary lines extending from the corners of the front lot line perpendicularly into the street right-of-way, may be counted.

c. Each on-street parking space may only be counted once toward the parking requirements of the adjacent lot, regardless of the number of individual buildings or tenants on the lot.

d. No development or use approved with an on-street parking credit shall be considered nonconforming if the on-street parking is later removed by City action and the remaining off-street parking does not meet the minimum off-street parking requirements of this Section 14-16-4-5.

\textsuperscript{1110} New standard since Zoning Code.
\textsuperscript{1111} Revised since Consolidated Draft so a. refers to carpool vehicles, and b. refers to vanpool vehicles.
\textsuperscript{1112} Reflects and consolidates on-street parking credit in existing Zoning Code and Uptown, Downtown Neighborhood Area, and North I-25 SU-2 regulations). Revision will allow credit for residential development of 10 dwelling units per acre or less and removes requirement that buildings constructed before 1965 meet all off-street parking requirements. Notification requirements, exclusion of specific streets from this credit, and requirement that applicant first prove that parking cannot be accommodated on site were not carried over. Revised since Module 3 to remove references to downtown, since that area is exempt from minimum parking requirements. Since EPC Draft, revised phrase “in front of” to read “abutting” per Condition #152 in response to public comment.
\textsuperscript{1113} New since Module 3 in response to public comment.
\textsuperscript{1114} Deleted “front” lot line reference to allow on-street parking credits for spaces adjacent to any lot line (front, side, or rear) since Consolidated Draft to respond to public comment. Since EPC Draft, added “abutting” for clarity per Condition #152 in response to public comment.
Chapter 14-16-4: Development Standards

7. Public Parking

The Planning Director may approve a reduction or elimination of parking requirements if one of the following conditions applies:

a. The development or redevelopment is within and participates in a public parking district in which individual property owners jointly provide shared parking for an area of the city exceeding 5 acres in size; or

b. The applicant can demonstrate that adequate spaces are available in a nearby public parking lot or structure, and that the reduction or elimination of parking requirements will not result in traffic congestion or on-street parking in any nearby residential zone district. For the purposes of this provision, on-street parking spaces shall not constitute a nearby public parking area to be counted toward the total of nearby public parking spaces.

8. Parking Study

The Planning Director may approve a reduction of parking requirements if the applicant provides a parking needs study, prepared by a consultant with expertise in that area recognized by the City, and using parking generation assumptions acceptable to the City, demonstrates that off-street parking at a rate lower than that otherwise required by this Section 14-16-4-5, will adequately accommodate all anticipated demand for off-street parking and will not result in either traffic congestion or parking congestion in surrounding neighborhoods, and the Planning Director determines that the parking study provides a more accurate measure of parking needs for the site than application of the standards in this Section 14-16-4-5 that would otherwise apply.

E. Parking Maximums

1. Parking maximums shown in Table 4-5-1 apply to surface parking lots, not to spaces provided in parking structures.

F. Accessible Parking

1. Within the off-street parking requirements of Sections Tables 4-5-1 and 4-5-2, as adjusted by Section 14-16-4-5.3.D (Parking Adjustments and Credits) – and not in addition to those requirements – accessible parking shall be provided for all multi-family and non-residential uses as required by the federal Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG) and New Mexico Statutes Annotated, as amended.

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1115 New provision since Zoning Code.
1116 New provision reflecting Sawmill and South Yale SU-2 regulations encouraging shared parking reservoirs, and South Yale SU-2 regulation text supporting a “park once” approach to parking.
1117 New provision since Zoning Code.
1118 New provision since Zoning Code. Provision to waive parking maximums outside of UC-MS-PT removed since EPC Draft because there are no parking maximums in those areas and because the Variance process may be used to address parking.
1119 Deletes required accessible parking spaces from code and references Federal guidelines for parking requirements to avoid any compliance issues with future changes to ADA. Continues to include ADA spaces as part of the total parking required (not in addition to the total parking required).
2. Accessible parking spaces shall be located, sized, and constructed as required by the DPM.

4-5.4. MOTORCYCLE PARKING

A. All uses except residential uses shall provide on-site the minimum number of off-street parking spaces for motorcycles, mopeds, and motor scooters listed in Table 4-5-4 (Motorcycle Parking Requirements).

<table>
<thead>
<tr>
<th>TOTAL PARKING SPACES REQUIRED FROM TABLE 4-5-1</th>
<th>NUMBER OF MOTORCYCLE SPACES REQUIRED IN ADDITION TO TABLE 4-5-1</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 – 25</td>
<td>1 space</td>
</tr>
<tr>
<td>26 – 50</td>
<td>2 spaces</td>
</tr>
<tr>
<td>51 – 100</td>
<td>3 spaces</td>
</tr>
<tr>
<td>101-150</td>
<td>4 spaces</td>
</tr>
<tr>
<td>151-300</td>
<td>5 spaces</td>
</tr>
<tr>
<td>301 - 500</td>
<td>6 spaces</td>
</tr>
<tr>
<td>501 - 750</td>
<td>7 spaces</td>
</tr>
<tr>
<td>751 – 1,000</td>
<td>8 spaces</td>
</tr>
<tr>
<td>1,000 and above</td>
<td>8 spaces plus 1 space per each additional 500 spaces</td>
</tr>
</tbody>
</table>

B. All motorcycle parking areas shall be located in convenient, highly visible, well-lighted areas that do not interfere with traffic and pedestrian movements.

C. Motorcycle parking spaces shall be located, sized, and constructed as required by the DPM.

4-5.5. BICYCLE PARKING

A. Unless otherwise provided in this IDO, all development and redevelopment shall provide on-site parking spaces for bicycles in accordance with Table 4-5-5 (Bicycle Parking Requirements).

<table>
<thead>
<tr>
<th>USE</th>
<th>CURRENT BICYCLE PARKING REQUIREMENT</th>
<th>NEW BICYCLE PARKING REQUIREMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential use</td>
<td>5 or more dwelling units/lot: 1 space per 2 dwelling units</td>
<td>5 or more multi-family units or live-work units: 3 spaces or 10% of required off-street parking spaces, whichever is greater</td>
</tr>
<tr>
<td>Sorority or fraternity</td>
<td>1 space per 6 persons in residence</td>
<td>1 space per 3 persons design</td>
</tr>
</tbody>
</table>

1120 Carries forward existing requirements for motorcycle parking.
1121 Carried forward from existing Zoning Code, Section 14-16-3-1(B).
1122 Provision from Bicycle Parking section added here for motorcycles since EPC Draft per Condition #153.
1123 More specific design and location standards replaced by cross-reference to DPM since Consolidated Draft.
1124 Carries forward bicycle parking requirements from existing Zoning Code and updates based on best practices. Deletes off-site bicycle parking provision. Incorporates bicycle standards from Los Candelarias SDP, and bicycle parking location from Tower Unser SDP.
1125 Table indicates existing and new standards for ease of review so each change is not footnoted. The existing standards column will be deleted before adoption of the IDO. Since Consolidated Draft, table rows for mortuary, crematorium and drive-in will have been deleted because no bicycle parking standards apply.
1126 Uses listed as shown in Table 3-2-1 (Use Table)
Table 4-5-5: Bicycle Parking Requirements

<table>
<thead>
<tr>
<th>USE</th>
<th>CURRENT BICYCLE PARKING REQUIREMENT</th>
<th>NEW BICYCLE PARKING REQUIREMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hotel or motel</td>
<td>Rental unit: No requirement; Non-rental unit area: 1 space per 20 parking spaces but not less than 2 spaces</td>
<td>2 spaces plus 1 space per 6,000 sq. ft. GFA of conference, restaurant, bar, and banquet space</td>
</tr>
<tr>
<td>Elementary or middle school</td>
<td>1 space per 20 students</td>
<td>3 spaces or 1 space per 10 students design capacity, whichever is greater</td>
</tr>
<tr>
<td>High school</td>
<td>1 space per 50 students</td>
<td>3 spaces or 1 space per 10 students design capacity, whichever is greater</td>
</tr>
<tr>
<td>Vocational school</td>
<td>1 space per 50 students</td>
<td></td>
</tr>
<tr>
<td>Non-residential uses not listed in this table</td>
<td>1 space per 20 parking spaces but not less than 2 spaces per premises</td>
<td>3 spaces or 10% of required off-street parking spaces, whichever is greater</td>
</tr>
</tbody>
</table>

B. The required bicycle parking spaces may be reduced or eliminated by the Planning Director based on site-specific conditions including, but not limited to, isolation from other development and connectivity of the site to bicycle trails and facilities.\(^{1129}\)

C. Bicycle parking spaces shall be located, sized, and constructed as required by the DPM.

D. Bicycle parking facilities shall meet the following standards:\(^{1130}\)

1. All bicycle parking areas shall be located in convenient, highly visible, well-lighted areas that do not interfere with traffic and pedestrian movements.\(^{1131}\)

2. Required bicycle parking spaces shall be located within 50 feet of a primary pedestrian entrance. Sites with multiple primary pedestrian entrances shall have distributed bicycle parking locations.\(^{1132}\)

3. Bicycle parking facilities shall be racks or lockers that are installed and anchored to prevent removal except by authorized personnel.\(^{1133}\)

4. Racks shall be designed to support the bicycle in an upright position and so that both wheels and two points of the frame may be locked securely to it using a U-shaped lock or a chain/cable and lock.

5. Where the primary use of the property includes 100 or more dwelling units or 100,000 or more square feet of non-residential gross floor area, at least 20 percent of required bicycle parking spaces shall be in secured long-term storage lockers or areas.\(^{1134}\)

\(^{1127}\) Elementary and middle school standard revised from 1 per 20 students, and high school/vocational school standard reduced from 3 per 10 students, since Consolidated Draft.

\(^{1128}\) Elementary and middle school standard revised from 1 per 20 students, and high school/vocational school standard reduced from 3 per 10 students, since Consolidated Draft.

\(^{1129}\) New provision.

\(^{1130}\) 14-16-4.5.5.D.3 regarding bicycle circulation through large parking lots moved to Section 14-16-4.5.6.B.2 since EPC Draft per Condition #158.

\(^{1131}\) New provision since Zoning Code.

\(^{1132}\) Reflects provision from Tower Unser SU-2 regulations. Ten percent requirement is new provision. Revised since EPC Draft per Condition #154 in response to public and staff comment.

\(^{1133}\) Provision allowing common room or locker with no racks or lockers not carried forward.

\(^{1134}\) New since Module 3.
4-5.6. PARKING LOCATION AND DESIGN

A. Location

1. All Areas

a. Required parking spaces for single-family detached dwelling and two-family detached dwelling uses shall be located on the same lot as the residential use they serve, or in the case of a townhouse, cottage, or co-housing dwelling development, in a designated communal/shared parking area located on a lot abutting at least one of lots served by such parking.

b. Required parking spaces for multi-family residential or residential uses other than those listed in Subsection 1.a may be located in a designated communal/shared parking area located on a lot adjacent to at least one of the lots served by such parking.

c. Parking in Residential zone districts or for low-density residential development built since January 17, 2007 is prohibited on any portion of the front yard setback other than on a driveway or drive aisle meeting the standards of this IDO and the DPM.

d. Mixed-use and non-residential developments with at least 200 linear feet of frontage on a public street may be designed with a small parking court located between the front façade of the primary structure and the front property line provided that:

i. No more than 30 percent of the total parking requirement is provided in a parking court.

ii. The parking court is surrounded on two sides by the development.

iii. Parking courts accessed from a local street shall be no greater than 110 feet wide and 150 feet deep.

e. No portion of an off-street parking facility shall be located in a public street, sidewalk, alley, or other public right-of-way including any portion of the off-street public right-of-way.

f. Except in the NR-LM and NR-GM zone districts, no required parking area shall be used for the storage, repair, dismantling, or servicing of any vehicles, equipment, materials, or supplies unless otherwise provided in this IDO. The prohibition on vehicle storage does not apply to approved outdoor storage and display related to light vehicle sales and rental or for heavy vehicle and equipment sales, rental, fueling, and repair uses in the zone districts where those uses are allowed.

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1135 New section consolidating location and use requirements from existing SU-2 regulations, organized to reflect the Comprehensive Plan Centers and Corridors framework.

1136 Wording of Subsections 2.a and 2.b revised for clarity since Consolidated Draft in response to public comments. Sections 2 and 3 were consolidated to better reflect the intent of this section. Provision from Uptown SU-2 regulations regarding shopping carts deleted since Consolidated Draft as unnecessary. Revised since Consolidated Draft to clarify that parking on a front yard driveway is permissive. Sections c and g revised since Consolidated draft to add clarity.

1137 Reflects requirements from Section 14-18-3-1(A)(24) regarding parking location and use for residential use. Revised and made generally applicable since Consolidated Draft. Effective date of this regulation added since EPC Draft to reflect Council Bill O-07-61; Enactment O-2007-017, which prohibited front yard parking.

1138 Reflects text from N. 4th Street SU-2 regulations (Teaser Parking) and Volcano Heights SU-2 regulations (Parking Court). Moved to apply to all areas since Consolidated Draft.

1139 Provision moved from residential area standards and made generally applicable since Consolidated Draft.

1140 Expands provision in University Neighborhood SDP and applies to all districts and uses.

1141 New provision since Zoning Code. Reference to fueling added since Module 3.
g. No parking lot or driveway located in a Residential or Mixed-use zone district shall be used for the storage of commercial vehicles.\textsuperscript{1142} 

h. If the total required parking exceeds 20 spaces, 25 percent of the total required parking may be designed as compact parking spaces.\textsuperscript{1143} 

i. Where shopping carts are offered to customers, shopping cart corrals, or similar cart storage facilities shall be provided and identified and cannot occupy required parking spaces.\textsuperscript{1144} 

2. Downtown, Urban Centers, Main Street Areas, and Premium Transit Areas\textsuperscript{1145} 

In addition to the provisions in Subsection 1, the following apply standards apply in DT-UC-MS-PT areas. 

a. Off-street parking and loading areas shall not be located between the front façade of the primary building and the public right-of-way unless allowed by another provision of this IDO.\textsuperscript{1146} 

b. Required off-street parking spaces that are not required to comply with the federal Americans with Disabilities Act may be located off-site in all Mixed-use and Non-residential zone districts provided that the property containing the off-site parking is located within 600 feet of the use for which the parking is provided (measured from the nearest points on their lot lines), and the applicant provides documentation that the off-site spaces will remain available to supply the required parking for the applicant’s property for a period of not less than two years.\textsuperscript{1147} Off-site parking for a non-residential use may not be provided in any Residential zone district.\textsuperscript{1148} 

c. Parking in the rear of a site may be accessed by alleys or by shared access drives or easements along abutting side yards where alley access is not feasible or alleys do not exist. Shared access easements shall not be more than 20 feet wide.\textsuperscript{1149} 

d. Surface parking located between the building and the side lot line shall be screened from the street by a solid fence or wall at a minimum height of 3 feet.\textsuperscript{1150} 

e. At least 15% of the ground area of surface parking lots, including the driveways, shall be devoted to landscaping along the street right-of-way.\textsuperscript{1151} 

\textsuperscript{1142} New provision since Zoning Code.  
\textsuperscript{1143} Carries forward existing Development Process Manual compact parking standards (Volume II, Chapter 23, Section 2 G.2, Section 3 G.2, and Section 7A), updates requirements and includes requirements for all configurations of compact parking in one table. Although technical dimensions belong in the DPM, the availability of compact spaces should be referenced in the IDO.  
\textsuperscript{1144} This text was deleted in an earlier draft, and reinstated here since the Consolidated Draft.  
\textsuperscript{1145} Revised since EPC draft per Condition #1 for consistency. Downtown added to applicability list since EPC Draft per Condition #1 and Map Condition #5 because these standards duplicate ones in the MX-FB-DT section, which have been removed.  
\textsuperscript{1146} Reflects text in Downtown Neighborhood Area, Barelas, U. of Albuquerque, South Yale, Tower Unser, Trumbull, and Sawmill, SU-2 regulations. Revised sentence to be more clear about the prohibited location of parking since Consolidated Draft.  
\textsuperscript{1147} Eliminates requirement for P-R zoning (zone district not carried forward) and includes criteria for off-site parking.  
\textsuperscript{1148} Incorporates standard from University Neighborhood SDP.  
\textsuperscript{1149} Reflects text from Barelas South Yale, and U. of Albuquerque SU-2 regulations and expands to all Center and Corridors. Width provisions were simplified to remove exceptions for 24 ft. wide drives.  
\textsuperscript{1150} Since EPC Draft, these standards are carried forward from the Downtown 2025 SDP, and moved from the MX-FB-DT section here, to apply to Downtown and other highly pedestrian-oriented locations.  
\textsuperscript{1151} Since EPC Draft, these standards are carried forward from the Downtown 2025 SDP, and moved from the MX-FB-DT section here, to apply to Downtown and other highly pedestrian-oriented locations.
B. Use

1. Carports

   a. In the R-A, R-1, R-T, R-ML, R-MH, and MX-T zone districts, no portion of this structure may be located within 3 feet of a property line and no building wall may be built within any required setback area.

   b. Carports for low-density residential development are prohibited within the front yard setback in the following mapped areas:

      i. Downtown Neighborhood Area – CPO-2
      ii. Monte Vista and College View Historic District

   c. Where carports are allowed, they shall meet all applicable standards in the DPM.

2. Large Parking Lots

   The following provisions apply to proposed development or parking areas that meet the size thresholds listed in each provision.

   a. Parking areas, parking circulation, and access for a non-residential development with more than 100,000 square feet of gross floor area shall be designed based on a traffic study conducted at the applicant’s expense, covering anticipated traffic volumes, turning movements, trip generation, and parking demand.

   b. Each surface parking lot containing 100 or more parking spaces, any of which are located more than 300 feet from the front façade of the building shall contain walkways designed to allow pedestrians to access the front.

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1152 Item c is new since Module 1. Relocated from Use-specific Standards for accessory structures since Consolidated Draft.
1153 Revised since EPC Draft per Condition #1 for clarity and consistency with other sections of the IDO. This provision kept here instead of being moved to Table 4-1-4 (as recommended per Condition #155) for consistency with the treatment of other similar provisions.
1154 New since Consolidated Draft. Text revised for clarity since EPC Draft per Condition #1.
1155 Map replaced with reference to Downtown Neighborhood Area CPO-2 since EPC Draft per Condition #1 to reduce repetition.
1156 Added since Module 1. Revised since Consolidated Draft to map the district listed on state and federal historic registers where the prohibition applies from the Nob Hill Highland SDP. Map revised since EPC Draft per Condition #156 to include the entire historic district.
1157 New since Consolidated Draft.
1158 From DPM Chapter 23, Section 7.B.8. We believe these requirements belong in the IDO.
1159 Reduced from 250,000 to 100,000 since EPC Draft per Condition #157 in response to Current Planning staff recommendation.
C. Parking Access and Circulation\textsuperscript{1164}

The following standards apply to both surface parking lots and parking structures, unless an exception or different standard is provided elsewhere in this IDO.

1. For Low-Density Residential Development

   The following standards apply to all low-density residential development in all zone districts except R-MC:\textsuperscript{1165}

   a. For single-family and two-family detached dwelling units, the maximum width for driveways and parking areas in the front yard setback shall not exceed 22 feet wide. The width of any curb cut providing access to the driveway shall not exceed 16 feet wide.\textsuperscript{1166}

   b. For townhouse dwelling units, the maximum width for driveways and parking areas in front yard setbacks shall not exceed 11 feet in width. Two townhouse dwelling units may share a driveway centered on the property or unit division line with a maximum combined width of 22 feet. The width of any curb cut providing access to the driveway shall not exceed 16 feet wide.\textsuperscript{1167}

   c. In Centers and Corridor areas identified in the ABC Comp Plan, as amended, tandem parking is allowed. A tandem parking space may be

\textsuperscript{1160} Carries forward, expands, and adds detail to existing Shopping Center standards in Section 14-16-3-2(D) and standards in DPM Chapter 23 Section 7.B.5 and text in the South Yale, North I-25, and Uptown SU-2 regulations.

\textsuperscript{1161} New provision reflecting text in South Yale, Maximum parking module size of 150 spaces in Volcano Cliffs was not carried over.

\textsuperscript{1162} Incorporates provision from Tower Unser SU-2 regulations. Provision moved from 14-16-4-5.5.D.3 since EPC Draft per Condition #158 as it is a design requirement for large parking lots, not a bike parking requirement.

\textsuperscript{1163} New since Consolidated Draft. Reflects existing regulations 14-16-3-1(F)(4). Provision about buffering/screening replaced with reference to parking lot landscaping section since EPC Draft per Condition #1 because those provisions provide clearer, more appropriate guidance.

\textsuperscript{1164} Specific provisions for alley back-out design from U. of Albuquerque SU-2 regulations were not carried forward.

\textsuperscript{1165} Revised since EPC Draft per Condition #1 for consistency and clarity.

\textsuperscript{1166} Incorporates standard from Downtown Neighborhood SDP and expanding to all single-family, two-family and townhome residential. Revised for clarity since Consolidated Draft.

\textsuperscript{1167} Curb cut width added since EPC Draft per Condition #1 to be consistent with Subsection a.
Chapter 14-16-4: Development Standards

2. For all Other Uses
   a. Public parking areas shall be designed so that vehicles do not have to back out of the parking area onto a public street.\textsuperscript{1169}
   b. The primary vehicular access to a parking area shall be from a side street or alley, where alleys are platted and in use. If an alley is used for parking area access, the alley area may be included in the calculation of circulation and maneuvering areas.\textsuperscript{1170}
   c. Vehicular access to a primary non-residential use shall be located to avoid the need for traffic from an arterial or collector to use a local residential street for more than 150 feet to access the non-residential property, to the maximum extent practicable.\textsuperscript{1171}
   d. Vertically stacked tandem parking using lift equipment may be used to meet minimum off-street parking requirements in any zone district provided that the parking lot or garage is attended with a lift operator at all times.
   e. Fire and emergency access to and through parking areas shall comply with Article 14-2 of ROA 1994 (Fire Code).\textsuperscript{1172}
   f. In the MX-H and MX-FB zone districts, no portion of a vehicle driving lane shall be located in the area directly between the front façade of the primary building and the front lot line.\textsuperscript{1173}

D. Historic Protection Overlay Zones

In the Historic Protection Overlay zones, all off-street parking and loading areas and garages shall be located toward the rear of the site to the maximum extent practicable, shall comply with the standards in all other portions of this Section 14-16-4.5, and shall comply with the additional standards applicable to that Historic Protection Overlay zone in this Section 14-16-4-5.6.D. If there is a conflict between other parking standards in this Section 14-16-4-5 and the standards in this Section 14-16-4-5.6.D, the standards in this Section 14-16-4-5.6.D shall apply.

1. East Downtown HPO-1\textsuperscript{1174}
   a. Parking areas must be set back:
      i. From the front lot line a minimum of 30 percent of the lot depth;
      ii. From other street frontages a minimum of 10 feet;
      iii. From rear lot lines a minimum of 5 feet.
   b. Vehicular access is allowed only from side-street or alley.

\textsuperscript{1168} New provision since Zoning Code to allow flexibility in meeting minimum parking on smaller lots.
\textsuperscript{1169} New standard since Zoning Code.
\textsuperscript{1170} Reflects text from Downtown Neighborhood and South Yale SU-2 regulations and expands to clarify how alley can be used in relation to parking area.
\textsuperscript{1171} Carries forward existing Zoning Code Section 14-16-3-1(F) and standard from University, Uptown, and Downtown Neighborhood SDPs. Revised since EPC Draft per Condition #160 for clarity.
\textsuperscript{1172} Carries forward standard from DPM Chapter 23 Section 7.B.7.
\textsuperscript{1173} Moved since the Consolidated Draft from the Use Specific Standards to the Parking and Loading Development Standards.
\textsuperscript{1174} Prohibition on surface parking in a defined area deleted since Consolidated Draft. Revised since EPC Draft per Condition #161 to correct the geography to refer to EDo, not Huning Highland. Those are different HPO regulations. Revised from “parking garage” since EPC Draft per Condition #1 for consistency with other edits.
c. Parking structures shall have liner buildings along all side street frontages and solid three foot minimum high walls or solid landscape at side and rear property lines. If the side or rear property line is adjacent to a residentially-zoned lot, the wall of the parking structure must be entirely solid, without opening.

2. Eighth and Forrester HPO-21
   a. For single-family and two-family residential development, circular driveways are not allowed.
   b. Tandem parking is allowed in driveways for single-family and two-family residential provided that the tandem space is behind the required front setback. The tandem space may be counted in the calculation of required on-site parking driveways.2

3. Fourth Ward HPO-3
   a. Parking and loading areas shall be located to the back of the site.
   b. Parking and loading areas shall be located to minimize visibility from the public-right-of-way.3
   c. Parking on the street-facing side of corner buildings is not allowed.4

4. Huning Highland HPO-45
   a. All parking areas with six or more parking spaces shall be divided with landscaped areas planted in accordance with Section 14-16-4-6.
   b. Parking areas shall be accessed primarily by alleys where physical conditions permit.
   c. Tandem parking is allowed in driveways provided that the tandem space is behind the front yard setback. The tandem space may be counted in the calculation of required on-site parking.6
   d. Automobile headlights shall be screened from adjacent lots and from the street in accordance with Section 14-16-4-6 (Landscaping, Buffering, and Screening).

5. Old Town HPO-5
   Off-street parking is not required, but any off-street parking shall comply with all provisions of this Section 14-16-4-5, excluding those special provisions applicable to other Historic Protection Overlay zones.

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1 Incorporates standards from Eighth/Forrester Historic Overlay. Deleted provision prohibiting front yard parking since EPC Draft per Condition #1 as unnecessary given citywide prohibition in Section 4-5.6.A.2.C.
2 Clarifies existing provision allowing driveway parking and how it is counted for required parking.
3 Incorporates standards from 4th Ward Historic Overlay.
4 Reference to screening requirements removed since EPC Draft per Condition #1 as unnecessary.
5 Existing Zoning Code provision “Eliminate or reduce parking on the street-facing side of corner buildings” was changed to a prohibition.
6 Incorporates standards from Huning Highland Historic Overlay. Deleted provision prohibiting front yard parking since EPC Draft per Condition #1 as unnecessary given citywide prohibition in Section 4-5.6.A.2.C.
7 New provision since Zoning Code.
8 HPO-5 is Old Town. No parking is required, but may be provided. This standard requires any parking that is provided on-site to comply with the parking standards of this section.
6. Silver Hill HPO-6

   a. An alley shall serve as the primary access to parking and loading areas.
   b. Tandem parking is allowed in driveways provided that the tandem space is behind the front yard setback. The tandem space may be counted in the calculation of required on-site parking driveways.
   c. Existing driveways shall not be widened or expanded and paving in the front yard setback other than for driveways is prohibited.
   d. Parking areas with six or more vehicle parking spaces must include landscaped areas internal to the parking area complying with Section 14-16-4-6 (Landscaping, Buffering, and Screening).

E. Technical Design Standards

1. All parking facilities shall comply with all applicable provisions in this IDO, including but not limited to those in Sections 14-16-4-3 (Access and Connectivity), 14-16-4-6 (Landscaping, Buffering, and Screening), 14-16-4-7 (Outdoor Lighting), and 14-16-4-9 (Neighborhood Edges), and standards related to those sections in the DPM.

2. Design and construction of surface parking areas shall also comply with all applicable standards in the DPM, including but not limited to those standards addressing the following topics:

   a. Grading and drainage of parking areas.
   b. Parking surface materials, including the use of pervious paving materials.
   c. Allowed parking space overhangs of public rights-of-way, sidewalks, walkways, and landscaped areas, and the use and design of wheel stops and barriers to prevent overhangs and damage.
   d. Marking of parking spaces.
   e. Parking space and aisle dimensions.

4-5.7 PARKING STRUCTURE DESIGN

A. Crime Prevention Through Environmental Design (CPTED)

Above-ground parking structures or portions of structures occupied by automobile parking shall be designed using the principles of Crime Prevention Through Environmental Design (CPTED) so as to deter crime and to facilitate security measures and shall meet the following standards in addition to the other standards of this Section.

B. Parking Spaces and Circulation

Parking spaces and circulation shall meet technical standards in the DPM.

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1183 Incorporates standards from Silver Hills Historic Overlay.
1184 Clarifies existing provision allowing driveway parking and how it is counted for required parking.
1185 Text on this topic from the Uptown SU-2 has been forwarded for possible inclusion in the Development Process Manual.
1186 Reflects text in Volcano Heights and Uptown SU-2 regulations. Revised since EPC Draft per Condition #1 to replace the term “Parking Garage” with “Parking Structure” throughout section to distinguish the term from residential garages for clarity.
1187 Added since EPC Draft per Condition #1 for consistency with current practice and standards.
C. Building Design Standards

All parking structures that provide parking for multi-family dwellings, mixed-use development, and non-residential development, shall comply with the following standards. These standards do not apply to any parking garage for low-density residential development.\(^{1188}\)

1. Minimum and maximum setbacks for the parking structure are the same as those for the primary structure.

2. No horizontal length of the building façade shall extend longer than 40\(^{1189}\) feet without the inclusion of architectural elements such as decorative grillwork, louvers, translucent screens, alternating building materials, projection of lintels, portals, and other external features to avoid visual monotony. A change in color alone does not satisfy this requirement.\(^{1190}\)

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

4. The height of an accessory parking structure shall not exceed the height of the principal structure it serves.\(^{1191}\)

5. Where a parking structure is located beneath or within a primary building, loading docks shall be shall be integrated with the parking structure.\(^{1192}\)

D. Additional Standards in All Centers, Main Street Areas, and Premium Transit Areas

In all Centers identified in the ABC Comp Plan, Main Street areas, and Premium Transit areas, parking structures shall comply with the following standards in addition to those listed in Subsection A.\(^{1193}\)

1. The primary façade of the parking structure shall have a minimum floor-to-ceiling height of 13 feet for a depth of at least 30 feet from the street to allow for conversion to a pedestrian-active use when the market supports that use;

2. Parking structure ramps shall not be visible from any public street.\(^{1194}\)

E. Additional Standards in the MX-FB-DT zone district\(^{1195}\)

In the MX-FB-DT zone district, parking structures shall comply with the following standards in addition to those in Subsection C above:

1. The ground floor of each street façade of the parking structure shall be constructed as a pedestrian storefront with a pedestrian entrance to storefronts spaced no further than 25 feet from each other. This standard does not apply to any side of the parking structure separated from the street by another building,

\(^{1188}\) Applicability clarified since Consolidated Draft. Revised since EPC Draft per Condition #1 for clarity and consistency.

\(^{1189}\) Revised from 25’ to 40’ since EPC Draft per Condition #162 and Condition #164 in response to public comment.

\(^{1190}\) Incorporates and rewords standard from Uptown SU-2 regulations.

\(^{1191}\) New standard since Zoning Code.

\(^{1192}\) Reflects text in U. of Albuquerque SU-2 regulations.

\(^{1193}\) Revised from Volcano Heights SU-2 regulations to allow flexibility in design and to avoid the creation of retail or office space that are not supported by the market. Revised since EPC Draft per Condition #163 and Condition #165 to make consistent with Comp Plan policies.

\(^{1194}\) Reflects text in Volcano Heights SU-2 regulations. Revised since Consolidated Draft to remove duplication of regulations with Subsection A.

\(^{1195}\) Replaced Downtown with MX-FB-DT since EPC Draft per Condition#1 for accuracy.
or to parking structure frontages located more than 100 feet from a street
frontage.\textsuperscript{1196}

2. When parking structures are located at street corners, corner architectural
elements shall be incorporated, such as corner entrances, signage, and
glazing.\textsuperscript{1197}

4-5.8 \hspace{1em} \textbf{OFF-STREET LOADING}\textsuperscript{1198}

\textbf{A. Number of Required Off-Street Loading Spaces}

1. Except in the Old Town HPO-5 zone, all non-residential uses with 25,000
square feet or more of gross floor area shall provide off-street loading spaces
and related access and maneuvering areas that comply with Table 4-5-6
(Required Off-Street Loading Spaces) and other requirements of this Section
14-16-4.5.8.

\begin{table}[!h]
\centering
\begin{tabular}{|l|l|l|}
\hline
\textbf{All Zones Other than Old} & \textbf{Minimum Required} & \textbf{Minimum Size of Required} \\
\textbf{Town HPO-5} & \textbf{Loading Spaces} & \textbf{Loading Spaces} \\
\hline
Office, Lodging, Personal & 1 space per 50,000 sq. ft. of & First required space shall be at least \\
Services and Repair, and & gross floor area or part thereof, up to a maximum & 12 ft. x 65 ft. \\
Retail & requirement of 3 spaces & Remainder may be 10 ft. x 25 ft. \\
\hline
Other Non-residential Uses & 1 space per 50,000 sq. ft. of & Access and maneuvering areas shall \\
gross floor area or part thereof, up to a maximum & be provided to comply with the DPM \\
requirement of 2 spaces & & \\
\hline
Old Town HPO-5 Zone & & 9 ft. x. 25 ft. \\
\hline
All non-residential uses\textsuperscript{1200} & 1 space per building on sites & Access and maneuvering areas shall \\
with adequate unbuilt lot & with adequate unbuilt lot & be provided to comply with the DPM \\
area to accommodate a & area to accommodate a & \\
loading space meeting the & loading space meeting the & \\
standards of this Section 14-16-4.5.8 & standards of this Section 14-16-4.5.8 & \\
\hline
\end{tabular}
\caption{Off-Street Loading Space Requirements\textsuperscript{1199}}
\end{table}

\textbf{B. Location of Off-Street Loading Spaces}

1. Loading spaces shall be located on the same lot or parcel as the use it serves,
unless Subsection 2 below applies.

2. Joint use of an off-street loading facility may be approved by the Planning
Director provided the applicant provides documentation demonstrating the
adequacy of the facility to serve anticipated loading needs; and an executed
agreement among the owners of the buildings or uses sharing the facility is
submitted to and approved by the Planning Director.

\textsuperscript{1196} New provision based on text on liner buildings in the East Gateway, Volcano Heights, SU-2 regulations now apply only to ground
floor street frontages in the downtown area.

\textsuperscript{1197} Reflects text in Volcano Heights SU-2 but limited to downtown area.

\textsuperscript{1198} New section since Zoning Code. Existing Zoning Code has no requirements for number or size of off-street loading spaces
except in HPO-5.

\textsuperscript{1199} Standards are drawn from current delivery systems practices that often using smaller vehicles for “just-in-time” operations.

\textsuperscript{1200} Revised from “commercially used buildings”
3. Where a single customer entrance to a building is provided, customer loading areas shall not be located in front of the customer entrance or within 15 feet of the entrance.  

C. Design and Layout of Off-Street Loading Areas

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

1. Trucks using the loading area shall not be required to back into a public street to leave the site;
2. Truck and loading operations shall not encroach into any pedestrian walkway, bicycle lane, public right-of-way, fire lane or building setback;
3. Loading spaces shall not located in a front yard setback or side yard setback abutting a public right-of-way and, to the maximum extent feasible, shall be located to the rear of a site and away from adjacent residential areas; and
4. For a site adjoining an alley that does not abut a Residential zone district, required loading spaces shall be accessed from the alley.
5. The design and layout shall comply with all applicable provisions in this IDO, including but not limited to those in Sections 14-16-4-3 (Access and Connectivity), 14-16-4-6 (Landscaping, Buffering, and Screening), 14-16-4-7 (Walls and Fences), and 14-16-4-9 (Neighborhood Edges), and standards related to those sections in the DPM.

4-5.9. DRIVE-THROUGH FACILITIES AND VEHICLE STACKING AREAS

The following standards apply to all uses with a drive-through or drive-up facility, including fueling stations and car washes, and to any facility or parking area where traffic flow is controlled by an entry gate, ticket booth, or guard house.

A. Drive-through Facility Design

1. Drive-up service windows shall be oriented away from pedestrian areas, residentially-zoned areas, and public streets to the maximum extent practicable. In cases where drive-up service windows face these areas, screening shall be provided that is a minimum of 3 feet in height, with landscaping on the pedestrian, residential, or public street side.
2. The service window and any associated order board shall be located at least 50 linear feet from any abutting Residential zone district or lot containing a residential component of a Mixed-use zone district.
3. Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall not be audible beyond the property line of the site.

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1201 Carried forward from existing Section 14-16-3-1(F)(13).
1202 Consolidates various loading provisions in existing Zoning Code, carries forward standards in DPM Chapter 23 Section 7.B.8 and incorporates design guidance from 4th Ward Historic Overlay and N. 4th Street SU-2 regulations.
1203 This section has been revised and reorganized since EPC Draft per Condition #1 for clarity and consistency and to remove duplication and conflicts with other sections.
1204 New section since Zoning Code.
1205 Added since EPC Draft to carry forward General Building Site Design standard §14-16-3-18(D)(5).
1206 Revised from 75 feet since Module 3.
1207 Revised since Consolidated Draft to clarify that distance does not apply to residential uses on the same parcel. Moved from Uses Specific Standard 3-3.E.D for Drive throughs since EPC Draft per Condition #1.
4. For corner sites, delivery service windows or facilities shall be located on the non-corner side of the site and/or at the rear of the building.\textsuperscript{1208}

5. Drive-through lanes adjacent to public rights-of-way shall be screened by a landscape buffer area at least 6 feet wide containing a vegetative screen or wall constructed of a material similar in texture, appearance, and color to the street façade of the primary building (but excluding unfinished concrete masonry unit (CMU) block) at least 3 but not more than 4 feet tall. The landscape buffer area shall be provided on the public street side.\textsuperscript{1209}

6. Where abutting a Residential zone district or lot containing a residential component of a Mixed-use zone district, the edge buffering provisions of Section 14-16-4-6.5 (Edge Buffer Landscaping) shall apply.\textsuperscript{1210}

B. Vehicle Stacking Spaces\textsuperscript{1211}

1. Vehicle stacking spaces shall be integrated into the site layout and shall not interfere with site access points, access to parking or loading spaces or areas, or internal circulation aisles, and shall comply with the stacking space dimensions required by the DPM.\textsuperscript{1212}

2. Vehicle stacking spaces shall be provided to comply with Table 4-5-7 and other standards in this Section 14-16-4-5.9. Required stacking distances shall be measured from the end of the queuing lane or property line to the point of service, as specified in Table 4-5-7. The required stacking distance for the site may be distributed between more than one access point serving the site, provided a minimum stacking of 20 feet is provided at each access point.\textsuperscript{1213}

| TABLE 4-5-7: Required Drive-Through Stacking Spaces\textsuperscript{1214} |
|-----------------------------|-----------------------------|-----------------------------|
| Drive-Through Activity      | Minimum Required Stacking Spaces\textsuperscript{1215} | Measured From End of Queuing Lane To:\textsuperscript{1216} |
| UC-MS | Other Areas | |
| Bank or Automated Teller Machine (ATM) | 3 | 4\textsuperscript{1217} | Teller window / ATM |
| Light Vehicle Fueling Station | 1 | 1 | End of fuel pump island |
| Car Wash (Full Service)     | 2 | 3\textsuperscript{1218} | Outside of washing bay |
| Car Wash (Self Service or 1 | 1\textsuperscript{1219} | Outside of washing bay |

\textsuperscript{1208} Illustration removed since EPC Draft – pending a more appropriate illustration.

\textsuperscript{1209} Edited since Consolidated Draft for clarity. Moved from 4-6-6.B to this location since EPC Draft per Condition #1, where provisions for drive-throughs are being consolidated per Condition #1 for clarity. This provision covers the language that would have been added per Condition #169.

\textsuperscript{1210} New provision reflecting text in the Downtown Neighborhood Area, East Gateway, Los Duranes, and Volcano Heights SU-2 regulations requiring screening or buffering and non-street orientation of drive-through facilities. Provisions prohibiting drive-throughs on specific frontages were not carried over. Moved since EPC Draft per Condition #1 for consistency with other edits.

\textsuperscript{1211} Incorporates standards from DPM Chapter 23 Section 7.E and existing Zoning Code Section 14-16-2-16 (A)(B)(k)(2)(d).

\textsuperscript{1212} Wording revised to incorporate similar text relocated from Use-specific Standard since Consolidated Draft.

\textsuperscript{1213} Revisit since EPC Draft per Condition #166 and Condition #167 to measure the stacking spaces between the end of the dedicated queuing lane to the point of service, specified in Table 4-5-7.

\textsuperscript{1214} Since Module 3, references to downtown have been deleted because drive-through facilities are not permissible.

\textsuperscript{1215} “Per lane” removed since EPC Draft per Condition #166 to allow businesses to allocate the stacking spaces in the number of lanes that is optimal for the use or the site.

\textsuperscript{1216} New provision since Zoning Code. Revised since EPC Draft per Condition #166 and Condition #167 to measure the stacking spaces between the end of the dedicated queuing lane to the point of service.

\textsuperscript{1217} Previously 6 vehicles.

\textsuperscript{1218} New standard since Zoning Code.
TABLE 4-5-7: Required Drive-Through Stacking Spaces\textsuperscript{1214}

<table>
<thead>
<tr>
<th>Drive-Through Activity</th>
<th>Minimum Required Stacking Spaces\textsuperscript{1215}</th>
<th>Measured From End of Queuing Lane To\textsuperscript{1216}</th>
</tr>
</thead>
<tbody>
<tr>
<td>Automated\textsuperscript{1220}</td>
<td>4\textsuperscript{1220}</td>
<td>Pick-up window</td>
</tr>
<tr>
<td>Restaurant\textsuperscript{1220}</td>
<td>6\textsuperscript{1220}</td>
<td>Pick-up window</td>
</tr>
<tr>
<td>Retail Store\textsuperscript{1221}</td>
<td>3\textsuperscript{1221}</td>
<td>4\textsuperscript{1222}</td>
</tr>
<tr>
<td>Other</td>
<td>Determined by the Planning Director based on anticipated demand</td>
<td></td>
</tr>
</tbody>
</table>

\textbf{4-6 LANDSCAPING, BUFFERING, AND SCREENING\textsuperscript{1223}}

\textbf{4-6.1. PURPOSE\textsuperscript{1224}}

The purpose of this Section 14-16-4-6 is to define and regulate landscape requirements that establish visually attractive, sustainable desert landscapes that aid in the creation of a quality public realm. The City recognizes landscape as a visual component to quality environments that enhance Albuquerque’s overall appearance and provide other public benefit through:

A. Providing visual relief from urbanization; and

B. Establishing a consistent, attractive streetscape that generates a sense of continuity and a strong, positive City image; and

C. Improving the aesthetic appearance of commercial, industrial and multi-family residential development thereby protecting and enhancing public/private investments and property values; and

D. Ensuring the use of native and/or adapted, low water-use or xeric species, regionally appropriate, sustainable design and maintenance techniques to conserve water resources; and

E. Contributing to the processes of air purification, oxygen regeneration, groundwater recharge, and stormwater runoff retention. Landscape should be designed to retain soil moisture, prevent erosion, encourage the growth of abutting plantings, and mitigate urban heat-island effects, while aiding in the abatement of air and water pollution, dust, noise, heat, and glare; and

F. Providing screening of some types of facilities, structures, and equipment; and\textsuperscript{1225}

G. Providing shade and comfort for pedestrians and visually narrowing streets, which has been shown to reduce vehicle speeding and accidents.

\textsuperscript{1214} New standard since Zoning Code.
\textsuperscript{1215} Separated into a separate standard since EPC Draft per Condition #168 in response to Engineering Staff request.
\textsuperscript{1216} Retail store added since Zoning Code.
\textsuperscript{1220} Previously 5 vehicles.
\textsuperscript{1221} Consolidates materials from existing 14-16-3-10 and numerous SDPs. Landscaping amendments recently adopted by City Council have been integrated into the new structure for this section, with changes necessary to reflect the new menu of zone districts. Additional revisions may be necessary for internal consistency.
\textsuperscript{1222} Incorporates and expands purpose statement in existing Section 14-16-3-10(B).
4-6.2. **APPLICABILITY**

The provisions of this Section 14-16-4.6.2 shall apply to all of the following, unless exempted by another portion of this IDO:

A. Construction of a new multi-family, mixed-use, or non-residential primary structure or accessory parking structure;

B. Construction of a new surface parking lot containing 25 or more spaces, or expansion of an existing surface parking lot by 25 spaces or more;

C. Expansion of the gross floor area of an existing multi-family, mixed-use, or non-residential structure by 2,500 square feet or more, or 25 percent or more, whichever is less.

D. Renovation or redevelopment of an existing multi-family, mixed-use, or non-residential primary structure (including but not limited to reconstruction after fire, flood or other damage), and the value of the renovation or redevelopment, as indicated by building permits, is $500,000 or more.

E. In the case of walls provided for buffering or screening requirements with conflicting standards in this Section 14-16-4-6, Section 14-16-4-5 (Parking and Loading), and Section 14-16-4-9 (Neighborhood Edges), the highest specified wall height allowance prevails.

F. Requirements for walls provided to meet buffering and screening requirements prevail over maximum wall height regulations in Section 14-16-4-7 (Walls and Fences) but shall be subject to any other applicable materials and design requirements in Section 14-16-4-7.

4-6.3. **GENERAL LANDSCAPING STANDARDS**

The following standards apply to all landscaping, screening, or buffering required by this Section 14-16-4-6.

A. **Landscape Plan Required**

A landscape plan with designed landscaped areas shall be submitted as a part of all development applications where landscaping, buffering, or screening is required, unless the relevant decision-making body determines that compliance with the provisions of this Section 14-16-4-6 can be demonstrated without the use of a landscape plan. A landscape plan may be combined with other required application materials if compliance with this Section 14-16-4-6 can be demonstrated in the combined materials.

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1226 Expands scope of existing Section 14-16-3-10(A) beyond apartment buildings and non-residential development. Revised since EPC Draft per Condition #170 to delete “Relocation of a building” as unnecessary.

1227 Revised since EPC Draft per Condition #170 to delete “Relocation of a building” as unnecessary.

1228 Added since EPC Draft per Condition #170 and Condition #170.

1229 Added since EPC Draft per Condition #170.

1230 Revised since EPC Draft per Condition #170 for clarity, completeness, and consistency with the existing Zoning Code.

1231 New provision reflecting requirements of existing 14-16-3-10(C) and several SDPs. Specific requirements were removed for inclusion in administrative materials on the City’s website.

1232 Revised since EPC Draft per Condition #170 to clarify, completeness, and consistency with the existing Zoning Code.

1233 Revised since EPC Draft per Condition #170 to replace “Administrator” with “relevant decision-making body.”
Chapter 14-16-4: Development Standards

4-6: Landscaping, Buffering, and Screening

4-6.3: General Landscaping Standards

B. Minimum Landscape Area

1. In the Downtown, Urban Centers, and Main Street areas, a minimum of 10 percent of the net lot area of each development shall contain landscaping. In these areas, landscaping required to meet this requirement need not be at ground level.

2. In all other areas, a minimum of 15 percent of the net lot area of each development shall contain landscaping.

3. The mature realistic spread of trees and shrubs will be used to calculate required vegetative coverage as follows:
   a. Tree canopies and ground-level plants shall cover a minimum of 75 percent of the total landscape area as measured by canopy width or the area beneath the dripline of the mature size of the actual vegetation.
   b. Of the required vegetative coverage, a minimum of 25 percent shall be provided as ground-level plants (shrubs, grasses, etc.) as measured of the mature size of the actual vegetation.

4. See also Subsection 14-16-4-6.4.A (Required Street Trees), Subsection 4-6.4.B (Frontage Landscaping), and Subsection 14-16-4-6.6 (Parking Lot Landscaping) for additional landscaping requirements.

C. Overlapping Requirements

1. If areas required to be landscaped by two or more provisions of this Section 14-16-4-6 overlap each other, the provision requiring the greater amount of landscape area shall apply, and landscaping provided that meets the greater requirement shall count toward fulfilling the overlapping requirements.
   a. See Subsection of Subsection 14-16-4-6.4.A (Required Street Trees)
   b. See Subsection 14-16-4-6.3.L (Existing Vegetation Credit and Bonus).
   c. See Subsection 14-16-4-6.3.M (Stormwater Management Features).
   d. See Subsection 14-16-4-6.6 (Parking Lot Landscaping).

2. Any street trees required by the City that are planted within 20-feet of the back of curb of the abutting street may be used to help fulfill the requirements of

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1234 From existing 14-16-3-10, recent landscaping amendments, and several SU-2 regulations (Albuquerque Indian School) with wording simplified and application clarified. Atrisco Park SU-2 currently requires 20 percent. Requirement for 1 tree per ground floor apartment and 1 tree per 2 second floor apartments was not carried over because this percentage requirement will achieve a similar result. Uptown SU-2 provisions for Signature Trees and Walkway Trees were not carried over. Although recent landscaping amendments require 15 percent landscaping in all districts, the figure was reduced to 10 percent in the more urban centers and corridors because of the more intense character of those districts. Section relocated since Module 3. Revised since EPC Draft per Condition #170 for clarity. Removed provision about 36 sq. ft. landscape areas since EPC Draft per Condition #170 as unnecessary.

1235 New standard based on text in North 4th Street Corridor SU-2 regulations. Revised since EPC Draft per Condition #171 to replace “Downtown” with “these areas” to DT-UC-MS areas and per Condition #170 for clarity, completeness, and consistency with the existing Zoning Code.

1236 Revised since EPC Draft per Condition #170 for clarity and consistency.

1237 Revised since EPC Draft per Condition #170 for clarity.

1238 New provision since Zoning Code. Moved and added to since EPC Draft per Condition #170.

1239 Revised since EPC Draft per Condition #170 and #174.

1240 Revised since EPC Draft per Condition #170 and #174.

1241 Added since EPC Draft per Condition #170.

1242 Added since EPC Draft per Condition #170.

1243 Added since EPC Draft per Condition #174.
Sections 14-16-4-6.4 (Street Frontage and Front Yard Landscaping), and 14-16-4-6.5 (Surface Parking Area Abutting Any Development).

3. Landscaped areas may count toward satisfying usable open space requirements, specified for Residential zone districts in Table 4-1-1 and for Mixed-use zone districts in Table 4-1-2.

4. Gardens and community gardens provided may count toward satisfying the requirements of Subsection 14-16-4-6.3.B (Minimum Landscape Area).

5. Any landscaping provided to meet requirements in Subsection 14-16-4-2.5.D (Arroyo Standards) may count toward any required landscaping in Section 14-16-4-6 but shall be subject to standards in Subsection 14-16-4-6.3 (General Landscaping Standards).

6. Any seating areas, plazas, patios, or other usable outdoor areas provided to meet requirements in Section 14-16-4-2.5.D (Arroyo Standards) may count toward up to one-third (1/3) of required landscaping in Section 14-16-4-6 but shall be subject to standards in Subsection 14-16-4-6.3 (General Landscaping Standards).

D. Required Plant Materials and Site Amenities

1. A minimum of 5 species must be used in the landscaped area.

2. Only trees and shrubs selected from the Official Albuquerque Plant Palette and Sizing List of low water use, drought tolerant, or xeric species and shown on a landscape plan can count toward the requirements of this Section 14-16-4-6.3 (General Landscaping Standards), with the following exception:
   a. Upon presentation of evidence, the relevant decision-making body may authorize alternative species or cultivars that:
      i. meet the intended purpose of that type of landscaping; and
      ii. that are not hazardous; and
      iii. that are not identified as invasive on a City or state plant list; and
      iv. that are not listed in the City’s Weed Identification Handbook; and
      v. that are equally hardy to the New Mexico climate.

3. Installation is not allowed of any trees, shrubs, or other vegetation included in a state list of prohibited or invasive species or listed as noxious weeds in the City’s Weed Identification Handbook.

4. No more than 10 percent of required landscape areas shall be turf grass species requiring irrigation for survival after the first two growing seasons. Irrigated turf
grass shall not be planted on slopes exceeding 1:4 rise:run in order to avoid water waste.\textsuperscript{1254}

5. Artificial turf/grass shall not be counted as living vegetative material or to meet the requirements of this Section 14-16-4-6.3 (General Landscaping Standards).

6. All vegetation shall comply with the City’s Water Conservation Ordinance, Street Tree Ordinance, and Pollen Ordinance, as applicable (ROA 1994, as amended).

7. All required plant materials shall be free of disease and insects and shall conform to the American Standard for Nursery Stock (ASNA) of the American Nursery and Landscape Association.

8. In the Downtown, Urban Centers, and Main Street areas, landscaped areas other than street frontage shall include pedestrian furniture, pedestrian amenities, or trash receptacles to encourage pedestrian use.\textsuperscript{1255}

9. See also Subsection 14-16-4-6.4.A (Required Street Trees) and Subsection 4-6.4.B (Frontage Landscaping) for additional landscaping requirements.

E. Soil Condition and Planting Beds

1. All vegetated material required by this Section 14-16-4.6 shall be planted in uncompacted soil.

2. Organic mulch, such as wood chips or pecan shells, is required as ground cover for all planting beds of vegetation required by this Section 14-16-4.6, as well as beneath the entire tree canopy or dripline.\textsuperscript{1256}

3. In Downtown, Urban Centers, and Main Street areas, the use of gravel or crusher fines as ground cover is limited to a maximum of 50 percent of any outdoor space.\textsuperscript{1257}

4. In all other areas, the use of gravel or crusher fines as ground cover is limited to a maximum of 75 percent of any outdoor space.\textsuperscript{1258}

5. All landscaped areas shall be protected from vehicular encroachment by curbs or wheel stops located two feet outside the landscaped area, with openings to accommodate surface collection of stormwater runoff in vegetated swales and stormwater infiltration areas.\textsuperscript{1259}

6. Permeable weed barriers shall be used to optimize permeability and stormwater infiltration to the maximum extent practicable.\textsuperscript{1260}

F. Minimum Plant Sizes at Installation\textsuperscript{1261}

All vegetation required by this Section 14-16-4.6 shall meet the minimum size requirements shown in the Table 4-6-1, unless an exception is provided in another section of this IDO.

\textsuperscript{1254} Generalizes standard found in Albuquerque Indian School, Atrisco Park, North I-25, SU-2 regulations.

\textsuperscript{1255} New standard based on similar text in East Gateway SU-2 regulations.

\textsuperscript{1256} New reference specifying organic mulch in planting beds added since Consolidated Draft. Text and footnote revised since EPC Draft per Condition #1.

\textsuperscript{1257} New provision from East Gateway SU-2 regulations. Revised to track with new ground cover regulations since Consolidated Draft. Revised since EPC Draft per Condition #170 for clarity and to remove duplication.

\textsuperscript{1258} Added since EPC Draft per Condition #170 for completeness.

\textsuperscript{1259} New standard since Zoning Code, from North I-25 SU-2 regulations.

\textsuperscript{1260} New provision from the Volcano Cliffs SU-2 regulations.

\textsuperscript{1261} From existing Section 14-16-3-10.
### TABLE 4-6-1: Minimum Plant Sizes

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

**G. Plant Material Spacing**

1. Vegetation required by this Section 14-16-4.6 shall not be placed closer than three feet from any fire hydrants, valve vaults, hose bibs, manholes, hydrants, and fire department connections.

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

3. The Planning Director may authorize adjustments to any spacing requirements when required due to topography, drainage, utilities or obstructions, provided that the total amount of required landscaping is not reduced.

**H. Protecting Clear Sight Triangle**

The clear sight triangle as specified in the DPM shall be maintained at all exits of parking areas and street intersections.

**I. Planting in or over the Public Right-of-Way**

1. All planting of vegetated material or installation of any landscaping, buffering, or screening material in the public right-of-way shall require the prior approval of the City and may require an agreement with the City specifying maintenance, repairs, or liability responsibilities.

2. Any trees that overhang a public sidewalk or Major Public Open Space shall be trimmed to maintain an eight foot clearance over the sidewalk. Any trees that overhang a public street shall be trimmed to maintain a 9 foot clearance over the street surface.

3. Where landscaping is installed in the public right-of-way, the applicant shall install an adequate irrigation system that meets the minimum technical requirements of the ROA 1994 and the Development Process Manual, with a separate meter for the landscape area in the public right-of-way, or a separate valve(s) at the property line allowing isolation of the irrigation to the landscape.

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1262 From existing Section 14-16-3-10 except as noted. Replaces slightly different minimum size requirements in several SU-2s. Uptown SU-2 provisions on signature trees were not carried over.

1263 New provision since Zoning Code.

1264 From existing Section 14-16-3-10 with wording simplified. Replaces similar language in Los Griegos and Uptown SU-2 regulations. Criteria to guide Traffic Engineer determination clarified. Revised since EPC Draft per Condition #170 for clarity and to reflect Engineering Staff request. Language removed as unnecessary because of duplication in the DPM.

1265 New provision since Zoning Code.

1266 Revised from 13 feet since Module 3. Revised to reference Major Public Open Space (not all open space) since Consolidated Draft.
within the public right-of-way. Drip irrigation systems and artificial turf shall not be allowed within the public right-of-way.

J. Planting near Utilities

1. Trees and shrubs shall not be planted in utility easements unless there is no other practicable location on the lot where the landscaping would achieve its intended purpose. The Planning Director may adjust the location of required landscaping to avoid utility easements, provided that the total amount of landscaping and buffering required is not reduced.

2. Trees shall not be planted within 10 feet of the centerline of a sewer or water line.

3. Trees or shrubs planted within utility easements shall comply with the standards of the utility provider to minimize effects on facilities maintenance and repair.

4. New trees planted near PNM facilities shall be no taller than 25 feet in height at maturity to avoid conflicts with existing electric facilities.

5. All screening and vegetation surrounding ground-mounted transformers and utility pads must allow 10 feet of clearance for access and to ensure the safety of the work crews and public during maintenance and repair.

6. Trees shall not be planted near existing or proposed street light poles.

7. Standards in the DPM may apply to tree planting in or near other utility easements, such as gas lines.

K. Parking on Landscaped Areas Prohibited

Parking of automobiles, trucks, trailers, boats, recreational vehicles, or other motor vehicles is not allowed on any required landscaped or buffer area.

L. Existing Vegetation Credit and Bonus

1. If non-prohibited existing vegetation meets the location requirements and intent of landscaping, buffering, or screening required by this Section 14-16-4-6, preserved of that existing vegetation may be credited against the landscaping, buffering, or screening materials required by this Section 14-16-4-6, with the following exception:

   a. Existing Trees

   Existing trees that are 8 inch caliper or larger may count toward landscaping, buffering, or screening requirements, regardless of whether they appear on the Official Albuquerque Plant Palette and Sizing List or City or state list of prohibited or invasive species, but they may only count as one credit for preserving trees, per “Prohibited trees” in Table 4-6-2.

Footnotes:

1267 Based on provisions in East Gateway and Los Duranes SU-2 regulations. Section name revised since EPC Draft per Condition #1 as more appropriate for content.

1268 Standard from Development Process Manual sections 24.2 and 25.3. Revised since Consolidated Draft to move provision on walls and fences to Section 4-1.6 (Exceptions and Encroachments).

1269 Moved here from Neighborhood Edge Section since EPC Draft per Condition #1 as appropriate for all areas.

1270 Added since EPC Draft per Condition #170 to address utilities other than water and electric.

1271 From existing Section 14-16-3-10.

1272 New provision since the Zoning Code. Revised since EPC Draft per Condition #172 and Condition #1 for consistency.

1273 Added since EPC Draft per Condition #173 in response to public comment. This provision is intended to help preserve the urban tree canopy.
2. All existing vegetation preserved and used for credit against the requirements for new vegetation shall be protected during construction by a fence erected one foot beyond the drip line of the vegetation.

3. Trees may be credited only one time toward any one buffer, screen, or other landscape requirement.

4. Trees shall be credited according to the following criteria in the quantities shown in Table 4-6-2.

<table>
<thead>
<tr>
<th>Diameter at Breast Height (in.)</th>
<th>Number of Trees Credited</th>
</tr>
</thead>
<tbody>
<tr>
<td>25 in. or greater</td>
<td>8</td>
</tr>
<tr>
<td>13 to 24.5 in.</td>
<td>6</td>
</tr>
<tr>
<td>8 to 12.5 in.</td>
<td>4</td>
</tr>
<tr>
<td>4 to 7.5 in.</td>
<td>2</td>
</tr>
<tr>
<td>&lt;4 in.</td>
<td>1</td>
</tr>
<tr>
<td>Prohibited trees 8 in. or larger</td>
<td>1</td>
</tr>
</tbody>
</table>

M. Stormwater Management Features

1. Required landscape and buffer areas shall be designed to serve as stormwater management areas to the maximum extent practicable and consistent with their required locations and vegetation.

2. In the R-ML, R-MH, Mixed-use, and NR-SU zone districts, and on lots containing multi-family or non-residential uses in the R-A, R-1, R-MC, and R-T zone districts, surface runoff including runoff from roofs and parking areas shall be directed into depressed water collection areas that are located in landscape areas and that meet all applicable standards in the DPM.

3. Areas created to meet stormwater management requirements of the City or a governmental entity, and located in a required side or rear yard buffer or in a parking lot, shall be counted toward required landscaping and buffering in those areas, provided the area includes vegetation required by this Section to the maximum extent practicable in light of any applicable stormwater treatment requirements.

4. Permeable paving may be used for all pedestrian or multiuse sidewalks and sidewalks through required landscaped areas, and may be counted toward satisfaction of minimum vegetated area requirements.

N. Irrigation Systems

1. All irrigation systems shall be designed to minimize the use of water.

2. All non-residential landscape irrigation shall have automatic timers and/or programmable settings to avoid overwatering.

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1274 Revised since EPC Draft per Condition #1.
1275 Revised since EPC Draft per Condition #173.
1276 Replaces or reflects standards in the Balloon Fiesta SU-2 regulations.
1277 Since Consolidated Draft, this content based on text in East Gateway, Los Candelarias, South Yale and Uptown SU-2 regulations but incorrectly labeled as “water harvesting” has been included in this section.
1278 Reflects text in Uptown area SU-2 regulations.
1279 Requirement for irrigation system for tree areas in Uptown SU-2 was not carried over.
3. The irrigation system shall not spray or irrigate impervious surfaces, including sidewalks, driveways, streets, and parking and loading areas.

O. Installation

1. All landscaping material used to meet the requirements of this Section 14-16-4-6 shall be installed in accordance with the planting procedures established by the American Nursery and Landscape Association.

2. All required landscaping, street trees, screening, and buffering shall be installed no later than 60 calendar days following the completion of construction of the primary building. If there is more than one primary building on the site, the landscaping, screening, and buffering related to each building shall be installed no later than 60 calendar days following the completion of construction of each primary building.

3. Any damage to utility lines resulting from the negligence of the abutting property owner or the property owner’s agents or employees in the installation and maintenance of any landscaping, screening, or buffering in the public right-of-way shall be the responsibility of such landowner. Any damage to utility lines resulting from the growth of plant materials that have been approved by the applicable public utility as part of a plan for landscaping, screening, or buffering on the public right-of-way shall be the responsibility of such public utility. If a public utility disturbs landscaping, screening, or buffering in the public right-of-way, it shall make every reasonable effort to preserve the landscaping materials and return them to their prior locations after the utility work. If the plant materials die despite those efforts, it is the obligation of the abutting property owner landowner to replace the plant materials.

4. Property owners acknowledge that approved landscaping and trees installed and maintained in the public right-of-way abutting private properties are the property of the City, and that the City reserves the right to remove it if necessary for a transportation project without compensation, but at no cost to the property owner. Landscaping installed in the abutting public right-of-way by property owners and later removed by the City shall not impact previously approved net lot area calculations for required landscaping.

P. Alternative Landscaping

The Planning Director may approve alternate landscape plans that do not meet the specific requirements stated in this Section 14-16-4-6 if the Planning Director determines that the alternatives:

1. Are consistent with the purposes of this Section 14-16-4-6; and

2. Do not include invasive vegetation included in a City or state list of prohibited or invasive species or listed as a noxious weed in the City’s Weed Identification Handbook, and

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1280 Replaces similar provisions in Atrisco Park and Uptown SU-2 regulations.
1281 From existing Section 14-16-3-10 except as noted.
1282 New provision. Since Consolidated Draft, updated name to reflect the organization’s new name.
1283 30 day installation requirement in Uptown SU-2 regulations was not carried over. Revised since EPC Draft per Condition #170 to include street trees to remove redundant provisions. Requirements for planting street trees revised from 30 days to 60 days since EPC Draft for consistency with other landscaping requirements. 60 day requirement intended to allow landscaping to be installed when seasonally appropriate.
1284 Added since EPC Draft per Condition #172 to refer to noxious weeds.
3. Do not include a reduction of tree planting requirements; and
4. Provide equal or superior buffering of adjacent properties from anticipated impacts of the proposed development; and
5. Provide equal or superior visual appearance of the property when viewed from the street; and
6. Provide equal or superior carbon dioxide absorption and heat island reductions.

4-6.4. STREET FRONTAGE AND FRONTAGE LANDSCAPING

The following standards apply to trees planted on private property abutting the public right-of-way, which may be counted toward the street tree requirement.

A. Required Street Trees

1. Trees used to meet the requirements of this Section 14-16-4.6.4.A may be counted toward any otherIDO requirements for trees in the same location and toward equal percentages of required lot landscaping.
2. Any street trees required by the City shall be planted within 20 feet of the back of curb of the abutting street.
3. Adequate room and spacing for required Street Trees shall be provided in the public right-of-way and/or on the site immediately abutting the public sidewalk.

a. In general, street trees should be placed 25-30 feet on-center, with smaller species requiring 25 feet on-center and larger trees requiring 30 feet on-center according to the canopy width per the Official Albuquerque Plant Palette and Sizing List. Spacing shall be approved as part of the plan approval process. A minimum width of 4 feet and a minimum of 60 square feet of planting area is required for each tree.

b. For planting areas with over 1,000 cubic feet of uncompacted soil, tree spacing may be increased to up to 35 feet on center.

c. On sites where evenly-spaced street trees are not possible or do not conform to the overall design objectives of the site, clustering of street trees may be acceptable, provided that the number of trees planted equals or exceeds the number that would be required if the trees were evenly-spaced. But in no case shall there be a gap of more than 100 feet between street trees.

d. When there is less than three feet between the curb and the public sidewalk, tree wells covered with tree grates shall be installed.

4. To protect against the loss of trees due to disease, insects or environmental conditions, planting shall comply with the following standards:

a. Plantings of ten or fewer trees may all be of the same genus.

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1285 From existing standards, cross-reference to regulations in Section 6-6-2, and recent landscaping amendments. Provision in existing Section 14-16-3-10 providing for a standard 10 foot front buffer for sites under 3 acres, increasing with the size of the parcel, was not carried over. The following provisions allow front landscaping to be better tailored to centers and corridors. This standard replaces similar provisions or references to general city landscape standards in the Downtown Neighborhood, East Gateway, La Cueva, Los Candelarias, North 4th Street Corridor, South Yale, Tower/Unser, U. of Albuquerque, and Volcano Cliffs SU-2 regulations. Revised since EPC Draft to replace “Front Yard” with “Frontage” per Condition #170 for clarity.

1286 From recent amendment to existing Section 14-16-3-10.

1287 Content reorganized and maintenance standard moved to maintenance section since Consolidated Draft. Provision for street tree planting deleted here since EPC Draft per Condition #1 and added to Subsection 4-6.3.O for installation.

1288 Revised since EPC Draft per Condition #170 to explain what is required when insufficient planting area is available.
b. Plantings of more than ten trees must use at least two different genera, with roughly equal numbers of each.

c. One of every three street trees planted may be an accent tree per the Official Albuquerque Plant Palette and Sizing List.

d. Only trees selected from the Official Albuquerque Plant Palette and Sizing List of low water use, drought tolerant, or xeric species and shown on a landscape plan can count toward the requirements of this Section 14-16-4-6.3 (General Landscaping Standards), with the following exception:

i. Existing trees that are 8 inch caliper or larger may count toward street tree requirements, regardless of whether they appear on the Official Albuquerque Plant Palette and Sizing List or City or state list of prohibited or invasive species.\(^{1289}\)

5. Street trees shall also meet any standards developed by the Parks and Recreation Department or other City department to implement Section 6-6-2 of ROA 1994 (Street Trees).\(^{1290}\)

B. Frontage Landscaping\(^{1291}\)

Property frontage shall meet the following standards.\(^{1292}\)

1. Frontage shall be landscaped with at least one shade tree per 30 feet of street frontage. If overhead electric distribution lines are present and large trees cannot be planted due to potential interferences with the electric lines, one ornamental tree with a mature height of 12 feet shall be planted per 20 feet of street frontage.\(^{1293}\)
2. Trees required by Subsection A shall be planted in alignment with any similar street frontage landscaping on adjacent lots, or if that is not possible or adjacent lots do not contain front yard landscaping, then within 30 feet of the back of curb.\textsuperscript{1294} If adjacent lots provide street and front yard trees in a formal alignment, the installation shall match that alignment; if adjacent lots have street and front yard trees in grouped plantings, then planting on the applicant’s property shall match that pattern.

3. Planting areas necessary for trees in the frontage shall be a minimum of 4 feet by 4 feet for trees that attain 15-20 feet in height at maturity, 5 feet by 5 feet for trees that attain 20-40 feet in height at maturity, and 6 feet by 6 feet for trees that attain 40 or more feet in height at maturity.\textsuperscript{1295} When less than the necessary planting area width is available, tree wells covered with tree grates shall be installed.

4. In Downtown, Urban Centers, and Main Street and Premium Transit areas, 50 percent of front setback area not used for pedestrian access to the building or constructed with pedestrian furniture and amenities shall be landscaped, and no part of the front setback area surface shall be asphalt.\textsuperscript{1296}

5. Except in Downtown, Urban Center, Main Street, and Premium Transit station areas,\textsuperscript{1297} commercial and mixed-use buildings with a footprint of more than 50,000 square feet shall have at least 1 tree and 3 shrubs planted along each 30 linear feet of each building façade facing a public right of way, City park, Major Public Open Space, or public trail, or major arroyo.\textsuperscript{1298}

\textsuperscript{1294} Revised since EPC Draft per Condition #170 in response to staff discussion.

\textsuperscript{1295} Standard from Development Process Manual.

\textsuperscript{1296} New standard based on North 4th Street Corridor and South Yale NMX SU-2 regulations.

\textsuperscript{1297} Revised since EPC Draft per Condition #177.

\textsuperscript{1298} Replaces standards found in Albuquerque Indian School and South Yale SU-2 regulations. Relocated since EPC Draft per Condition #170 from Section 4-6.5 for clarity.
4-6.5. **EDGE BUFFER LANDSCAPING**

A. General Requirements

1. Landscaped buffers are required to mitigate the impacts of significant differences in property use, size, or scale in any of the following circumstances, with standards specified in the relevant Subsections below:

   a. When a multi-family mixed-use, or non-residential development occurs on a lot adjacent to an R-A, R-1, R-MC, or R-T zone district.

   b. When mixed-use or non-residential development occurs on a lot adjacent to the R-ML or R-MH zone district.

   c. When land in the NR-LM or NR-GM zone districts is developed on a lot adjacent to any lot that is not in the NR-LM or NR-GM districts or when a land use categorized as Light Manufacturing, Heavy Manufacturing, Special Manufacturing, Natural Resource Extraction, non-linear portions of an electric utility or other major utility, or any primary use in the Waste and Recycling category in Table 3-2-1 (collectively referred to as “industrial development” for the purposes of this Subsection 14-16-4.6.5.D) is developed on a lot abutting a vacant lot or abutting a lot with a use other than one of these specified uses.

   d. Where any development on a lot in an Area of Change occurs adjacent to a lot in an Area of Consistency.

2. Required edge buffering is not required to be installed along any portion of the lot line covered by an access easement between adjacent lots, but an equivalent amount of landscaping shall be installed on remaining portions of the side or rear lot line, as applicable.

3. Additional side or rear lot line buffering may be required for specific land uses as listed in the Use-Specific Standards for those uses in Section 14-16-3-3 or to meet Neighborhood Edge requirements as described in Section 14-16-4-9.

### TABLE 4-6-3: Edge Buffer Landscaping – Development Type Summary

<table>
<thead>
<tr>
<th>Development Type Adjacency</th>
<th>Per Section</th>
<th>General Buffering</th>
<th>Buffering in UC-MS-PT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multi-family, Mixed-use, or Non-residential Development Adjacent to R-A, R-1, R-MC, or R-T</td>
<td>14-16-4-6.5.B</td>
<td>Landscaped buffer area ≥15 ft.</td>
<td>Wall/fence or vegetative screen ≥6 ft.</td>
</tr>
<tr>
<td>Multi-family, Mixed-use, or Non-residential Development Adjacent</td>
<td>14-16-4-6.5.C</td>
<td>Landscaped buffer area ≥20 ft.</td>
<td></td>
</tr>
</tbody>
</table>

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1299 From existing Section 13-16-3-10 except as noted. Several SU-2 regulations have a provision requiring compliance with standard city landscaping requirements, including Downtown Neighborhood Area, East Gateway, North 4th Street Corridor, South Yale, Tower Unser, and Volcano Cliffs SU-2 regulations. Standard 6 foot side and rear lot line buffers were not carried over, as there is generally no need to buffer like commercial, mixed-use, industrial, and other non-residential uses from each other, except in the situations listed. Separate standards have been created for Center/Corridor and other areas – with those for centers and corridors being more urban in character and more space efficient. Exemptions for properties developed before 1976 or before 1990 were not carried over, as standards non-conformity provisions address those situations. Specific requirements for specific landscaping along particular streets was not carried over. Replaces a wide variety of width standards found in SU-2 regulations, including Albuquerque Indian School, Downtown Neighborhood Area, Parajito Arroyo Corridor, and Tower/Unser,SU-2 regulations. These standards reflect recent City Council amendments.

1300 Wording of Subsections a and b clarified since Consolidated Draft.

1301 Revised since EPC Draft per Condition #170 for clarity.

1302 Added since EPC Draft per Condition #175.

1303 Table added since EPC Draft per Condition #1 as a summary helpful to reviewers.
TABLE 4-6-3: Edge Buffer Landscaping – Development Type Summary

<table>
<thead>
<tr>
<th>Development Type Adjacency</th>
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</tr>
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<tbody>
<tr>
<td>to R-ML or R-MH</td>
<td>14-16-4-6.5.D</td>
<td>Landscaped buffer area ≥25 ft.</td>
<td></td>
</tr>
<tr>
<td>Industrial Development Adjacent to Non-Industrial Development</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

B. Development Adjacent to Low-Density Residential Zones

Where a multi-family dwelling or a mixed-use or non-residential land use is developed on a lot adjacent to a lot in the R-A, R-1, R-MC, or R-T districts with one or more residential dwellings, the following buffer shall be provided, as specified for the relevant area below.

1. General

A landscape buffer area at least 15 feet wide shall be provided along the adjacent property line. One deciduous or evergreen tree at least 6 feet tall at the time of planting and at least 25 feet tall at maturity, and 3 shrubs, shall be provided for every 25 feet of lot line, with spacing designed to minimize sound, light, and noise impacts.

2. Downtown, Urban Centers, and Main Street Areas

An opaque wall, fence, or vegetative screen at least 6 feet tall shall be provided along the adjacent property line. If a fence or wall is provided, the side facing the R-A, R-1, R-MC, or R-T zone district shall be at least as finished in appearance as the side facing the proposed development. The wall shall be placed at least 6 feet inside the property line, and 3 small shrubs per 25 feet of lot line shall be provided between the wall and the property line of the R-A, R-1, R-MC, or R-T zone district.

Buffer at least 15 ft. wide with trees and shrubs.

DT-UC-MS: 6 ft. wall with landscaping or 6 ft. vegetative screen.

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1303 Replaces similar standards in Barelas, Los Duranes, North I-25, SU-2 regulations. Revised since EPC Draft per Condition #170 to remove “occupied” as unenforceable and to be consistent with other IDO sections about residential uses. Illustration revised since EPC Draft per Condition #182 for consistency with revisions in this section.

1304 Revised since EPC Draft per Condition #170 for clarity.

1305 Brought over from Neighborhood Edge Section 4.8 since EPC Draft per Condition #170.

1306 Removed 50 percent opacity since EPC Draft per Condition #170 for consistency with other sections of the IDO, which define vegetative screens as evergreen and 75% opacity. Sentence about 6 feet tall shrubs at planting deleted as impractical and unnecessary, given the definition of vegetative screen.

1307 Revised since EPC Draft per Condition #170 for clarity.
C. Development Adjacent to a Multi-family Residential Zone District\textsuperscript{1309}

Where a mixed-use or non-residential land use is developed on a lot adjacent to a lot in the R-ML or R-MH zone districts with one or more multi-family residential dwellings, the following buffer shall be provided, as specified for the relevant area below.

1. General

A landscape buffer area at least 20 feet wide shall be provided by the mixed-use or non-residential use along the adjacent property line.\textsuperscript{1310} One tree deciduous or evergreen tree at least 6 feet tall at the time of planting and at least 25 feet tall at maturity,\textsuperscript{1311} and 3 shrubs, shall be provided for every 25 linear feet of lot line, with spacing designed to minimize sound, light, and noise impacts on dwelling uses.

2. Downtown, Urban Centers, and Main Street Areas

An opaque wall, fence, or vegetative screen at least 6 feet tall shall be provided along the adjacent property line.\textsuperscript{1312} If a fence or wall is provided, the side facing the multi-family residential use shall be at least as finished in appearance as the side facing the mixed-use or non-residential development.

D. Industrial Development Adjacent to Non-Industrial Development\textsuperscript{1313}

Where industrial development is adjacent to non-industrial development, the following buffer shall be provided along the adjacent property line,\textsuperscript{1314} as specified for the relevant area below.

1. General

A landscape buffer area at least 25 feet wide shall be provided by the industrial development. One deciduous or evergreen tree at least 8 feet high at the time of planting and 5 shrubs shall be provided for every 20 linear feet of lot line, with spacing designed to minimize sound, light, and noise impacts on residential uses.\textsuperscript{1315}

2. Downtown, Urban Centers, and Main Street Areas

An opaque wall or fence at least 6 feet tall shall be provided. The side of the wall facing the non-industrial development shall be at least as finished in appearance as the side facing the industrial use. If the adjacent non-industrial development includes residential uses,\textsuperscript{1316} the wall shall be placed at least 3 feet inside the property line, and 3 shrubs per 25 feet of lot line shall be provided between the wall and the adjacent residential use.

\textsuperscript{1309} Replaces similar standards in Barelas, Los Duranes, North I-25, and Tower/Unser SU-2 regulations. Revised since EPC Draft per Condition \#170 to remove “occupied” as unenforceable and for consistency with other IDO sections on residential uses.

\textsuperscript{1310} Revised since EPC Draft per Condition \#170 for clarity.

\textsuperscript{1311} Brought over from Neighborhood Edge Section 4.8 since EPC Draft per Condition \#170.

\textsuperscript{1312} Revised since EPC Draft per Condition \#170 for clarity.

\textsuperscript{1313} Revised since the EPC Draft per Condition \#170 for clarity and to change “Abutting” to “Adjacent” to be consistent with other sections. Detailed applicability removed as unnecessary, given applicability specified in Section 4-6.5.A. Illustration revised since EPC Draft per Condition \#1 for consistency with revisions in this section.

\textsuperscript{1314} Revised since EPC Draft per Condition \#170 for clarity.

\textsuperscript{1315} Text revised since EPC Draft per Condition \#1 for consistency with edits to applicability above. Sentence about optional fence/wall deleted since EPC Draft as unnecessary per Condition \#1.

\textsuperscript{1316} Revised since EPC Draft per Condition \#170 to remove “occupied” as unenforceable and to be consistent with other IDO sections about residential uses.
E. Area of Change Adjacent to Area of Consistency

Where a lot in an Area of Change abuts a lot in an Area of Consistency (per City Development Areas in the ABC Comp Plan, as amended), the following standards shall apply, regardless of the proposed land use on the lot in the Area of Change.

1. If the lot in the Area of Consistency is in a R-A, R-1, R-MC, or R-T zone district, the requirements of Section 14-16-4-6.5.A and B shall apply.

2. If the lot in the Area of Consistency is in an R-ML or R-MH zone district, the requirements of Section 14-16-4-6.5.A and C shall apply.

3. If the lot in the Area of Consistency is in a Mixed-Use, NR-C, or NR-PO zone district, the requirements of Section 14-16-4-6.5.A and D shall apply.

<table>
<thead>
<tr>
<th>Lot in Area of Change</th>
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<tbody>
<tr>
<td>Abutting an Area of Consistency in R-A, R-1, R-MC, or R-T zone district</td>
<td>14-16-4-6.5.B</td>
<td>Landscaped buffer area ≥15 ft.</td>
<td></td>
</tr>
<tr>
<td>Abutting an Area of Consistency in R-ML or R-MH zone district</td>
<td>14-16-4-6.5.C</td>
<td>Landscaped buffer area ≥20 ft.</td>
<td>Wall/fence or vegetative screen ≥6 ft.</td>
</tr>
<tr>
<td>Abutting an Area of Consistency in Mixed-use, NR-C, or NR-PO zone district</td>
<td>14-16-4-6.5.D</td>
<td>Landscaped buffer area ≥25 ft.</td>
<td></td>
</tr>
</tbody>
</table>

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1317 New provision since Zoning Code.
1318 Moved language about land use in Area of to the body text above Subsections, since it applies to all Change since EPC Draft per Condition #1.
1319 Table added since EPC Draft per Condition #1 as a summary helpful to reviewers.
4-6.6. PARKING LOT LANDSCAPING 1320

A. Parking Lot Edges 1321

1. Landscape buffer areas are required to separate off-street parking, and circulation areas from front, side, rear boundaries of premises. 1322

2. Where a parking lot is abutting an R-A, R-1, R-MC, or R-T zone district, provisions related to parking area in Neighborhood Edges Section 14-16-4-9.6 (Parking, Drive-throughs, and Loading) shall apply. 1323

3. Where development is coordinated on two or more abutting 1324 sites, or where multiple parking areas are located on a single lot, or on planned development areas controlled by Site Plans, these requirements shall be based on the entire development area 1325 unless otherwise approved by the decision-making body.

4. Landscape buffers may be crossed by driveways connecting to abutting land.

5. No parking is allowed within a required landscape buffer area.

6. Landscape approved within the abutting public right-of-way may be counted toward this requirement if there is no existing or planned public sidewalk between such landscape and the premises, but in no case shall the width of the on-site landscape buffer be less than 5 feet.

7. The landscape area may be reduced by up to 25 percent if the surface of the parking or vehicle circulation area is of a permeable material with approval from the Planning Director. 1326

8. Where walls are required, they shall integrate with building materials and colors. 1327

9. Landscape buffers are required in the following locations, with minimum widths and design requirements as specified:

a. Front Lot Edge 1328

i. General

Any surface parking lot located within 30 feet of the front lot line shall be screened from the street either by a masonry wall as described in Subsection i above, or by a landscape buffer at least 10 feet in width with

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1320 From existing Section 14-16-3-10 except as noted. Several SU-2 regulations have a provision requiring compliance with standard city landscaping requirements, or similar front yard landscaping requirements, including Downtown Neighborhood Area, East Gateway, Martineztown/Santa Barbara, Nob Hill Highland, North 4th Street Corridor, South Yale, Tower/Unser, Uptown, and Volcano Cliff SU-2 regulations. Martineztown/Santa Barbara SU-2 provision requiring compliance within 2 years was not carried over, since that time has passed. Revised since EPC Draft per Condition #1 to move Section B on drive through lanes to a consolidated section on drive through design in Section 4-5.9.B.3.

1321 From recent landscaping amendments to existing Section 14-16-3-10.

1322 Drive-throughs added to this requirement since Module 2. Drive-throughs removed from this section since EPC Draft per Condition #1, as they are covered in Section 4-5.9.

1323 Added since EPC Draft per Condition #1 for usability.

1324 Replaced “contiguous” with “abutting” since EPC Draft per Condition #172 for consistency with terms throughout IDO.

1325 Revised since EPC Draft per Condition #172 to replace “entire area of the planning site” with “development area” for clarity.

1326 Moved here from the neighborhood edge section since EPC Draft per Condition #1 as more appropriate here.

1327 Added since EPC Draft per Condition #1 for consistency with other provisions.

1328 Replaces similar standards found in Atrisco Park, Barelas, Downtown Neighborhood Area, East Gateway, North 4th Street Corridor, North 4th Street Corridor, North I-25, Parajito Arroyo (which requires taller screening), and Volcano Heights SU-2 regulations. Mandatory parking setbacks and living fence requirements from Volcano Heights SU-2 regulations, Development Process Manual, and Section 7-14-24 were not carried forward. Mandatory 4 ft. landscaping strip or 2 ft. landscaped island between parking lot and street was not carried forward.
a continuous line of evergreen shrubbery 3 feet in height, or by other means that the Planning Director determines provides equal or better screening of the headlights of parked vehicles.\textsuperscript{1329}

ii. Downtown, Urban Centers, and Main Street Areas
Any surface parking lot located within 30 feet of the front lot line shall be screened from the street by a masonry wall, constructed of a material similar in texture, appearance, and color to the street façade of the primary building (but excluding unfinished CMU block) at least 3 but not more than 4 feet tall.\textsuperscript{1330} Openings in the masonry wall no more than 4 feet wide to allow passage of bicycles and pedestrians from the street into the parking lot are allowed.

b. Side and Rear Lot Edges\textsuperscript{1331}
Where no side or rear lot line buffer is required by Section 14-16-4-6.5 above, the following standards apply.

i. General
Any surface parking lot located within 20 feet of a side or rear lot line shall be screened from the side or rear lot line by a landscaped strip at least 6 feet wide containing at least 2 trees and 6 shrubs per 25 feet of the parking lot edge closest to the lot line, or by other means that the Planning Director determines provides equal or better screening of the headlights of parked vehicles.\textsuperscript{1332}

ii. Downtown, Urban Centers, and Main Street Areas
Any surface parking lot located within 20 feet of a side or rear lot line shall be screened from the side or rear lot line by a landscaped buffer at least 5 feet wide containing one tree and three shrubs per 25 feet of the parking lot edge closest to the lot line, or by a masonry wall constructed of a material other than cement block, at least 3 but not more than 4 feet tall.

B. Interior\textsuperscript{1333}

1. General
At least 10 percent of the interior area of lots containing 50 or fewer spaces, and at least 15 percent of the interior area of parking lots containing 50 or more spaces, shall be landscaped.

2. Downtown, Urban Centers, and Main Street Areas
In Downtown, Urban Centers, and Main Street areas, at least 5 percent of the interior area of parking lots containing 50 or fewer spaces, and at least 10 percent of the interior area of parking lots containing 50 or more spaces, shall be landscaped.

\textsuperscript{1329} Planting requirement clarified and alternative screening provision added since Consolidated Draft.
\textsuperscript{1330} Subsections d and e parking lot screening requirements replace similar provisions in several SU-2s, including Albuquerque Indian School, Atrisco Park, and Balloon Fiesta. Minimum 10 foot parking setback in some SU-2s deleted because that forces a suburban solution in more urban areas. These requirements replace the general statement in recent landscaping amendments that 10 foot landscaped buffers can be reduced in areas where buildings are located near the street
\textsuperscript{1331} Replaces similar standards found in Atrisco Park, Martineztown/Santa Barbara, Nob Hill Highland, North Fourth Street Corridor, North I-25, Parajito Arroyo Corridor (which allows taller screening), and Volcano Heights SU-2 regulations.
\textsuperscript{1332} Alternative screening provision added since Consolidated Draft.
\textsuperscript{1333} From existing Section 14-16-3-10, revised to distinguish center and corridor requirements, and with other changes as noted. Volcano Heights provision requiring landscaping breaks after every 10 parking spaces was not carried forward.
3. Calculation
   Calculation of required landscaping shall be based on the area occupied by
   parking spaces and the driving aisles necessary to access those spaces.

4. Tree Requirements
   a. One tree is required per 10 parking spaces;
   b. No parking space may be more than 100 feet from a tree trunk;
   c. The minimum size of tree planters within off-street parking areas shall be 60
      square feet per tree; the open tree planter area may be reduced to 36 square
      feet if the surface of a parking or vehicle circulation area adjacent to the tree
      planter is of a permeable material, and combined with the open tree planter
      area, meets the 60 square foot per tree requirement; and
   d. At least 75 percent of the required parking area trees shall be deciduous
      canopy-type shade trees, capable of achieving a mature canopy diameter of
      at least 25 feet.

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

C. Abutting Arroyos or Major Public Open Space

1. When a parking lot is located abutting a major arroyo or any Major Public Open
   Space, screening shall be provided via one of the following options:
   a. Walls or fencing a minimum of 6 feet high; fencing requires landscaping
      with evergreen shrubs or vines to form a screen at least 75 percent opaque.
   b. Shrubs and trees sufficient to act as a screen at least 4 feet high and at
      least 75 percent opaque.

4-6.7 Screening of Mechanical Equipment and Support Areas
Site areas listed below shall comply with the following standards. In any case where a
decorative wall or fence is required or installed, chain link fencing (with or without slats)
shall not satisfy the requirement.

A. Roof-Mounted Mechanical Equipment

In the R-ML, R-MH, Mixed-use, NR-C, NR-BP, NR-SU, and NR-PO zone districts,
roof-mounted mechanical equipment shall be screened by a parapet wall or similar
feature that is an integral part of the building’s architectural design. The parapet wall
or similar feature shall be sufficient to screen the mechanical equipment from all

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1334 Revised to reflect recent landscaping amendments. Replaces existing standards that no parking space may be more than a
stated number of feet from a tree trunk found in 14-16-3-10 and the ABQ Indian School, Alisso Park, and North 4th Street Corridor
SU-2 regulations, as well as standards for specific designs of planting areas in the Volcano Cliffs SU-2 regulations.
1336 Replaces 12 ft. width standard in ABQ Indian School, SU-2
1337 Moved here from walls Section since EPC Draft per Condition #179.
1338 Reference to using berms as a screen removed since EPC Draft in response to agency concern that berms are not an
appropriate way to screen.
1339 Replaces similar standards in East Gateway, Journal Center, La Cueva, Los Candelarias, North I-25, U. of Albuquerque, and
Uptown SU-2 regulations.
sides when viewed from ground level from any of the following bounding the block on which the property is located: a City park, Major Public Open Space, public trail, major arroyo\textsuperscript{1340} or public street that is a collector or above.\textsuperscript{1341} No screening of rooftop solar energy equipment that would reduce the efficiency or effectiveness of the solar energy equipment is required.

**B. Ground-Mounted Mechanical Equipment**\textsuperscript{1342}

1. In the R-ML, R-MH, Mixed-use, NR-C, NR-BP, NR-SU, and NR-PO zone districts, outdoor ground-mounted mechanical equipment shall be located where it is not visible from streets, City parks, Major Public Open Space, public trails, or major arroyos\textsuperscript{1343} adjacent to the lot or from adjacent properties to the maximum extent practicable.

2. Where that is not practicable, the ground-mounted mechanical equipment shall be screened from view by an opaque decorative wall or fence or a vegetative screen.
   a. The wall or fence shall be of a height equal to or greater than the height of the mechanical equipment being screened and shall incorporate at least one of the primary materials and colors of the nearest wall of the primary structure (but excluding unfinished CMU block).
   b. The vegetative screen shall be planted along the full length of the equipment to be screened and shall be of a height equal to or greater than the height of the equipment to be screened at the time of planting.\textsuperscript{1344}
   c. No screening of ground-mounted solar energy equipment that would reduce the efficiency or effectiveness of the solar energy equipment is required.

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\textsuperscript{1340} Revised since EPC Draft per Condition #170 for consistency.
\textsuperscript{1341} Added since EPC Draft based on public comment.
\textsuperscript{1342} Replaces similar standards in East Gateway, Journal Center, North I-25, U. of Albuquerque, Uptown, and Volcano Cliffs SU-2 regulations. Throughout section, exclusion of cement block from screening materials added since Consolidated Draft. Revised since EPC Draft per Condition #170 for clarity.
\textsuperscript{1343} Revised since EPC Draft per Condition #178.
\textsuperscript{1344} Added since EPC Draft per Condition #170.
C. Loading, Service, and Refuse Areas

1. In the R-ML, R-MH, Mixed-use, NR-C, NR-BP, NR-SU, and NR-PO zone districts, outdoor loading, service, and refuse areas shall be integrated into the building design if possible, or shall be located where they are not visible from public right-of-way, City parks, Major Public Open Space, trails, or major arroyos adjacent to the lot or from adjacent properties to the maximum extent practicable.

2. Where that is not practicable, the loading, service, and refuse areas shall be screened from view by an opaque decorative wall or fence at least eight feet tall that incorporates at least one of the primary materials and colors of the nearest wall of the primary structure (but excluding unfinished CMU block) or a vegetative screen planted along the full length of the area to be screened and at least 8 feet high at the time of planting.

3. All waste containers and dumpsters shall be in a roofed enclosure or be equipped with and use a lid covering and shall be designed so that stormwater runoff does not reach storm drain inlets.

Outdoor storage materials must be screened from view by landscaping or by a decorative wall or fence.

D. Outdoor Storage Areas for Vehicles, Equipment, and Materials

Areas where motor vehicles, including but not limited to automobiles, trucks, trailers, recreational vehicles, boats, equipment, and/or materials, are stored outside and are typically not moved within a week, and that are adjacent to a Residential zone district, a lot containing a residential use in a Mixed-use zone district, a City park, Major Public Open Space, public trail, or major arroyo, shall be screened from view by a vegetative screen or by an opaque decorative wall or fence between 7 and 13 feet high.

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Footnotes:


1346 Revised since EPC Draft per Condition #178.

1347 Added since EPC Draft per Condition #170.

1348 Replaces standard found in Balloon Fiesta SU-2 regulations. Reference to residential component of Mixed-use added since Consolidated Draft. Revised since EPC Draft per Condition #170 for consistency.

1349 Park, open space, trail, and arroyo have been added to this list based on the Pajarito Arroyo Corridor SU-2 regulations. Revised since EPC Draft per Condition #170 for consistency.
8 feet tall that incorporates at least one of the primary materials and colors of the nearest wall of the primary building (but excluding unfinished CMU block).

E. Satellite Dishes\textsuperscript{1350}

Ground mounted satellite dishes that are larger than 3 feet in diameter in Residential zone districts, or that are larger than 6 feet in diameter in Mixed-Use and Non-residential zone\textsuperscript{1351} districts, shall screen the base of the dish\textsuperscript{1352} from view from a City park, Major Public Open Space, public trail, or major arroyo through a vegetative screen or an opaque fence or wall constructed of one of the primary materials used on the nearest façade of the primary building on the lot (but excluding unfinished CMU block),\textsuperscript{1353} to the maximum extent consistent with the effective operation of the satellite dish.

\textsuperscript{1350} New standard, based on similar text in Journal Center regulations. Revised since EPC Draft per Condition #170 for consistency.
\textsuperscript{1351} Revised from “special purpose districts” since Consolidated Draft.
\textsuperscript{1352} Revised since Consolidated Draft to reflect existing screening practice and requirements.
\textsuperscript{1353} Exclusion of cement block added since Consolidated Draft.
4-7 WALLS AND FENCES

4-7.1 PURPOSE
The standards in this Section 14-16-4-7 regulate walls, fences, retaining walls, and vertical combinations of those items (collectively referred to in this section as “the wall” or “walls”) in order to enhance the visual appearance of development in the city; establish a consistent, attractive streetscape; ensure visual compatibility with public spaces such as parks, major arroyos, and Major Public Open Space; and promote street and neighborhood character.

4-7.2 APPLICABILITY
A. The Standards in this Section 14-16-4-7 apply to new walls and replacement or repair of existing walls, unless modified elsewhere in this IDO.
B. A wall shall be erected only after obtaining a permit from the city, pursuant to the provisions in Section 14-16-5-5.1.I (Wall, Fence, or Sign Approval).
C. If the wall is approved pursuant to Section 14-16-5-5.1.I (Wall, Fence, or Sign Approval) or is granted a Variance per Section 14-16-5-5.2.J (Variance – ZHE) or Section 14-16-5-5.2.L (Variance – EPC), and the Approval or Variance allows for location, height, or design elements that differ from the regulations in this Section 14-16-4-7, then the requirement in the Approval or Variance shall prevail.
D. Where higher walls are required for buffering and screening purposes in Sections 14-16-4-5 (Parking and Loading), 14-16-4-6.5 (Edge Buffer Landscaping), 14-16-4-6.6 (Parking Lot Landscaping), 14-16-4-6.8 (Screening of Mechanical Equipment and Support Areas), and 14-16-4-9 (Neighborhood Edges), the highest specified wall height allowance shall prevail, but the wall shall be subject to any other applicable standards in this section 14-16-4-7.
E. Walls adjacent to arroyos identified in the Facility Plan for Arroyos and Major Public Open Space shall be required to follow additional standards in this Section 14-16-4-7 as well as any applicable standards in Sections 14-16-4-2.5 (Arroyo Standards) and 14-16-4-2.8 (Major Public Open Space Edges).
F. Retaining walls shall be required to follow standards in Sections 14-16-7.3 and 14-16-7.6.
G. Access to bikeways shall be added pursuant to Section 14-16-4-3.3.E (Bicycle Circulation).

Footnotes:

1354 Most materials from Section 14-16-3-19, except as noted. Provisions for a conditional use approval of higher fences were not carried over. Volcano Cliffs and other SU-2 regulations contain cross references to the existing standards. Fence and wall section moved out of Landscaping, Buffering, and Screening section to be a new 4-7 since EPC Draft per Condition #179 to more clearly describe and apply wall-related standards. Section has been revised and reorganized since EPC Draft per Condition #179 for clarity and consistency. Footnotes from EPC Draft have been revised and reorganized throughout this Section to ensure that footnotes are on the appropriate provision.
1355 New Section since EPC Draft per Condition #179.
1356 New Section since EPC Draft per Condition #179.
1357 Added since EPC Draft per Condition #176 and Condition #179 to clarify that walls for buffering and screening may need to be higher than other walls.
4-7.3. WALL LOCATION$^{1358}$

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

B. Walls may be constructed without any setback from a property line, unless otherwise prohibited by this IDO, by Articles 14-1 and 14-3 of ROA 1994 (Uniform Administrative Code and Uniform Housing Code), Article 14-2 of ROA 1994 (Fire Code), or by clear sight triangle requirements in the DPM. Walls may not encroach onto any public right-of-way without the prior written approval from the City Engineer and may not encroach onto any adjacent property without prior written approval of that property owner.

4-7.4. MAXIMUM WALL HEIGHT$^{1359}$

A. Maximum Wall Height Table$^{1360}$

1. Unless otherwise provided in this IDO, walls shall comply with the height standards in Table 4-7-1 (Maximum Wall Height).

<table>
<thead>
<tr>
<th>Zone Category</th>
<th>Residential</th>
<th>Mixed-use</th>
<th>Non-Residential (NR-C, NR-BP)$^{1361}$</th>
<th>Non-residential (NR-LM, NR-GM)</th>
<th>See also:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard Wall Height</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wall between the front or side façade of a primary building and an abutting public street$^{1362}$</td>
<td>3 ft.$^{[1]}$</td>
<td>3 ft.$^{[1]}$</td>
<td>3 ft.</td>
<td>6 ft.</td>
<td>14-16-4-7.4.A.2</td>
</tr>
</tbody>
</table>

$^{1358}$ New provision since Zoning Code. Revised since EPC Draft per Condition #179 for clarity and consistency. Provisions from Encroachments table (Table 4-1-4) that walls are allowed within setback areas and that walls must comply with Clear Sight Triangle provisions in the DPM moved to this section since EPC Draft per Condition #179.

$^{1359}$ The following existing text was deleted as unnecessary in light of the new standards. “Any combination of a wall, fence and retaining wall height along the required side or rear yard that exceeds six feet in height above the abutting grade on the public side in order to retain higher ground on the private property side may be constructed up to eight feet in height; such wall shall not exceed six feet in height from the abutting grade on the private property side of the wall. The design of this wall combination shall include at least two of the façade design treatments specified in § 14-16-3-19(B)(2)(b) and the design shall be consistent with the remainder of this section.” A wall, fence and retaining wall or a combination of these shall have no segment rising more than six feet in height visible from the public street right-of-way. A minimum horizontal distance of four feet shall separate the vertical height segments. The top-most segment may be constructed up to eight feet in height, provided the wall does not exceed six feet in height above the abutting grade on the private property side of the wall. Such wall combination shall include at least two of the façade design treatments specified in § 14-16-3-19(B)(2)(b) and the design shall be consistent with the remainder of this section.” Uptown provision allowing unlimited wall and fence height was not carried over. Atrisco Wall Overlay zone standards were not carried forward. Since Module 3, restriction on walls in VPO areas has been deleted. Section revised since EPC Draft per Condition #179 – content has been organized into the new Table 4-7-1 for clarity.

$^{1360}$ Wall height regulations reorganized into a new Table 4-7-1 since EPC Draft per Condition #179 for clarity.

$^{1361}$ Existing provision allowing unlimited fence height in non-residential district except along streets was deleted outdated in light of new district lineup; most cities have separate – but not unlimited – heights for industrial areas, not all non-residential areas.

$^{1362}$ Revised from 5 ft. in the Barelas, 6 ft. in Los Griegos, 3 ft. for walls/fences and 4 ft. for retaining walls and 4 ft. plus 2 ft. transparent fence for fences on Residential Collector streets in Volcano Cliffs SU-2 regulations. Arroyo edges have been added to this list. Los Griegos SU-2 provisions requiring nonconforming fences to be brought into conformance within 5 years after 1987 was not carried over. Zoning Code Section 14-16-3-19(A)(1)(c) deleted as unnecessary. The 3 ft. height requirement only applies to walls facing a public street since EPC Draft. Walls abutting arroyos and MPOS are regulated by another section at the bottom of this table. In the case where a wall is abutting (not adjacent to) a park, walls may be higher to allow for privacy.
### TABLE 4-7-1: Maximum Wall Height

<table>
<thead>
<tr>
<th>Zone Category</th>
<th>Residential</th>
<th>Mixed-use</th>
<th>Non-Residential (NR-C, NR-BP)</th>
<th>Non-residential (NR-LM, NR-GM)</th>
<th>See also:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wall in other locations on the lot[^3][^6]</td>
<td>8 ft.</td>
<td>8 ft.</td>
<td>8 ft.</td>
<td>10 ft.</td>
<td>14-16-4-7.4.A.2</td>
</tr>
</tbody>
</table>

**View Fencing[^4] [^364]**

Between the front or side façade of a primary building and an abutting public street where wall height is usually limited to 3 ft., view fencing at most 50 percent opaque may be added above 3 ft. to increase the total height of the wall as follows:

<table>
<thead>
<tr>
<th>From the property line abutting the street</th>
<th>5 ft.</th>
<th>N/A Low-density residential: 5 ft.</th>
<th>N/A</th>
<th>N/A</th>
<th>14-16-4-7.4.A.2</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 ft. or more from the property line abutting the street</td>
<td>6 ft.</td>
<td>N/A Low-density residential: 6 ft.</td>
<td>N/A</td>
<td>N/A</td>
<td>14-16-4-7.4.A.2</td>
</tr>
</tbody>
</table>

**Courtyard Walls[^4] [^365]**

Between the front or side façade of a primary building and an abutting public street where wall height is usually limited to 3 ft., the wall is allowed to be higher than 3 ft. as follows:

| From the property line abutting the street or the edge of the sidewalk closest to the primary building, whichever is more restrictive | 6 ft. | N/A Low-density residential: 6 ft. | N/A | N/A | 14-16-4-7.4.A.2 |

**Corner Lots[^366]**

On a corner lot where the rear yard abuts the front yard of a residentially-zoned lot and the wall is between the front façade of the primary building on the abutting lot and the street and behind the side façade of the primary building on the corner lot, the wall height is allowed to be higher than 3 ft. as follows:

<table>
<thead>
<tr>
<th>From the property line</th>
<th>5 ft.</th>
<th>N/A Low-density residential: 5 ft.</th>
<th>N/A</th>
<th>N/A</th>
<th>14-16-4-7.4.A.2</th>
</tr>
</thead>
<tbody>
<tr>
<td>More than 10 ft. from</td>
<td>6 ft.</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>14-16-4-7.4.A.2</td>
</tr>
</tbody>
</table>

[^363]: Existing Zoning Code allows 10 feet in height when adjacent use is non-residential. Replaces standards or text from Barelas and Volcano Cliffs SU-2 regulations. Provisions for additional height with additional sign setbacks from Los Griegos SU-2 regulations were not carried over.

[^364]: Content appears in existing Zoning Code as an overheight fence provision. Relocated from Use-specific Standards for accessory structures and extended to R-A, R-1, R-T, R-ML, R-MH, and MX-T zone districts since Consolidated Draft. Footnote revised since EPC Draft per Condition #1 for clarity. Provision revised and clarified since EPC Draft per Condition #179 to be easier to understand, follow, and enforce.

[^365]: Content appears in existing Zoning Code as an overheight fence provision. Relocated from Use-specific Standards for accessory structures and extended to R-A, R-1, R-T, R-ML, R-MH, and MX-T zone districts since Consolidated Draft. Footnote revised since EPC Draft per Condition #1 for clarity. Provision revised and clarified since EPC Draft per Condition #179 to be easier to understand, follow, and enforce.

[^366]: Provision revised since EPC Draft per Condition #179 for clarity and intended to replace Zoning Code Section 14-16-3-19(A0(1)(c).
### TABLE 4-7-1: Maximum Wall Height

<table>
<thead>
<tr>
<th>Zone Category</th>
<th>Residential</th>
<th>Mixed-use</th>
<th>Non-Residential (NR-C, NR-BP)</th>
<th>Non-residential (NR-LM, NR-GM)</th>
<th>See also:</th>
</tr>
</thead>
<tbody>
<tr>
<td>the property line</td>
<td>Low-density residential: 6 ft.</td>
<td></td>
<td></td>
<td></td>
<td>7.4.A.2</td>
</tr>
</tbody>
</table>

**Walls Abutting Arroyos and Major Public Open Space**

Wall between the side or rear of a primary building and an abutting arroyo identified in the Facility Plan for Arroyos and behind the front façade of the building[^1367]  
| | 6 ft. | 8 ft. | 8 ft. | 8 ft. | 14-16-4-7.5.D |

Wall between the side or rear of a primary building and abutting Major Public Open Space and behind the front façade of the building[^1368]  
| | 6 ft. | 6 ft. | 6 ft. | 10 ft. | 14-16-4-7.5.D |

[^1367]: See View Fencing and Courtyard Walls sections of this table for exceptions to this rule where the wall is not on the property line.

[^1368]: Where the rear yard of a through lot is adjacent to at least one lot with an occupied residential building that faces the second public street, any wall in the rear yard of the through lot shall be subject to the same height restrictions applicable to the adjacent occupied residential lot. [^1369]

[^1369]: For corner lots, see the Corner Lot section of this table for additional guidance.

[^1368]: View fencing and Courtyard Wall height allowances above 3 ft. may not apply in all locations. See Section 14-16-4-7.4.B for mapped areas where walls greater than 3 ft. are not allowed between the front or side façade of a primary building and an abutting public street.

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[^1367]: Separate height standards for see through and solid fences in Pajarito Arroyo Corridor SU-2 were not carried over, but general fence heights along Arroyos are now lower than those in the SU-2 regulations. Provision moved from Section 4-2.5 since EPC Draft per Condition #179 to consolidate wall requirements in one place. Maximum height in Residential zones revised from 8 ft. to 6 ft. since EPC Draft for consistency with MPOS standard.

[^1368]: Provision moved from Section 4-2.8 since EPC Draft per Condition #179 to consolidate wall requirements in one place. Height maximums for NR zones abutting MPOS added since EPC Draft.

[^1369]: Existing provision redrafted for clarity.
2. **Wall Illustrations**

   Residential / Mixed-use zone districts

   - **NR-C / NR-BP**
     - 8 ft.
     - 3 ft. abutting public street

   - **NR-LM / NR-GM**
     - 6 ft. abutting public street
     - 10 ft.

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1370 Illustrations in this section replaced with new graphics that more appropriately illustrate the new Table 4-7-1 since EPC Draft per Condition #182 and Condition #179.
Residential zone districts
View Fencing

Residential zone districts
Courtyard

Residential zone districts
Corner
Chapter 14-16-4: Development Standards

4-7: Walls and Fences

4-7.4: Maximum Wall Height

Residential zone districts
Abutting Arroyo

8 ft.

3 ft. abutting public street

6 ft. abutting arroyos

NR-C / NR-BP
Abutting Arroyo

8 ft.

3 ft. abutting public street

Abutting arroyos: 4 ft. view fencing

4 ft. solid wall

NR-LM / NR-GM
Abutting Arroyo

10 ft.

6 ft. abutting public street

Abutting arroyos: 4 ft. view fencing

4 ft. solid wall
B. Exceptions

1. Design elements may project vertically 2 feet above the maximum wall height. Such elements shall have a maximum width of 5 feet and are allowed at intervals of no less than 200 feet.

2. Walls greater than 3 feet are not allowed between the front or side façade of a primary building and an abutting public street of parcels with low-density
4-7: Walls and Fences

Chapter 14-16-4: Development Standards

4-7.5: Materials and Design

residential development in the mapped areas shown. No Variance to wall height is allowed in these areas.\footnote{Revised since Consolidated Draft - District listed on state and federal historic registers. Regulation from Nob Hill/Highland SU-2 regulations. Map updated since EPC Draft per Condition #1 to be more concise and reduce repetition.}

a. Downtown Neighborhood Area – CPO-2\footnote{Carried over from the Downtown Neighborhood Area SDP. Map replaced with reference to Downtown Neighborhood Area CPO-2 since EPC Draft per Condition #1 to be more concise and reduce repetition.}

b. Monte Vista and College View Historic District\footnote{Revised since Consolidated Draft - District listed on state and federal historic registers. Regulation from Nob Hill/Highland SU-2 regulations. Map updated since EPC Draft per Condition #1 to be more concise and reduce repetition.}

3. Taller retaining walls may be approved by the Zoning Enforcement Officer (ZEO) if the City Engineer determines that higher retaining walls are necessary in particular locations on a lot, pursuant to Section 14-16-4-7.6.\footnote{Decision-making body revised from Planning Director to ZEO since EPC Draft per Condition #179, Condition #180, and Condition #184 for consistency with current practice.}

4. Taller walls may be approved by the ZEO for security reasons due to specific site conditions or the nature of the land use or related materials and facilities on the site, pursuant to Section 14-16-5-5.1.I (Wall, Fence, or Sign Approval).\footnote{From Section 14-16-3-19 unless otherwise noted. Wording revised and reordered for clarity. Applicability section deleted as unnecessary after revisions made to the Walls section since EPC Draft per Condition #179.}

5. Other requests for taller walls will require the approval of a Variance, pursuant to Section 14-16-5-5.2.J (Variance – ZHE), 14-16-5-5.2.K (Variance – DRB), or 14-16-5-5.2.L (Variance – EPC), as applicable, and shall meet the additional requirement in Section 14-16-4-7.5.D (Articulation and Alignment Standards).

**4-7.5. MATERIALS AND DESIGN**\footnote{Replaces or approximates standards in Atrisco Park, East Gateway, La Cueva, Los Candelarias, Parajito Arroyo, Uptown, and Volcano Cliffs, SU-2 regulations. Volcano Cliffs provisions limiting enclosed areas on individual lots, required colors of walls, and light reflective values were not carried over.}

A. Materials and Texture\footnote{ Provision moved from wall height section since EPC Draft per Condition # 179 because it is more appropriate here.}

1. Unless otherwise provided in this IDO, walls may be opaque.\footnote{ Provision moved from wall height section since EPC Draft per Condition # 179 because it is more appropriate here.}
2. Acceptable wall materials include but are not limited to stucco over concrete masonry unit (CMU) blocks or other structural materials; stabilized adobe; split face blocks; slump blocks; bricks; stone; glass blocks; curved interlock blocks; wood; tubular steel; wrought iron bars; chain link fencing; other grill work; or a combination of these materials, with the following exceptions:
   a. Exposed flat-faced CMU blocks may constitute up to 50 percent of the wall façade.
   b. Chain link fencing (with or without slats) shall not be allowed on any portion of a site visible from a public street, park, Major Public Open Space, trail, or arroyo except in the R-A, R-1, NR-LM, or NR-GM zone districts. Chain link fencing is allowed as temporary security fencing during active construction in all zone districts.

3. Barbed tape, razor wire, barbed wire, or similar materials are prohibited in and abutting Residential zone districts and shall not be visible from a public street, public park, Major Public Open Space, or public trail. Public utility structures and Albuquerque Police Department or Transit Department facilities are exempt from this regulation.

B. Articulation and Alignment

Portions of walls that obtain approval or are required to exceed the maximum height limits in Section 14-16-4-7.4 (Maximum Wall Height) and face any public street right-of-way, park, Major Public Open Space, public trail, or arroyo, shall incorporate at least one of the following features to break up the massing of the wall (see graphic below for illustrations of each option):

1. Option 1: Vertical pilasters with a minimum projection of 2 inches from the public side of the wall surface at intervals of no more than 20 feet in length.
2. Option 2: Decorative features, such as columns with a minimum projection of 4 inches from the public side of the wall surface at intervals of no more than 60 feet in length.
3. Option 3: Changes in wall alignment including at least 16 inches of alignment offset, spaced so that no more than three consecutive lots have the same wall alignment.
4. Option 4: Curvilinear alignments with a minimum distance of 4 feet between the outer surfaces of the wall. The outermost point of each curve shall have intervals no greater than 80 feet.
5. Option 5: Terracing of walls with a minimum horizontal distance of 4 feet separating the vertical height segments.

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1379 Replaces similar text in East Gateway SU-2 regulations.
1380 Reflects standard in the Barelas SU-2 regulations.
1381 Replaces similar standard in East Gateway, and Volcano Cliffs, SU-2 regulations, and General Wall Regulations 14-16-3-19. Removed reference to zone districts exempted from this provision since EPC Draft per Condition #179 for consistency with current practice.
1382 Replaces older, simpler anti-monotony provisions in Los Griegos SU-2 regulations.
1383 Arroyo has been added to this list, based on Parajito Arroyo Corridor SU-2 regulations. Added graphics since EPC Draft per Condition #179.
C. Façade Standards

For those portions of the wall facing a public street, park, Major Public Open Space, trail, or arroyo, façade design shall comply with at least one of the following (see graphic below for illustrations of each option): \(^{1384}\)

1. Option 1: Openings distributed throughout the length of the wall equal to at least five percent of the wall façade surface, constructed into the façade or created by using see-through pattern blocks, tubular steel or wrought iron bars, wood, or other grillwork.

\(^{1384}\) Arroyo has been added to this list, based on Parajito Arroyo Corridor SU-2 regulations. Added graphics since EPC Draft per Condition #179.
2. Option 2: Variation in wall height at intervals of at least every 20 feet throughout the length of the wall. The normal stepping of the wall to accommodate grade change does not satisfy this requirement.

3. Option 3: Use of a second and visually contrasting material, texture, or color throughout the length of the wall on at least 20 percent of the wall surface.

4. Option 4: A continuous overhang cap along the length of the wall that projects at least two inches from the public side of the wall surface.

5. Option 5: A variety of living shrubs, trees, and/or vines covering or overhanging at least one third of the length of the wall in conjunction with a streetscape/landscape maintenance agreement between the City and the adjoining property owner and/or community association as part of a subdivision approval.

D. Walls Adjacent to Arroyos or Major Public Open Space

All walls other than retaining walls adjacent to a major arroyo or any Major Public Open Space must comply with the following standards, in addition to all other applicable standards in this Section 14-16-4-7. If any of the following standards conflict with another wall standard in this IDO, the standard in this Subsection D shall prevail.

1. In all zone districts adjacent to Major Public Open Space and in Mixed-use and Non-residential zone districts adjacent to arroyos, only the following wall types are allowed on the sides of the lot facing the Major Public Open Space or arroyo:

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1385 Bear Canyon Arroyo Design Overlay Zone, now made generally applicable to arroyos. Moved from Development Standards since Consolidated Draft. Moved from Site Design and Sensitive Lands section since EPC Draft per Condition #179. Provisions for walls near arroyos and MPOS combined into this new section to be applied to both areas.
a. View fencing of at most 50 percent opacity constructed of wood, painted or coated pipe, wrought iron, or smooth wire pasture fence material. Where allowed, chain-link fencing shall be accompanied by a vegetative screen with a mature height at least as tall as the fence and with at most 75 percent opacity,\(^{1386}\) planted on the public side of the fence but within the lot line containing the proposed development.

b. Solid walls of four feet or less, combined with view fencing as described in Section 1.a above, with a combined height not to exceed the maximum wall height in Table 4-7-1.

2. Where walls are allowed to be higher than 4 feet pursuant to Table 4-7-1 (Maximum Wall Height), the following standards apply:
   a. Opaque walls over 4 feet in height are allowed adjacent to arroyos only in Residential zone districts.
   b. Solid walls may be no more than 4 feet tall, combined with one of the types of fencing described in Section 1.a above, with a combined height not to exceed the maximum wall height in Table 4-7-1.
   c. Where allowed, solid walls shall be constructed of wood, stucco over CMU blocks, stained concrete block, stone, split-faced or fluted block, or adobe. Unfinished CMU block walls are prohibited. Predominant materials shall be earthtone in color, with a Light Reflective Value (LRV) ranging from 20 percent to 50 percent. This middle range of reflectance is intended to avoid very light and very dark colors.\(^{1387}\)
   d. Each wall over 4 feet tall shall include a horizontal offset of at least 16 inches every 100 feet.\(^{1388}\)

3. On lots adjacent to the Petroglyph National Monument, perimeter walls abutting the Petroglyph National Monument shall be view fencing, such as post and wire, with a maximum of 10 percent opacity.\(^{1389}\)
   a. In all zone districts, one screening wall with higher than 10 percent opacity may be constructed parallel to the lot line abutting the Petroglyph National Monument, subject to the following requirements:
      i. The wall is not located within the minimum building setbacks required by the zone district.
      ii. The wall is no more than 20 feet long or up to 50 percent of the lot width, whichever is less.
      iii. Wall materials shall be the same or complement the main dwelling and shall be constructed of earth tone materials with an LRV ranging from

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\(^{1386}\) Opacity for view fencing added since EPC Draft per Condition #1 and Condition #179 to make the provision more enforceable. Opacity for vegetative screening revised form 80% to 75% since EPC Draft per Condition #1 and Condition #179 for consistency with other references to vegetative screens in this IDO.

\(^{1387}\) Reference to a specific color list outside the Code has been deleted since Zoning Code. Earth-tone color restriction added since Consolidated Draft consistent with the Facility Plan for Arroyos. Provision revised since EPC Draft per Condition #181 to prohibit CMU block and require appropriate colors adjacent to arroyos and MPOS.

\(^{1388}\) Revised from 25 ft. in Zoning Code, which is an urban articulation standard. Less frequent offsets are needed to avoid monotony in more rural settings.

\(^{1389}\) New provision from Volcano Cliffs SU-2 regulations. Provision revised since EPC Draft per Condition #1 for clarity. Subsections added since EPC draft to provide additional guidance about walls adjacent to the Monument.
20 percent to 50 percent. This middle range of reflectance is intended to avoid very light and very dark colors. 1390

b. In Residential zone districts, on lots greater than 10,000 square feet, courtyard walls with higher than 10 percent opacity are allowed to be constructed parallel to the lot line abutting the Petroglyph National Monument that meet the following requirements:
   i. Walls forming the courtyard are attached to the main dwelling.
   ii. Walls are not located within the minimum building setbacks required by the zone district.
   iii. Wall materials shall be the same or complement the main dwelling and shall be constructed of earth-tone materials an LRV ranging from 20 percent to 50 percent. This middle range of reflectance is intended to avoid very light and very dark colors.
   iv. The total area of enclosed spaces on a lot (e.g. any combination of patio, pool enclosure, or courtyard) shall be limited to 1,000 square feet or up to 50% of the main dwelling square footage, whichever is greater, up to a maximum of 2,000 square feet.

c. For single-family and two-family dwellings abutting a trail on the Petroglyph National Monument, an opaque perimeter wall is allowed but may only be constructed of stucco over CMU blocks, coyote fencing, or stone per height requirements in Section 14-16-4-7.4 (Maximum Wall Height)

4-7.6. RETAINING WALL STANDARDS 1391

A. Maximum Height

1. Retaining walls shall have a maximum height as specified in Section 14-16-4-7.4 unless a higher wall is approved by the City Engineer as necessary on a particular lot. 1392

2. Retaining walls higher than 6 feet tall shall be terraced to minimize visual impacts on residents, neighboring properties, and the public realm. Terracing shall be limited to three tiers.

B. Terracing

1. A terrace at least 4 feet wide, with a maximum slope of 1:3 (rise:run), shall be provided between each tier to create pockets for landscaping. Reduced terrace depths may be administratively approved by the City Engineer where site constraints limit the amount of space available to accommodate the minimum required width.

2. Terraces between retaining wall tiers shall be vegetated with permanent landscaping to screen retaining walls and provide visual interest unless soil conditions are determined by a licensed engineer to be unsuitable due to geologic hazards.

1390 Reference to a specific color list outside the Code has been deleted since Zoning Code. Earth-tone color restriction added since Consolidated Draft consistent with the Facility Plan for Arroyos. Provision revised since EPC Draft per Condition # 181 to prohibit CMU block and require appropriate colors adjacent to arroyos and MPOS.

1391 New standards since Zoning Code. New Subsection created for retaining walls outside of Design and Materials Section since EPC Draft per Condition #179 to clarify rules that are specific to retaining walls and go beyond design standards.

1392 New provision since EPC Draft per Condition #179 for clarity.
C. Setback

1. Adjacent to public streets or arroyos, a setback must be provided adequate to ensure that the wall’s underground footing does not encroach on the right-of-way.\textsuperscript{1393}

\textsuperscript{1393} New since Module 3.
4-8 OUTDOOR LIGHTING

4-8.1. PURPOSE
The purpose of this Section 14-16-4-7 is to enhance the attractiveness and livability of the city, protect the safety of its citizens, reduce light pollution between private properties, and prevent unnecessary sky glow that reduces visibility of stars in the night sky.

4-8.2. APPLICABILITY

A. General
All exterior lighting for multi-family, mixed-use and non-residential development shall comply with the standards of this Section 14-16-4-7 unless specified otherwise in this IDO. The standards of this section shall apply to both new lighting and the replacement of fixtures (excluding lamp replacement), regardless of type, mounting, or location.

B. Exemptions
The following types of lighting are not subject to the requirements of this Section 14-16-4-7:

1. Outdoor light fixtures on advertisement signs on interstates and federal primary highways.

2. Outdoor light fixtures existing and legally installed prior to the effective date of this IDO that do not comply with provisions of this IDO not contained in the New Mexico Dark Skies statute, provided that when existing light fixtures become unrepairable, their replacements are subject to all the provisions of this Section 14-16-4-7.

3. Navigational lighting systems at airports and other lighting necessary for aircraft safety.

4. Outdoor light fixtures necessary for worker safety at farms; ranches; dairies; feedlots; or industrial, mining, or oil and gas facilities.

5. Lighting for outdoor recreational uses such as ball diamonds, playing fields, tennis courts and similar uses, provided that:

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1394 Existing lighting standards have been revised to comply with the requirements of the New Mexico Dark Skies statute, which applies unless a local government adopts stricter standards. Lighting standards from the existing Zoning Code and SDPs pertaining to the public realm, such as street lighting (including pedestrian-scale lighting along streets), bus shelter lighting and bicycle/pedestrian path lighting are not included in this section.

1395 New since Consolidated Draft.

1396 New section.

1397 New Section based on exemptions in New Mexico Dark Skies statute. Does not include nonconforming light provision that would allow any Nonconforming light fixture if turned-off at 11pm.
Chapter 14-16-4: Development Standards

4-8: Outdoor Lighting

4-8.3: Prohibited Lighting

A. Searchlights, spotlights or floodlights are prohibited except as follows:

1. Such lights may be used to illuminate alleys, parking structures, and working (maintenance) areas, but must be shielded and aimed so that they do not result in lighting on any adjacent lot or public right-of-way exceeding 2 footcandles.

2. Such lights may not be located within 500 feet of the boundary of any area regulated by the Bernalillo County North Albuquerque Acres and Sandia Heights Light Pollution Ordinance (Sections 30-181 et. seq.).

B. No flashing, traveling, animated, or intermittent lighting shall be visible on the exterior of any building except as may be allowed under Overlay zones in Section 14-16-2-7 and except for seasonal displays discontinued within seven days of the holiday for which the lighting was provided.

C. Light types of limited spectral emission, such as low pressure sodium or mercury vapor lights, are prohibited. Light sources shall be color-correct types such as Halogen, LED, or metal halide.

4-8.4: General Design and Illumination

All exterior lighting subject to this Section 14-16-4-7 shall meet the following standards:

A. All outdoor light fixtures 150 watts or greater for incandescent light sources or 70 watts or greater for other types of light sources shall be shielded using full cutoff light fixtures (i.e. a light fixture with zero intensity at or above 90 degrees above nadir and limited to a value not exceeding 10 percent of lamp lumens at or above 80 degrees).

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1398 New since Consolidated Draft.
1399 Consolidates prohibited lighting from existing Zoning Code and various SU-2 regulations as noted. Does not carry forward prohibition on uplighting from N. I-25 and N. 4th Street SU-2 regulations.
1400 Reflects provisions from existing Section 14-16-3-22(C)(6), La Cueva, N. 4th Street, and N. I-25 SU-2 regulations. 75 watt bulb standard from N. I-25 SU-2 regulations was not carried forward.
1401 Section 14-16-3-22 (C) (6), N. 4th Street and North I-25 SDPs. Eliminates 75 watt bulb standard in North I-25 SDP.
1402 Rewords the La Cueva SU-2 text on this topic and adds a specific distance prohibition.
1403 Reflects text from North I-25, East Gateway SU-2 and adds new exception for seasonal lighting displays.
1404 Reflects text from New Mexico Dark Skies statute, existing Section 14-16-3-22(C)(6), Downtown Neighborhoods Area, Nob Hill, North I-25, N. 4th Street, and Volcano Heights SU-2 regulations.
1405 This and the following two standards reflect New Mexico Dark Skies shielding requirement and text from La Cueva, N. 4th Street, East Gateway, Volcano Heights and Downtown Neighborhood Area SU-2 regulations.
B. No light source for any outdoor light fixture shall be directly visible from any public right-of-way or any adjacent property and shall not be visible from a distance greater than 1,000 feet in any Residential zone district.\textsuperscript{1406}

C. All outdoor lighting shall be designed and operated so that light spillover onto the area 10 feet beyond the property line shall not exceed 0.25 foot candles at the property line except where adjacent to walkways, bicycle paths, driveways, or public or private streets.\textsuperscript{1407}

D. All outdoor light fixtures within Residential and Mixed-use zone districts shall remain off between 11:00 P.M. and sunrise except for security purposes or to illuminate walkways, driveways, equipment yards, and parking lots.\textsuperscript{1408}

E. Any sports lighting, floodlights, or searchlights allowed by this Section 14-16-4.10 shall be turned off between 11:00 P.M. and sunrise.\textsuperscript{1409}

F. Light fixtures shall have a minimum light intensity of one lumen per square foot and a maximum intensity of two lumens per square foot unless a different standard is provided in this IDO.\textsuperscript{1410}

G. The height of light poles, measured from the finished grade to the top of the pole, shall comply with the standards in Table 4-7-1 below unless the specific standards in Section 14-16-2 or the use-specific standards in Section 14-16-3 provide a different standard, or unless the property is located in the NR-PO-B zone district and the pole heights comply with a Master Plan approved by the EPC.\textsuperscript{1411}

<table>
<thead>
<tr>
<th>Zone District</th>
<th>Maximum Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Zone Districts and Historic Overlay Zones</td>
<td>16 ft.\textsuperscript{1413}</td>
</tr>
</tbody>
</table>

\textsuperscript{1406} Incorporates Section 14-16-3-9(A) and N. 4th Street and Volcano Heights SU-2 regulations.

\textsuperscript{1407} Discontinues use of lamberts in Section 14-16-3-9(B), replaces with reworded light spillover standard from La Cueva SU-2 regulations and adds language exempting circulation areas from spillover standard.

\textsuperscript{1408} Reflects text in La Cueva SU-2 regulations modified to apply to all Residential and Mixed-use zone districts.

\textsuperscript{1409} New requirement since Zoning Code from New Mexico Dark Skies ordinance.

\textsuperscript{1410} New standard since Zoning Code providing a measure of light intensity in lumens. Discontinues use of lamberts in existing Zoning Code Section 14-16-3-9(B) and rewords this existing standard.

\textsuperscript{1411} Carries forward Sections 14-16-3-9(D), (E), and (F) and incorporates standards from Volcano Heights and East Gateway SU-2 regulations. Exemption for EPC approved Master Plans added since Consolidated Draft.

\textsuperscript{1412} Eliminates site size standard (less than or greater than five acres) and relates light pole height to zone district. Incorporates standard from Atrisco SDP and implements various SDP goals to encourage uniform lighting.
Chapter 14-16-4: Development Standards

4-8.5: Additional Standards for Specific Types of Lighting

<table>
<thead>
<tr>
<th>Table 4-8-1: Maximum Height for Light Poles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone District</td>
</tr>
<tr>
<td>Mixed-use Zone Districts</td>
</tr>
<tr>
<td>Non-residential Zone Districts</td>
</tr>
<tr>
<td>Within 100 feet of a Residential Zone District</td>
</tr>
<tr>
<td>Adjacent to Major Public Open Space</td>
</tr>
</tbody>
</table>

H. All exterior light fixtures mounted on a building or structure other than a light pole, except for security lighting, shall be mounted between six feet and 15 feet above grade or no higher than seven feet above the floor of a stoop or porch unless otherwise regulated under specific standards or use specific standards of this ZDO.\footnote{1416}

I. Light fixtures installed in canopies or similar structures shall be flush-mounted or recessed above the lower edge of the canopy and shall be equipped with flat lenses that do not project below the canopy ceiling. The canopy fascia shall not be internally illuminated.\footnote{1417}

J. All exterior light fixtures shall generate at least 80 lumens per watt of energy consumed, as shown on the manufacturers specifications for the fixture.\footnote{1418}

4-8.5. ADDITIONAL STANDARDS FOR SPECIFIC TYPES OF LIGHTING\footnote{1419}

A. Pedestrian-scale Lighting

Pedestrian light fixtures shall comply with the following standards.

1. Pedestrian-scale lighting, including lighting for sidewalks, walkways, trails, and bicycle paths, shall provide at least an illumination of 1.2 foot candles, not to exceed 5 foot candles.\footnote{1420}

2. Pedestrian light poles shall be mounted no higher than 12 feet above grade and shall be placed a maximum of 100 feet apart.

3. Pedestrian bollard lamps shall be mounted no higher than 4 feet above grade and shall not exceed 900 lumens for any single lamp.\footnote{1421}

B. Decorative and Landscaping Lighting\footnote{1422}

Outdoor light fixtures used for decorative effects shall comply with the following standards.

\footnote{1413} Conforms standard for residential zones based on existing Zoning Code Section 14-16-3-9 (F) requirement for 16 foot poles within 100 feet of residential zone district.
\footnote{1414} Carries forward Section 14-16-3-9 (F)
\footnote{1415} Added since EPC Draft per Condition #118.
\footnote{1416} Incorporates Section 14-16-3-22(C)(6) and reflects similar standards in East Gateway, La Cueva, N. 4th Street, S. Yale, Nob Hill, and Downtown Neighborhood SU-2s.
\footnote{1417} Revised existing standard to include other canopy situations in standards for gas canopy lighting.
\footnote{1418} New standard since Zoning Code. Inefficient outdoor lighting consumes significant amounts of energy.
\footnote{1419} Consolidates materials from existing Zoning Code and various SU-2 regulations on these topics. SU-2 regulations on alley lighting and interior lighting were not carried forward since they were repetitive of general lighting controls. Section 4-8.5.D related to Balloon Fiesta Park deleted since the EPC Draft per Condition #1 to be consistent with revisions related to Master Plans.
\footnote{1420} Carries forward Section 14-16-3-2 (D)(3)(b)5. Updated per Illuminating Engineers Society, Recommended Practices, (RP-33-99): Lighting for Exterior Environments. Sets 1.2 foot candles as a minimum and increases existing 2.5 standard to 5 foot candles as the maximum.
\footnote{1421} New standard since Zoning Code for bollard lamp.
\footnote{1422} New section reflecting text from La Cueva and Atrisco SU-2s and adding standards for illumination.
1. Decorative lighting intended to enhance the appearance of a building and/or landscaping shall cast all light downward (rather than upward) against the building surface or onto a landscape feature.\textsuperscript{1423}

2. Decorative lighting shall not exceed 100 watts of incandescent luminance or the equivalent.\textsuperscript{1424}

3. Decorative outdoor light fixtures shall be turned off between 11:00 P.M. and sunrise.

C. **Surface Parking Lots**\textsuperscript{1425}

Outdoor lighting for surface parking lots shall comply with the following standards.

1. Pedestrian walkways and bicycle paths in parking areas shall be lit with pedestrian-scale lighting.\textsuperscript{1426}

2. Maintained average luminance values in paved parking areas shall be a maximum of 4 footcandles.
4-9 NEIGHBORHOOD EDGES

4-9.1. PURPOSE
This section is intended to preserve the residential neighborhood character of established low-density homes in Residential zone districts on lots adjacent to Mixed-use or Non-residential zone districts.

4-9.2. APPLICABILITY

A. Protected Lots
The Neighborhood Edges provisions in this Section 14-16-4-9 are intended to protect lots in an R-A, R-1, R-MC, or R-T zone district that contains a Household Living use (as shown in Table 3-2-1) other than a multi-family dwelling use (i.e. low-density residential development).

B. Regulated Lots
Lots regulated by this Section 14-16-4-9 include all those in an R-ML, R-MH, Mixed-use, or Non-residential zone district that are adjacent to a Protected Lot.

4-9.3. BUILDING HEIGHT STEPDOWNS
Primary and accessory buildings constructed on a Regulated Lot with a height greater than 30 feet shall reduce the perceived height of the building when viewed from the adjacent lots in the R-A, R-1, R-T, R-ML, or R-MC zone districts by “stepping down” building height of any portion of the building within 100 feet of the front, side, and rear lot line adjacent to the R-A, R-1, R-T, R-ML, or R-MC zone district lot lines to a maximum of 30 feet high.

4-9.4. LIGHTING HEIGHT
The standards in Section 14-16-4-8 (Outdoor Lighting) shall apply.
4-9.5. SCREENING AND BUFFERING

A. For Regulated Lots, a special buffer landscape is required to minimize noise and sight impact of Non-residential development in Residential areas. Buffers shall meet the requirements in Section 14-16-XXX (Edge Buffer Landscaping).

B. Where parking or vehicle circulation areas on a Regulated Lot abut a Protected Lot, a minimum six foot high opaque wall or fence shall also be required to visually screen the parking or circulation area. Chain link fence with slats shall not constitute acceptable screening.

4-9.6. PARKING, DRIVE-THROUGHS, AND LOADING

A. Parking, Drive-throughs

For Regulated Lots 10,000 square feet or larger, parking areas and drive-through lanes shall be separated from any abutting Protected Lot by a minimum of 40 feet. For parking areas, parking lot edge requirements in Section 14-16-4-6.6 apply. For drive-throughs, the requirements in Section 14-16-4-5.9 apply.

B. Truck Loading Areas

No truck loading area shall be located between a primary or accessory structure on a Regulated Lot and any side or rear lot line abutting a Protected Lot.
4-10 Solar Access

4-10.1. Purpose
The standards in this Section 14-16-4-10 are intended to allow for development while ensuring continued access to solar energy.

4-10.2. Applicability
After the effective date of this IDO the standards in this Section 14-16-4-10 shall apply to R-A, R-1, R-MC, and R-T Residential zone districts.

4-10.3. Building Height
A. The building height shall not exceed the following heights, determined by the distance cardinally south from the northern boundary of the lot as shown in Table 4-10-1, or angle plane equivalent. Distances in Table 4-9-1 have been calibrated to a 32 degree angle that allows one hour of Winter Solstice sunlight that hits at least two feet up on a southern-facing wall located 10 feet from the property line. Distances from the northern property line that are not whole numbers are rounded down.

B. The Zoning Enforcement Officer (ZEO) shall waive or adjust the provisions of Subsection A above if the ZEO finds that beneficial solar access can be protected for a lot to the north without compliance with the provisions of Subsection A because:

1. The lot(s) to the north are large enough or higher in elevation than the lot to the south, so that there are many good locations for passive or active solar collector that would not be blocked by proposed construction that does not comply with the height restrictions of Subsection A; or

2. The development on the lot(s) to the north is already served by as much solar collector area as is likely to ever be needed for that lot, and solar access to those collector surfaces will not be impaired by the proposed construction.

C. The ZEO shall waive the provisions of Subsection A above if the ZEO finds that the owner or builder proposing the height limit waiver has demonstrated that there will

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1437 Added since Module 3 to carry forward content of existing 14-16-3-3(A)(7). Solar rights were only addressed as an administrative procedure in Module 3. Text revised to improve administration based on past experience.
1438 Added since EPC Draft per Condition #189 to reduce potential for development being forced to step up.
1439 Additional purpose added since Consolidated Draft to help give context to the regulations.
1440 Provisions for 0-5 ft. and 5-10 ft. (first two lines of table) are new since Consolidated Draft. These provisions revised to 6-10 ft. and 11-15 ft. for consistency with the rest of the table since EPC Draft per Condition #1.
1441 Phrase “pursuant to rules and regulations promulgated by the Mayor” removed since Consolidated Draft as unnecessary.
clearly not be a principal building on the lot to the north within 35 feet north of the proposed building.\textsuperscript{1442}

4-10.4. PERMITS FOR SOLAR RIGHTS\textsuperscript{1443}
Permits to protect solar rights may be requested pursuant to Part 14-11-7 of ROA 1994 (Permits for Solar Rights) and any relevant standards in the DPM.

\textsuperscript{1442} Additional grounds for adjustment of height standards if building under construction to the north is very energy efficient was not carried forward, because there are other reasons why the property to the north may want to preserve solar access.

\textsuperscript{1443} Added since EPC Draft per Condition \#4 to reflect current practice regarding Solar Rights Permits, which are handled by the City’s Independent Office of Hearings and are outside of the purview of the IDO.
4-11 BUILDING DESIGN

4-11.1. PURPOSE

The standards in this Section 14-16-4-11 are intended to enhance the visual appearance of development of the city, to promote street and neighborhood character, and to strengthen the pedestrian environment. Regulations for large-scale development are also provided to mitigate the negative visual impacts arising from the scale, bulk, and mass inherent to large commercial buildings.

4-11.2. APPLICABILITY

After the effective date of this IDO the standards in this Section 14-16-4-11 shall apply to development in all zone districts except the MX-FB zone district (which follows standards in Section 14-16-2-4.5.C), when one of the following takes place:

A. Construction of a new primary building or accessory parking structure.

B. Expansion of the gross floor area of an existing primary building or accessory parking structure by 50 percent or more, or 15,000 square feet, whichever is less, in which case the standards of this Section 14-16-4-11 apply to all façades of the building created by or reconstructed as part of the expansion project.

C. Where use changes from manufacturing or warehouse to office or commercial, typical design requirements related to office/institutional or commercial retail/service uses shall be required.

D. Addition of a second story to an existing single-family or two-family detached dwelling in the following areas:

2. Los Duranes – CPO-5.
4. Nob Hill/Highland, as mapped below.

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1444 Standards primarily from Sections 14-16-3-18 (General Building and Site Design Regulations for Non-residential Uses), 14-16-3-2 (Shopping Center standards – which currently apply to most large development, not just shopping centers), and 14-16-2-23(D). Other standards have been created to reflect those found in Sector Development Plans. Color controls from Coors Corridor and detailed glazing controls from Volcano Heights and other SU-2 regulations were not carried forward.

1445 From Section 14-16-3-18(A). Requirement for compliance if 50 percent of floor area changed to a new use was not carried forward, as it tends to complicate reuse of existing buildings.

1446 From Section 14-16-3-18(B). Requirement for compliance if 50 percent of floor area changed to a new use was not carried forward, as it tends to complicate reuse of existing buildings.

1447 References to non-residential and large multi-family development deleted since Consolidated Draft.

1448 Revised from “parking garage” since EPC Draft per Condition #1 for consistency with other edits.

1449 Existing text applying these standards to the existing building not affected by the expansion were not carried forward.

1450 Added since EPC Draft as a trigger for building articulation requirements related to Large Retail Facilities per Condition #128.

1451 Added since Consolidated Draft to reflect SU-2 regulations from Downtown Neighborhood Area, Los Duranes, and Nob Hill Highland SDPs.

1452 Zone districts added since EPC Draft per Condition #1 and Condition #22 to reflect the Sawmill/Wells Park SDP.
4-11.3. RESIDENTIAL DEVELOPMENT

In the areas listed in Section 14-16-4-11.2.D, second story additions to existing buildings shall incorporate a minimum step-back of 6 feet from the front façade. In CPO-2, when there is an existing porch, the step-back is measured starting at the porch.

4-11.4. MULTI-FAMILY RESIDENTIAL DEVELOPMENT

All multi-family residential developments located in a Residential zone district and containing more than 50 dwelling units shall comply with the following standards.

A. Building Entrances

Primary pedestrian entrances to each primary building shall be emphasized through variations in façade colors or materials, porticos, roof variations, recesses or projections, or other integral building forms.

B. Building Façades

1. No primary structure street façade wall shall extend more than 80 horizontal feet without projections or recesses. Each façade greater than 100 horizontal feet in length shall incorporate wall plane projections or recesses having a depth of at least 5 percent of the length of the façade and extending at least 20 percent of the length of the façade.

2. In Urban Centers, Main Street areas, and Premium Transit station areas, all building façades that face a public street shall contain a minimum of 10 percent of ground floor façade in windows or doors, and 20 percent of upper floor façade in windows.

C. Roof Design

Rooflines longer than 100 horizontal feet shall include at least one vertical elevation change of at least 2 feet. Roofs with a pitch of less than 2:12 shall be screened by a parapet wall, which shall not be calculated as part of building height.

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1453 New section since Consolidated draft; based on Nob Hill/Highland SU-2 regulations. Revised since EPC Draft per Condition #190 to clarify where this provision applies. Revised since EPC Draft per Condition #1. Revised since EPC Draft to specify that the provision from DNA SDP about the step-back being measured from the porch only applies to that area, to carry forward current regulations and the intent of the Los Duranes, Nob Hill, and Sawmill SDPs.

1454 New section reflecting some design intent from SU-2 regulations made applicable to multi-family development.

1455 New since Consolidated Draft; based on Downtown Neighborhood Area SU-2 regulations. Downtown Center removed from this provision since EPC Draft per Condition #1 because the MX-FB-DT zone district has regulations about building façades.
D. Parking Garages and Carports
To the maximum extent feasible, parking garages and carports shall not be located between the front or primary façade of a multi-family primary building and the street frontage adjacent to the front lot line, but shall instead be internalized within building groups so as not to be directly visible from the street frontage.

4-11.5. MIXED-USE AND NON-RESIDENTIAL DEVELOPMENT\textsuperscript{1456}
All mixed-use and non-residential development, including multi-family development located in a Mixed-use zone district, but excluding properties low-density residential development and properties located in the NR-LM, NR-GM,\textsuperscript{1457} NR-SU, and NR-PO zone districts, shall comply with the following standards.

A. Building Façades\textsuperscript{1458}

1. Urban Centers, Activity Centers, and Main Street and Premium Transit Areas\textsuperscript{1459}
   
   a. Primary pedestrian entrances to each primary building shall be emphasized through variations in façade colors or materials, porticos, roof variations, recesses or projections, or other integral building forms.
   
   b. Each primary building façade facing a public street shall incorporate at least two of the following features along no less than 50 percent of the length of the façade so that each 25 linear feet contains at least one of the following features:\textsuperscript{1460}
      
      i. Ground-floor clear, transparent display windows, the lower edges of which are located no more than 30 inches above grade.
      
      ii. Portals, arcades, canopies, trellises, awnings over windows, or other elements that provide shade or protection from the weather.
      
      iii. Sun shelves or other exterior building features designed to reflect sunlight into the building and reduce the need for interior lighting.\textsuperscript{1461}
      
      iv. Raised planters between 12 and 28 inches above grade with the surface planted to achieve at least 75 percent vegetative cover at maturity.
      
   c. Each primary building façade facing a public street longer than 100 feet shall incorporate at least one of the following features, extending for at least 25 linear feet per 100 linear feet of the façade:\textsuperscript{1462}

\textsuperscript{1456} From Section 14-16-3-18.(C) expanded from non-residential development to also apply to mixed-use development. Standards have been simplified, tailored to match Comprehensive Plan designations, and vague, overlapping, or inconsistent standards were not carried forward.

\textsuperscript{1457} Typographic errors in listing of zone districts corrected since Consolidated Draft. Reference to exclusion of “low-density residential development” added since EPC Draft per Condition #1 to provide clarity about the applicability of these standards.

\textsuperscript{1458} New section consolidating several design concepts from the existing Zoning Code and various SU-2 regulations. Exception for facades containing service areas was not carried over, since IDO generally requires that those not be located on street frontage facades.

\textsuperscript{1459} Revised since Module 3 to apply to these four areas rather than all Comprehensive Plan center areas. Activity Centers added to this list since EPC Draft per Condition #191. Downtown deleted from this list since EPC Draft per Condition #1 and #287. Revised throughout to consistently reference 30 inches above grade for fenestration requirements, instead of 30” and 3’ in other locations per Condition #1.

\textsuperscript{1460} Revised since EPC draft per Condition #1 to provide clarity and carry forward §14-16-3-18(C)(2) provisions. Sections A.1.b and A.1.c were combined to make the requirement clearer. Deleted provision requiring building frontage landscaping since EPC Draft per Condition #1 as contradictory.

\textsuperscript{1461} New option since Zoning Code.

\textsuperscript{1462} These provisions are from the General Building Regulations §14-16-3-18, along with 3 new options in addition to seating, that are drawn from the Shopping Center Regulations.
i. Outdoor seating along at least one of the street façades. If the outdoor seating is located on the south or west side of the building, at least 25 percent of the seating area shall be shaded. If provided, this seating may also count towards any applicable requirements of Subsection 14-16-4-11.5.B (Seating and Gathering Areas).\textsuperscript{1463}

ii. Wall plane projections or recesses of at least six inches in depth, extending at least 25 percent of the length of the façade.

iii. A vertical change in color, texture, or material occurring every 25 linear feet and extending along no less than 20 percent of the length of the façade.

iv. Art such as murals or sculpture that is privately-owned or coordinated through the City Public Arts Program.\textsuperscript{1464}

d. In Urban Centers and Main Street areas, the following regulations apply (see illustration below):\textsuperscript{1465}

i. Each primary building side or rear façade adjacent to a Residential or Mixed-use zone district shall have a similar level of façade articulation, materials, and detailing on side or rear façades as on the street façades.\textsuperscript{1466}

ii. Each ground floor façade facing a public street shall contain a minimum of 30 percent of its surfaces in clear, transparent windows and/or doors.\textsuperscript{1467}

iii. Each second floor and higher façade facing a public street shall contain a minimum of 20 percent of its surface in windows and/or doors.\textsuperscript{1468}

\textsuperscript{1463} Revised to apply only in Center Areas. Revised since EPC Draft to add clarity about two potential overlapping requirements per EPC Condition #1.

\textsuperscript{1464} This provision is taken from the General Building and Site Design Regulations (§14-16-3-18(D)(2)(e)) and has been extended to apply to all non-residential development in center and corridor areas. Revised since EPC Draft to clarify that the art may be public or private per Condition #1.

\textsuperscript{1466} Downtown removed from this provision since EPC Draft per Condition #1 for consistency with other provisions in the IDO. Illustration added since EPC Draft per Condition #192.

\textsuperscript{1467} New provision since Zoning Code.

\textsuperscript{1468} Subsections ii and iii are new since Consolidated Draft; based on Downtown Neighborhood Area SU-2 regulations. Terminology revised for consistency between CPOs, VPOs, and Building Design standards since EPC Draft per Condition #1. The requirement for windows beginning at 30 inches above grade was removed, as this applies to one frontage type, storefronts, and should not be extended to all mixed-use and non-residential development.

\textsuperscript{1468} Revised since EPC Draft to allow less fenestration on the second story and above, so that there is a different standard for the ground floor vs. other floors.
2. Other Areas

a. Each primary building façade facing a public street shall incorporate at least one of the following features along at least 30 percent of the horizontal length of the façade. The features listed below shall be distributed along the façade so that each horizontal façade length of 40 feet contains at least one of the following features:\(^{1469}\)
   i. Ground-floor clear, transparent display windows, the lower edges of which are located no more than 30 inches above grade.\(^{1470}\)
   ii. Windows on upper floors.
   iii. Doors or pedestrian entrances.
   iv. Portals, arcades, canopies, trellises, awnings over windows, or other elements that provide shade or protection from the weather.
   v. Sun shelves or other exterior building features designed to reflect sunlight into the building and reduce the need for interior lighting.
   vi. Raised planters between 12 and 28 inches above grade with the surface planted to achieve at least 75 percent vegetative cover at maturity.

b. Each primary building street façade longer than 100 feet shall incorporate at least one of the following additional features:\(^{1471}\)
   i. Wall plane projections or recesses of at least 1 foot in depth, occurring at least every 100 linear feet and extending at least 25 percent of the length of the façade.
   ii. A vertical change in color, texture, or material occurring every 50 linear feet and extending at least 20 percent of the length of the façade.
   iii. An offset, reveal, pilaster, or projecting element, no less than 2 feet in width and projecting from the façade by at least 6 inches and repeating at minimum intervals of 30 feet.
   iv. Three dimensional cornice or base treatments.
   v. A projecting gable, hip feature, or change in parapet height for every 100 linear feet of the façade.
   vi. Art such as murals or sculpture that is privately-owned or coordinated through the City Public Arts Program.\(^{1472}\)

\(^{1469}\) Deleted provision requiring building frontage landscaping since EPC Draft per Condition #1 as contradictory.
\(^{1470}\) Existing menu of options has been tailored based on Center Area or other locations. Replaces a minimum sill height of 45 in. and minimum window height of 48 in.
\(^{1471}\) New provision since the Zoning Code. Revised since EPC Draft for clarity and add additional options that are allowed in §14-16-3-18(D).
\(^{1472}\) This provision is taken from the General Building and Site Design Regulations (§14-16-3-18(D)(2)(e)) and has been extended to apply to all non-residential development in center and corridor areas. Revised since EPC Draft to clarify that the art may be public or private per Condition #1.
Chapter 14-16-4: Development Standards

Section 14.5: Mixed-use and Non-residential Development

B. Seating and Gathering Areas

1. Urban Centers, and Main Street and Premium Transit Areas

Each primary building containing more than 40,000 square feet of gross floor area shall provide at least one outdoor seating and gathering area for every 40,000 square feet of building gross floor area, meeting all of the following standards:

a. Each required seating and gathering area shall be at least 400 square feet in size for each 40,000 square feet of building gross floor area and shall be visible from a public street.

b. At least 25 percent of outdoor seating and gathering areas shall be shaded from the sun.

c. The seating and gathering area shall be provided with pedestrian-scale lighting, street furniture or seating areas, and trash receptacles.

2. Other Areas

Each primary building containing more than 60,000 square feet of gross floor area shall provide at least one seating and gathering area for every 60,000 square feet of building gross floor area, meeting all of the following standards:

a. Each required seating and gathering area shall be at least 400 square feet in size for each 60,000 square feet of gross floor area;

b. At least 25 percent of outdoor seating and gathering areas shall be shaded from the sun.

c. The seating and gathering area shall be provided with pedestrian-scale lighting, street furniture or seating areas, and trash receptacles.

d. The seating and gathering area shall be linked to the main entrance of the principal structure and the public sidewalk or internal driveway or located adjacent to or to maximize views to public or private open space.

3. Large Retail Facilities and Large Developments

Each large retail facility site that includes a main structure 125,000 square feet or greater and aggregate of buildings 125,000 square feet or greater shall provide seating and gathering area in the amount of 400 square feet for every 20,000 square feet of building space. A minimum of 50% of the required public

---

1473 Added since EPC Draft to carry forward the complete building design standards from §14-16-3-18.
1474 Revisions from public spaces since Zoning Code because there are legal limits to requiring on-site gathering spaces to be open to the public.
1475 Revised since Module 3 to apply to these four areas rather than all Comprehensive Plan Center and Corridor areas. Downtown deleted from this list since EPC Draft per Condition #1 and #287.
1476 Revised from 60,000 sq. ft. since the Zoning Code.
1477 Revised from 30,000 sq. ft. since the Zoning Code.
1478 Revised from 30,000 sq. ft. since the Zoning Code.
1479 Proximity to public or private open space added since EPC Draft per Condition #193.
1480 Seating and gathering area standards carried forward from LRF regulations, §14-16-3-2(D), and General Building regulations, §14-16-3-8(C)(S) to complement the Mixed-use and Non-residential Development Façade articulation regulations, IDO 4-10.5, per Condition #128.
space shall be provided in the form of aggregate space that encourages its use and that serves as the focal point for the development.

4-11.6. PARKING STRUCTURES\textsuperscript{1481}

Parking structures shall meet the design standards in Section 14-16-4.5.7 (Parking Structure Design).

\textsuperscript{1481} Revised term from “parking garage” to “parking structure” since EPC Draft per Condition #1 to distinguish commercial parking structures from garages associated with Residential uses.
4-12 **SIGN**

4-12.1 **PURPOSE**

The purpose of the regulations in this Section 14-16-3-10 is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor signs of all types. More specifically, these regulations are intended to help implement adopted ABC Comp Plan policies, protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, preserve scenic and natural beauty, reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, and curb the deterioration of the community’s appearance and attractiveness.

4-12.2 **APPLICABILITY**

A. This Section 14-16-4-12 shall apply to the erection of all signs located outside of, or located within but designed to be viewed from outside of, a structure, in all zone districts, unless specifically exempted by this IDO.

B. Section 14-16-2-7 (Overlay Zones) may include sign regulations, which prevail over any other standards in this IDO.

C. Additional sign regulations listed in Sections 14-16-3-3 (Use-specific Standards) may apply. In the case of conflict, the stricter provision shall apply.

D. Notwithstanding Subsections (a), (b), and (c) above, the provisions of this Section 14-16-3-10 shall not apply to any sign erected or required to be erected by any state or federal governmental agency, or public utility provided that the size, height, location, type and illumination of the sign comply with these provisions to the maximum extent practicable, including compliance with the New Mexico Dark Skies statute, as regulated by the state.

E. Any sign legally erected before the effective date of this IDO that is no longer in compliance with the standards in this Section 14-16-4-10 may be retained in use, subject to the provisions of Section 14-16-5-6.6 (Nonconforming Signs).

4-12.3 **SIGN PROHIBITED IN ALL ZONE DISTRICTS**

The following signs are prohibited, and these types of signs shall be removed or brought into conformance with this IDO and the DPM in accordance with maintenance standards for signs in Section 14-16-4-13.2.H:

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1482 Provisions from Section 14-16-3-5 (General Sign Regulations), significantly reorganized, and with changes as noted. Revised to comply with the U.S. Supreme Court decision in Reed v. Gilbert. Provisions from various SU-2 regulations have been integrated, but no SU-2 provisions specifying or prohibiting particular wording or messages have been carried over in light of the Reed v. Gilbert decision. Vague standards in SU-2 regulations requiring consistent or compatible colors, or banning brash or inconsistent colors, were not carried over. Intent paragraph not carried over as unnecessary. Footnote revised since EPC Draft per Condition #1.

1483 Condition #194.

1484 Deleted continuation language since EPC Draft per Condition #1 as contradictory to other provisions.

1485 Incorporates content of existing Section 307-5 but adds requirement for compliance if possible. This category includes house number signs required by the City. Reflects similar text in Uptown SU-2 regulations.

1486 From existing Section 14-16-3-5(C)(1), with wording clarified and with changes as noted. Additional prohibitions in the Albuquerque Indian School (banners, pennants, ribbons, streamers, signs with moving or flashing lights, signs that are animated in any manner, portable signs), Atrisco (sound, movement, blinking, flashing), Balloon Fiesta Master Plan (blinking, flashing), N. I-25 (flashing, intermittent illumination, animated), U. of Albuquerque (flashing, blinking) were not carried forward. Uptown SU-2 prohibition on mobile and wheeled/trailer mounted signs was not carried forward. Provision about electronic signs removed since EPC Draft per condition #1 as redundant of another provision in this section.
A. Any sign contributing to confusion of traffic control or resembling traffic control lighting; unauthorized signs, signals, markings, or devices that purport to be or are imitations of official traffic control devices or railroad signs or signals; unauthorized signs that attempt to control traffic on any public right-of-way, or signs that hide or interfere with the effectiveness of any official traffic control devices or any railroad signs or signals.

B. Any sign located in a clear sight triangle, as defined in and regulated by the DPM.

C. Any on-premises sign that advertises an activity, business, product, or service no longer produced or conducted on the premises upon which the sign is located for more than 30 calendar days after the vacancy or change of business that causes the sign to become inaccurate.

D. Any rotating, pulsating, or oscillating beacons of light; searchlights; or HID strobe lights.

E. Any signs with an audible device.

F. Any freestanding sign with overhead wiring to supply electric power.

G. Any building-mounted signs that extend above the wall of the building more than two feet or that do not have sign supports covered in a manner that integrates the sign with the building design.

1. Any sign with less than eight feet of clearance above a sidewalk or walkway, or less than 12 feet of clearance above a street driving surface, except those signs allowed by Sections 14-16-4-12.6.E.3 (Transit Shelter Signs), 14-16-4-12.7.C (Construction Period Sign), and 14-16-4-12.6.E.4 (Portable Signs).

H. Off-premises signs, any part of which are located within 660 feet of the nearest edge of the right-of-way of Interstate 25 between the northern and southern boundaries of the City, and within 660 feet of the nearest edge of the right-of-way of Interstate 40 between the eastern and western boundaries of the City.

4-12.4. ACTIVITIES THAT MAY BE PERFORMED WITHOUT A PERMIT

The following operations shall not require a sign permit provided that they comply with the standards applicable to that type of sign in this IDO.

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1486 Limitation to signs installed after 2002 was not carried over. Prohibition on hand-painted signs in Barelas Revitalization Plan was not carried over.
1487 Additional existing standard banning most signs between 3 and 8 feet above grade within 10 feet of corners was not carried forward as inconsistent with this standard.
1488 Qualifier “used for for commercial or promotional purposes” is content based regulation and has not been carried over. Reflects text in Uptown SU-2 regulations.
1489 Reflects text from Uptown SU-2 regulations.
1490 From Uptown SU-2 regulations. Qualifier “however, off-premises signs are excluded unless underground power lines supply the site” was not carried forward.
1491 From Nob Hill/Highland and U. of Albuquerque SU-2 regulations, made generally applicable. Uptown SU-2 regulation permitting 25 percent of sign area to exceed wall height was not carried over. Revised down from 5 feet since the EPC Draft based on staff discussion.
1492 Qualifier “angle irons or similar supports shall not be visible from public right-of-way; guy wires or cables may be visible” was not carried forward.
1493 Replaces “Canopy signs, but bottom of which is less than seven feet above grade, and “No sign shall have its lowest point less than 12 feet above the ground over public right-of-way except those signs specified in Subsections 14-16-3-5(h) (Transit Center Signs), 14-16-3-5(i) (Temporary Directional and Identification Signage for New Subdivisions) and 14-16-3-5(k) (Portable Signs).” Also replaces 12 ft. minimum clearance for projecting and marquee signs in Uptown SU-2 regulations.
1494 Existing Section 14-16-3-5(a)(7) (Permit Exceptions), with changes as noted. Revised since Consolidated Draft to remove reference to replacement of signs, which does require a permit in most cases.
A. The changing of the advertising copy or message, including the interchange of sign facings, on an approved painted or printed sign structure or on a marquee or similar approved sign, provided the size of the sign is not changed.

B. Painting, cleaning, and other normal maintenance and repair of a sign or sign structure unless a structural change is made.

4-12.5. STANDARDS APPLICABLE TO ALL SIGNS

A. Non-commercial content may be substituted for other content on any sign allowed under this Section 14-16-4-12 or any legal nonconforming sign under this IDO.1497

B. No sign or part of a sign shall be located on any property without the consent of the owner, holder, lessee, agent or trustee or other part controlling the use of such property.1498

C. Any part of a sign extending over a public right-of-way shall require the approval of the City and shall have a minimum vertical clearance of eight feet above any sidewalk or walkway and a minimum vertical clearance of 12 feet above any vehicle driving surface.

D. Any part of a sign extending over privately owned pedestrian traffic area shall require the approval of the owner of the property containing the pedestrian traffic area, and shall have a minimum clearance of eight feet above any sidewalk or walkway and a minimum vertical clearance of 12 feet above any vehicle driving surface.

E. All signs shall be constructed of durable material and maintained in good condition and repair, shall be securely anchored and constructed to prevent lateral movement that would cause wear on supporting connections, and shall be constructed to withstand expected wind loads appropriate to design and installation.1499

F. No sign illumination may create glare on the public right-of-way that distracts motorists, and all sign illumination in all zone districts must comply with the New Mexico Night Sky Protection Act.1500

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1496 New standards except as noted. Provision about signs review moved to the sign permit section in chapter 5 since EPC Draft per Condition #1.

1497 Provision from North 4th Street Corridor SU-2 regulations made generally applicable.

1498 Reflects location standards in Uptown SU-2 regulations.

1499 Standards in Uptown SU-2 that supports, frames, and posts be painted, covered with masonry, stucco, decorative materials or otherwise finished were not included because superseded by this standard.

1500 New standard from the Albuquerque Indian School SU-2 regulations. Exception of downtown from state dark skies regulation was deleted since Consolidated Draft.
G. Sign structures shall not require guy wires, bracing, or external supports.\textsuperscript{1501} 

4-12.6. \textbf{ON-PREMISES SIGNS}\textsuperscript{1502} 

\textbf{A. On-Premises Signs that Require a Permit}\textsuperscript{1503} 

Unless exempted by Section 14-16-4-12.4 (Activities That May Be Performed without a Permit) above, the following types of new signs may not be erected until a sign permit is obtained pursuant to Section 14-16-5-5.1.I (Wall, Fence, or Sign Approval):

1. All sign faces having an area greater than 40 square feet.
2. All signs having a height in excess of eight feet.
3. All illuminated signs.
4. All signs with moving elements.
5. All free-standing and projecting on-premises signs.
6. All portable signs.\textsuperscript{1504}
7. All electronic signs,\textsuperscript{1505} all changes to an existing sign so that it becomes an electronic sign or to change an existing electronic sign from an electronic message reader board sign to an electronic display panel sign.
8. \textbf{Construction period signs.}\textsuperscript{1506}

\textbf{B. Signs in Residential Zones}\textsuperscript{1507} 

The additional provisions of this Section 14-16-4-12 apply to all signs in a Residential zone district, \textit{unless stated otherwise elsewhere in this IDO}.\textsuperscript{1508}

| TABLE 4-12-1: Residential Zone District Sign Standards\textsuperscript{1509} |
|-----------------------------|-------------|----------|-------------|-------------|
| \textbf{Sign Type}         | \textbf{R-A} | \textbf{R-MC} | \textbf{R-1,\textsuperscript{1510} R-T} | \textbf{R-ML,\textsuperscript{1511} R-MH} |
| \textbf{Wall Sign \textsuperscript{[1]}} |       |       |             |             |
| \textbf{Maximum Number}    |       |       |             |             |
| \textbf{Maximum Size and}  |       |       |             |             |
| \textbf{2 sq. ft.}         |       |       |             |             |
| \textbf{24 sq. ft.}        |       |       |             |             |

\textsuperscript{1501} New standard from Atrisco SU-2 regulations.  
\textsuperscript{1502} Regulations for temporary signs were moved out of the on-premises signs section to be a new Section 4-11.9 since EPC Draft because not all temporary signs are on-premises signs.  
\textsuperscript{1503} From existing Section 14-16-3-5(A).  
\textsuperscript{1504} The following text was not carried forward as unnecessary. “The permit for a portable sign shall automatically become void when the number of employees of the small business becomes ten or more. Upon request, the business owner shall furnish documentation evidencing the number of employees of the business. Failure to provide such evidence within 48 hours of it being requested shall void the permit.”  
\textsuperscript{1505} Implied but stated in existing ordinance.  
\textsuperscript{1506} Revisited to apply to permanent rather than temporary signs since Consolidated Draft. Title of sign revised from “Subdivision Identification sign” since EPC Draft per Condition #194 to comply with the U.S. Supreme Court decision in Reed v. Gilbert to apply to construction periods for all development.  
\textsuperscript{1507} Table is under review for compliance with Reed v. Gilbert.  
\textsuperscript{1508} Added since EPC Draft per Condition #1, since Use Specific Standards may have separate provisions about signs.  
\textsuperscript{1509} Consolidated from existing Sections 14-16-2-2 through 14-16-2-12, with changes as noted. Since Consolidated Draft, regulations related to Signs Advertising Accessory Uses have been deleted as content-based. Footnote revised since EPC Draft per Condition #1 and Condition #194. “Real Estate Office and Incidental Signs” removed from Table since EPC Draft per Condition #1 as there are no provisions related to that type of sign. Revised since EPC Draft based on staff discussion and to carry forward existing Zoning Code provisions for home occupations and apartments.  
\textsuperscript{1510} R-1 standards were generally applied to other low-density residential zones, because they were cross-referenced in other district lists of accessory uses. R-1 provision for approval of incidental signs for storage structures or yards was not carried forward.  
\textsuperscript{1511} R-ML moved to the same column as R-MH since EPC Draft for consistency with current practice.
TABLE 4-12-1: Residential Zone District Sign Standards

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>R-A</th>
<th>R-MC</th>
<th>R-1,1510 R-T</th>
<th>R-ML,1511 R-MH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>If dwelling is more than 30 ft. from street, may be replaced by 4 sq. ft. yard sign1512</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Illumination</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Not allowed</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monument Sign</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Up to 1 sign per street frontage, no more than 24 sq. ft. each</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Window Display or Sign 1513</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>None1514</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Limited to no more than 15% of window area</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

[1] In R-A, R-MC, R-1, R-T, wall signs can only be used for home occupation uses.

C. Signs in Mixed-use and Non-residential Zones1515
The additional provisions of this Section 14-16-4-12.6.C apply to all signs that are not located within a Residential zone district.

1. General Regulations1516
The standards in Table 4-11-2 apply to all signs in Mixed-use and Non-residential zone districts.

TABLE 4-12-2: Mixed-use and Non-residential Sign Standards1517

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Zone District</td>
</tr>
<tr>
<td>Wall Signs1518</td>
<td>MX-T, MX-L, MX-M, MX-H, MX-FB-DT</td>
</tr>
<tr>
<td></td>
<td>NR-LM, NR-GM</td>
</tr>
</tbody>
</table>

1512 Provision for yard sign is new since Zoning Code.
1513 “Relating to use” removed since EPC Draft per Condition #194 to comply with the U.S. Supreme Court decision in Reed v. Gilbert.
1514 Added since EPC Draft per Condition #1 to make table more clear.
1515 From existing Section 14-16-3-5(F) with changes as noted. Title revised from Non-residential zones. SU-2 regulations requiring specific types of letters and signs were not carried forward. Requirement for entrance signs in U. of Albuquerque SU-2 regulations was not carried over. Special provisions for signs within 40 feet of residential districts in Section 14-16-3-5(D). Table is new and consolidates information from several SU-2 regulations. Restrictions on sign letter height, fonts, or relative colors/darkness of letters and backgrounds in some SU-2 subareas were not carried over. Regulations applicable only to specific lots or sites identified in the East Gateway and other SU-2 regulations were not carried forward. Specific provisions for religious signs in existing Zoning Code and Uptown SU-2 regulations were not carried over as content-based regulations. Since Consolidated Draft, provision restricting sign projections to 6 in. was deleted.
1517 Table consolidated from existing Sections 14-16-2-13 through 14-16-2-18, with changes as noted. Distinctions between signs permissive in Established, Redeveloping, Developing, Semi-Urban areas were not carried over, since those distinctions do not appear in the new Comprehensive Plan. In addition, distinctions between signs permissive in different zone districts are unclear and appear inconsistent.
1518 Table entries for these two new districts are new since Zoning Code.
**TABLE 4-12-2: Mixed-use and Non-residential Sign Standards**

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>Standard</th>
<th>Zone District</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Maximum Number</strong></td>
<td>1 per business</td>
<td>0</td>
</tr>
<tr>
<td><strong>Maximum Size</strong></td>
<td>Shall not exceed the following percentages of façade area, inclusive of door and window openings.</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>MX-T: 5%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>MX-L: 10%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>MX-M, MX-H, NR-C: 15%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>NR-LM, NR-GM: 25%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Other Zone Districts: 6%</td>
<td></td>
</tr>
<tr>
<td><strong>Location</strong></td>
<td>Where there is no side setback between two retail frontages in the same or abutting buildings, no wall sign may extend closer than 2 feet to the shared edge of the retail frontage.</td>
<td></td>
</tr>
<tr>
<td><strong>Window Signs</strong></td>
<td>No more than 15% of window and door areas may be covered with signs</td>
<td>Not Allowed</td>
</tr>
<tr>
<td><strong>Canopy Signs</strong></td>
<td>1 per retail frontage</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>MX-FB-DT: 1 per entry/exit</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Other Standards</strong></td>
<td>Letters and images must be located on vertical surfaces, which may not exceed 18 in. height</td>
<td></td>
</tr>
<tr>
<td><strong>Marquee Signs</strong></td>
<td>A marquee sign is allowed in lieu of – not in addition to – an allowable wall sign if it does not exceed the maximum size of the wall sign it replaces.</td>
<td>Not Allowed</td>
</tr>
<tr>
<td></td>
<td>1 per theater or performance venue frontage; Sign face may not exceed 5 ft. in height in the MX-FB-DT zone district, or 3 ft. in height in other zone districts.</td>
<td></td>
</tr>
</tbody>
</table>

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1519 Specific standards for placement of signs and street addresses on front façade, content-based regulation of logos from N. 4th Street Corridor, N. I-25, and U. of Albuquerque SU-2 regulations were not carried over. Sign type changed since EPC Draft per Condition #1 to be consistent with the definitions.

1520 Existing RC, O-1, and C-1 zones do not have a limit on number of wall signs. From Atrisco SU-2 regulations; limits requiring minimum amounts of street frontage were not carried over. Prohibition on signs or illuminated signs oriented toward a Residential district in Albuquerque Indian School, East Gateway, and La Cueva SU-2 regulations were not carried over because of potential to make many existing signs nonconforming. Number limit based on number of tenants in N. I-25 SU-2 regulations was not carried over. Provision for unlimited number of wall signs in Uptown SU-2 regulations was not carried over. Since Consolidated Draft, “per street frontage” was replaced by “per business.”

1521 Existing R-C district limit is 7.5 percent of façade, existing C-1 and C-2 zone limit is 25 sq. ft. for residential signs. Existing O-1 zone requirement that sign not be visible from a public right-of-way was not carried forward. Text from Albuquerque Indian School and Downtown Neighborhood Area SU-2 regulations is reflected. 20 percent limit on wall sign size from Balloon Fiesta and Nob Hill/Highland, and 25 percent -30 percent limit from Uptown, SU-2 regulations was not carried over. 5 ft. x 5 ft. limit on logo signs in Albuquerque Indian School SU-2 regulations was not carried over as content based regulation, and different standards for “major” and “minor” buildings were deleted as undefined and difficult to administer. 100 sq. ft. limit for single tenant signs in U. of Albuquerque was not carried over. Since Consolidated Draft, sign allowances were increased from 5% in MX-T, 10% in MX-L, 15% in MX-M and MX-H, and 25% in NR-C, NR-LM, and NR-GM. Sign allowances reduced back down to original requirements since EPC Draft and NR-C allowance made consistent with MX-M to reflect changes to the C-2 conversion.

1522 New provision from N. 4th Street Corridor SU-2 regulations.

1523 New provision. Inclusion of windows in wall sign areas in Downtown Neighborhood Area SU-2 was not carried over. 8 sq. ft. limit in Nob Hill/Highlands SU-2 regulations was not carried over.

1524 These types of signs are permissible in the Downtown 2025, South Yale, and other SU-2 regulations

1525 From Downtown Neighborhood Area SU-2 regulations; location of letters is new since Zoning Code.

1526 Provision for unlimited canopy signs in Uptown SU-2 regulations was not carried forward.
## TABLE 4-12-2: Mixed-use and Non-residential Sign Standards

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Zone District</td>
</tr>
<tr>
<td>Projecting Signs</td>
<td>Maximum projection is one-half the distance over any adjacent sidewalk, or 10 feet from the façade of the building, whichever is less.(^{1527})</td>
</tr>
<tr>
<td></td>
<td>Not Allowed</td>
</tr>
<tr>
<td></td>
<td>A projecting sign is allowed in lieu of – not in addition to – an allowable wall sign if it does not exceed the maximum size of the wall sign it replaces and complies with the following standards:</td>
</tr>
<tr>
<td></td>
<td>One sign per 300 linear feet along frontage of same lot.</td>
</tr>
<tr>
<td></td>
<td>If lot fronts more than one street, one sign per frontage is allowed.</td>
</tr>
<tr>
<td></td>
<td>Except as noted below, one projecting sign per retail frontage projecting no more than 30 in. from the building façade is allowed.(^{1529})</td>
</tr>
<tr>
<td></td>
<td>In the MX-FB-DT zone district and on N. 4(^{th}) Street (as mapped in Section 14-16-4-12.7.A.4.h), signs may project up to one-half the way across the sidewalk if the lower edge of the sign is at least 12 feet above the sidewalk, and may project up to three-quarters of the way across the sidewalk if the lower edge of the sign is at least 12 feet of the sidewalk on Central Avenue between 1(^{st}) and 8(^{th}) Streets.(^{1530})</td>
</tr>
<tr>
<td>Freestanding Signs</td>
<td>Maximum Number 1 per street frontage on sites smaller than 5 ac.</td>
</tr>
</tbody>
</table>

---

1527 New provision incorporating 10 ft. limit from Uptown SU-2 regulations.

1529 From Nob Hill/Highland SU-2 regulations, made generally applicable. 36 in. projection limit and detailed size and spacing standards for this type of sign in the N.1-25 SU-2 regulations was not carried over. Ban on this type of sign in U. of Albuquerque SU-2 regulations was not carried over.

1530 Combines provisions from Downtown 2025 Plan and N. 4\(^{th}\) Street Corridor SU-2 regulations. More detailed standards for<br>projecting signs in Uptown SU-2 regulations were not carried forward.

---

\(^{1527}\) New provision incorporating 10 ft. limit from Uptown SU-2 regulations.

\(^{1528}\) Deleted provision that Lot must have 100 linear feet of frontage for sign to be allowed since EPC Draft per Condition #195.

\(^{1529}\) From Nob Hill/Highland SU-2 regulations, made generally applicable. 36 in. projection limit and detailed size and spacing standards for this type of sign in the N.1-25 SU-2 regulations was not carried over. Ban on this type of sign in U. of Albuquerque SU-2 regulations was not carried over.

\(^{1530}\) Combines provisions from Downtown 2025 Plan and N. 4\(^{th}\) Street Corridor SU-2 regulations. More detailed standards for<br>projecting signs in Uptown SU-2 regulations were not carried forward.

\(^{1532}\) Since Consolidated Draft, minimum 4 ft. setback from street deleted because other provisions govern.

\(^{1533}\) Prohibition on freestanding signs in existing R-C and on C-1 and C-2 lots under 5 acres was not carried forwards, since existing O-1 zone permits them and the two zones are now consolidated into MX-T. From Downtown 2025 Plan and La Cueva SU-2 regulations is reflected. Prohibitions on these signs in some subareas of the South Yale and Tower/Unser SU-2 regulations were not carried forward.

\(^{1534}\) New provision from N. 4\(^{th}\) Street Overlay Zone, Nob Hill/Highland SDP, and N. I-25 SDP was made city-wide since the Zoning Code. Footnote revised since EPC Draft per Condition #195 to reflect all plans with similar provisions.

\(^{1535}\) New since EPC Draft per Condition #196 to reflect freestanding sign prohibition in the CCR zones Nob Hill/Highland SDP.

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Integrative Development Ordinance
Albuquerque, NM
LUPZ Draft – July 2017
Page 319
TABLE 4-12-2: Mixed-use and Non-residential Sign Standards¹⁵¹⁷

<table>
<thead>
<tr>
<th>Standard</th>
<th>Zone District</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>NR-LM, NR-GM</td>
</tr>
<tr>
<td></td>
<td>NR-SU, NR-PO¹⁵¹⁸</td>
</tr>
</tbody>
</table>

| Maximum Size | Sites 5 ac. or larger may have one additional sign.¹⁵³⁶ |
| MX-L: 100 sq. ft. | MX-M, NR-C: 200 sq. ft. |
| NR-SU and NR-PO: determined on a site-specific basis. |

| Maximum Height | 26 ft. |
| For a freestanding sign located within 200 feet of a moving through lane of an Interstate Highway (excludes highway ramps), sign height may be measured from the road grade measured at the closest point to the premises.¹⁵³⁸ |

| Portable Sign¹⁵³⁹ | 1 per retail frontage. |
| The use of allowable portable signs shall not reduce the number of other freestanding signs allowed on the lot. |

| Maximum Height | 4 ft. |

### 2. Illumination and Motion¹⁵⁴⁰

The following standards apply to all signs in the Mixed-use and Non-residential zone districts unless Section 14-16-4-10.8(C) applies a more restrictive standard.

a. Signs may be internally or externally lit, provided that the light source is not directly visible from the public right-of-way or from adjacent properties, unless otherwise restricted in this IDO.¹⁵⁴¹

b. No portion of an illuminated sign shall have a luminance greater than 200 footlamberts at night.

c. Any illuminated sign, or any illuminated element of any sign, may turn on or off or change its brightness, provided that:

i. The sign is not within 200 feet of a Residential zone district and visible from that zone district.

¹⁵³⁶ Existing C-2 provision for one sign per property with over 100 ft. of frontage and one sign per 300 sq. ft. of frontage was not carried over. Text from Atrisco and Uptown,SU-2 regulations is reflected. Atrisco limits requiring minimum amounts of street frontage, and Uptown provisions for additional one additional sign per 150 feet of street frontage were not carried over.

¹⁵³⁷ Since Consolidated Draft, these standards replace more general standard of “16 sq. ft. per sign face, except that for multitenant parcels larger than 5 acres, the maximum area for one sign at each arterial street entrance shall be 100 sq. ft.” Revised since EPC Draft per Condition #1 and Condition #7 to match NR-C standards to MX-M standards based on changes to C-2 conversion rules.

¹⁵³⁸ Since Consolidated Draft, replaces standard reading “4 ft., except that for multitenant parcels larger than 5 acres, the maximum height for one pylon sign at each arterial street entrance is 26 ft.; and For multitenant parcels larger than 5 acres, the maximum height for permissive pylon sign(s) within 200 ft. of a freeway shall be 13 ft. above the freeway road grade.”

¹⁵³⁹ Existing R-C zone provision extended to other districts; maximum height standard is new since Zoning Code. Language clarifying the relationship between portable and free-standing signs added since EPC Draft per Condition #307 for clarity.

¹⁵⁴⁰ Limit on wattage of time and temperature signs was deleted as both content based and unnecessary. Limits on specific types of sign lighting, in SU-2 regulations were not carried over except as referenced in other footnotes. Standard reduced from 320 footlamberts.

¹⁵⁴¹ New general provision incorporating text from N. I-25 SU-2 regulations. Six specific types of sign lighting from U. of Albuquerque were not carried over.
ii. The sign is not within 330 feet of Major Public Open Space.1542

iii. Change of illumination does not produce any apparent motion of the visual image,1543 including but not limited to illusion of moving objects, moving patterns or bands of light, expanding or contracting shapes, or any similar effect of animation except twinkling. Transition between messages or images on an electronic sign shall not exceed one second and shall not include any visual effects, meaning any transitional images or changes to the message before the new message appears.

iv. There is no continuous or sequential flashing in which more than one-third of the lights are turned on or off at one time.

d. No sign or any part of any sign may move or rotate at a rate more often than once each 10 seconds, or change its message or picture at a rate more often than once each eight seconds, with the exception of wind devices, the motion of which is not restricted.

e. Power lines to lighted signs shall be underground or concealed.1544

D. Joint Sign Premises1545

A joint sign premises may be created by the owners of all the abutting premises who wish to cooperate in order to jointly obtain permission for one additional freestanding sign per 150 feet of street frontage on the joint sign premises.

E. Standards for Specific Types of Signs1546

1. Neon Signs along Central Avenue1547

The provisions of this Section 14-16-4-12.6.E.1 provide size and height bonuses for qualifying neon signs, allows animation, waives some fees, and provides incentives and flexibility with otherwise applicable sign regulations in specific areas of the city. In case of conflict between these standards and other sign standards applicable to the same property, these standards shall apply.

a. Applicability

The following additional regulations apply to:

   i. Signs on all lots that abut or have direct frontage to Central Avenue.

   ii. On-premises signs on all lots located within 300 feet of the edge of the Central Avenue right-of-way.

   iii. On-premises signs located on lots located within 300 feet of an intersection of Central Avenue and the following streets:1548 Tramway Boulevard, Juan Tabo Boulevard, Eubank Boulevard, Wyoming Boulevard, Louisiana Boulevard, San Pedro Boulevard, San Mateo Boulevard, Yale Boulevard, University Boulevard, I-25, Broadway

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1542 Revised since EPC Draft per Condition #118 for additional requirements within the MPOS Edge.
1543 Nob Hill/Highland SU-2 regulation exception to allow signs that produce apparent motion was not carried over.
1544 From the Barelas Revitalization Plan.
1545 From existing Section 14-16-3-S(J) and Uptown SU-2 regulations. Minimum 150 feet from Uptown SU-2 replaces 100 ft. in existing Zoning Code. Since Consolidated Draft, additional regulation reading “A joint premises is entitled to one additional freestanding on-premises sign as if it were one premises. However, if the owner of one or more cooperating premises that is necessary to make up the required 150 feet of street frontage legally withdraws from such agreement, the free-standing or projecting sign automatically becomes illegally nonconforming and shall be removed within 30 days” was deleted.
1546 Provisions in existing Section 14-16-3-S(J) on signs advertising alcoholic beverages were not carried over due to the Reed v. Gilbert.
1547 Content from the Central Avenue Neon Sign Overlay Zone (a.k.a. CANDOZ) has been inserted here.
1548 Limitation to signs within 300 ft. of intersections was added since Consolidated Draft.)
Chapter 14-16-4: Development Standards

Eligibility for Incentives
In order to qualify for incentives in Subsection c below, the applicant must comply with all of the following criteria.

i. Amount of Neon
   Luminous neon shall comprise at least 50 percent of the sign face area and include text and/or images.

ii. Location
   The sign shall not obscure portions of a building that contribute to architectural character including, but not limited to, doors and windows.

iii. Lighting Technology
   Traditional neon requires a significant amount of electricity. Signage that uses LED tubing or a similar alternative and has the appearance of neon is allowed if it produces a continuous lit appearance similar to neon lighting technology, and does not create darker and/or shadowy spaces between individual LEDs that make the linear, illuminated image appear non-continuous. Incandescent bulbs, another historic sign illumination type, or compact fluorescent bulbs that appear to be incandescent bulbs shall comprise no more than 50 percent of the sign face area.

iv. Design Elements
   Consistency with at least one of the following design elements:

   a. Sign Restoration
      Restoration of a historic sign that includes neon and/or incandescent light bulbs qualifies the applicant for the neon sign incentives in Subsection c.

   b. Neon Design
      The neon portion of the sign shall be intricate, creative, and expressive. There shall be added text and/or imagery, preferably both, highlighted with neon.

   c. Sign Design
      If the sign is rectangle or a square, the mounting structure shall have a unique design that integrates with the sign.

   d. Illumination
      One-hundred (100) percent of the sign illumination shall consist of neon or other historic forms of illumination, such as incandescent bulbs. Illumination calculations exclude any portion of the sign that is backlit plastic panels where sign content is painted or printed on the panel, instead of originating from luminous tubing.

v. Compliance with National Electric Safety Code
   All signs must be in compliance with the latest enforced clearance section of the National Electric Safety Code, which governs minimum required clearance distances for electric utility facilities. Electric overhead
transmission lines are located perpendicular and parallel to Central Ave. Electric overhead distribution lines are frequently located in or overhanging the public ROW, generally crossing or paralleling Central Ave. All proposed neon installations at these locations must be approved by PNM through the City’s Sign Permit Application process per Section 14-16-5-5.1.I to ensure vertical and horizontal safety clearances.

C. Incentives and Flexibility
The following incentives and flexibility apply to signs that meet the requirements of Subsections a and b:

i. Sign area for a freestanding or projecting sign may be up to 50 percent larger than the sign area allowed in the underlying zone district, up to a maximum of 250 square feet after the bonus is applied. Lettering is allowed a proportionate size bonus.

ii. Sign area for a building-mounted sign, except projecting signs, may be up to 25 percent larger than the sign area allowed in the underlying zone district. Lettering is allowed a proportionate size bonus.

iii. The height of a freestanding sign shall not exceed 30 feet, except that the height of a sign within 200 feet of a moving through lane of an Interstate Highway (excluding highway ramps) shall not exceed 26 feet above the road grade at the closest point to the premises.

iv. The height of a building-mounted sign shall not exceed 110 percent of the building height or 35 feet, whichever is less. Building-mounted signs shall be located below the top edge of any non-residential portion of the building to which it is attached, or shall otherwise be located so that the illumination from the sign is shielded from any residential portion of the building.\textsuperscript{1550}

d. Animation\textsuperscript{1551}

i. Flashing and physical movement of a sign and/or its elements are not allowed and do not qualify as an animated sign.

ii. Signs that meet the other standards of this Section 14-16-4-12.6.E.1 may be animated by changing the neon illumination in a sequential or radial manner to produce apparent motion of the visual image.

2. Electronic Signs\textsuperscript{1552}

   a. Type of Sign Allowed

If a premises meets the requirements for a free standing electronic sign, with at least 100 feet of street frontage, then the premises is prohibited from having an electronic sign that is a wall sign or canopy sign. If a premises does not meet the requirements for a free standing sign, that premises shall be allowed one electronic sign that can be a wall sign or canopy sign.

\textsuperscript{1550} The phrase “to the lumen standards of the city” was not carried over because that standard is not in place.

\textsuperscript{1551} Text revised for clarity since Consolidated Draft.

\textsuperscript{1552} From existing Section 14-16-3-5(E), and other sections addressing this topic, with changes as noted. Provisions from existing 14-16-4-11 (Annual Permit Renewal for Electronic Signs) will be included as administrative procedure. Footnote updated since EPC Draft per Condition #1 to reflect current practice.
b. **Illumination, Brightness, and Images**\(^{1553}\)

i. Electronic signs shall not exceed an illumination level of 200 footlamberts.

ii. Each electronic sign shall include a photo cell to control brightness. Any previously allowed electronic sign shall be turned off from sunset to sunrise until the sign is brought into compliance with limitations on brightness in this Section 14-16-4-9.

iii. No electronic sign shall include motion of the message or image, and no electronic sign shall move, flash, rotate, or change its message or picture at a rate more often than once each eight seconds.

iv. Transition between messages or images on an electronic sign shall not exceed one second and shall not include any visual effects during that time.

v. No electronic sign or part of a sign shall change its illumination more than once an hour.

vi. No more than one sign per premises shall be illuminated, apart from the general illumination of the premises, between 10:00 P.M. and 7:00 A.M.; provided however that this provision shall not apply to signs that only display gasoline prices at establishments for retail sales of gasoline, oil, and liquefied petroleum.

c. **Restrictions on New Electronic Signs**\(^{1554}\)

No new off-premises electronic sign shall be allowed within the City except as provided in this Section 14-16-4-12.6.E.2.c. The modification of any existing sign that makes the sign an electronic sign shall constitute a new electronic sign. Any expansion of the area of a sign that operates as an electronic sign shall constitute a new electronic sign with respect to the area of expansion.

i. **Prohibited Areas**

   a. No electronic sign shall be allowed within a Residential zone district, HPO zone, or state or nationally registered historic district.

   b. No electronic sign shall be allowed within 1/8 mile (660 feet) of the outer edge of the right-of-way of the following streets: Alameda Boulevard, Griegos Road, Rio Grande Boulevard, Unser Boulevard, and Tramway Boulevard. In addition, no electronic sign shall be allowed within 1/8 mile (660 feet) of the outer edge of the right-of-way of Coors Boulevard along two segments (from north to south): between Calabacillas Arroyo and Saint Joseph Drive, and between Central Avenue and the southern City limit.\(^{1555}\)

   c. No electronic sign shall be allowed within 1/4 mile (1,320 feet) of Major Public Open Space.

   d. Subsections i, ii, and iii above shall not apply to any electronic sign existing prior to the adoption of this Subsection if such sign is controlled by Section 42A-1-34 NMSA 1994 and if such sign was an electronic sign prior to such adoption.

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1553. Prohibition on 360 degree display signs area.
1554. Consolidates existing Zoning Code provisions on this topic. Specific prohibitions on electronic on-premises signs in the Downtown Neighborhood Area and South Yale SU-2 regulations were not carried over. "Off-premises" removed from title and text since Consolidated Draft, since existing standards apply to all electronic signs.
1555. Description of applicable sections of Coors Boulevard revised for clarity since Consolidated Draft.
Chapter 14-16-4: Development Standards

ii. **Removal of Other Signage Required**

   a. A new off-premises electronic sign may be allowed if the applicant can demonstrate that existing off-premises signs and support structures containing at least three times the advertising area of the proposed electronic sign will be permanently removed.

   b. The removed signs must be located on a property of equivalent or less intense zoning than the location of the proposed off-premises electronic sign, as determined by the Planning Director based on the maximum height and size of development allowed in the two zone districts.

   c. Off-premises signs that have been removed and not replaced may count as removed advertising space for the purpose of permitting a new electronic off-premises sign.

   iii. Subsection b above shall not apply to the improvement, upgrade, or replacement of an existing electronic sign so long as the advertising space is not increased by such improvement, upgrade, or replacement.

3. **Transit Shelter Signs**

   Signs that are attached to or part of the structure of a transit shelter as allowed in Section 6-5-5-18 of ROA 1994 (Sidewalks, Drive Pads, and Curb Ramp Repair and Maintenance; Permitting Commercial Advertising on Transit Shelters) shall comply with the additional regulations in this Section 14-16-4-13.

<table>
<thead>
<tr>
<th><strong>TABLE 4-12-4: Transit Shelter Sign Table</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Topic</strong></td>
</tr>
<tr>
<td>Number allowed</td>
</tr>
<tr>
<td>Maximum sign area</td>
</tr>
<tr>
<td>Maximum height</td>
</tr>
<tr>
<td>Illumination</td>
</tr>
<tr>
<td>Allowed locations</td>
</tr>
<tr>
<td>Prohibited locations</td>
</tr>
<tr>
<td>a)</td>
</tr>
<tr>
<td>b)</td>
</tr>
<tr>
<td>c)</td>
</tr>
<tr>
<td>d)</td>
</tr>
<tr>
<td>e)</td>
</tr>
</tbody>
</table>

---

1556 Exception for pending sign applications was deleted, since those applications have now been processed.
1557 Modified to clarify how this standard is applied.
1558 From existing Section 14-15-3-5(H).
1559 Matches maximum sign area in Uptown SU-2 transit shelter signage provisions.
4. Portable Signs¹⁵⁶⁰

a. In any zone district or Overlay zone, except the Old Town HPO-5 zone, where a land use in the Retail Sales category is an allowable use a retail sales business employing fewer than 10 persons is allowed to display one portable sign, in addition to any other signs, during the customary business hours of the business, provided the sign complies with the standards in Table 4-11-5.

<table>
<thead>
<tr>
<th>Topic</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum number of signs</td>
<td>1 per business.¹⁵⁶¹</td>
</tr>
<tr>
<td>Maximum number of sides</td>
<td>2</td>
</tr>
<tr>
<td>Maximum size</td>
<td>6 sq. ft. per side</td>
</tr>
<tr>
<td>Maximum width</td>
<td>2.5 ft.</td>
</tr>
<tr>
<td>Maximum height</td>
<td>3 ft.</td>
</tr>
<tr>
<td>Construction</td>
<td>The sign must be constructed of wood, metal or other durable materials in such a manner as to resist movement by high winds. The sign may consist of a changeable writing board, chalkboard, or surface that accommodates changeable letters. Paper signs, balloons, banners, and wind-activated devices shall not be used or attached to a sign. Signs shall be constructed in a manner that incorporates a base from which no supports or feet extend that may cause pedestrians to trip. No external cables, brackets, wires, or props shall be allowed. No sign that requires electricity or any other power source shall be allowed.</td>
</tr>
<tr>
<td>Location</td>
<td>Must be freestanding and located in front of the premises owned or occupied by the person or entity placing the sign.¹⁵⁶² May be located in the public right-of-way, but not within 2 feet of the curb, and not in areas that are required to be clear for pedestrian movement next to any street furniture.¹⁵⁶³ May not obstruct vehicle or pedestrian line of sight of an intersection of any two or more streets or the intersection of any alley or driveway and a public street.</td>
</tr>
<tr>
<td>Pedestrian clear passage</td>
<td>For sidewalks at least 8 ft. wide, a pedestrian clear passage at least 6 ft. wide shall be maintained at all times. For sidewalks less than 8 ft. wide, a pedestrian clear passage at least 3 ft. wide shall be maintained at all times.</td>
</tr>
<tr>
<td>Removal of signs</td>
<td>The sign shall be removed during non-business hours of the retail businesses and stored inside the business and away from public view and shall be removed when weather conditions create potentially hazardous conditions.</td>
</tr>
<tr>
<td>Maintenance</td>
<td>The sign shall be replaced when any part of the sign becomes</td>
</tr>
</tbody>
</table>

¹⁵⁶⁰ From existing Section 14-16-3-5(K).
¹⁵⁶¹ Revised since Consolidated Draft to remove references to content-based temporary signs to comply with Reed v. Gilbert.
¹⁵⁶² Wording revised since EPC Draft per Condition #194 to comply with the U.S. Supreme Court decision in Reed v. Gilbert.
¹⁵⁶³ Revised since EPC Draft per Condition #1 for clarity.
TABLE 4-12-5: Portable Sign Standards

<table>
<thead>
<tr>
<th>Topic</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>defaced or tattered.</td>
</tr>
</tbody>
</table>

b. In the Old Town HPO-5 zone, outdoor displays shall comply with Section 14-16-2-7.3.B.5.g (Signs).

4-12.7. OFF-PREMISES SIGNS

Unless exempted by Section 14-16-4-12.4 (Activities That May Be Performed without a Permit) above, off-premises signs may not be erected until a sign permit is obtained pursuant to Section 14-16-5-5.1.I (Wall, Fence, or Sign Approval).

A. Locations

1. Off-premises signs are not allowed in any Residential zone district.\(^{1565}\)

2. Off-premises signs are not allowed in any MX-T, MX-FB, NR-C, or NR-PO zone district.\(^{1566}\)

3. Off-premises signs are only allowed in the NR-SU, PD, or PC zone district if the maximum number, size, height, and location of such sign(s) are specifically authorized in the EPC or City Council decision approving such zone district.\(^{1567}\)

4. Off-premises signs are not allowed in the following mapped areas: \(^{1568}\)
b. **Coors Boulevard – CPO-1**\(^{1570}\)

c. **Downtown – MX-FB-DT zone district**\(^{1571}\)

d. **East Gateway**

![Map of East Gateway](Image)

e. **La Cueva**

Off-premises signs are prohibited in Residential and Mixed-use zone districts in the mapped area shown.\(^{1572}\)

![Map of La Cueva](Image)

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\(^{1570}\) New since EPC Draft per Condition #1 to reflect existing prohibition in Coors Corridor Plan.

\(^{1571}\) Downtown map replaced with reference to MX-FB-DT since EPC Draft per Condition #1 for correctness and to reduce repetition.

\(^{1572}\) Revised since Consolidated Draft
f. Los Candelarias

g. Nob Hill – CPO-6

h. North 4th Street Corridor

i. South Yale

Off-premises signs are prohibited in Residential and Mixed-use zone districts in the mapped area shown below.
Chapter 14-16-4: Development Standards

4-12: Signs

4-12.7: Off-Premises Signs

j. Sunport Boulevard

k. Unser Boulevard
B. Standards

1. Off-premises electronic signs must follow the regulations in Section 14-16-4-12.6.6.2 (Electronic Signs).

2. A permit for a new off-premises sign will be approved only upon removal of an existing off-premise sign, and support structure, of equal or greater sign area. The removed signs must be located on property of equivalent or less intense zoning than the location of the proposed off-premises electronic sign, as determined by the Planning Director based on the maximum height and size of development allowed in the two zone districts.\(^{1573}\)

3. Off-premises name, directional, and information signs of service clubs, places of worship, civic organizations, and other quasi-public uses shall be not more than 3 square feet in area. Sign height shall not exceed 8 feet. In the event that there is a need for more than one such sign at one location, all such signs must be consolidated and confined within a single frame, subject to the review and approval of the Planning Director.\(^{1574}\)

4. In those zone districts where they are allowed, off-premises signs shall comply with the standards in Table 4-12-6.\(^{1575}\)

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\(^{1573}\) Inserted from existing 14-16-3-5(A)(1)(g) since EPC Draft to reflect existing requirements.

\(^{1574}\) This provision may need to be revised based on direction from City Legal in light of Reed v. Gilbert. Footnote added since EPC Draft.

\(^{1575}\) Table added to replace provisions for sign standards since EPC Draft, with changes from Zoning Code and EPC Draft as noted. Content for MX-L, MX-M, and MX-H districts based on Zoning Code Sections 14-16-2-16, 14-16-2-17, and 14-16-2-18. Since EPC Draft, references to Established, Redeveloping, Developing, and Semi-Urban areas have been replaced with references to Areas of Change and Consistency.
### TABLE 4-12-6: Mixed-use and Non-Residential Off-Premises Sign Standards

<table>
<thead>
<tr>
<th>Zone District</th>
<th>Topic</th>
<th>Freestanding or Building-mounted</th>
</tr>
</thead>
<tbody>
<tr>
<td>MX-L</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MX-M&lt;sup&gt;1576&lt;/sup&gt;, NR-C&lt;sup&gt;1577&lt;/sup&gt;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MX-H&lt;sup&gt;1578&lt;/sup&gt;, NR-LM&lt;sup&gt;1579&lt;/sup&gt;, NR-GM&lt;sup&gt;1580&lt;/sup&gt;</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Type Allowed**

<table>
<thead>
<tr>
<th>Area of Change</th>
<th>Freestanding or Building-mounted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building-mounted</td>
<td>Building-mounted&lt;sup&gt;[1]&lt;/sup&gt;</td>
</tr>
</tbody>
</table>

**Minimum Separation<sup>[2]</sup>**

- From other off-premises sign: 300 ft.
- For signs erected after January 1, 1976, from signs erected before that date: 100 ft.
- Sign within 660 ft. of nearest edge of the public right-of-way of an Interstate highway, from any other off-premises sign: 1,000 ft.

**Minimum Setback From**

- Interstate highway right-of-way where there is no frontage road between sign and the Interstate highway: Off-premises sign may not encroach over Interstate highway right-of-way
- Other public right-of-way: 12 ft. 7 ft.
- Conforming Residential use: 150 ft.

**Maximum Size**

- 72 sq. ft. plus 6 sq. ft. for add-on sign
- 300 sq. ft. plus 18 sq. ft. for add-on sign<sup>[3]</sup>
- 672 sq. ft. plus 34 sq. ft. for add-on sign

**Maximum Height**

- 15 ft. plus 3 feet for add-on sign
- 26 ft. plus 5 ft. for add-on sign<sup>[3]</sup>
- 29 ft. plus 5 ft. for add-on sign<sup>[3]</sup>

**Illumination**

- No
- Same as allowable on-premises signs

**Motion of Sign or Sign Parts**

- No
- Same as allowable on-premises signs

---

1<sup>576</sup> All standards except height are from Zoning Code, added since EPC Draft.
1<sup>577</sup> C-2 standards have been extended to NR-C since EPC Draft.
1<sup>578</sup> All standards except size and height are new since EPC Draft, because not addressed in Zoning Code.
1<sup>579</sup> Standards from Zoning Code Section 14-16-2-20 inserted since EPC Draft.
1<sup>580</sup> Standards from Zoning Code Section 14-16-2-20 applicable to existing M-2 district inserted since EPC Draft.
1<sup>581</sup> C-2 standard from Zoning Code extended to MX-M zone district since EPC Draft.
1<sup>582</sup> Max. size extended to building-mounted signs since EPC Draft, because Zoning Code does not contain a maximum size for this sign type.
1<sup>583</sup> Exception from C-2 district in Zoning Code applied to all signs since EPC Draft.
C. Construction Period Sign\textsuperscript{1584}

1. Signs during construction are allowable, provided they comply with the regulations in this Section 14-16-4-12.7.C.\textsuperscript{1585}

<table>
<thead>
<tr>
<th>Topic</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number allowed</td>
<td>4</td>
</tr>
<tr>
<td>Maximum sign signboard size</td>
<td>25 sq. ft.</td>
</tr>
<tr>
<td>Sign size</td>
<td>Each individual sign shall be between 9.5 in. and 11 in. tall and a maximum of 60 in. wide.</td>
</tr>
<tr>
<td>Maximum height</td>
<td>5 ft.</td>
</tr>
<tr>
<td>Maximum width</td>
<td>5 ft.</td>
</tr>
<tr>
<td>Illumination</td>
<td>Illumination and sign lighting is prohibited.</td>
</tr>
<tr>
<td>Allowed locations</td>
<td>A signboard may be placed (1) in the public right-of-way at a location approved by the City Department of Municipal Development, but not within a median or at an intersection, or (2) on private property abutting the right-of-way. A signboard may not be located within 500 feet of another signboard.</td>
</tr>
<tr>
<td>Prohibited locations</td>
<td>Signs may not be located in any of the following areas:</td>
</tr>
<tr>
<td></td>
<td>a) Facing a single-family house or townhouse</td>
</tr>
<tr>
<td></td>
<td>b) Within a clear sight triangle, as described in the DPM</td>
</tr>
<tr>
<td></td>
<td>c) On a street that is classified as a local street in the Long Range Transportation System Guidelines</td>
</tr>
<tr>
<td></td>
<td>d) Within 100 feet of a Residential zone district on a street that is classified as a collector street in the Long Range Transportation System Plan.</td>
</tr>
<tr>
<td></td>
<td>e) Within 50 feet of a Residential use on a street that is classified as an arterial street on the Long Range Transportation System Guidelines.</td>
</tr>
</tbody>
</table>

2. Requests to erect such a sign shall require approval from the Planning Director.

3. Remediation or removal of substandard or improperly maintained signs shall be in accordance with Section 14-16-4-13.2.H.

4-12.8. ALTERNATIVE SIGNAGE PLAN\textsuperscript{1587}

The owners of property owners that meet the following standards may apply for an alternative sign plan that allows a different configuration of sign areas, or different illumination or motion of allowable signage, or both, under Section 14-16-5-5.1.I.2 (Alternative Signage Plan).

\textsuperscript{1584} Retitled from Temporary Signs since Consolidated Draft. Sign title revised since EPC Draft per Condition #194 to comply with the U.S. Supreme Court decision in Reed v. Gilbert.

\textsuperscript{1586} Text revised since Consolidated Draft to clarify that a permit is required for this type of sign. Text revised since EPC Draft per Condition #194 to comply with the U.S. Supreme Court decision in Reed v. Gilbert.

\textsuperscript{1587} New section, incorporating principles from the Uptown SU-2 Creative Signage provisions and the Volcano Cliffs SU-2 Unique Sign Plan provisions. Criteria for approval will be moved to the Administration and Enforcement section when Module 3 is drafted. Restrictions on rates of motion or image change in Uptown SU-2 regulations were not carried forward. Criteria listed in Volcano Heights SU-2 were not carried forward because of vagueness. Since Consolidated Draft, reminder that all alternative plans must comply with the NM Dark Skies statutes was deleted as unnecessary.
A. The property must be located in an MX-M, MX-H, MX-FB, NR-C, or NR-BP zone district within the following mapped areas:

1. Uptown

2. Volcano Heights

B. An alternative signage plan may allow a different mix of sign types, different sign materials, different means of projecting images, greater sign height, or different forms of sign illumination or motion than allowed by Sections 14-16-4-12.1 through 7, subject to the limitations below.
1. No alternative signage plan may allow for a greater sign area for the lots and parcels covered by the plan, taken as a whole, measured in square feet of sign surface, than that allowed by Subsection 14-16-4-12.6 (On-Premises Signs).

2. No alternative signage plan may permit an electronic sign in an area where electronic signs are not allowed by Subsection 14-16-4-12.6 (On-Premises Signs).

3. No change in permitted sign illumination or motion beyond that allowed by Sections 14-16-4-12.3 (Signs Prohibited in All Zone Districts), Section 14-16-4-12.5 (Standards Applicable to All Signs), or Section 14-16-4-12.6 (On-Premises Signs) may be approved for a property that is within 50 feet of a Residential zone district or for a sign that is visible from a Residential zone district.\footnote{1588}

4-12.9. TEMPORARY SIGNS\footnote{1589}

A. Temporary Sign Table

The following types of temporary signs may be erected without obtaining a sign permit, provided that they comply with the standards in Table 4-11-7, and shall not count toward any maximum number of signs or maximum sign area allowed on a property.\footnote{1590}

<table>
<thead>
<tr>
<th>TABLE 4-12-7: Temporary Sign Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Topic</td>
</tr>
<tr>
<td>Number allowed</td>
</tr>
<tr>
<td>Maximum sign board size</td>
</tr>
<tr>
<td>Maximum height</td>
</tr>
<tr>
<td>Illumination</td>
</tr>
<tr>
<td>Prohibited locations</td>
</tr>
</tbody>
</table>

\footnote{1588} Expanded from R-1 protection in Uptown SU-2 regulations to protect all Residential zone districts.

\footnote{1589} From Zoning Code Section 14-16-3-5(C)(3), (C)(4). Since Consolidated Draft, this section was renamed from On-Premises Signs That May Be Erected Without a Permit, and specific standards for temporary Construction Signs, temporary Real Estate Signs, temporary Identification Signs, Community Event Signs, and Permanent Identification Signs were deleted and replaced by general standards. Revised since Consolidated Draft to remove provisions that do not comply with the recent U.S. Supreme Court decision in Reed v. Gilbert. Regulations for temporary signs were moved out of the on-premises signs section since EPC Draft because not all temporary signs are on-premises signs.

\footnote{1590} Revised since EPC Draft to clarify what constitutes a temporary sign and refer to the new Table 4-11-7 with changes from Zoning Code and EPC Draft as noted.

\footnote{1591} Since EPC Draft, provision that “Signs shall not be allowed adjacent to the lot line of a Residential zone district” was deleted, as these temporary signs are allowed in Residential zone districts.
B. Time Period

Temporary signs may be in place no longer than 15 consecutive days, with the following exceptions:

1. One temporary sign per street frontage may be displayed during any time period that the property is actively listed for sale or for rent.

2. One temporary sign per street frontage may be displayed during any time period when the property is under construction allowed by a valid building permit.

3. One temporary sign may be displayed for up to 60 days prior to and 10 days after an election.
4-13 OPERATION AND MAINTENANCE\textsuperscript{1592}

All properties in the city shall comply with the following standards for operation and maintenance, as well as any standards for operations and maintenance in the DPM, unless this IDO or another section of ROA 1994 provides an exception or a different standard for operation or maintenance.

4-13.1. OPERATING STANDARDS

All structures, uses, and activities in all zone districts shall be used or occupied to avoid creating any dangerous, injurious, noxious, or otherwise objectionable condition that would create adverse impacts on the residents, employees, or visitors on the property itself or on neighboring properties. Uses and activities that operate in violation of applicable state or federal statutes or this IDO are violations of this Section 14-16-4-11 and shall be subject to the penalties of Chapter 14-16-5 (Administration and Enforcement). Property owner responsibilities under this section include, but are not limited to, compliance with the following standards.

A. Air Quality

All uses and activities shall be conducted in compliance with the requirements of the Albuquerque-Bernalillo County Air Quality Control Board as set forth in Section 20-11 of the New Mexico Administrative Code (NMAC).\textsuperscript{1593}

B. Burning

1. The burning of wood shall comply with Part 9-5-4 of ROA 1994 (Woodburning) and the standards and regulations established by the Albuquerque-Bernalillo County Air Quality Control Board.

2. No use or activity shall burn solid waste except as allowed under Section 9-10-1-12 of ROA 1994 (Burning of Solid Waste) and in compliance with the regulations established by the Albuquerque-Bernalillo County Air Quality Control Board.

C. Electromagnetic Interference\textsuperscript{1594}

Every Wireless Telecommunications Facility shall meet health and safety standards and electromagnetic interference regulations as established by the Federal Communications Commission and any other federal or state agency with authority to regulate electromagnetic emissions and interference.

D. Glare

In addition to complying with the requirements of Section 14-16-4-8 (Outdoor Lighting), all uses and activities shall be conducted so that direct or reflected glare, including glare from exterior lighting or high-temperature processes (such as combustion or welding), shall not be visible at the property line.

E. Hazardous Materials

All uses and activities shall comply with all state statutes and regulations regarding the use, storage, handling, and transportation of flammable liquids, liquefied petroleum, gases, explosives, hazardous materials, hazardous wastes, toxic

\textsuperscript{1592} New section that incorporates nuisance, operating and maintenance standards scattered throughout existing Zoning Code and cross-references provisions in other sections of ROA 1994, i.e., Chapter 9 (Health, Safety and Sanitation). New standard unless indicated otherwise. This section also incorporates or reflects text from various SU-2 regulations, as noted.

\textsuperscript{1593} Revised to delete unnecessary text since Module 3.

\textsuperscript{1594} Carries forward Sections 14-16-3-17(A)(7) and (8) expanded to any facility that may produce electromagnetic emissions.
materials and solid wastes, as those terms are defined by applicable statutes, rules, regulations, or ordinances.

F. Noise

All uses and activities shall comply with Article 9-9 of ROA 1994 (Noise Control), as enforced by the City Environmental Health Department. Uses and activities shall be conducted so as to avoid the creation of any noise that would create a public nuisance or a nuisance interfering with the use and enjoyment of adjacent properties.

G. Vibration

All uses and activities shall be operated so that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point on any boundary line of the site on which the use is located.

H. Waste and Recycled Materials

All waste and materials for recycling shall be managed to prevent fumes, dust, fire hazard, leakage, drainage onto the ground, or rodent or insect infestation, shall comply with Article 9-10 of ROA 1994 (Solid Waste Management and Recycling), and shall be screened in accordance with Section 14-16-4-6.7 (Screening of Mechanical Equipment and Support Areas) of this IDO.

I. Weeds, Litter, and Snow

All properties shall be maintained free of waste, litter, and debris in accordance with Article 9-8 of ROA 1994 (Weeds, Litter, and Snow).

4-13.2. MAINTENANCE STANDARDS

All property, buildings, and structures shall be maintained in a clean and safe condition and shall not create any public or private nuisance. When the standards and procedures of this IDO or the conditions attached to any permit, approval, or Variance require that any building or site feature be constructed or installed, the property owner is responsible for maintaining those buildings or site features in good repair as approved and for replacing required site features if they are damaged or destroyed or, in the case of living materials, if they become diseased or die after installation. Property owner obligations include, but are not limited to the following.

A. Alleys

All alleys shall be maintained by the abutting property owner.

B. Buildings and Structures

All primary and accessory buildings, structures, and site features shall be maintained in good repair, whether occupied or vacant, and any damage or destruction to any building or feature shall be repaired, replaced, or removed within 90 calendar days after the City notifies the property owner of a violation. In addition, all properties shall comply with the following Articles of ROA 1994:

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

\[1595\] Simplified since Consolidated Draft to avoid overlap with City Noise Ordinance.

\[1596\] Section reorganized to be alphabetical by heading since EPC Draft per Condition #1 for clarity.

\[1597\] New since Module 3.
2. All commercial and industrial buildings shall be maintained to comply with all building and technical codes as adopted under Article 14-1 of ROA 1994 (Uniform Administrative Code and Technical Codes).

C. City Landmarks

1. All landmarked structures shall receive reasonable maintenance and security for the purpose of preserving those structures and carrying out the intent of this Section 14-16-4-13.2.C.

2. Any occupied residential landmarked structure shall be maintained to comply with Article 14-3 of ROA 1994 (Uniform Housing Code).

3. The owner or any other person having legal custody or control of a landmarked structure shall repair or stabilize the structure if it is found to have any of the following defects:
   a. A deteriorated or inadequate foundation.
   b. Deteriorated, lose, or ineffective waterproofing and weatherproofing of exterior walls, roofs, foundations, or floors, including broken windows or doors.
   c. Any fault in the building or structure that renders it structurally unsafe or not properly watertight.
   d. Parts that are inadequately attached that may fall and injure people or damage property.
   e. Significant architectural features, as described in the ordinance designating the landmark, that are deteriorating or in need of stabilization to insure their preservation.
   f. Any other condition determined by appropriate city officials to cause an immediate threat to public health, safety, or welfare.

4. Any landmarked archeological site or vacant landmarked structure shall be adequately secured against unauthorized entry.

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1598 Added since EPC Draft in response to staff comment to ensure maintenance of landmarked properties.
D. Drainage and Stormwater Management Facilities
   Maintenance shall be performed on a regular basis and follow the general standards as established in the DPM.

E. Fences and Walls\textsuperscript{1599}
   Fences and walls shall be maintained in good repair.

F. Landscaping, Buffering, and Screening
   1. Landscaping, screening and buffering areas shall be maintained in compliance with Articles 6-6 (Trees, Vegetation, and Landscaping) and 9-8 (Weeds, Litter, and Snow) of ROA 1994.
   2. All landscaped areas shall be maintained with a neat and orderly appearance, which includes pruning, removal and replacement of dead or diseased plants and trees, disposal of litter, repair of damaged walls and hard surface areas, and upkeep of irrigation systems.
   3. Landscaped areas that become bare shall be re-vegetated to avoid erosion.
   4. Where landscaping was installed pursuant to a Site Plan or development approval, the landscaping shall be replaced according to any landscaping and maintenance plan under that approval.
   5. Trees or plants that die shall be replaced by the owner as expeditiously as possible, but in no case longer than 60 calendar days after notice from the City. The replacement of dead vegetation is the responsibility of the property owner.\textsuperscript{1600}
   6. Street trees shall be maintained alive and healthy. Maintaining and replacing street trees or other trees planted in the public right-of-way are the responsibility of abutting property owners.\textsuperscript{1601}

G. Parking, Circulation, and Loading Areas\textsuperscript{1602}
   All drive-thoughts, loading areas, and parking areas and structures, except driveways for single- and two-family dwellings, shall be kept clean and maintained in good repair. Potholes, surface damage, and other hazardous conditions shall be promptly repaired, and litter and debris shall be removed on a regular basis. Within 24 hours of the end of a snowfall, the owner or operator of each parking lot shall clear snow and ice from the parking area and the sidewalks in front of such property.

H. Parks and Open Space\textsuperscript{1603}
   All City-owned or managed parks, trails, and Major Public Open Space shall be maintained per City Parks and Recreation standards. Privately-owned parks, trails, and/or open spaces shall be maintained by the property owner (often a Homeowners Association) to minimize safety hazards. These areas are subject to Article 9-8 of ROA 1994 (Weeds, Litter, and Snow).

\textsuperscript{1599} Simplified since Consolidated Draft based on enforceability.
\textsuperscript{1600} Sentence revised from “The replacement of dead trees is the responsibility of the owner” since Consolidated Draft. Revised since EPC Draft per Condition #1 for clarity.
\textsuperscript{1601} Relocated from street tree portion of landscaping standards since Consolidated Draft. Revised since EPC Draft per Condition #1 for clarity.
\textsuperscript{1602} Exception for drive-through facilities and off-street loading areas removed since EPC Draft per Condition #197.
\textsuperscript{1603} Revised since Consolidated Draft to apply to Major Public open spaces. Title revised since EPC draft per Condition #1 to reflect that private open space is implicated, as well.
Chapter 14-16-5: Administration and Enforcement

I. Sidewalks
   All sidewalks shall be maintained by the abutting property owners, even if separated by a rear wall.\textsuperscript{1604}

J. Signs
   All signs, including those that do not require a sign permit and those that do not conform to the requirements of this IDO, shall comply with the following standards. Any sign that is removed to comply with these standards shall be replaced only if the replacement sign complies with the standards of Section 14-16-4-12 (Signs).
   1. All signs shall be maintained in good structural condition.
   2. Any sign that is damaged, dilapidated, or dangerous shall be repaired or removed within 30 calendar days after notice from the City.
   3. Any sign that is chipped, peeled, or flaked to the extent that the sign cannot be read in whole or in part shall be repainted or removed within 30 calendar days after notice from the City.
   4. Signs with missing letters, including approved signs with movable letters, shall have missing letters replaced or be otherwise repaired in order to be readable, within 30 days after notice from the City.\textsuperscript{1605}
   5. On-premises signs shall have content removed within 60 calendar days of the termination of the use or business.\textsuperscript{1606}
   6. All inoperative or broken electrical signs shall be repaired or shall be removed, including any support structures, within 30 calendar days after notice from the City.

K. Vacant Property
   All vacant property shall be maintained in a clean condition, free of nuisances, and in compliance with Articles 9-8 (Weeds, Litter and Snow) and 9-10 (Solid Waste Management and Recycling) of ROA 1994.

Chapter 14-16-5: Administration and Enforcement

Table 5-1-1 lists the types of development applications authorized by this IDO. For each type of application, the table indicates what type of notice is required, whether pre-application meetings with Planning staff or the surrounding community are required, which City individuals or bodies review and make a decision on the application, and in which cases a public meeting is held or a public hearing is required. At a public meeting, the reviewing body may or may not allow public comment at its discretion; at a public hearing, public testimony is allowed and a record of the proceeding is created.

\textsuperscript{1604} New since Module 3.
\textsuperscript{1605} From Uptown SU-2 regulations; 45 day compliance period reduced to 30 days to match similar sign repair provisions.
\textsuperscript{1606} Revised since EPC Draft per Condition #1 to remove reference to sign content per Reed v. Gilbert.
\textsuperscript{1607} Added in Module 3.
### Table 5-1-1: Summary of Development Review Procedures

<table>
<thead>
<tr>
<th>Application Type</th>
<th>Section 5-5</th>
<th>Notice</th>
<th>Mtgs.</th>
<th>Review and Decision Authorities</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Published</td>
<td>mailed</td>
<td>Electronic mail</td>
<td>Web Postings</td>
</tr>
<tr>
<td>Archaeological Certificate of No Effect or Certificate of Approval</td>
<td>1.A</td>
<td>D</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Declaratory Ruling or Zoning Certificate</td>
<td>1.B</td>
<td>D</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grading, Drainage, or Paving Approval</td>
<td>1.C</td>
<td>D</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Historic Certificate of Appropriateness — Minor</td>
<td>1.D</td>
<td>D</td>
<td></td>
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</tr>
<tr>
<td>Impact Fee Assessment</td>
<td>1.E</td>
<td>D</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site Plan — Administrative</td>
<td>1.F</td>
<td>D</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Surface Disturbance Permit</td>
<td>1.G</td>
<td>D</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Temporary Use Permit</td>
<td>1.H</td>
<td>D</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wall, Fence, or Sign Permit</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wireless Telecommunication Facility Approval</td>
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</table>

#### Administrative Decisions

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<tr>
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<th>1.J</th>
<th>1.K</th>
<th>1.L</th>
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<td>X</td>
<td>D</td>
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<td>D</td>
<td>&lt;AR&gt;</td>
<td>&lt;AD&gt;</td>
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</tbody>
</table>

#### Decisions Requiring a Public Meeting or Hearing

<table>
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<th>Application Type</th>
<th>2.A</th>
<th>2.B</th>
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</thead>
<tbody>
<tr>
<td>Conditional Use Approval</td>
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<td>R</td>
</tr>
<tr>
<td>Demolition of Non-Designated Structure Outside of HPO</td>
<td>X X X X X X</td>
<td>R</td>
</tr>
<tr>
<td>Demolition of Non-Conditional Use by a Wireless Telecommunication Facility</td>
<td>X X X X X X</td>
<td>R</td>
</tr>
</tbody>
</table>

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1608 Albuquerque Development Commission is not listed as a decision-making body, because it only makes land use decisions in the McClellan Park Metropolitan Redevelopment area, and does not want to retain that role.

1609 Existing requirements for published notice have been deleted from expansion of nonconforming use, solar rights, subdivision sketch plat and final plat, zoning variance.

1609 All provisions for web posting and e-mail notice are new since Zoning Code.

1611 The existing Zoning Code only requires pre-application meetings for applications in the Downtown, Uptown, and Volcano Heights areas.

1612 All requirements for neighborhood meetings are new; the existing Zoning Code only encourages them.

1613 The role of the Board of Appeals as an interim step between ZHE and LUHO/Council has been eliminated. Most cities have either a Hearing Examiner or a Board of Appeals.

1614 Added since EPC Draft to reflect existing practice. Archaeological Ordinance 14-XX-XX unintentionally omitted in previous drafts.

1615 Since Module 3, intermediate appeal to LC has been deleted. Since Consolidated Draft, web posting has been deleted. Title revised since EPC Draft per Condition #1 for clarity.

1616 Appeal to EPC added since Module 3.

1617 Provisions for these decisions to be made by DRB in some specific areas have not been carried over.

1618 Added since EPC Draft to include a documented process for allowing temporary uses.

1619 Since Consolidated Draft, WTF waivers moved to “decisions requiring a hearing” section to reflect current practice. Revised term to reflect current practice.

1620 Major Electric Facility deleted from the Table since EPC Draft per Condition #1 because it does not have a specific procedure associated with it; instead, it is handled under Site Plan — Admin or Site Plan — DRB, depending on the type of facility. Solar Rights Permit removed from Table since EPC draft to reflect current practice regarding Solar Rights Permits, which are handled by the City’s Independent Office of Hearings and are outside of the purview of the IDO. Revised since EPC Draft to remove Master Development Plan from this table, as a revision of Condition #199, because Master Development Plans will be approved by Council during the zone change to NR-BP.

1621 Separate provisions for LUC decisions in Old Town not carried forward, but LUC has review and recommendation role in all HPO zones.
### Table 5-1-1: Summary of Development Review Procedures

**R** = Review and/or Recommend **D** = Review and Decide
**AR** = Appeal Review and Recommend **AD** = Appeal Review and Decision

[ ] = Public Meeting < > = Public Hearing

<table>
<thead>
<tr>
<th>Application Type</th>
<th>Section 5-5.</th>
<th>Notice</th>
<th>Mtgs.</th>
<th>Review and Decision Authorities</th>
</tr>
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<td></td>
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<td>Mail</td>
<td>E-mail</td>
<td>Web</td>
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<tr>
<td>Expansion of Nonconforming Use or Structure</td>
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<td>X</td>
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<tr>
<td>Historic Certificate of Appropriateness – Major&lt;sup&gt;1624&lt;/sup&gt;</td>
<td>2.D</td>
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<td>Site Plan – EPC&lt;sup&gt;1626&lt;/sup&gt;</td>
<td>2.F</td>
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<td>Subdivision of Land – Minor</td>
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<td></td>
</tr>
<tr>
<td>Preliminary Plat&lt;sup&gt;1628&lt;/sup&gt;</td>
<td>2.H</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Final Plat&lt;sup&gt;1629&lt;/sup&gt;</td>
<td>2.H</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Vacation of Easement or Right-of-Way&lt;sup&gt;1630&lt;/sup&gt;</td>
<td>2.I</td>
<td>X&lt;sup&gt;45&lt;/sup&gt;</td>
<td>X&lt;sup&gt;45&lt;/sup&gt;</td>
<td>X</td>
</tr>
<tr>
<td>Variance</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Variance – ZHE&lt;sup&gt;1631&lt;/sup&gt;</td>
<td>2.J</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Variance – DRB&lt;sup&gt;1632&lt;/sup&gt;</td>
<td>2.K</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Variance – EPC&lt;sup&gt;1633&lt;/sup&gt;</td>
<td>2.L</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Wireless Telecommunication Facility Waiver&lt;sup&gt;1634&lt;/sup&gt;</td>
<td>2.M</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

#### Policy Decisions<sup>1635</sup>

| Adoption or Amendment of Albuquerque/Bernalillo County Comprehensive Plan | 3.A | X | X | X | X | R | <R> | <D> |

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<sup>1622</sup> D in City Staff column removed since EPC Draft per Condition #1 to reflect current practice, which is that Landmarks Commission staff planner reviews demolition permits routed from Building Safety and determines if they should be held for further LC review.

<sup>1623</sup> Revised from <R> since Consolidated Draft.

<sup>1624</sup> Title revised since EPC Draft per Condition #1 for clarity.

<sup>1625</sup> Provisions for these decisions to be made by EPC in some specific areas have not been carried over.

<sup>1626</sup> Provisions for these decisions to be made by DRB in some specific areas have not been carried over.

<sup>1627</sup> Includes process for bulk subdivisions because review/approval process is the same as standard subdivisions.

<sup>1628</sup> Because variances from subdivision standards are reviewed concurrently with proposed plats, and through the same process, they have been included in this process. Footnote revised since EPC Draft per Condition #317: Currently, Preliminary Plat approvals (including Variance and/or Subdivision Improvements Agreement/Extension), require neighborhood notification. Application type revised for accuracy since EPC Draft per Condition #204 in response to DRB comment.

<sup>1629</sup> Requirement for posted notice has been restored since Module 3. Requirement for mailed, posted sign, and electronic mail notice removed and published notice added since EPC Draft per Condition #201 in response to DRB comment.

<sup>1630</sup> “Public” removed before “easement” since EPC Draft per Condition #202 in response to DRB comment.

<sup>1631</sup> Title revised since EPC Draft per Condition #1 and Condition #159 to clarify the difference between variances from IDO standards and variances from DPM standards, which have been included more broadly in Variance – DRB to match current practice.

<sup>1632</sup> Posted and mailed notice requirements have been added. Posted requirement deleted since EPC Draft per Condition #203 in response to DRB comment.

<sup>1634</sup> Since Consolidated Draft, relocated from administrative section and decision-maker change to EPC to reflect current practice.

<sup>1635</sup> Order of Policy Decisions in Table and in Section 5-5.3 revised since EPC Draft per Condition #1 to be alphabetical/consistent with the rest of the table. Mailed notice requirement added per Adoption/Amendment of Comp Plan, Adoption/Amendment of Certain Plans, and Amendment of IDO text since EPC Draft per Section 14-8-2(B)(6)(A) of ROA 1994 (Neighborhood Recognition). For Policy Decisions that are city-wide, mailed notice is to Neighborhood Associations, not to property owners. Revisions to Section 5-4.11 made to reflect this element of the ordinance.
### Table 5-1-1: Summary of Development Review Procedures

<table>
<thead>
<tr>
<th>Application Type</th>
<th>Section 5-5, Notice</th>
<th>Mtgs.</th>
<th>Review and Decision Authorities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adoption or Amendment of Facility Plans&lt;sup&gt;1636&lt;/sup&gt;</td>
<td>3.B X</td>
<td>X</td>
<td>R</td>
</tr>
<tr>
<td>Adoption or Amendment of Text or Map for an HPO Zone or Designation of a Landmark Structure or Site</td>
<td>3.C X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Amendment to IDO Text</td>
<td>3.D X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Amendment to Zoning Map – EPC&lt;sup&gt;1638&lt;/sup&gt;</td>
<td>3.E X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Amendment to Zoning Map – Council&lt;sup&gt;1639&lt;/sup&gt;</td>
<td>3.F X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Annexation of Land&lt;sup&gt;1639&lt;/sup&gt;</td>
<td>3.G X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

Notes:

1. May include City Planning Department staff, City Hydrologist, Design Review Team, Landmarks Commission staff planner, Impact Fee Administrator, Floodplain Administrator, Traffic Engineer, Parks and Recreation Department, or others, depending on the type of application involved and delegation of responsibilities granted.<sup>1636</sup>
2. When a LUHO decision on an appeal is reviewed by City Council, Council will only hold a hearing if it does not uphold the LUHO decision.<sup>1637</sup>
3. See DPM for more details. Appeals go to the DPM Technical Standards Committee.<sup>1638</sup>
4. Vacations of easements do not require published or posted sign notice.<sup>1639</sup>
5. Includes creation or amendment of text or map for APO, CPO, or VPO Zones.<sup>1639</sup>

### 5-2 REVIEW AND DECISION-MAKING BODIES<sup>1641</sup>

#### 5-2.1. CITY COUNCIL

The City Council is the zoning authority for the City of Albuquerque and has authority to make decisions on those types of applications shown as City Council responsibilities in Table 5-1-1 (Summary of Development Review Procedures). The City Council has delegated some of its broad planning and zoning authority to the EPC and ZHE as authorized by law, and the effect of those delegations is shown in this IDO. As the ultimate land use authority for the City, appeals of decisions by any lower authority listed in this Section are referred to the Land Use Hearing Officer (LUHO) for a

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<sup>1636</sup> New procedure since Consolidated Draft. Revised since EPC Draft for consistency with changes in Section 5-3 to clarify the Ranked System of City Plans. Only Rank 1 and 2 Plans are subject to IDO approval procedures.

<sup>1637</sup> Note that designation of a landmark structure does not require review by LC deleted since Consolidated Draft.

<sup>1638</sup> In the existing Zoning Code, minor map amendments cover less than one block, or under 10 acres, and adjustments to zoning within a HPO or UCO. All others are Major map amendments. References to specific criteria or standards for specific areas are not carried over.

<sup>1639</sup> Since Module 3, requirement for electronic mail notice has been added.

<sup>1640</sup> References to Traffic Engineer and Parks and Recreation Department added since Module 3. Revised since EPC Draft per Condition #1 for clarity.

<sup>1641</sup> New section consolidating information from existing zoning ordinance preface and existing sections as noted, and with new materials as noted. The Board of Appeals has not been carried over in order to streamline the appeals process by avoiding the need for two separate appeals before Council consideration. The Joint Airport Board of Zoning Appeals was not carried forward, as we understand that this body has not existed or been operational for some time.
Chapter 14-16-5: Administration and Enforcement

5-2: Review and Decision-making Bodies

5-2.2: CITY STAFF

A. City Planning Department

The City Planning Department staff is responsible for day-to-day administration of this IDO, unless this IDO states that another individual, department, or body has a specific responsibility.

1. City Archaeologist

   a. The City Archaeologist is an employee or consultant of the City Planning Department and has authority to approve or deny applications for a Certificate of No Effect or for a Certificate of Approval of a proposed treatment plan per Section 14-16-5-5.1.A (Archaeological Certificate of No Effect or Certificate of Approval).

   b. The City Archaeologist shall be a qualified archaeologist.

   c. The City Archaeologist shall have the following responsibilities:

      i. Consult the New Mexico Cultural Resources Information System and other information sources to compile and maintain a digital database of surveyed areas, site locations, site types, cultural time periods, and site conditions that is compatible with the Albuquerque Geographic Information System.

      ii. Determine whether an archaeological resource is of historic or pre-historic significance.

      iii. Inspect ground-disturbing activities and/or archaeological resources, as needed

      iv. Coordinate with other divisions and departments as necessary to ensure compliance with treatment plans

      v. Such other activities that will promote the public's understanding and appreciation for the City of Albuquerque's archeology.

2. Planning Director

   The Planning Director has overall responsibility for the decisions of City Planning Department staff and may delegate authority as necessary to any staff member.

3. Zoning Enforcement Officer

   a. The Zoning Enforcement Officer (ZEO) is a member of the City Planning Department staff and has authority to interpret this IDO pursuant to Section 14-16-5-4.1 (Interpretation).

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1642 New since Zoning Code.
1643 Reorganized and revised since EPC Draft per Condition #1 for clarity and consistency with Table 5-1-1 and edits in other sections.
1644 Added since EPC to incorporate Section 14-16-3-20(F) of ROA 1994 (Archaeological Ordinance), unintentionally omitted in previous IDO drafts.
1645 Existing 14-16-4-5 and expanded to reflect current practice.
b. The ZEO has responsibility for making formal determinations as to how this IDO applies to specific situations, proposed development or redevelopment projects, and parcels of land.

c. The ZEO is the formal issuing authority for those permits, approvals, licenses, or certificates that may be issued by the City Planning Department without review or approval by a higher authority.

d. The ZEO has the authority determine whether violations of this IDO have occurred and to determine which of the enforcement tools in Section 14-16-5-7 (Violations, Enforcement, and Penalties) will be used to enforce this IDO, and in what order those tools will be used.

4. Other City Planning Department Staff

The City Planning Department staff makes recommendations and decisions as indicated in Table 5-1-1 (Summary of Development Review Procedures). Relevant City Planning Department staff members include the City Hydrologist, City Engineer, Design Review Team, Landmarks Commission staff planner, Impact Fee Administrator, Floodplain Administrator, and Traffic Engineer, or others, depending on the type of application involved and delegation of responsibilities granted.

B. Other City Department Staff

Other relevant City staff may include those from the Parks and Recreation Department, Environmental Health Department, Department of Municipal Development, or others, depending on the type of application involved and delegation of responsibilities granted.

5-2.3. DEVELOPMENT PROCESS MANUAL EXECUTIVE COMMITTEE

The Development Process Manual (DPM) Executive Committee is a group of 11 individuals appointed by the City to review and approve changes to the DPM.1647

A. Membership

The DPM Executive Committee membership includes:

1. City Planning Department Director (Co-Chair);
2. City Department of Municipal Development Director (Co-Chair);
3. Urban Design and Development Division Manager or designated representative;
4. City Engineer or designated representative;
5. City Attorney or designated representative;
6. ABCWUA representative; and
7. Five members from the private sector who are actively involved in land development either as developers, consultants, planners, or representatives of organizations that are actively involved in land development activities.

B. Responsibilities

The DPM Executive Committee is authorized to adopt changes to the DPM pursuant to those procedures set forth in the DPM.

1646 Added since EPC Draft per Condition #1 for consistency with edits to Table 5-1-1 and other content in Chapter 5.
1647 Reference to appointment by the Mayor deleted.
5-2.4. DEVELOPMENT REVIEW BOARD

The Development Review Board (DRB) is a board made up of staff members from City Departments and Agencies relevant to reviewing private development to ensure technical standards have been met pertaining to land use, zoning, infrastructure, and transportation.

A. Membership

The DRB membership includes:
1. City Planning Department Director (Chair);
2. City Engineer (who may also function as a designee for AMAFCA);
3. Traffic Engineer;
4. Zoning Enforcement Officer;
5. Parks and Recreation Department representative; and
6. ABCWUA representative.

B. Responsibilities

The DRB has the responsibility to make decisions on those types of applications shown as DRB responsibilities in Table 5-1-1 (Summary of Development Review Procedures).

5-2.5. ENVIRONMENTAL PLANNING COMMISSION

The Environmental Planning Commission (EPC) is a nine-member board nominated by City Council members and appointed by the Mayor with the advice and consent of the City Council. The EPC is the "City Planning Commission" or the "Planning Commission" for the purposes of any other law or policy that refers to such body.

A. Membership and Qualifications

The EPC shall include a resident of each City Council District, with experience in community planning, architecture, landscape architecture, urban design, real estate development, transportation, civil engineering, and/or real estate finance, and shall be subject to additional provisions, including terms, in Article 2-6 of ROA 1994 (Public Boards and Commissions).

B. Appointments

If an EPC member’s term is ending, that member is eligible for reappointment to the EPC, and the Councilor in whose District that member resides desires to reappoint the member, the Councilor shall so notify the Council and the member shall be reappointed subject to the advice and consent of the Council.

When a vacancy on the EPC occurs:
1. The Mayor shall notify a Councilor in writing that his/her District member's term has expired or the position is otherwise vacant, and that the Councilor shall have 60 days to submit 2 recommended appointments to fill that position. If the Councilor fails to submit 2 names within 60 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 Councilor for appointment with the advice and consent of the Council.

3. The Mayor shall deliver to the Council the Mayor's recommendation from the 2 names submitted within 30 days of delivery of the 2 names to the Mayor. If the Mayor fails to timely make a recommendation from the 2 names submitted, the Councilor who submitted the names may appoint one of the 2 recommended members, subject to the advice and consent of the Council.

C. Responsibilities

The EPC has the responsibility to:\(^\text{1652}\)

1. Make recommendations or decisions on those types of application shown as EPC responsibilities in Table 5-1-1 (Summary of Development Review Procedures).

2. Study urban and regional planning and means of protecting and improving the environment and promote the understanding of planning and environmental matters among public officials and residents of the city.

3. Advise the Mayor, City Council, and City staff concerning the development and revision of community goals, Community Planning Area Assessments, plans for urban development and protection of the environment, policies on development and protection of the environment, ordinances appropriate for effecting such plans and policies, and annexations to the city.

4. Make recommendations for\(^\text{1653}\) programming of capital improvements for the city pursuant to Article 2-12 of ROA 1994 (Capital Improvements) and the resolution establishing priorities for each biannual capital improvement plan,\(^\text{1654}\) designation of land desirable and needed for public purposes, adoption of air and water quality standards, and other appropriate matters.

5. Review Extraordinary Facilities in Major Public Open Space after review and recommendation by the Open Space Advisory Board, according to its jurisdiction over the area, and after reviewing any recommendations, concerns, or comments provided by the Parks and Recreation Department's Open Space Division staff prior to final decision.\(^\text{1655}\)

6. Review any recommendations, concerns, or comments provided by commenting agencies, departments, stakeholders, and the public prior to final decisions.\(^\text{1656}\)

\(^{1652}\) References to review of economic impacts deleted to match current practice.

\(^{1653}\) Phrase added since Module 3 to clarify that duties following the phrase are optional.

\(^{1654}\) Wording after “ROA 1994” is new since Consolidated Draft.

\(^{1655}\) Reworded for clarity, to match current practice, and to avoid overlap with other IDO provisions. Existing text on EPC delegation of final Site Plan approval to DRB was not carried over. Table 5-1-1 covers authorities. Existing provision for EPC to appoint hearing officer deleted as unused. Since Module 3, reference to Metropolitan Parks and Recreation Advisory Board has been deleted. Combined provision to consider Parks and Recreation staff comments since Consolidated Draft.

\(^{1656}\) Revised language since Consolidated Draft to apply more broadly to considering all provided comments prior to final decisions (not just Parks and Recreation).
7. Perform those duties and responsibilities and exercise those powers that may be delegated to it by the City Council through this IDO or independently of this IDO.

8. Form standing committees or task forces from EPC members in order to carry out the assigned duties, responsibilities, and powers of the EPC.\textsuperscript{1657}

5-2.6. FLOODPLAIN ADMINISTRATOR

The Floodplain Administrator is the public official(s) designated by the City to coordinate the community’s participation in the National Flood Insurance Program. The Floodplain Administrator is responsible for administering and enforcing the provisions of Article 14-5 of ROA 1994 (Flood Hazard and Drainage Control), which may affect the processing of applications under this IDO for lands in areas designated as flood hazard areas in Article 14-5 of ROA 1994.

5-2.7. IMPACT FEE ADMINISTRATOR\textsuperscript{1658}

The Impact Fee Administrator has authority to interpret and enforce all provisions of Article 14-19 of ROA 1994 (Impact Fee Ordinance) and related rules and regulations in order to carry out the general administration of all impact fees.\textsuperscript{1659} The Impact Fee Administrator shall have the responsibility to:

A. Establish a fee applicable to the most nearly equivalent land use on the fee schedule when no equivalent type of land use is present in either the impact fee schedule or in this IDO, or when a land use has been previously determined to be a miscellaneous land use.

B. Establish the impact fee applicable to a particular development using the procedures described in the Impact Fee Ordinance and related rules and regulations. The impact fee assessment certification shall be valid for a period of four years.\textsuperscript{1660}

C. With respect to an independent fee determination described in more detail in the Development Process Manual (DPM), the Impact Fees Administrator shall:

1. Conduct a pre-application meeting with the applicant and representatives of appropriate departments of the City;

2. In accordance with the requirements of the Impact Fee Ordinance, review the independent fee determination study for sufficiency, methodology, technical accuracy, and findings; and

3. In accordance with the requirements of the Impact Fee Ordinance, establish the amount of the impact fee as a result of the independent study based on the procedures described in the applicable Impact Fee Ordinance and any associated administrative rules.

D. Determine exemptions from the requirement to pay an impact fee or reduction in the amount of the fee, based on this IDO, the Impact Fee Ordinance, and the DPM.

E. Determine the availability and the amount of any refund of an impact fee.

\textsuperscript{1657} Existing provisions for committees and task forces were combined. Existing text regarding the relationship of the EPC to its committees and task forces was deleted as unnecessary.

\textsuperscript{1658} Relocated from DPM Chapter 18(2)(A).

\textsuperscript{1659} Reference to appointment by the Mayor deleted.

\textsuperscript{1660} Revised since EPC Draft per Condition #1 for clarity and consistency.
F. Calculate the additional impact fee due in the event of a change of use, redevelopment, or modifications of an existing use.

G. Calculate and grant credits for contributions, dedications, or improvements that may be used to offset any impact fee otherwise due.

H. Maintain separate interest-bearing accounts clearly identifying the payer and category of capital improvements within the service area in which the fee was collected.

I. Ensure that a notice of impact fee assessment is included on the final plat.

5-2.8. **LANDMARKS COMMISSION**\(^{1661}\)

The Landmarks Commission (LC) is a 7-member board appointed by the Mayor to promote the preservation of Albuquerque's historic and architectural character and to administer the development requirements for designated city historic districts and landmarks pursuant to Sections 14-16-2-7.3 (Historic Protection Overlay Zone) and 14-16-5-5.3.C (Adoption or Amendment of HPO Zone or Designation of a Landmark Site or Structure).

A. **Membership**

The LC membership includes:\(^{1662}\)

1. Two members who own property in an HPO zone;
2. One professional architect;
3. One licensed real estate agent;
4. One person knowledgeable in the area of historic preservation; and
5. Two additional members with demonstrated expertise in at least 1 of the following areas: architecture, law, graphic arts, planning, real estate, history, construction, or archeology.

B. **Qualifications, Terms, and Conduct**

1. **Qualifications**
   
   All of the members shall have demonstrated, through previous experience or training, an ability and interest relating to preservation\(^{1663}\) of the historic and architectural character of Albuquerque. Members may reside outside of the boundaries of the City if they have special expertise.

2. **Terms**

   The term of each member shall be three years, staggered so that approximately one-third of the members’ terms expire each year.

3. **Public Boards and Commissions**

   Except as provided in this Section 14-16-5-2.8, the qualifications, appointment, and conduct of the members of the LC and its organizational structure shall be governed by Article 2-6-1 of ROA 1994 (Public Boards and Commissions).

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\(^{1661}\) Currently called Landmarks and Urban Conservation Commission. Integrates materials from existing 14-12 and cross-references the remainder. We recommend that decisions related to the existing Urban Conservation Overlay (now included in Character Protection Overlay zones) be reviewed by the EPC, because in many cases the character being protected may not be historic.

\(^{1662}\) Reworded for clarity.

\(^{1663}\) Replaces "interest in preserving."
C. Responsibilities

The LC shall have the following powers:1664

1. Conduct studies and programs designed to identify and evaluate structures and areas worthy of historic conservation and to review the status of structures and zones already designated.

2. Recommend to the Mayor and City Council landmarks to be designated by the Council in accordance with the procedures established in this article.

3. Conduct public hearings on applications for Historic Protection Overlay (HPO) zones or landmark structures or sites and make recommendations on those applications to City Council.

4. Prepare and adopt specific development guidelines for any designated landmark or HPO zone.

5. Make decisions on applications for Certificate of Appropriateness – Major for alteration, new construction, or demolition in HPO zones, in accordance with the procedures established in this IDO. The LC delegates authority to make decisions on Certificates of Appropriateness – Minor to City staff (Historic Preservation Planner).1665

6. Disseminate information to the public concerning historic preservation and seek input from groups and individuals about these matters.

7. Consider methods for encouraging and achieving historic preservation and make recommendations to the Mayor and City Council.

8. Advise the Mayor and City Council on any proposed public improvements that impact the exterior appearance of historic landmarks or significant structures in HPO zones.1666

9. Review applications sent to the LC by the City Staff (Historic Preservation Planner) for demolition of buildings 50 years or older in areas specified in Section 14-16-5-5.2.B (Demolition of Non-Designated Structure Outside of HPO) that are outside of HPO zones to determine whether there is a feasible alternative to demolition.1667

5-2.9. LAND USE HEARING OFFICER

The Land Use Hearing Officer (LUHO) is an attorney designated by the City Council to review and conduct hearings on land use appeals and to recommend findings and determinations to the City Council on those matters shown as LUHO responsibilities in Table 5-1-1 (Summary of Development Review Procedures).1668

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1664 References to urban conservation zones were deleted. The one existing urban conservation zone is recommended to be included as a Character Protection Overlay zone, with decisions made by the EPC rather than LC. Since Consolidated Draft, repetitive reference to review of demolitions in HPO zones was deleted.

1665 Revised to reflect delegation of Minor applications to staff.

1666 Reference to advising EPC deleted since Consolidated Draft.

1667 Mapped areas where this applies have been moved to the demolition review procedure section. Revised since EPC Draft per Condition #200 for clarity and consistency.

1668 Revised to reflect fact that LUHO is hired by City Council and not appointed by the Mayor. Since Consolidated Draft, reference to LUHO “contracted” by City changed to “designated.”
5-2.10. ZONING HEARING EXAMINER\textsuperscript{1669}

The Zoning Hearing Examiner (ZHE) is a person or firm contracted by the City\textsuperscript{1670} to conduct hearings and make findings and final determinations on those types of applications shown as ZHE decision responsibilities in Table 5-1-1 (Summary of Development Review Procedures).

5-3 THE PLANNING SYSTEM\textsuperscript{1671}

The City of Albuquerque prepares and adopts Ranked City Plans to guide the development and management of public facilities, as well as private development within municipal boundaries. The City also analyzes development patterns and makes recommendations through Community Planning Area Assessments to align future private and public investments, policies, and regulations.

5-3.1. RANK 1 COMPREHENSIVE PLAN

The Albuquerque/Bernalillo County Comprehensive Plan (ABC Comp Plan) establishes a community vision for future development in the City of Albuquerque and unincorporated areas of Bernalillo County to take place primarily in Centers and Corridors and identifies long-range goals and policies for community identity, land use, transportation, urban design, economic development, housing, parks and open space, heritage conservation, infrastructure, community facilities, services, and resilience and sustainability, to realize that vision.\textsuperscript{1672}

5-3.2. RANK 2 FACILITY PLANS\textsuperscript{1673}

Facility Plans provide policy guidance on a particular topic citywide to relevant implementing departments. They normally cover only one type of natural resource (such as Major Public Open Space) or one type of public facility or utility (such as electricity transmission). These plans are required to be consistent with the ABC Comp Plan, as amended, and to identify how they relate to its vision, goals, and policies. In case of conflict, policies in the ABC Comp Plan, as amended, shall apply.

5-3.3. RANK 3 PLANS

Rank 3 Plans provide policy guidance for a particular geographic area to relevant implementing departments. Rank 3 Plans include Metropolitan Redevelopment Plans, Master Plans, and Resource Management Plans. Rank 3 Metropolitan Redevelopment Area plans, adopted per the Metropolitan Redevelopment Ordinance (ROA 1994 Section 14-8-4-3(B)), contain strategies for catalytic public investment and economic development. Rank 3 Master Plans or Resource Management Plans, developed and adopted by relevant implementing departments, may specify development standards, management policies, or multi-year programs of capital improvements for particular public facilities or City-owned or managed resources. Rank 3 Plans are not subject to the review and decision processes in the IDO, but relevant implementing City departments may choose to have Rank 3 Plans reviewed by the Environmental Planning Commission and/or accepted by the City Council when additional input is desired.

\textsuperscript{1669} Reference to performance of other duties assigned by EPC or LC was deleted since there are no such delegated duties.

\textsuperscript{1670} Reference to appointment by the Mayor deleted.

\textsuperscript{1671} This new section replaces the existing Planning Ordinance (Section 14-13-2-2).

\textsuperscript{1672} Revised since EPC Draft per Condition #206 for specificity. Revised since EPC Draft to reinstate Ranked system of City plans after discussions with City staff.

\textsuperscript{1673} Renamed since Module 3 to remove references to topical plans and to improve accuracy. Retitled to address MRA pans since Consolidated Draft. Revised since EPC Draft to
5-3.4. **COMMUNITY PLANNING AREA ASSESSMENTS**\(^{1674}\)

The City conducts analysis and long-range planning within each Community Planning Area established by the ABC Comp Plan.\(^{1675}\) Community Planning Area assessments shall inform updates and amendments to planning policies, zoning regulations, technical standards for infrastructure, and capital improvement priorities. These assessments are not part of the system of Ranked City Plans but recommend changes to those plans on an ongoing basis.

A. The Planning Director shall create a regular, rotating schedule to research, study, and analyze each Community Planning Area in the city as established by the ABC Comp Plan at least once every five years.

B. The assessments shall analyze each Community Planning Area based on performance measures established by the ABC Comp Plan, as amended, to reflect evolving conditions, trends, and desired outcomes to reflect the unique status of each Community Planning Area while also allowing comparison of objective data across the city.\(^{1676}\)

C. The Office of Neighborhood Coordination shall be involved in each assessment to ensure adequate notification, representation, and participation of Recognized Neighborhood Associations.

D. Each assessment shall include visits and interactions with residents, property owners, businesses, neighborhood associations, business associations, and other stakeholders in each Community Planning Area.

E. Each assessment shall reflect the history, special places, character, and capital needs of each Community Planning Area.

F. The Planning Director shall report the findings and recommendations from each assessment to the City Council after review and comment by the Environmental Planning Commission.

G. At least every five years, based on the data, analyses, and findings of the assessments, the Planning Director shall recommend updates and amendments as relevant and necessary to the Rank 1 ABC Comp Plan, as amended; Rank 2 Facility Plans; Rank 3 Plans; the Integrated Development Ordinance; or the Development Process Manual. Assessments shall be forwarded to the City Council after review and comment by the Environmental Planning Commission.

5-3.5. **NEIGHBORHOOD ASSOCIATIONS**\(^{1677}\)

A. **Recognized Neighborhood Associations (RNAs)**

   Neighborhood Associations, Home Owners Associations, and other groups may register with the City as Recognized Neighborhood Associations (RNAs), pursuant to

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\(^{1674}\) References to updating Infrastructure and Growth Plan deleted since Consolidated Draft. Revised since EPC Draft to reinstate Ranked system of City plans after discussions with City staff.

\(^{1675}\) Revised since EPC Draft per Condition #1 for clarity.

\(^{1676}\) Wording revised since Consolidated Draft to reflect continuing staff work to design this new program.

\(^{1677}\) Existing 14-8-2-4 through 6. References to non-recognized neighborhood associations and homeowners associations were not carried forward. Materials have been reorganized for clarity. Revised since the Consolidated Draft to remove content previously inserted from the City’s Neighborhood Recognition Ordinance to avoid conflict with that Ordinance.
Part 14-8-2 of ROA 1994 (Neighborhood Association Recognition). Such RNAs shall receive notice of development projects as shown in Table 5-1-1.1678

B. Responsibilities of the City1679

1. The City shall have the following responsibilities related to notification:
   a. For applications related to City projects, provide RNAs mailed or electronic notice for those types of applications requiring mailed or electronic notice as shown in Table 5-1-1 (Summary of Development Review Procedures) and each time a public hearing on the application is scheduled, as described in Section 14-16-5-4.11 (Public Notice).1680
   b. Require the applicant to mail notices required by Table 5-1-1 (Summary of Development Review Procedures), as described in Section 14-16-5-4.11 (Public Notice), as well as by the Neighborhood Association Recognition Ordinance and any administrative instructions of the City Office of Neighborhood Coordination (ONC).1681

2. The City will provide the following services:1682
   a. Provide an initial response within 7 days of receipt of any correspondence received from any RNA that requests an answer, definition, or status of any City project within their boundaries.
   b. Provide RNAs with information about appropriate City officials or agencies to contact for more information about development or redevelopment projects, applications, public hearings, or review and processing steps for applications of interest to the RNA.
   c. Consult with RNAs about current and emerging trends or concerns in the neighborhoods, and about any changes to the ABC Comp Plan, as amended, or this IDO desired by the RNA, as part of the City’s Community Planning Area Assessment process.1683
   d. Provide a Citizens Academy on at least an annual basis to inform RNA members and officials about the City’s planning, zoning, subdivision, and development approval processes.1684
   e. Adopt rules and guidelines as necessary to implement this Section 14-16-5-3.5 (Neighborhood Associations).

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1678 Reference to 0-92 revised since EPC Draft per Condition #207 to reflect the official title of that ordinance. Text related to Coalitions removed since EPC Draft for consistency with the Neighborhood Recognition Ordinance per Condition #207.
1679 Revised for clarity and simplicity, to reflect current practice, and to reflect increased notice requirements, to remove specific timeframes, and to remove references to Rank 1, 2, and 3 plans. Provisions for mailings or provision of information that is readily available from the internet or other City sources was not carried over. Notification for City projects removed since EPC Draft per Condition #1 because it is covered in the Neighborhood Recognition Ordinance, which remains a separate ordinance. Notification for RNA representatives moved to the Public Notice section since EPC Draft per Condition #1 for clarity and consistency.
1680 Revised since EPC Draft per Condition #1 for clarity.
1681 Added since EPC Draft for consistency with the Neighborhood Recognition Ordinance per Condition #207.
1682 Revised since EPC Draft to reflect changes related to ONC moving to Council.
1683 Reference to new Community Planning Assessment process added.
1684 Replaces references to periodic workshops and requires that these be held annually.
5-4 GENERAL PROCEDURES

5-4.1 INTERPRETATION
The Zoning Enforcement Officer has authority to interpret this IDO, including the authority to determine its applicability to specific properties or situations and the authority to interpret the boundaries of zone districts and Overlay zones on the Official Zoning Map.

5-4.2 PRE-APPLICATION MEETING
A. The purpose of a pre-application meeting is to provide an opportunity for an applicant and City staff to discuss applicable submittal requirements and procedures; the scope, features, and potential impacts of the proposed development on surrounding neighborhoods and infrastructure systems; the consistency or inconsistency of the proposed application with the ABC Comp Plan, as amended; applicable requirements and standards in this IDO; applicable requirements and standards in the Development Process Manual; and to identify primary contacts for the applicant and staff.

B. A pre-application meeting with City staff is required for those types of applications indicated in Table 5-1-1 (Summary of Development Review Procedures), and those types of applications will not be accepted until a pre-application meeting is held.

C. In addition, the Planning Director may require a meeting before City acceptance of any other type of application listed in Table 5-1-1 if the Director determines that the application raises is of unusual size or complexity or has the potential to create significant impacts on surrounding areas.

5-4.3 NEIGHBORHOOD MEETING
A. For those types of applications where Table 5-1-1 (Summary of Development Review Procedures) requires a meeting with a neighborhood, the applicant shall have at least one meeting with a Recognized Neighborhood Association (RNA) whose boundaries include or are adjacent to the subject project site before filing the application. In such cases, project applications will not be accepted until a neighborhood meeting has been held, or the requirements for a reasonable attempt in Subsection C have been met.

B. If the project is not located within or adjacent to the boundaries of any RNA, the applicant shall have at least one meeting with an RNA whose boundaries include land within one-quarter mile of the project site. If no RNA has land within that distance of the project site, no Neighborhood Meeting shall be required.

C. A certified letter, return receipt requested, mailed to each of the 2 designated RNA representatives on file at the City Office of Neighborhood Coordination, or documentation of at least two attempts to contact each of those 2 designated representatives, constitutes a reasonable attempt to notify an RNA.

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1685 New provision since Zoning Code, to reflect current practice.
1686 Pre-application requirements have been expanded beyond current applicability in the Downtown and Uptown areas. Pre-application meetings have proven very effective in reducing misunderstandings and wasted time and money when an application for a discretionary or policy change is to be filed.
1687 Second sentence is new since Consolidated Draft.
1688 Replaces and significantly expands the citizen involvement of existing 14-8-2-7(A) and the pre-application requirements of existing 14-8-2-7(B) (currently limited to large retail facilities). Revised since EPC Draft per Condition #207 to be consistent with existing notice requirements for Neighborhood Associations in the Neighborhood Recognition Ordinance. Revised since EPC Draft per Condition #1 for clarity and to remove duplication.
D. At the neighborhood meeting, the applicant shall provide information about the proposed project, including but not limited to the scope of uses, approximate square footages for different uses, general site layout, design guidelines, architectural style, conceptual elevations, and conceptual landscaping plans.\textsuperscript{1689}

E. Where Table 5-1-1 requires that a neighborhood meeting be held, and a meeting was held, the applicant shall provide, as part of the project application, proof that the meeting occurred, including a sign-in sheet of attendance; meeting location, date, and time; summary of discussion, including concerns raised, areas of agreement and disagreement, and next steps identified, if any; and identification of any design accommodations that may have been made as a result of the meeting, and if none, the site or project constraints that limit the ability to address the RNA’s concerns.\textsuperscript{1690}

F. Where Table 5-1-1 requires that a neighborhood meeting be held, and a meeting was not held, the requirement for a neighborhood meeting shall be waived if the applicant can demonstrate that reasonable attempts were made to notify an RNA required by Subsection A through C above, and no response was received within 15 calendar days of the notice being sent.

5-4.4. FACILITATED MEETINGS\textsuperscript{1691}

A. For any applications listed in Table 5-1-1, the City may require the applicant to attend a City-sponsored facilitated meeting with the RNAs whose boundaries include or are adjacent to the proposed project, based on the complexity and potential impacts of a proposed project.\textsuperscript{1692}

B. If a facilitated meeting is required by the City, the City shall assign a facilitator, who shall attempt to schedule the facilitated meeting within 15 calendar days. The meeting shall occur at least one week prior to the next scheduled hearing or meeting of the decision-making body. If reasonable attempts have been made to accommodate the schedules of both the applicant and the RNAs, and no meeting has occurred, the application may move forward in the relevant review/decision process.

C. If the meeting occurs, the facilitator shall provide a facilitated meeting report, including but not limited to: meeting location, date, and time; attendees; and summary of the discussion. If no meeting occurs, the facilitator shall provide documentation of the attempt to schedule the meeting and that no meeting was scheduled within the time allotted.

5-4.5. WHO CAN FILE AN APPLICATION\textsuperscript{1693}

A. Unless otherwise expressly stated in this IDO, an application under this IDO related to a specific property or multiple properties may be submitted by:

1. The owner of that property or an agent of the property owner with the written consent of the property owner. Where a property has more than one owner, all

\textsuperscript{1689} Added since the EPC Draft per Condition # 208 in response to public comment to provide additional guidance about neighborhood meetings.

\textsuperscript{1690} Additional detail about application requirements added since Consolidated Draft. Revised since EPC Draft per Condition #209 to provide additional specificity about neighborhood meeting reporting.

\textsuperscript{1691} New provision since Zoning Code

\textsuperscript{1692} Removed reference to “applications requiring a Policy Decision” since EPC Draft per Condition #210 to allow for facilitated meetings in any situation where the City feels it is warranted. Revised since EPC Draft per Condition #207 to be consistent with notice requirements in the Neighborhood Recognition Ordinance.

\textsuperscript{1693} This is an expansion of language found in Volume I, Chapter 2 of the DPM; text was revised to cover all applications, not just subdivisions.
owners must consent in writing to the filing of the application to the maximum extent practicable. In the case that not all of the property owners have consented in writing to the application, or when the ownership status of some parties is unclear (as shown on a title abstract or title insurance commitment), the owner shall attest in writing that all of the property owners shown on a title abstract or title insurance commitment have been notified of the application in writing at their last known address as shown on the property tax records of Bernalillo County.\(^{1694}\)

2. The City. When the City initiates action, it does so without predetermining the approval or denial of the application.\(^{1695}\)

3. An entity with the authority to exercise the power of eminent domain, provided that the approval of the application shall not be effective until the entity has acquired an interest in the real property that is the subject of the application.

4. The property owners in a proposed HPO or CPO zone, if the application is to create that type of Overlay zone, to amend its boundaries, or amend criteria adopted by the Council for an existing HPO or CPO zone. Applications for amendment or creation of a CPO zone shall only be accepted that provide proof in writing that at least 51 percent of the property owners in the proposed CPO area agree to the application before it is submitted.\(^{1696}\)

B. An application to amend the text of this IDO may be filed by any citizen or property owner in the City.\(^{1697}\)

C. An application to amend the Official Zoning Map by any entity other than the City may not be submitted within 12 months after the date of final action by the City denying or approving (with or without conditions) a prior application to amend the Official Zoning Map with the same requested change.\(^{1698}\)

D. Amendments to the text of this IDO shall be submitted once every calendar year for an EPC hearing in October\(^{1699}\) unless the Planning Director determines that an interim amendment to the text of this IDO should be considered to prevent a significant threat to public health or safety.

E. Annexation to the City may be accomplished by petition from one or more property owners. A petition to annex land into the City must be signed by the owners of a majority of the number of acres proposed to be annexed. If the land is located in the Middle Rio Grande Conservancy District, the application must be signed by a majority of the owners of all lands that are included in the territory to be annexed. Annexation may also be accomplished in any other manner provided by New Mexico state law. If the provisions of this Subsection E conflict with state law, the provisions of state law shall apply.

F. An application to adopt or amend the ABC Comp Plan may be filed by the City or by any citizen or property owner in the City.\(^{1700}\)

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\(^{1694}\) Added since EPC Draft per Condition # 211.

\(^{1695}\) References to Mayor and City Council were deleted.

\(^{1696}\) From existing 14-16-2-28(D)(2). Revised since Consolidated Draft to clarify that 51% requirement does not apply to HPOs, to reflect existing Zoning Code.

\(^{1697}\) From Zoning Code 14-16-4-11(A)(4).

\(^{1698}\) From Zoning Code 14-16-4-11(A)(5). Added since EPC Draft per Condition #212.

\(^{1699}\) Specified month since Consolidated Draft.

\(^{1700}\) Replaces existing Planning Ordinance text that: Adoption or amendment of a city plan is normally initiated by application to the Planning Director or by the introduction of a bill by a City Councilor.
5-4.6. **APPLICATION MATERIALS** 1701

Each application shall include all forms and related information required by the City for that type of application, as set forth in the Development Process Manual, applicable Facility Plan or Metropolitan Redevelopment Area plan, or on the City’s website, as the lists of required application submittal information may be updated by the DPM Executive Committee from time to time. Unless otherwise stated in this IDO, all applications shall be filed with the City Planning Department. 1702

5-4.7. **APPLICATION FEES** 1703

A. Each applicant shall pay an application fee established from time to time by City Council for the type of application(s) being submitted. 1704

B. Each fee shall be based on the estimated City time required to review and process the application, as well as any costs of required public notification required for that type of application. For large, complex, or unusual applications, or where this IDO authorizes the Department to retain outside assistance to review an application, the Planning Director may require that the applicant submit a signed agreement to pay additional fees in the amount of those additional costs. 1705

C. No fee shall be required for an application filed by the City. 1706

5-4.8. **APPLICATION COMPLETENESS** 1707

A. On receiving a development application, the Planning Director shall determine whether the application is complete. A complete application is one that contains all information and application materials required by this IDO, the Development Process Manual, and any administrative checklist for that type of development, in sufficient detail and readability to evaluate the application for compliance with applicable review standards in this IDO.

B. Incomplete applications shall be rejected. 1708

C. If the Planning Director determines that an application is incomplete, the Planning Director shall notify the applicant in writing of the missing, incomplete, or unreadable materials within 5 business days after receiving the application. The applicant may correct the deficiencies and resubmit the application for a determination of completeness until the Planning Director determines the application is complete. If the applicant fails to resubmit an application with any additional or corrected materials necessary to make the application complete within 60 calendar days after being notified of submittal deficiencies, the application shall be considered abandoned, and any application fees that have been paid and have not been expended during initial review shall be refunded.

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1701 Reference to the City’s website has been added. References to application requirements in plans added since Consolidated Draft.
1702 New, to reflect current practice. Reference to Development and Business Services Center revised to Planning Department.
1703 All references to specific fee amounts have been removed from the IDO.
1704 New provision since Zoning Code
1705 Reference to City Council and Mayor deleted.
1706 Consolidates and revises several provisions related to completeness. 60 day period comes from 14-16-3-17(E), which is currently applicable to telecommunications facilities.
1707 Revised from “may” to “shall” since EPC Draft per Condition #313.
D. No development application shall be reviewed for compliance with this IDO or scheduled for a public hearing by any review or advisory body until it is determined to be complete.

E. On determining that the application is complete, the Planning Director shall accept the application for review in accordance with the procedures and standards of this IDO.

5-4.9. REFERRALS TO COMMENTING AGENCIES

A. Following a determination that the application is complete, the Planning Director, or the Zoning Enforcement Officer, or any City staff designated to review applications in Table 5-1-1 shall refer applications to other City departments or agencies or other governmental or quasi-governmental agencies whose services, properties, facilities, interests, or operations may be affected. Any comments received within 15 calendar days after such a referral shall be considered together with the application materials in any further review and decision-making procedures.

B. Applications for preliminary and final plats involving residential development or residential components of a mixed-use development shall be referred to Albuquerque Public Schools (APS) for review. No preliminary or final plat approval will be granted by the City for any subdivision containing any residential component without first providing an opportunity for a review and comment by APS.

C. Applications in the Kirtland Air Force Base Military Influence Area shown in the mapped area below shall be referred to Kirtland Air Force Base and City Aviation Department staff for review.

D. Applications in the Airport Protection Overlay Zone shall be referred to the City Aviation Department.

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1708 Conditional use requirement restated and expanded to all applications.
1709 Added since EPC Draft to reflect the Code of Resolutions §1-1-16 ‘Establishing a Policy Pursuant to the Pre-Development Facility Fee Agreement to Require Plat Review by Albuquerque Public Schools Prior to City Approval for Preliminary Plats and Final Plats Containing Residential Uses.’
1710 Aviation Department added since Consolidated Draft.
1711 Added since EPC Draft per Condition #1 and Condition #21 for consistency with revisions to the APO zone.
5-4.10. TRAFFIC IMPACT STUDY REQUIREMENTS

A. A Traffic Impact Study may be required per standards in the DPM. The extent of the study or report will depend on the location of the project, the amount of traffic generated from the development, and the existing conditions in the project area.

B. A scoping meeting with the City Engineer may be scheduled to determine whether a traffic impact is required.

C. If a Traffic Impact Study is required, it shall be submitted as part of the application materials and is subject to the application completeness requirements of Section 14-16-5.4.8.

5-4.11. PUBLIC NOTICE

Notice that is published, mailed, electronically mailed, posted by sign, or posted on the City’s website shall be required as shown in Table 5-1-1 (Summary of Development Review Procedures) for different types of applications under this IDO, and shall comply with the standards below. Notice shall also be provided pursuant to Office of Neighborhood Coordination administrative instructions and the requirements of the Neighborhood Association Recognition Ordinance (§14-8-2).

A. Published Notice

Where Table 5-1-1 requires published notice, the City shall publish a notice in a newspaper of general circulation within the city at least 15 calendar days before the hearing. If initial notice of a public hearing has been provided, additional notice shall not be required if the public hearing is begun and then continued to a specific date, or for an appeal of the decision.

B. Mailed Notice

1. Where Table 5-1-1 requires mailed notice, the applicant shall mail by First Class Mail a notice to the two contact addresses submitted by an RNA as follows:

   a. For applications related to a WTF: any RNA within ¼ mile of the subject property.

   b. For applications related to a city-wide Policy Decision: all RNAs.

   c. For all other applications: any RNA whose boundaries include or are adjacent to the proposed project or facility.

2. For Administrative Decisions, Decisions Requiring a Public Meeting or Hearing, Amendments to Zoning Map, Adoption or Amendment of Text or Map for an HPO Zone or Designation of a Landmark Structure or Site, or Annexation of

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1712 From Volume II, Chapter 23, Section 8 of the DPM.
1713 General benchmark of 100 trips deleted since Consolidated Draft to avoid possible inconsistencies with DPM. Second sentence added since Consolidated Draft.
1714 Consolidates various notice provisions, with changes as noted. Minor differences in Landmarks Commission related notices have generally not been carried forward.
1715 Conditional use requirement of 15 days, rather than standard of 10 days, has been carried forward for published, mailed, and posted notice.
1716 Conditional use provision for mailed notice to each person who has requested notice has been replaced by a provision for web/electronic notice. RNA notice provision has been expanded since Zoning Code to RNAs within ¼ mile of the property, to match telecom facility notice provisions in existing 14-16-3-17(A)(15)(d). RNA notice provision revised to include representatives of those RNAs whose boundaries cover or are adjacent to the subject site since EPC Draft per Condition #207 to be consistent with the requirements of the Neighborhood Recognition Ordinance. Revised since EPC Draft per Condition #1 for consistency with edits to Table 5-1-1.
Land as shown in Table 5-1-1 (Summary of Development Review Procedures), the applicant shall mail by First Class Mail a notice to all of the following:1717

a. The owner of the property listed in the application.

b. All owners, as listed in the records of the County Assessor, of property located partially or completely within 100 (excluding public rights-of-way) feet of the property listed in the application.1718

3. For the purposes of providing mailed notice, First Class Mail shall constitute reasonable attempt to notify. In the case of applications to request an Amendment to Zoning Map and annexations, the letters to property owners within 100 feet of the site must be sent by Certified Mail.1719

4. The applicant shall be required to provide evidence that required notices have been mailed at least 3 calendar days before a weekly public meeting or hearing or at least 15 calendar days before a monthly public meeting or hearing.1720

5. Mailed notice is not required for appeals of those decisions where Table 5-1-1 requires mailed notice of the initial public hearing.

6. For evictions related to the rezoning of manufactured home communities, see Section 14-16-2-3.3.C (District Standards) for R-MC zone district.1721

C. Posted Notice

Where Table 5-1-1 requires posted notice, the applicant shall post at least one notice on each 2.3.3.C public right-of-way abutting the property that is the subject of the application, at a point clearly visible from that public right-of-way for at least 15 calendar days before the public hearing. Signs for such posted notices shall be furnished by the City. Posted notice is not required for appeals of those decisions where Table 5-1-1 requires posted notice of the initial public hearing.

D. Website Posting

Where Table 5-1-1 requires web notice, the City shall post a notice on the City’s website. The notice shall generally in the form of a meeting or hearing agenda or a Notice of Decision.

E. Electronic Notice1722

Where Table 5-1-1 requires electronic notice, the applicant shall send an electronic notice to the e-mail addresses on file for each Recognized Neighborhood Association (RNA) whose boundaries include or are adjacent to the property listed in the application. Electronic notice is not required for appeals of those decisions where Table 5-1-1 requires electronic notice of the initial public hearing.

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1717 Revised since EPC Draft per Condition #1 for consistency with edits to Table 5-1-1.
1718 Conditional use requirement to mail to properties within 100 feet has been carried forward, rather than abutting property mailed notice requirement applicable to several other types of application. Since Module 3, reference to abutting property owners was deleted, since they are covered by this distance provision.
1719 Added since EPC Draft to reflect current requirements.
1720 Timing for notice revised since EPC Draft to reflect different practices for EPC and DRB.
1721 Added since EPC Draft per Condition #215 to include notification requirement from Zoning Code Section 14-16-3.21.
1722 New since Zoning Code. EPC Condition #214 had incorrect language and has been revised to those RNAs whose boundaries cover or are adjacent to the subject site per Condition #207 to be consistent with the requirements of the Neighborhood Recognition Ordinance.
F. Content of the Notice

Each notice required by this Section 14-16-5-4.11 shall include the address of the property listed in the application; the name of the property owner; the name of the applicant; a short summary of the approval being requested (e.g., Conditional Use Approval to allow X use, amendment to the Official Zoning Map from X district to Y district, the maximum height of proposed structures, the maximum number of proposed dwelling units, and the approximate gross square footage of any proposed non-residential uses, etc.); whether a public hearing will be required, and if so the date, time, and place of the public hearing; and an address, telephone number, or website where additional information about the application can be obtained.

G. Documentation of Good Faith Effort Required

1. In each case where an applicant is required to provide mailed, posted, or electronic notice, the applicant shall be required to submit evidence that timely notice has been made, including the dates on which notice was provided, a copy of the text of the notice provided, and a list of those addresses and e-mail addresses to which mailed and electronic notice has been sent.

2. Failure to provide evidence of timely mailing or electronic notice of required notices to RNAs shall result in postponement of the public hearing unless the City receives written notice from each RNA required to receive mailed notice that it has received notice and has no objection to the hearing proceeding as scheduled, or unless Section 14-16-4 below applies.

3. Failure to provide evidence of required mailed notice to any individual other than an RNA representative may result in the postponement of further review of the application unless the City determines that those parties required to receive mailed notice have received notice of the public hearing or unless Subsection 4 below applies.

4. If the applicant provides evidence that the required notices were timely provided, then failure of a property owner or RNA to receive actual notice due to changes of address since the latest update to the City or county real estate records, or due to changes of e-mail addresses since those were last provided to the City, or due to errors in postal delivery or newspaper publishing, or for other reasons beyond the control of applicant or City, shall not be grounds for a delay of application review or public hearings, or for appeal of the resulting decision.

5-4.12. PUBLIC MEETINGS

A public meeting is less formal than a public hearing. Where Table 5-1-1 indicates that a public meeting is required, the review or decision-making body shall discuss the application in a public meeting, but it shall be up to the discretion of the reviewing body whether public questions, statements, or discussion on the application shall be allowed.
5-4.13. PUBLIC HEARINGS

A. Requirement

The Zoning Hearing Examiner (ZHE), Development Review Board (DRB), Landmarks Commission (LC), Environmental Planning Commission (EPC), Land Use Hearing Officer (LUHO), and City Council shall conduct public hearings as necessary on those types of applications where Table 5-1-1 indicates that a public hearing will be held.

B. Procedures Governed by Administrative Rules

Each entity listed in Section 14-16-5-2 (Review and Decision-making Bodies) is authorized to create rules, procedures, or practices governing its conduct of public hearings, but each public hearing (other than appeal hearings) shall include an opportunity for all parties to the hearing to be heard regarding the application, and shall require that a record be kept of each person asking questions or offering testimony about the application.

C. Quasi-judicial Hearings

For decisions that would result in changes to property rights or entitlements on a particular property or affecting a small area, or are otherwise not considered legislative decisions involving policy or regulatory changes that would apply citywide, the decision-making body shall conduct a quasi-judicial hearing to make a discretionary decision. Quasi-judicial hearings shall be subject to the additional provisions in this Subsection 14-16-5-4.13.C.

1. Appearance of Record

An appearance of record in a hearing is made through a written statement of the person’s name and address, signed by the person or by his/her agent, and filed with or otherwise received by the relevant decision-making authority prior to the termination of public comment on the case.

2. Conduct

a. A party to the hearing shall be afforded an opportunity to present evidence and argument and to question witnesses on all relevant issues, but the decision-maker or chair of the decision-making body may impose reasonable limitations on the number of witnesses heard, and on the nature and length of their testimony and questioning.

b. The decision-maker or chair of the decision-making body may call witnesses and introduce papers on his/her own volition during the public hearing.

c. All testimony at the hearing shall be under oath or affirmation.

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1726 New since Zoning Code.
1727 Revised since EPC Draft per Condition #1 as unnecessary and to be consistent with language about parties to hearings in other sections.
1728 Reorganized and revised since EPC Draft per Condition #216 to clarify procedures related to quasi-judicial hearings. Recommended clarification about DRB not necessary given other edits to this Subsection.
1729 Conditional use provision expanded to all quasi-judicial hearings. Revised since EPC Draft per Condition #1 to remove reference to appeals as redundant of the Appeals section.
1730 Revised since Consolidated Draft to apply beyond ZHE and LUHO, since the EPC and City Council also conduct quasi-judicial hearings. Revised to move regulations about Quasi-Judicial hearings to the end of this section since EPC draft per Condition #1.
d. Nothing in this IDO shall prohibit interested members of the public from testifying at public hearings before the decision-maker or decision-making body.

e. A full record of the hearing will be made by sound recording or transcription; any person shall have the opportunity to listen to, copy, or transcribe the recording during regular business hours.\textsuperscript{1731}

f. A summary of actions taken shall be kept of all ZHE hearings, and they shall be kept available for public inspection.\textsuperscript{1732}

3. Ex Parte Communications\textsuperscript{1733}

Prior to making a decision at a quasi-judicial public hearing and until the expiration of any applicable appeal period, the decision-maker shall not do any of the following:

a. Communicate, directly or indirectly, with any party or party representative in connection with the merits of any issue involved, except upon advanced prior notice and opportunity for all parties to participate.

b. Use nor rely upon any communication, reports, staff memoranda, or other materials prepared in connection with the particular case unless made a part of the record.

c. Inspect the site with any party or his/her representative unless all parties are given opportunity to be present.

D. Decisions\textsuperscript{1734}

1. The review or decision-making entity, other than the City Council or the LUHO, shall take one of the following actions:

a. Approve or recommend approval of the application as presented.

b. Approve or recommend approval of the application with conditions.

c. Deny or recommend denial of the application; or

d. Defer the public hearing to a date no more than 60 calendar days following the public hearing, unless a longer deferral is requested by the applicant.

e. Continue the public hearing to a date no more than 60\textsuperscript{1735} calendar days following the public hearing, unless a longer continuance is requested by the applicant.\textsuperscript{1736}

2. The City Council or LUHO shall affirm the decision on appeal, reverse the lower review or decision-making entity, or remand the application for additional review by an entity (see Section 14-16-5-4.21.A.3 for additional information on LUHO actions on appeals).

\textsuperscript{1731} Revised since Consolidated Draft to add flexibility as to who makes the record, how it is made (transcription was added) and where the record can be obtained.

\textsuperscript{1732} Revised since Consolidated Draft to clarify that record is a summary of actions, and to remove reference to LUHO.

\textsuperscript{1733} Conditional use provisions expanded to all public hearings.

\textsuperscript{1734} New provisions.

\textsuperscript{1735} Revised from 45 days in Module 3.

\textsuperscript{1736} New provision for continuance since Zoning Code to reflect current practice.
**E. Written Decisions**

1. For decisions to continue or defer a hearing, written findings in support of the decision are not required.

2. For final decisions, the decision-making body identified in Table 5-1-1 shall provide a written decision with findings based on the review criteria for that type of application that shall be made part of the record.

3. Each finding shall be supported by substantial evidence.

4. The ZHE and the LUHO shall make a decision and present findings and recommendations about each application within 15 calendar days after the close of the public hearing.

5. The DRB, LC, and EPC shall make a decision at the public hearing and shall issue a written decision with findings necessary to the decision within 15 calendar days after the close of the public hearing.

6. The City Council shall make a decision about each application at a public hearing and shall adopt findings no later than its next scheduled meeting.

**F. Public Notice of Decision**

1. For each application where Table 5-1-1 requires a public hearing or policy decision, a Notice of Decision, including a list of any conditions attached to any permit or approval, shall be sent to each party to the matter and to any other person who has entered an appearance and requested a copy of the decision. The Notice of Decision shall be posted on the City website as soon as practicable and not more than 3 days after the final action on the matter.

2. For decisions to continue or defer a hearing, the time and place shall be announced at the hearing without the need for the applicant or the City to provide additional notice.

**5-4.14. GENERAL CRITERIA FOR REVIEW AND DECISION**

A. Where this IDO does not list additional or more specific criteria for the review and decision on applications, the application shall be recommended for approval (or approval with conditions) or shall be approved (or approved with conditions) if the review or decision-making body determines that the application complies with all applicable standards in this IDO, other adopted City regulations or policies that may be applicable, and any conditions specifically applied to development of the property in a prior permit or approval affecting the property.
Chapter 14-16-5: Administration and Enforcement

B. Where Section 14-16-5-5 (Specific Procedures) lists specific criteria for the approval of an application, the decision-maker identified in Table 5-1-1 shall only approve the application if it finds that those criteria have been met.

C. In addition to any criteria listed for approval in this Section 14-16-5-4.14 (General Criteria for Review and Decision) or 14-16-5-5 (Specific Procedures) of this IDO, any permit or approval under this IDO may be denied to an applicant who:

1. Has not complied with all applicable statutes of the State of New Mexico, provisions of the Charter of the City of Albuquerque, or City ordinance.
2. Is in default or has defaulted on a written agreement with the City.
3. Has failed to pay fees, charges, taxes, special assessments, and other debts or obligations that are due from the applicant and payable to the City regarding any matter.

5-4.15. DEVIATIONS

A. When an application for a Site Plan is filed, the applicant may request a Deviation to development standards in the IDO, up to the limits listed in Table 5-4-1, to be included in the approved Site Plan.

1. Requests for exceptions beyond these thresholds associated with a Site Plan – EPC must be reviewed and decided per Section 14-16-5-5.2.L (Variance – EPC).
2. For any application other than a Site Plan – EPC, requests for exceptions beyond these thresholds must be reviewed and decided by the ZHE per Section 14-16-5-5.2.J (Variance – ZHE).

B. Requests for exceptions to standards in Section 14-16-4-3 (Access and Connectivity), Section 14-16-4-4 (Subdivision of Land), or the DPM, must be reviewed and decided by the DRB per Section 14-16-5-5.2.K (Variance – DRB).

<table>
<thead>
<tr>
<th>Standard</th>
<th>Maximum Allowable Deviation (Cumulative of Earlier Approved Deviations)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area, Minimum</td>
<td>Property no more than 10,000 sq. ft. in Mixed-use or Non-residential zone district in an Area of Change</td>
</tr>
<tr>
<td>Lot Width, Minimum</td>
<td>10%</td>
</tr>
<tr>
<td>Front Setback, Minimum</td>
<td>15%</td>
</tr>
<tr>
<td>Side Setback, Minimum</td>
<td>50%</td>
</tr>
<tr>
<td>Rear Setback, Minimum</td>
<td>50%</td>
</tr>
</tbody>
</table>

1748 New provision to avoid the need for a variance hearing on minor adjustments required due to site conditions. Minor waiver or adjustment provisions in several sections of the existing Zoning Code were not carried over, but could be added to this table if needed. Reflects the intent to allow minor deviations in the Barelas and other SU-2s. Detailed distinctions between minor administrative adjustment and larger variances after a hearing have been removed in favor of a uniform system. Revised since EPC per Condition #1 to clarify that Deviations may be granted by staff for Site Plan – Administrative, by DRB for Site Plan – DRB, or EPC for Site Plan – EPC.

1749 Column with additional flexibility for small lots/sites added since Consolidated Draft as a result of staff and stakeholder testing.

1750 Footnote deleted since EPC Draft per Condition #221.
### Table 5-4-1: Allowable Deviations

<table>
<thead>
<tr>
<th>Building Height, Maximum</th>
<th>Maximum Allowable Deviation (Cumulative of Earlier Approved Deviations)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>10%, 5%</td>
</tr>
<tr>
<td>Off-street Vehicle Parking Spaces, Minimum</td>
<td>15% 5%</td>
</tr>
<tr>
<td>Street Tree Spacing</td>
<td>10%</td>
</tr>
<tr>
<td>Wall and Fence Height</td>
<td>6 in.</td>
</tr>
<tr>
<td>Any Other Dimensional Standard</td>
<td>10%</td>
</tr>
<tr>
<td>Any standard cited in an application for “reasonable accommodation” or “reasonable modification” under the federal Fair Housing Act Amendments of 1998 (or as amended)</td>
<td>The minimum deviation necessary to comply with the federal Fair Housing Act</td>
</tr>
</tbody>
</table>

C. The relevant decision-making body identified in Table 5-1-1 may approve a requested Deviation that is within the limits listed in Table 5-4-1 if that decision-making body determines that all of the following requirements are met:

1. The applicant’s site is subject to site constraints not generally shared by surrounding properties or the site was platted or developed in an unusual pattern when compared to abutting properties (e.g., the property was developed with orientation or access facing a different street than abutting lots) that would prevent the development of a permissive land use in a type of structure generally found on sites of a similar size in the surrounding area.

2. The site constraints were not created by the actions of the property owner or another interested party.

3. The request is for a single site and is not part of a pattern of similar requests for adjacent properties or for nearby sites by the same property owner or within the same subdivision, Framework Plan area, or Master Development Plan area.

4. The approval of the requested deviations will not cause material adverse impacts on surrounding properties.

5. The approval of any requested deviation will not result in a violation of any Overlay zone standard.

6. In the case of a request for “reasonable accommodation” or “reasonable modification” under the federal Fair Housing Act Amendments of 1998 (or as amended), the criteria in Subsections 1, 2, 3, and 4 above shall not apply, and the ZEO shall approve the Administrative Deviation if the ZEO determines that such Deviation is necessary to comply with the requirements of the federal Fair Housing Act Amendments.

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1749 Revised since EPC Draft per Condition #222 to delete “primary” to refer to all buildings.
1751 Reference to VPO added since Consolidated Draft. Reference to VPO removed since EPC Draft per Condition #220. No deviations will be approved in any Overlay zone – see revised 5-4.15.C.5.
1752 Text revised to refer to the decision-making body as identified in Table 5-1-1 instead of to the ZEO since EPC Draft per to allow deviations to be approved for applications where the decision-making body is not the ZEO.
1753 Reference to unusual platting or lot development pattern added since Consolidated Draft.
1754 Moved from Subsection 1 since EPC Draft per Condition #223 to clarify the regulation and make it distinct from Subsection 1.
1755 New since Consolidated Draft. Revised since EPC Draft per Condition # 220 to clarify that no deviations are allowed for provisions regulated by any Overlay zones (not just VPO).
5-4.16. CONDITIONS ON APPROVALS

A. If Table 5-1-1 authorizes the City staff to make a decision on an application, the City staff may impose conditions necessary to bring the application into compliance with the requirements of this IDO or other adopted City regulations.

B. If Table 5-1-1 authorizes the ZHE, EPC, DRB, LC, or City Council to make a decision on an application, the decision-making entity may impose conditions on the approval necessary to bring the application into compliance with the requirements of this IDO, other adopted City regulations, or the specific review criteria for that type of application, provided that:

   1. All conditions are reasonably related to the purposes of this IDO or mitigating the negative impacts of the proposed development or land use as determined by the reviewing entity; and

   2. Where mitigation of the impacts of a proposed plan or development requires an applicant to dedicate land or pay money to a public entity in an amount that is not calculated according to a formula applicable to a broad class of applicants, any conditions imposed are roughly proportional both in nature and extent to the anticipated impacts of the proposed development, as shown through an individualized determination of impacts.

C. Any conditions shall be listed in or attached to the permit or approval document, and violation of any condition on a permit or approval shall be a violation of this IDO.

5-4.17. REQUIRED IMPROVEMENTS AND FINANCIAL ASSURANCE

A. Unless otherwise provided in this IDO, the DPM, or a Subdivision Improvements Agreement approved by the City, or otherwise approved by the City, all applicants for permits and approvals under this IDO are required to pay for and install all public and private improvements necessary to address the impacts of their proposed development or land use on surrounding neighborhoods and on the City’s infrastructure, transportation, drainage, or other systems and services, as provided in the DPM.

B. Notwithstanding Subsection A above, the City shall not require an applicant to pay for or install that portion (if any) of a public or private improvement that is being funded through the City’s development impact fee and for which the applicant has or will be required to pay a development impact fee.

C. Unless otherwise provided in this IDO or the DPM, if the applicant has not completed the installation of those public and private improvements required by this IDO, the DPM, or any City-approved Subdivision Improvements Agreement or Development Agreement by the time the first certificate of occupancy for the property is issued, or by the time the first use of the property for a new approved land use begins, the applicant may be required to provide financial security to the City to ensure that the City will have adequate funds on hand to complete the required public and private improvements prior to initial occupancy or use of the property pursuant to an approval under this IDO. Financial security will only be used by the City to complete required public and private improvements if the applicant fails to provide those improvements in a timely manner as required by this IDO, the DPM, or any City-approved Subdivision Improvements Agreement or Development Agreement.

1757 New provision cross-referencing the DPM to reflect current practice.
D. The DPM contains specific requirements for the types of public and private improvements required for different types of development applications; the timing and phasing of those improvements; documents required to be submitted for approval of those improvements; inspection of improvements; financial security for completion of the improvements; required warranties on the performance of the improvements; dedication and City acceptance of improvements; provisions for release of financial security or performance warranties; and other matters related to required public and private improvements.

5-4.18. DEVELOPMENT IMPACT FEES
Each applicant shall comply with Article 14-19 of ROA 1994 and DPM regarding the payment of development impact fees for the proposed development or land use.

5-4.19. TIMING OF APPROVALS

A. The City shall review and make decisions on applications under this IDO as promptly as reasonably possible while complying with the requirements of this IDO, any other requirements that may be provided by law, and as set forth in more detail in the DPM.

B. In the case of an application for a permit or approval or an amendment to a permit or approval for any land use involving rights protected by the First Amendment to the U.S. Constitution or similar provisions in the New Mexico Constitution, the City will make a final decision on a complete application (and if the decision is subject to an appeal to the City Council, will make a decision on the appeal) within any specific timeframes established in this IDO or as necessary to avoid a chilling effect on the exercise of those constitutional rights, as interpreted by applicable federal or state court decisions.

C. In the case of an application for a permit or approval or an amendment to a permit or approval for a Wireless Telecommunications Facility, the City shall make a decision on a complete application (and if the decision is subject to appeal to the City Council, will make a decision on the appeal) in accordance with timing established by federal regulations.

D. In the case of an application for demolition of a City landmark, the City shall make a decision within the timeframe established in Section 14-16-5-5.2.D (Historic Certificate of Appropriateness – Major).

5-4.20. FINALITY OF DECISIONS

A. A decision on a matter by any entity shown in Table 5-1-1 is final unless appealed, in which case it is not final until the appeal has been decided by the last appeal body.

B. A recommendation, deferral, continuance, or remand by any entity shown in Table 5-1-1 is not a final decision and cannot be appealed.

C. Except as noted in Subsection D below, any decision of City Council may be vetoed by the Mayor, and any veto by the Mayor may be overturned by the City Council.

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1758 New since Zoning Code.
1759 Revised since EPC Draft per Condition #225 to replace time limits with reference to federal regulations so that the IDO does not need to be amended if and when federal regulations are changed.
1760 New since EPC Draft per Condition #224.
1761 New since Zoning Code.
1762 Remand added to this list since EPC Draft per Condition #217 for clarity.
pursuant to the Albuquerque City Charter. The decision resulting from this process is final and may not be appealed.

D. City Council decisions on quasi-judicial matters are final decisions not subject to veto by the Mayor and are appealable only to a court of competent jurisdiction as provided by law.

E. Any actions taken by an applicant or property owner after a final decision has been made by a decision maker listed in Table 5-1-1, but before the time for appeal of that decision has expired or before any appeal has been decided by the last appeal body, are at the risk of the applicant or property owner, and the City shall not be liable for any damages incurred for actions taken during those times.

5-4.21. APPEALS

A. Appeal Bodies

1. Any decision by the City staff on an Impact Fee Assessment may be appealed to the EPC.\(^{1764}\)

2. All decisions by a decision-making entity listed in Table 5-1-1, including the EPC’s decision on an appeal of Impact Fee Assessments under Subsection 1 above, may be appealed to the City Council through the LUHO.\(^{1765}\)

3. The LUHO shall do one of the following:
   
a. Recommend a proposed disposition of the appeal to the City Council with supporting analysis and findings. The LUHO may recommend that an appeal be affirmed in whole or in part, reversed in whole or in part, and/or remanded in whole or in part.

b. Directly remand an appeal for reconsideration or further review by the lower decision-making entity if a remand is necessary to clarify or supplement the record or if remand would more expeditiously dispose of the matter.

B. Who May Appeal\(^{1766}\)

1. Standing

Appeals may be submitted by any of the following:

a. An owner of property listed in the application.

b. An owner of property within 100 feet of the subject property, ignoring any intervening right-of-way width, who can demonstrate the showing of impact required by Subsection 2 below.

c. Any other person who can demonstrate the showing of impact required by Subsection 2 below.

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\(^{1763}\) Revised and much simplified. Consolidates numerous appeal provisions throughout the existing Zoning Code and DPM. Reflects existing New Mexico law that appeals of zoning matters must be able to be appealed to the Zoning Authority (which is City Council), but eliminates an interim appeal step to the Board of Appeals to streamline processing.

\(^{1764}\) Added since Consolidated Draft.

\(^{1765}\) Revised from existing provision for appeal to Board of Appeals in some cases and EPC in others. Revised since Consolidated Draft for internal consistency. Deleted requirement since Module 3 for appeals of Certificate of Appropriateness – Minor to go to the Landmarks Commission prior to LUHO.

\(^{1766}\) Consolidates various appeal provisions, including party to a public hearing provisions currently applicable to Conditional Use applications. Revised since EPC Draft per Condition #226 to delete provision for “A property owner within 100 feet of the boundary of a RNA that can demonstrate the showing of impact require by Subsection 2 below.” as unnecessary. Requirement for RNA to show “Special and Adverse Impact” deleted since EPC Draft as unnecessary.
d. An RNA whose boundaries include or are adjacent to the subject property.\textsuperscript{1767}

e. A representative of any City department, City agency, or other governmental or quasi-governmental agency whose services, properties, facilities, interest, or operations may be affected by the application.

2. Showing of Special and Adverse Impact Required\textsuperscript{1768}

Individuals and entities listed in Subsections 1.b or 1.c above must show that his/her property rights or other legal rights have specially and adversely affected by the decision. Such showing must be presented by the appellant as part of the appeal and the LUHO or City Council shall enter a finding or findings as to whether this requirement has been met. If it is found that the appellant cannot satisfy this standard, the appeal shall be denied.\textsuperscript{1769}

3. Appearance of Record Required\textsuperscript{1770}

a. Only the initial applicant or appellant are considered parties to an appeal. The applicant and appellant must have made an Appearance of Record to have standing to appeal.

b. An Appearance of Record can be made through any of the following:

i. the initial submittal of an application for a decision listed in Table 5-1-1.

ii. the submittal of written comments that include the eventual appellant’s name and contact information about the subject case submitted to the relevant decision-making authority during the review process within the deadline for written comments prior to the decision.

iii. verbal comments made by the eventual appellant or appellant’s agent provided at a public meeting or hearing about the subject case during the review process before the relevant decision-making body.

C. Procedure

1. The notice of appeal must be filed with the Planning Director\textsuperscript{1771} within 15 calendar days, excluding holidays,\textsuperscript{1772} after the decision and shall specifically state the section of this IDO, City regulation, or condition attached to a prior approval related to the property that has not been interpreted or applied correctly.

a. The date that the decision was made is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday, or holiday as listed in Part 3-1-12 (Legal Holidays) of ROA 1994, the next working day is considered as the deadline for filing the appeal.\textsuperscript{1773}

b. The Planning Director shall not accept appeals filed after the 15 day deadline in Subsection 1 above has passed.

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\textsuperscript{1767} Revised since EPC Draft from the text provided in Condition #227 to be consistent with current practice.

\textsuperscript{1768} Standard that applied to appellants in category 1.e has been expanded to apply to categories 1.b through 1.e since Consolidated Draft.

\textsuperscript{1769} New provision added in Module 3.

\textsuperscript{1770} Language carried over from Section 5-4.12 since EPC Draft following discussions with staff from City Legal and Council Services.

\textsuperscript{1771} Revised from City Clerk.

\textsuperscript{1772} Standard from existing Volume I, Chapter 15 of DPM. \textit{Revised since EPC Draft per Condition #228 to exclude holidays.}

\textsuperscript{1773} From existing article 14-12, expanded to all appeals.
2. Land Use Hearing Officer\textsuperscript{1774}

a. Once an appeal has been accepted by the Planning Director, the Planning Director shall prepare and transmit a record of the appeal together with all appeal material received from the appellant to impacted parties and to the LUHO through the Clerk of the City Council. The LUHO shall schedule a hearing on the matter within 30 days of receipt and notify the parties. Appellants and parties to the appeal may submit written arguments to the LUHO through the Clerk of the City Council so long as the written argument is received by the Clerk of the City Council at least 10 days prior to the hearing.

b. The LUHO may accept new evidence into the record if it appears that such additional evidence is necessary for the proper disposition of the matter and could not have been placed into the record during the previous decision-making process. New evidence that clarifies evidence already in the record, that is offered to contradict evidence in the record, or that is offered on a key factual issue, may be allowed or may justify remand.

c. The LUHO may impose reasonable limitations on the number of witnesses heard and on the nature and length of their testimony and cross-examination.

d. The LUHO shall make findings exclusively on the record of the decision appealed, supplemented by any evidence allowed at the hearing.

e. The LUHO may recommend that the City Council affirm, reverse, or otherwise modify the lower decision to bring it into compliance with the standards and criteria of this IDO, applicable City regulations, and any prior approvals related to the property.

f. If the LUHO determines that the matter should be remanded, the LUHO shall set forth the reason(s) for the remand and the matters to be reconsidered and may order such remand without approval by the City Council.

3. City Council

a. If the appeal is not directly remanded, the LUHO shall forward the recommendation and findings and a transcription of the LUHO’s public hearing to City Council within 15 calendar days after the close of the hearing.

b. The City Council shall place the matter on the agenda of the next regular Council meeting at which land use, planning, and zoning matters are heard following its receipt of the LUHO’s recommendation, provided that there is a period of at least 10 calendar days between the receipt of the recommendation and the City Council meeting. The parties may submit written comments to the Council regarding the LUHO’s recommendation and findings provided such comments are received by the Clerk of the City Council and all other parties of record no later than four days prior to the City Council meeting.

\textsuperscript{1774} Revised to reflect current practice.
c. At that meeting, the Council shall vote whether to accept or reject LUHO’s recommendation and findings. A motion to accept or reject the LUHO’s recommendation and findings must be approved by a majority vote of the entire membership of the City Council.

d. The Council may accept a portion of the LUHO’s recommendation and findings and reject the remainder. If the LUHO’s recommendation is rejected in whole or in part, or if the Council fails to either accept or reject the recommendation, the City Council may take one of the following actions:

i. Remand the matter for reconsideration or further review by a lower decision-making entity if necessary to clarify or supplement the record, or if remand would more expeditiously dispose of the matter.

ii. Make a final determination on the appeal and adopt findings in support of its determination based only on the record without any additional hearings.

iii. If the Council determines that it cannot properly dispose of the appeal without additional hearings on the matter, schedule a full hearing on the matter no earlier than the next regular meeting at which land use matters are heard.

e. If the matter is scheduled for a hearing before the Council, the Clerk of the Council shall notify the parties to the appeal. The parties may present oral argument at the hearing pursuant to hearing procedures as established by rule of the Council. However, the City Council shall not accept new evidence and shall make its final decision based solely on the evidence in the record at the close of the LUHO’s hearing and the oral arguments of the parties.

f. If the City Council holds a public hearing on the appeal, the City Council shall adopt written findings at the conclusion of that hearing or at the next scheduled meeting of the City Council; however, a Councillor who did not participate in the action taken on the appeal may not participate in the action to adopt the findings at a subsequent meeting.

D. Criteria for Decision

The criteria for review of an appeal shall be whether the decision-making body or the prior appeal body made one of the following mistakes:

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1775 Elevated to a new Section D, as opposed to a Subsection of the Procedures section for clarity since EPC Draft per Condition #229.
1. The decision-making body or the prior appeal body acted fraudulently,\textsuperscript{1776} arbitrarily, or capriciously.
2. The decision being appealed is not supported by substantial evidence.
3. The decision-making body or the prior appeal body erred in applying the requirements of this IDO (or a plan, policy, or regulation referenced in the review and decision-making criteria for the type of decision being appealed).

5-4.22. JUDICIAL REVIEW\textsuperscript{1777}
A decision of the City Council is final but is subject to judicial review pursuant to New Mexico law.

5-4.23. EXPIRATION OF APPROVALS\textsuperscript{1778}

A. Permits and Approvals Run With the Land

Unless otherwise stated for a specific type of permit, approval, or decision under this IDO or the DPM, or unless otherwise stated on the permit or approval document, permits and approvals issued under this IDO run with the land and are not affected by changes in ownership or the form of ownership of the property.

B. Period of Validity

1. Unless otherwise stated in this IDO, the DPM, a Subdivision Improvements Agreement, or Development Agreement approved by the City, or the terms attached to an approved permit or approval under this IDO, each permit or approval approved or approved with conditions under this IDO shall be valid for the periods of time shown in Table 5-4-2 and shall be of no force or effect after that time has passed, unless one of the following applies:

   a. The applicant, property owner, or an agent of the applicant or property owner has begun construction, use, or occupancy of the property based on the permit or approval within the time shown in Table 5-4-2. For purposes of this provision, construction does not include site grading, but does include the installation of required infrastructure.\textsuperscript{1779}

   b. The period of validity is extended pursuant to Section 14-16-5.4.23.C (Extensions of Period of Validity) or another provision of this IDO or the DPM.

<table>
<thead>
<tr>
<th>Table 5-4-2: Permit and Approval Expiration Table\textsuperscript{1780}</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type of Approval</td>
</tr>
<tr>
<td>Administrative Decisions</td>
</tr>
<tr>
<td>Building Permit</td>
</tr>
<tr>
<td>Certificate of Appropriateness — Minor</td>
</tr>
</tbody>
</table>

\textsuperscript{1776} “Contrary to law” replaced by “fraudulently” since Consolidated Draft.
\textsuperscript{1777} New section, to reflect current practice.
\textsuperscript{1778} New section consolidating various existing provisions and with new content as indicated.
\textsuperscript{1779} Reworded since Consolidated Draft to clarify what is included in construction, in response to public comment.
\textsuperscript{1780} Throughout table, references to “50% of site” have been revised to clarify that 50% can apply to site area or gross floor area, in response to public comment. EPC Condition #231 indicated that this table should add Master Plans, but these plans have subsequently been described as Rank 3 plans not subject to the IDO procedures and therefore not subject to expiration. Solar rights permit deleted since EPC Draft per Condition #1, as that permit is not subject to standards in the IDO.
\textsuperscript{1781} Line added since Consolidated Draft to reflect current practice.
\textsuperscript{1782} Existing 14-12-8(C)(6).
### Table 5-4-2: Permit and Approval Expiration Table

<table>
<thead>
<tr>
<th>Type of Approval</th>
<th>Period of Validity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Declaratory Ruling or Zoning Certificate</td>
<td>Does not expire, unless IDO is amended</td>
</tr>
<tr>
<td>Development Agreement(^ {1783})</td>
<td>As stated in Development Agreement</td>
</tr>
<tr>
<td>Wall, Fence, or Sign Permit</td>
<td>1 year</td>
</tr>
<tr>
<td>Grading or Paving Permit</td>
<td>1 year</td>
</tr>
<tr>
<td>Impact Fee Assessment</td>
<td>4 years</td>
</tr>
<tr>
<td>Nonconforming Status Determination</td>
<td>Does not expire</td>
</tr>
<tr>
<td>Site Plan – Administrative</td>
<td>5 years,(^ {1784}) unless at least 50% of the site area or 50% of the approved gross square footage has been developed.</td>
</tr>
<tr>
<td>Surface Disturbance Permit</td>
<td>1 year</td>
</tr>
<tr>
<td>Wireless Telecommunications Facility Approval</td>
<td>5 years(^ {1785})</td>
</tr>
</tbody>
</table>

**Decisions Requiring a Hearing**

| Certificate of Appropriateness – Major | 1 year\(^ {1786}\) |
| Conditional Use | 1 year after issuance if use is not begun, or 1 year after use is discontinued or fails to operate\(^ {1787}\) |
| Expansion of Nonconforming Use or Structure | 1 year |
| Site Plan – DRB | 5 years [1] \(^ {1786}\) |
| Site Plan – EPC | 7 years [1] \(^ {1786}\) |
| Subdivision – Minor | Does not expire once timely recorded |
| Subdivision – Major (Preliminary Plat) | 1 year\(^ {1790}\) |
| Subdivision – Major (Subdivision Improvements Agreement)\(^ {1791}\) | 4 years after the execution of the SIA |
| Subdivision – Major (Final Plat) | Does not expire once timely recorded |
| Vacation of Easements\(^ {1792}\) | 1 year, if not platted |
| Vacation of Right-of-Way | 1 year, if not platted |
| Variance – ZHE | 1 year\(^ {1793}\) |
| Variance – DRB | Does not expire once timely recorded on plat\(^ {1794}\) / Expires with associated Site Plan |
| Variance – EPC | Expires with associated Site Plan |
| Alternative Signage Plan | 1 year |
| Wireless Telecommunications Facility Waiver | Does not expire\(^ {1795}\) |

**Policy Decisions**

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\(^ {1783}\) Moved from Decisions Requiring a Hearing Section of this table to Administrative Decisions section since EPC Draft per Condition #232 to reflect current practice.

\(^ {1784}\) Revisited from 7 years in the existing Zoning Code.

\(^ {1785}\) New provision added since Consolidated Draft.

\(^ {1786}\) Existing 14-12-8(C)(6).

\(^ {1787}\) Revised from 1 year to 1 year after issuance if use is not begun, or 1 year after use is discontinued or fails to operate.

\(^ {1788}\) Revised from 1 year to 18 months in Module 3, but changed back to 1 year since Consolidated Draft in response to public comment.

\(^ {1789}\) Revised from 1 year to 1 year after issuance if use is not begun, or 1 year after use is discontinued or fails to operate.

\(^ {1790}\) Revised since EPC Draft for consistency with Condition #231 and Condition #266 to provide more specific information about exceptions to expiration in Subsection 4.

\(^ {1791}\) Revised since EPC Draft for consistency with Condition #231 and Condition #266 to provide more specific information about exceptions to expiration in Subsection 4.

\(^ {1792}\) Revised since EPC Draft for consistency with Condition #231 and Condition #266 to provide more specific information about exceptions to expiration in Subsection 4.

\(^ {1793}\) Volume I, Chapter 2, Step 5 of DPM.

\(^ {1794}\) Added since EPC Draft per Condition #1 for consistency with content in Chapter 5.

\(^ {1795}\) "Public" removed from decision type and period of validity revised from no expiration to 1 year, if not platted since EPC Draft per Condition #233 to reflect current practice.

\(^ {1796}\) Existing Section 14-16-4-2(D).

\(^ {1797}\) Added since EPC Draft per Condition #1 for consistency with edits made to other sections.

\(^ {1798}\) New provision added in Module 3. Revised since Consolidated Draft to delete 1 year expiration.
Table 5-4-2: Permit and Approval Expiration Table

<table>
<thead>
<tr>
<th>Type of Approval</th>
<th>Period of Validity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approval or Amendment of Facility Plans</td>
<td>Do not expire</td>
</tr>
<tr>
<td>Amendment to Zoning Map – Minor</td>
<td>Does not expire</td>
</tr>
<tr>
<td>Amendment to Zoning Map – Major (including creation or amendment of text or map for APO, CPO, or VPO zone)</td>
<td>1798 Does not expire</td>
</tr>
<tr>
<td>Creation or Amendment of an HPO zone or Designation of a Landmark</td>
<td>Does not expire</td>
</tr>
<tr>
<td>Amendment to IDO Text</td>
<td>Does not expire</td>
</tr>
<tr>
<td>Annexation of Land</td>
<td>Does not expire</td>
</tr>
</tbody>
</table>

Note: [1] See Subsection 4 below for exceptions to expirations for Site Plans

2. Any permit or approval of a type listed in Table 5-4-2 that was approved by the City before the effective date of this IDO, shall expire on:
   a. the date listed in that permit or approval or in any regulation of the City establishing an expiration of the permit or approval that was applicable before the effective date of this IDO, or
   b. the date on which that type of permit or approval would expire if it were approved by the City on the effective date of this IDO, whichever date occurs sooner.

3. Approved Master Development Plans shall expire in 7 years, unless one of the criteria specified in Subsection 4 occurs.

4. For approved Site Plans or Master Development Plans:
   a. If the Site Plan or Master Development Plan was approved for land on which on-site infrastructure did not exist at the time of approval, then at least 75% of the required on-site drainage infrastructure for the property, or if the Plan defines more than one phase of development, then for the first defined phase, has been installed, or
   b. If the Site Plan or Master Development Plan was approved for land on which at least 75% of required on-site drainage infrastructure was in place at the time of approval, then at least 25% of the approved gross floor area for primary buildings on the property, or if the Plan defines more than one phase of development, then for the first defined phase, has been constructed.

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1796 Added since Consolidated Draft. Revised since EPC Draft to remove Metropolitan Redevelopment Plans, which are approved/amended per a separate Ordinance, and Resource Management Plans, which are proposed to be Rank 3 plans not subject to review/decision procedures in the IDO.

1797 Volume I, Chapter 9, Step 6 of DPM. 1 year expiration period added since Consolidated Draft. “If required conditions are met” deleted since EPC Draft per Condition #230 in response to staff comment.

1798 Volume I, Chapter 9, Step 6 of DPM. “If required conditions are met” deleted since EPC Draft per Condition #230 in response to staff comment.

1799 New provision since Consolidated Draft.

1800 Added since EPC Draft per Condition #231 and #266.
C. Extensions of Period of Validity\textsuperscript{1801}


a. For each permit or approval for which Table 5-4-2 (Permit and Approval Expiration Table) shows an expiration period, except an Impact Fee Assessment or a Site Plan, the original decision-making body may approve 1 extension of validity for a time not to exceed the original period of validity for that permit or approval for good cause shown, provided that all of the following requirements are met:

   i. The applicant or property owner files a written request for the time extension before the expiration of the original permit or approval with the Planning Director.

   ii. The extension is considered and a decision made via the same procedure required for the initial approval, except that no public hearing shall be required.

b. If an application to extend the validity of a permit or approval listed in Table 5-4-2 is received before the permit or approval expires, but the entity authorized to grant an extension does not meet between the date of the application and the date on which the permit or approval expires, the period of validity shall automatically be extended until the next meeting date of the entity authorized to grant an extension.\textsuperscript{1802}

c. Impact Fee Assessments may not be extended.

2. Additional Provisions for Extensions of Approved Site Plans\textsuperscript{1803}

a. The decision-making body that originally approved the Site Plan may grant 1 extension of validity \textit{for a time not to exceed the original period of validity} if it determines that at least one of the following provisions applies:\textsuperscript{1804}

   i. The Site Plan is still consistent with current or desired conditions on the property and surrounding areas\textsuperscript{1805} and the owner intends to fully develop the site according to the Site Plan.

   ii. There is little flexibility in how the site can be developed.

   iii. There is a strong architectural or landscaping character on the site that should be preserved and that development according to the Site Plan will preserve that architectural or landscaping character.

b. An extension of an approved Site Plan – DRB or Site Plan – EPC for phased development of the site may be approved if the decision-making body determines that all of the following provisions apply:

   i. At least 50 percent of the first phase has been developed.

   ii. The extension of the Site Plan is for later phases of the Site Plan.

   iii. The Site Plan as previously approved is likely to be built in the future.

\textsuperscript{1801} Generalizes and simplifies the provisions for extensions of Site Development Plans in existing 14-16-3-11, and removes requirement for public hearing. Footnote revised since EPC Draft per Condition #1 to fix error in existing Section reference.

\textsuperscript{1802} New provision since Zoning Code

\textsuperscript{1803} Provisions for extension by the Director or EPC have been revised so that the originally approving body decides on the extension.

\textsuperscript{1804} Revised since EPC Draft per Condition #1 for consistency with previous section.

\textsuperscript{1805} Phrase replaces “appropriate” which is vague and difficult to apply.
c. Any extension of a Site Plan – DRB or Site Plan – EPC shall require a new meeting with the DRB or EPC, as relevant, and may require an update of any Traffic Impact Study (TIS) prepared for that Site Plan if the prior TIS is more than five years old and the City Engineer determines that background or anticipated traffic volumes or patterns in the surrounding area have changed since the TIS was prepared.\textsuperscript{1806}

5-4.24. AMENDMENTS OF APPROVALS\textsuperscript{1807}

After the City issues an approval under this IDO, the approval may be amended as described in this Section 14-16-5-4.24.

A. Applicability\textsuperscript{1808}

1. This Section 14-16-5-4.24 addresses applications for amendments to permits, approvals, or plans that comply with all Use-specific Standards in Section 14-16-3-3, all Development Standards in Chapter 14-16-4: Development Standards, and all DPM standards applicable to the development. If the applicant is requesting an amendment that would require a Variance from any of these standards, a separate Variance must be requested per the relevant procedure, as follows:

   a. Section 14-16-5-5.2.J (Variance – ZHE) for exceptions to any IDO standard other than Section 14-16-4-4 (Subdivision of Land), Section 14-16-4-3 (Access and Connectivity) for approvals other than Site Plan – EPC.

   b. Section 14-16-5-5.2.L (Variance – EPC) for exceptions to any standards other than Section 14-16-4-4 (Subdivision of Land), Section 14-16-4-3 (Access and Connectivity) for approvals associated with a Site Plan – EPC.

   c. Section 14-16-5-5.2.K (Variance – DRB) for exceptions to any standards in Section 14-16-4-4 (Subdivision of Land), Section 14-16-4-3 (Access and Connectivity), or the DPM.

2. Approved Facility Plans may be amended by the procedures in Section 14-16-5-5.3.B (Adoption or Amendment of Facility Plans).\textsuperscript{1809}

3. Approvals granted prior to this IDO may be amended by the procedures in Section 14-16-5-4.25.

B. Minor Amendments

Minor amendments to an approval listed in Table 5-1-1 may be approved administratively by the ZEO provided that the ZEO determines and documents through findings based on evidence provided in the application that all of the following criteria have been met.\textsuperscript{1810}

1. The amendment is necessary because of site conditions or user requirements that were not known, and could not reasonably have been known, at the time

\textsuperscript{1806}Simplifies existing provisions for extension of a Site Plan. Transition provisions from original adoption of the Site Plan lapsing ordinance were not carried over.

\textsuperscript{1807}New section added in Module 3. Revised since Consolidated Draft to cover amendments to approved Master Plans.

\textsuperscript{1808}Revised since EPC Draft per Condition #1 and Condition #234 for consistency with edits to other sections in the IDO.

\textsuperscript{1809}New provision added in Module 3. Revised since Consolidated Draft to include Master Plans. Revised since EPC Draft per Condition #236 to replace Metropolitan Redevelopment Plans with Resource Management Plans and per Condition #1 to cross-reference to the appropriate IDO section that provides guidance on amendments.

\textsuperscript{1810}Revised since EPC Draft to remove reference to Decisions Requiring a Hearing, as this section is supposed to apply to all approvals listed in Table 5-1-1. Text revised since EPC Draft per Condition #234 for consistency with other IDO sections.
the City approved the approval that is proposed to be amended, and that were not created by the actions of the owner of the property.

2. The amendment does not approve any land use that was not authorized by the permit or approval or that is not allowed by right on the property.

3. The amendment does not decrease the total amount of open space in the development and does not reduce the size of any open space adjacent to abutting property containing residential dwelling units.

4. The amendment does not increase the maximum number of residential dwelling units in the development or the maximum gross square footage of non-residential uses in the development beyond that shown in the existing permit, approval, or plan. In addition, if the property is located in Downtown, an Urban Center, a Main Street area, or a Premium Transit area, as shown in the ABC Comp Plan, as amended, the amendment does not decrease the required number of residential dwelling units in the development or reduce the maximum gross square footage of non-residential uses in a development beyond that shown in the existing permit, approval, or plan.

5. The amendment does not increase the maximum height of any building in the development by more than the amount allowed per Table 5-4-3 (cumulative of any earlier deviations or amendments).

6. The amendment does not reduce any building setback adjacent to development containing residential uses by any amount and does not reduce any building setback adjacent to development containing only non-residential uses by more than allowed per Table 5-4-3 (cumulative of any earlier deviations or amendments);

7. The amendment does not change any required building setback, any other (non-setback) dimensional standard, lot coverage standard, or the minimum or maximum amounts of off-street parking, applicable to the development by more than the amounts allowed per Table 5-4-3 (cumulative of any earlier deviations or amendments).

8. The amendment does not increase the traffic accessing the property from local streets and does not increase or decrease the number of through streets, sidewalks, trails, or trail connections passing through the property or connecting to or designed to connect to abutting properties.

9. The amendment does not adjust a building design standard unless doing so improves the perception of building quality, variety, durability, and articulation when viewed from adjacent streets and abutting properties.

10. The amendment does not reduce the amount of total landscaping installed on the property or the amount of screening or buffering required on portions of the site abutting any property containing residential dwelling units and does not waive or weaken any other landscaping or buffering requirement unless the ZEO determines that alternative building design elements included in the amendment improve the visual quality and screening and buffering effect of landscaping as viewed from adjacent streets and public areas.

\(^{1611}\) Second sentence is new since Consolidated Draft.
11. The amendment does not change a specific condition attached by a decision-making entity listed in Table 5-1-1 to a prior development permit, approval, or plan for or including the property. For example, a specific condition attached to a prior approval requiring additional buffering to mitigate development impacts may not be removed through a minor amendment process.

12. The amendment does not expand a nonconformity as regulated per Section 14-16-5-6 (Nonconformities).

13. The amendment does not affect a property in an Overlay Zone as regulated per Section 14-16-2-7, in which case amendments may be granted per the original approval process for the Site Plan governing the site.

14. The amendment does not affect a standard in Section 14-16-4-4 (Subdivision of Land), Section 14-16-4-3 (Access and Connectivity), or the DPM, in which case DRB review is required through a Site Plan – DRB per Section 14-16-5-5.2.E. \footnote{1812}

<table>
<thead>
<tr>
<th>Table 5-4-3: Allowable Administrative Amendments</th>
<th>Maximum Threshold (Cumulative of Earlier Approved Deviations and/or Amendments)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot &lt;10,000 sq. ft. in Mixed-use or Non-residential zone districts in an Areas of Change</td>
<td>General 1814</td>
</tr>
<tr>
<td>Building Gross Square Footage</td>
<td>10%</td>
</tr>
<tr>
<td>Front Setback, Minimum</td>
<td>15%</td>
</tr>
<tr>
<td>Side Setback, Minimum</td>
<td>50%</td>
</tr>
<tr>
<td>Rear Setback, Minimum</td>
<td>50%</td>
</tr>
<tr>
<td>Building Height, Maximum</td>
<td>General: 10%</td>
</tr>
<tr>
<td>Off-street Vehicle Parking Spaces, Minimum</td>
<td>15%</td>
</tr>
<tr>
<td>Street Tree Spacing</td>
<td>10%</td>
</tr>
<tr>
<td>Wall and Fence Height</td>
<td>6 in.</td>
</tr>
<tr>
<td>Any Other Dimensional Standard</td>
<td>10%</td>
</tr>
<tr>
<td>Any standard cited in an application for “reasonable accommodation” or “reasonable modification” under the federal Fair Housing Act Amendments of 1998 (or as amended)</td>
<td>The minimum deviation necessary to comply with the federal Fair Housing Act Amendments</td>
</tr>
</tbody>
</table>

\footnote{1812}{Added since EPC Draft per Condition #1 for consistency with edits to other sections to clarify that DRB must review these standards.}

\footnote{1813}{Added since EPC Draft per Condition #234 to clarify the difference between Administrative Deviations, which can be granted prior to an initial approval, and Administrative Amendments, which can be granted after an approval.}

\footnote{1814}{Column with additional flexibility for small lots/sites added since Consolidated Draft as a result of staff and stakeholder testing.}

C. \textbf{Major Amendments}

All amendments to permits or approvals that do not qualify as Minor Amendments under Subsection B above may only be approved by the decision-making body that issued the permit or approval being amended, following the same procedure (including the payment of a new application fee, new process of staff referral, and
any required public notice or public hearing) used to issue the original permit or approval.

5-4.25. **AMENDMENTS OF APPROVALS GRANTED PRIOR TO THE ADOPTION OF THE IDO**

Approvals granted prior to the effective date of this IDO may be amended as described in this Section 14-16-5-4.25.

A. **Applicability**

1. **Site Development Plans for Building Permit or Site Development Plans for Subdivision**

   This Section 14-16-5-4.25 addresses applications for amendments to Site Development Plans for Building Permit or Site Development Plans for Subdivision approved prior to the effective date of this IDO.

2. **Facility Plans**

   Approved Facility Plans may be amended per the procedure described in Section 14-16-5-5.3.B (Adoption or Amendment of Facility Plans).

3. **Master Plans or Resource Management Plans**

   Approved Master Plans or Resource Management Plans may be amended per the procedures specified in the relevant plan or by the relevant implementing City department. The implementing departments may request review by the EPC and/or Council where more input is desired.

B. **Minor Amendments**

Minor amendments may be granted by the ZEO that meet the following requirements:

1. The existing Site Development Plan for Building Permit or Site Development Plan for Subdivision specifies the requirements in place at the time of approval, and the requested change still meets the original requirement.

2. The requested change is within the thresholds for Administrative Amendments established in Table 5-4-3, cumulative of prior deviations or administrative amendments.

C. **Major Amendments**

1. All requested amendments that do not qualify as Minor Amendments under Subsection B above shall be required to meet the IDO requirements for use in Chapter 3 and development standards in Chapter 4 and shall be processed per the procedures in Chapter 5, including expansions to nonconformities as regulated per Section 14-16-5-6 (Nonconformities).

2. Any amendment that affects a standard in Section 14-16-4-4 (Subdivision of Land), Section 14-16-4-3 (Access and Connectivity), or the DPM, in which case DRB review is required through a Site Plan – DRB per Section 14-16-5-5.2.E. **\[1815\]**

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**\[1815\]** New section since EPC Draft per Condition #234 and Condition #233.

**\[1816\]** Added since EPC Draft per Condition #199 to clarify how approved Master Development Plans will be treated.

**\[1817\]** Added since EPC Draft per Condition #1 for consistency with edits to other sections to clarify that DRB must review these standards.
3. Any amendment that requests a change affecting an easement must be reviewed and decided by the DRB. 1818

1818 Added since EPC Draft per Condition #1 for consistency with edits to other sections to clarify that DRB must review these standards.
## 5-5 SPECIFIC PROCEDURES

### 5-5.1 ADMINISTRATIVE DECISIONS

#### A. Archaeological Certificate of No Effect or Certificate of Approval

All applicable provisions of Section 14-16-5-4 (General Procedures) apply unless specifically modified by the provisions of this Section 14-16-5-5.1.A.

1. **Applicability**
   
   This Section 14-16-5-5.1.A shall require an Archaeological Certificate of No Effect or Certificate of Approval to be duly approved prior to approval of any preliminary plat, Site Plan, or Master Development Plan for projects over 5 acres.

2. **Procedure**
   
   a. An application for an Archaeological Certificate of No Effect or Certificate of Approval shall be approved if the City Archaeologist determines that the proposed development will not adversely impact any significant archaeological sites.
   
   b. If the applicant fails to obtain a Certificate of No Effect, an application for an Archaeological Certificate of No Effect or Certificate of Approval shall be approved if a treatment plan is prepared by a qualified archaeologist and provides an adequate plan for mitigating any archaeological impacts of the development.
   
   c. The Planning Department shall maintain records of project areas that received a Certificate of No Effect or Certificate of Approval.

3. **Review and Decision Criteria**
   
   a. **Certificate of No Effect**
      
      The City Archaeologist shall issue a Certificate of No Effect upon determining that the applicant has demonstrated any of the following:
      
      i. That an archaeological investigation has been conducted on the property and that, based on a report prepared by a qualified archaeologist, it has been determined that no significant archaeological site exists on the property. The factual basis necessary to support this determination shall be met through the presentation of an archaeological investigation report prepared in compliance with federal or New Mexico state historic preservation laws and regulations that used a comparable definition for a significant archaeological site.

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1819 Collects specific development review and permit procedures from existing ordinances and the IDO. Existing 14-16-4-13 (Status Established Building Review Procedures) was not carried over because it is unused.

1820 Added since EPC to incorporate Section 14-16-3-20(F) of ROA 1994 (Archaeological Ordinance), unintentionally omitted in previous IDO drafts, to reflect current practice, and to fit the structure of the IDO.
Documentation indicating that the report was accepted by the relevant agency shall accompany the report.

ii. That the property has been disturbed through previous land use or development to such an extent that there is a substantial reduction in the probability of the continuing existence of any significant archaeological site. It shall be adequate evidence that the property was previously disturbed to such an extent so as to meet this requirement if the property has been graded, demolition has occurred on the property, or the project involves redevelopment or rehabilitation of existing improvements.

iii. That the informational value of any significant archaeological sites located on the property has been satisfactorily documented through previous archaeological investigation.

b. Certificate of Approval

i. The City Archaeologist shall issue a Certificate of Approval upon determining that the proposed site-specific treatment plan accomplishes all of the following:

a. Details strategies for the management of the affected archaeological sites.

b. Includes standards for further testing, sampling, documentation, data recovery, preservation and protection, analysis, and report preparation.

c. Outlines an effective preservation plan or data recovery and documentation plan for those resources that the City Archaeologist has determined to have significant research or other value.

d. Provides a schedule for the implementation of the treatment plan.

e. Provides a cost estimate for mitigation strategies, including testing, data recovery, curation, and report preparation.

ii. The City Archaeologist shall review the treatment plan and shall approve or deny the proposed plan within 15 days of its submission. If the plan is approved, a Certificate of Approval shall be issued by the City Archaeologist. If the plan is not approved as submitted, the City Archaeologist shall advise the applicant of the changes needed in the plan for its approval.

iii. In making a decision on the plan, the City Archaeologist shall consider methods to avoid, reduce, or mitigate effects on archaeological resources, including the use of conservation easements, while taking into consideration the needs of the property owner.

iv. The Planning Director shall require that the treatment plan is included on the applicable infrastructure lists of Preliminary Plats and Site Plans.

v. The Planning Director shall require that any necessary treatment plan is referenced on the first sheet of the Site Plan or Master Development Plan. Implementation of the necessary treatment plan shall be made a condition of approval in the Official Notice of Decision.

vi. Failure to obtain a Certificate of Approval required by this section or failure to complete and implement an approved treatment plan shall subject the property owner to the penalties in Section 1-1-99 of ROA 1994 (General Penalty). The City may also seek injunctive relief or take
administrative action, including the revocation of an approved permit, for failure to obtain a Certificate of Approval or complete or implement an approved treatment plan.

B. Declaratory Ruling or Zoning Certificate\textsuperscript{1821}

Upon request, the ZEO shall issue written declaratory rulings as to the applicability of the IDO to a proposed development or activity. In determining whether a use not specifically allowed by this IDO can be considered as allowable in a particular zone, the similarity to and compatibility with other allowable uses in that zone shall be determining factors.

C. Grading, Drainage, or Paving Approval

All applicable provisions of Section 14-16-5-4 (General Procedures) apply unless specifically modified by the provisions of this Section 14-16-5-5.1.C, the DPM, or Part 15-5-2 of ROA 1994 (Drainage Control Ordinance). However, standards and procedures for obtaining a grading or paving permit are generally governed by the DPM, and in case of a conflict between these provisions of this Section 14-16-5-5.1.C and the standards and procedures of the DPM or the Drainage Control Ordinance, the DPM or the Drainage Control Ordinance shall apply.

1. Applicability\textsuperscript{1822}

This Section 14-16-5-5.1.C applies to all development and redevelopment that will involve site grading or paving, in order to address potential soil erosion, storm drainage, and air quality impacts that may occur from those activities. Standards and criteria for approval of these activities depend on the size, extent, and location of the activities.

2. Procedure

a. Grading or paving activities that meet the thresholds for applicability of Environmental Protection Agency (EPA) regulations (generally one acre or larger) are reviewed under applicable standards from EPA regulations and the DPM and Drainage Control Ordinance regulations and are issued an erosion and sediment control permit.

\textsuperscript{1821} Existing 14-16-4-8.

\textsuperscript{1822} New since Zoning Code.
b. Grading activities that are smaller or have less impact than the EPA thresholds, but do not qualify under Subsection c below, are reviewed pursuant to DPM and Drainage Control Ordinance regulations and receive a letter of approval from the City.

c. Grading activities that involve disturbance of less than one acre of land and relocation of less than 500 cubic yards and are not located adjacent to a watercourse or within a flood hazard zone do not require a letter of approval, but may be reviewed by the City Engineer.

d. Paving of 2,000 square feet or more require issuance of a Paving Permit by the City Engineer/Hydrology Section.

e. Paving of less than 2,000 square feet or more do not require issuance of a Paving Permit, but may be reviewed by the City Engineer/Hydrology Section.

f. Resurfacing of previously paved areas that does not involve land disturbance does not require a Paving Permit or review.

g. Regardless of the size of the project, grading, paving, or staging activities within a FEMA mapped floodplain require approval of a Floodplain Development Permit issued by the City Engineer/Hydrology Section.

3. Review and Decision Criteria

See applicable provisions in the DPM, Drainage Control Ordinance, and Flood Protection standards.

D. **Historic Certificate of Appropriateness – Minor**

All applicable provisions of Section 14-16-5-4 (General Procedures) apply unless specifically modified by the provisions of this Section 14-16-5-5.1.D.

1. Applicability

   a. This Section 14-16-5-5.1.D shall require a Historic Certificate of Appropriateness – Minor to be duly approved prior to any of the following activities within an HPO zone or a City landmark site:

      i. All alterations to the exterior appearance of any structure.

      ii. All construction of new accessory structures.

      iii. All demolition of existing non-contributing structures.

      iv. Any alteration, construction, or demolition of a sign for which specific sign requirements have been adopted.

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1823 Existing DPM Volume I, Chapter 14, Fundamentals, Staff Division. Certificates of Appropriateness are required for development and activities in the HPO zones, but not in the CPO zones. Interim appeal to the LC has been removed since Module 3. Title revised since EPC Draft per Condition #1 to clarify what the Certificate is for.

1824 Revised since EPC Draft per Condition #1 and Condition #237 to clarify that a Certificate of Appropriateness – Minor is needed new accessory structures only – new primary structures require a Certificate of Appropriateness – Major.

1825 Revised since EPC Draft per Condition #1 and Condition #237 to clarify that a Certificate of Appropriateness – Minor is only needed for demolition of non-contributing structures within HPO zones.
b. A **Historic Certificate of Appropriateness – Minor** shall not be required for any of the following activities:

i. Ordinary maintenance and repair where the purpose of the work is to correct deterioration to the structure and restore it to its condition prior to deterioration.

ii. Any construction, alteration, or demolition which only affects the interior of the structure unless the interior features which will be affected were listed as worthy of preservation in the landmark’s general preservation guidelines or specific development guidelines.

iii. Any construction, alteration, or demolition which is exempted from this requirement by approved specific development guidelines.

iv. Any alteration or demolition which is necessary to correct or abate a condition which has been declared unsafe or requiring an emergency measure by the appropriate City official after notification of the LC and consultation with the LC Chairperson.

c. Any application deemed minor by the City staff (Historic Preservation Planner) shall be reviewed and decided per this Section 14-16-5-5.1.D. Those applications that include major changes that warrant additional review at a public hearing by the Landmarks Committee shall be required to be reviewed and decided per Section 14-16-5-5.2.D (Historic Certificate of Appropriateness – Major).

2. **Procedure**

   The City staff (Historic Preservation Planner) shall review the application and make a decision on the **Historic Certificate of Appropriateness – Minor**.

3. **Review and Decision Criteria**

   An application for a **Historic Certificate of Appropriateness – Minor** shall be approved if it complies with the following criteria:

   a. The change is consistent with the designation ordinance and specific development guidelines for the landmark or HPO zone;

   b. The architectural character, historical value, or archaeological value of the structure or site itself or of any HPO zone in which it is located will not be significantly impaired or diminished;

   c. The change qualifies as a "certified rehabilitation" pursuant to the Tax Reform Act of 1976, if applicable;

   d. The structure or site's distinguished original qualities or character will not be altered, where "original" means both those included at the time of initial construction and those developed over the history of the structure; and

   e. Deteriorated architectural features shall be repaired rather than replaced, to the maximum extent practicable. If replacement is necessary, the new material shall match the original as closely as possible in like material and design.

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1826 Revised since EPC Draft per Condition 237 to reflect current practice.
1827 Revised since EPC Draft per Condition #1 to replace “if possible” with “the maximum extent practicable” for consistency with terms used throughout the IDO.
E. Impact Fee Assessment\textsuperscript{1828}

All applicable provisions of Section 14-16-5-4 (General Procedures) apply unless specifically modified by the provisions of this Section 14-16-5-5.1.D or the DPM.

1. Many types of development must pay an impact fee prior to construction or development.

2. Standards and procedures for calculating and paying impact fees are generally governed by Impact Fee Ordinance and the DPM.

F. Site Plan – Administrative\textsuperscript{1829}

All applicable provisions of Section 14-16-5-4 (General Procedures) apply unless specifically modified by the provisions of this Section 14-16-5-5.1.F.

1. Applicability\textsuperscript{1830}

A Site Plan – Administrative may only be approved for a legally platted lot or nonconforming lot and may not be approved for unsubdivided property. This Section 14-16-5-5.1.F applies if any of the following occur on a single lot or parcel that is less than 5 acres or on abutting lots or parcels that total less than 5 acres:

a. All new single- or two-family detached residential developments, including “dwelling, co-housing” and “dwelling, cottage housing” developments\textsuperscript{1831}.

b. All new multi-family residential development containing no more than 50 dwelling units in structures other than single- or two-family structures.

c. All conversions of an existing non-residential structure or use to a residential use containing no more than 100 dwelling units.

d. All new civic, institutional, commercial, or industrial development with no more than 50,000 square feet, with the exception of grocery stores, which may be approved administratively with no more than 70,000 square feet.\textsuperscript{1832}

\textsuperscript{1828} Existing DPM Volume I, Chapter 18 Impact Fees Regulations. The removal of an interim appeal to EPC in Module 3 has been reversed, and an interim appeal is now required.

\textsuperscript{1829} While Site Plan review is in the existing Zoning Code, the distinctions between major and minor Site Plans have been clarified and simplified, and the criteria for approval have been refined.

\textsuperscript{1830} New since Zoning Code. Distinctions between administrative, DRB, and EPC Site Plans have been clarified. First sentence is new since Consolidated Draft.

\textsuperscript{1831} Applicability to Co-housing and Cottage Housing developments added since Consolidated Draft.

\textsuperscript{1832} Added since EPC Draft per Condition #239 and Condition #240 to reduce the threshold for administrative decisions for some development.
Chapter 14-16-5: Administration and Enforcement

5-5: Specific Procedures

5-5.1: Administrative Decisions

e. All new mixed-use development that contains no more than 75 dwelling units and no more than 50,000 square feet of non-residential gross floor area.

f. All expansions of existing multi-family residential, civic, institutional, commercial, industrial, and mixed-use properties that increase the number of dwelling units by no more than 25 percent of the total originally approved number of units, or that expand non-residential gross floor area by no more than 25 percent of the originally approved gross floor area.

g. All development in the MX-FB-DT zone district.\textsuperscript{1833}

h. All electric utility facilities with administrative approval, according to the approved Facility Plan.\textsuperscript{1834}

i. All major utility facilities with administrative approval according to an approved Facility Plan.\textsuperscript{1835}

j. All new or redeveloped City-owned or managed parks containing less than 10 acres of land that do not contain other co-located City facilities, lighting over 45 feet, \textit{illuminated signs}, amplified outdoor sound, or over 150 parking spaces or renovations of City-owned or managed parks that do not change the use of the facility.\textsuperscript{1836}

k. Any City-owned or managed Major Public Open Space facility that is not designated as an Extraordinary Facility per the Major Public Open Space Facility Plan or that is a renovation of a facility previously approved as an Extraordinary Facility.\textsuperscript{1837}

l. All City BioPark facilities, which are regulated by the BioPark Master Plan and managed by City Cultural Services.\textsuperscript{1838}

2. Procedure

a. The ZEO shall review the application and make a decision on the Site Plan – Administrative.

b. For properties in the NR-PO zone district, the ZEO shall coordinate the review with Parks and Recreation and/or Cultural Services staff, as relevant.\textsuperscript{1839}

c. The ZEO may also grant Deviations to IDO standards as part of this approval within the thresholds established per Section 14-16-5.4.15 (Deviations).\textsuperscript{1840} Beyond these thresholds, a Variance to IDO standards requires review and approval by the ZHE per Section 14-16-5.5.2.J (Variance – ZHE).

\textsuperscript{1833} Since EPC Draft per Map Condition #5, this provision was added to carry forward the current approval process within the Downtown 2025 SDP. This is in conjunction with changes related to MX-FB-DT.

\textsuperscript{1834} New since Consolidated Draft.

\textsuperscript{1835} New since Module 3. Revised since Consolidated Draft from five to 10 acres. Wording after “lighting” added since Consolidated Draft. “illuminated signs” added since EPC Draft to trigger EPC review for proposals that would add illuminated signs with City-owned or managed parks and open space based on discussion with Parks and Recreation staff.

\textsuperscript{1836} New since Module 3. Wording after “Facility Plan” added since Consolidated Draft.

\textsuperscript{1837} New since Consolidated Draft.

\textsuperscript{1838} New since Consolidated Draft.

\textsuperscript{1839} Added since EPC Draft per Condition #1 for consistency with edits in other sections.
d. Any request for a Variance to DPM Standards requires review and approval by the DRB per Section 14-16-5-5.2.K (Variance – DRB).

e. Site Plans shall be reviewed administratively for compliance with conditions of approval and zoning standards prior to the issuance of a building permit.  

3. Review and Decision Criteria

An application for Site Plan – Administrative shall be approved if the ZEO determines that it complies with all applicable standards in this IDO, the DPM, other adopted City regulations, and any conditions specifically applied to development of the property in a prior permit or approval affecting the property.

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\[1841\] Added since EPC Draft per Condition #1 to mirror language in Site Plan – EPC.
G. Surface Disturbance Permit

All applicable provisions of Section 14-16-5-4 (General Procedures) apply unless specifically modified by the provisions of this Section 14-16-5-5.1.G or the DPM. However, standards and procedures for obtaining a Surface Disturbance Permit are generally governed by the City Environmental Health Department, and in case of a conflict between these provisions of this Section 14-16-5-5.1.G and the standards and procedures of the DPM, the DPM shall govern.

1. Applicability

This Section 14-16-5-5.1.G requires the issuance of a Surface Disturbance Permit before surface disturbance of an area equal to or greater than three-quarters of an acre.

2. Procedure

a. Discuss the project with a representative of the Environmental Health Department, Air Quality Program, to determine need for the Surface Disturbance Permit and appropriate site-specific dust control measures.

b. Obtain required signatures from the permittee, owner, operator, and/or responsible person as indicated on the application form. For surface disturbance equal to or less than 25 acres, allow up to 10 business days for application review. For surface disturbance greater than 25 acres, allow up to 20 business days for application review.

3. Review and Decision Criteria

The Environmental Health Department shall approve the application for a Surface Disturbance Permit if it meets the standards and requirements of the Air Quality Regulations adopted by the Albuquerque-Bernalillo County Air Quality Control Board and found in Title 20, Chapter 11, Part 20 NMAC as amended.

H. Temporary Use Permit

All applicable provisions of Section 14-16-5-4 (General Procedures) apply unless specifically modified by the provisions of this Section 14-16-5-5.1.H.

1. Applicability

This Section 14-16-5-5.1.G applies to uses that require a Temporary Use Permit per Use Table 3-2-1 and associated Use-specific Standards in Section 3-3.7 (Temporary Uses).
2. **Procedure**
   a. Discuss the temporary use with the ZEO to determine the location, duration, and potential impacts of the temporary use. A sketch plan or Site Plan may be required for the purpose of understanding access, location of temporary lavatories or other temporary provisions, and the location of any structures or signage.
   b. Obtain required signatures from abutting property owners, as required, specifying that they have been notified of the use and allowed duration.\(^{1848}\)
   c. Keep documentation of the temporary permit available on-site for the duration of the temporary use.

3. **Review and Decision Criteria**
   The ZEO shall approve a Temporary Use Permit for a specified duration for temporary uses that meet the requirements of the Use-specific Standards in Section 3-3.7 (Temporary Uses) and adequately mitigates negative impacts on surrounding properties for the duration of the use.

I. **Wall, Fence, or Sign Approval**\(^{1849}\)
   All applicable provisions of Section 14-16-5-4 (General Procedures) apply unless specifically modified by the provisions of this Section 14-16-5-5.1.I.

1. **Permit**
   a. **Applicability**
      This Section 14-16-5-5.1.I applies to all applications to build a wall, fence, or sign, unless the provisions of Section 14-16-4-7 (Walls and Fences) or Section 14-16-4-12.9 (Temporary Signs) indicate that a permit is not required for that type of wall, fence, or sign. A fence or free-standing wall shall be erected only after obtaining a permit from the City.\(^{1850}\)
   b. **Procedure**
      i. The ZEO shall review the application and make a decision on the wall, fence, or sign permit.
      ii. The ZEO shall refer applications for signs on properties in an HPO zone or Metropolitan Redevelopment Area to the appropriate City board or agency for review and recommendation as to appropriateness with and conformity to such areas’ aesthetic, historic and/or architectural integrity.
      iii. The ZEO shall refer applications for signs located in an area with a City-approved architectural or design review body to that body for review and recommendation.\(^{1851}\)

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\(^{1848}\) Revised since Consolidated Draft per comments from City Environmental Health.

\(^{1849}\) New section since Zoning Code to reflect current practice.

\(^{1850}\) Revised since EPC Draft per Condition #1 to remove reference to an exception for retaining walls to match current practice.
C. **Review and Approval Criteria**

i. An application for a wall, fence, or sign approval shall be approved if the ZEO determines that it complies with all applicable standards in this IDO, the DPM, other adopted City regulations, and any conditions specifically applied to development of the property in a prior permit or approval affecting the property.

a. The ZEO may approve a wall or fence that is taller than allowed by Section 14-16-4-7.4 if necessary for security reasons due to specific site conditions or the nature of the land use or related materials and facilities on the site.

b. Other requests for taller fences will require the approval of a Variance, pursuant to Section 14-16-5-5.2.J (Variance – ZHE) or Section 5-5.2.L (Variance – EPC), as applicable.

ii. A wall or fence shall not be approved unless the Traffic Engineer finds that the wall or fence would not be a hazard to traffic visibility.

iii. A wall or fence shall not be approved unless the City Engineer finds that the wall or fence does not block drainage and/or adversely affect adjoining, upstream or downstream properties.

2. **Alternative Signage Plan**

   a. **Applicability**

   This Section 14-16-5-5.1.I.2 authorizes an applicant for a Sign Permit for a property in a Mixed-use or Non-residential zone district containing a minimum of five acres of land to request an alternative layout, organization, and distribution of available signage for the parcel, and for the administrative approval of that alternative plan.

   b. **Procedure**

   i. The ZEO shall review the application and make a decision on the alternative signage plan.

   ii. If approved, the alternative signage plan shall be binding on the property for which the plan is approved, and any sign regulations modified by the alternative signage plan shall not apply to the property, until the alternative sign plan is amended or rescinded.

   iii. An approved alternative signage plan may be amended or rescinded through the same procedure used to approve the plan and may be terminated by the City for the same reasons applicable to termination of other permits and approvals (See Section 14-16-5-7 Violations, Enforcement, and Penalties).

   c. **Review and Decision Criteria**

   An application for an Alternative Sign Plan shall be approved if the ZEO determines that the plan meets all of the following requirements:
i. It does not permit taller signs, or a greater amount of total sign area, or a different type of sign illumination or electronic sign area, than would be allowed on the parcel under Section 14-16-4-12 (Signs).

ii. It reflects a distribution of available sign area on the site that will promote equal or greater public safety both on-site and when viewed from any adjacent public rights-of-way, when compared to the location and distribution of signs and sign area allowed under Section 14-16-4-12 (Signs).

iii. It does not create levels of glare or adverse impacts on surrounding properties greater than those that would occur from the location and distribution of signs and sign area allowed under Section 14-16-4-12 (Signs).

J. Wireless Telecommunications Facility Approval\textsuperscript{1855}

All applicable provisions of Section 14-16-5-4 (General Procedures) apply unless specifically modified by the provisions of this Section 14-16-5-5.1.J or the DPM.

1. Applicability

This Section 14-16-5-5.1.J applies to the erection of new Wireless Telecommunications Facilities (WTFs) as primary or accessory uses of land, including co-locations of new facilities on existing WTF structures, except those facilities exempted from local regulation under the federal Telecommunications Act of 1996, as amended and interpreted by the courts, and related regulations of the Federal Communications Commission. All such facilities are required to obtain a WTF approval and to comply with all applicable Use-specific Standards in Section 14-16-3-3.5.I (Wireless Telecommunications Facility) and the DPM unless a Waiver of those regulations has been obtained pursuant to Section 14-16-5-5.2.J. (Variance – ZHE) for IDO standards or Section 14-16-5-5.2.K (Variance – DRB) for DPM standards.

2. Procedure

a. Applications for the following are reviewed and decided by City Planning Department Staff:

i. New WTFs.

ii. Co-locations on concealed WTFs.\textsuperscript{1856}

iii. Co-locations on non-concealed WTFs, which became nonconforming upon adoption of the concealment requirement in 2008 (Council Bill No. O-06-40).

iv. Like-for-like antenna swaps, back-up generators, and other minor site modifications to existing WTFs.

\textsuperscript{1855} Generally carries forward existing regulations on this topic, with reordering and rewording for clarity.

\textsuperscript{1856} Added since EPC Draft per Condition #241 to ensure that the regulation covers all appropriate situations.
v. Upgrades to existing WTFs that would not result in a substantial change (a term defined by federal law) to an existing Wireless Telecommunications Structure.

b. Applications for upgrades to existing WTF that would result in a substantial change (a term defined by federal law) to an existing WTF may require the approval of a Waiver under Section 14-16-5-5.2.L (Variance – EPC), before an approval of a WTF may be granted.1857

3. Review and Decision Criteria

An application for a WTF Approval shall be approved if it meets the standards of Section 14-16-3-3.5.I (Wireless Telecommunications Facility), and all applicable standards in this IDO, the DPM, and federal law and regulations.

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1857 Edited since the Consolidated Draft to remove reference to a permit and to federal law. Definition adopted by the City added to Section 6-1.
5-5.2. DECISIONS REQUIRING A PUBLIC MEETING AND/OR HEARING\textsuperscript{1858}

A. Conditional Use Approval\textsuperscript{1859}

All provisions of Section 14-16-5-4 (General Procedures) apply unless specifically modified by the provisions of this Section 14-16-5-5.2.A or the DPM.

1. Applicability

a. This Section 14-16-5-5.2.A applies to all applications for a use listed as conditional (i.e. Conditional Primary, Conditional Accessory, or Conditional Vacant) if the application is filed after the primary building on the property has been vacant for 5 years or more\textsuperscript{1860} in Table 3-2-1 (Use Table). Conditional uses are only allowed if approved pursuant to this Section 14-16-5-5.2.A.\textsuperscript{1861}

b. A Conditional Use Approval is only valid for the location stated in the application and cannot be transferred to a new location.

c. If an approved conditional use is discontinued for a period of 12 months or more, it may not be reestablished without a new Conditional Use Approval.\textsuperscript{1862}

2. Procedure

a. The City Planning staff shall review the application and forward a recommendation to the ZHE pursuant to all applicable provisions of Section 14-16-5-4 (General Procedures).

b. The ZHE shall conduct a public hearing on the application and make a written decision on the application pursuant to all applicable provisions of Section 14-16-5-4 (General Procedures).

3. Review and Decision Criteria\textsuperscript{1863}

The ZHE shall approve a conditional use if the ZHE determines that:

a. It is consistent with the adopted ABC Comp Plan, as amended;

b. It complies with all applicable provisions of this IDO (including but not limited to any Use-specific Standards applicable to the use in Section 14-16-3-3), the DPM, other adopted City regulations, and any conditions specifically applied to development of the property in a prior permit or approval affecting the property; and

\textsuperscript{1858} Solar Rights Permit removed from this section since EPC draft to reflect current practice regarding Solar Rights Permits, which are handled by the City’s Independent Office of Hearings and are outside of the purview of the IDO.

\textsuperscript{1859} Existing 14-16-4-2(B), with changes as noted. Provisions for “V” uses in the Use Table to be approved through the Conditional Use Process are new since the Consolidated Draft.

\textsuperscript{1860} Reduced from 10 to 5 years since the Consolidated Draft.

\textsuperscript{1861} Revised 2014 EPC draft per Condition #1 for clarity and consistency with abbreviations used in Section 3-1 and Table 3-2-1.

\textsuperscript{1862} Reduced from 18 months to existing Zoning Code figure of 12 months since the Consolidated Draft.

\textsuperscript{1863} Existing 14-16-4-2(C)(1). Criteria that the proposed use not be damaged by surrounding structures or activities was deleted as unnecessary. Added criteria since EPC Draft for consistency with expansion of nonconforming uses.
c. It will not create significantly adverse impacts to the adjacent property, the neighborhood, or the community.

d. Will not create material adverse impacts on other land in the surrounding area through increases in traffic congestion, parking congestion, noise, or vibration without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts.

e. Will not increase non-residential activity within 300 feet of a lot in a Residential zone district between the hours of 8:00 P.M. and 6:00 A.M.

f. Will not negatively impact pedestrian or transit connectivity without appropriate mitigation.

B. Demolition of Non-Designated Structure Outside of HPO

All applicable provisions of Section 14-16-5-4 (General Procedures) apply unless specifically modified by the provisions of this Section 14-16-5-5.2.B or the DPM.

1. Applicability

This Section applies to demolition of structures that are at least 50 years old located within those areas mapped below, regardless of whether they are registered on a state or national historic register or are eligible for listing.

a. MX-FB-DT zone district

b. Downtown Neighborhood Area – CPO-2

c. East Downtown – CPO-3

d. Nob Hill/Highland

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1864 Carries forward existing demolition review process applicable to Downtown, Downtown Neighborhoods, and Nob Hill SU-2 areas.

1865 Map of Downtown replaced with reference to MX-FB-DT since EPC per Condition #1 for accuracy and to reduce repetition.

1866 EDo CPO-3 added since EPC Draft per Condition #244 to retain Staff and/or LUCC review of structures over 50 years old.

1867 Map revised since EPC Draft per Condition #243 to remove Characteristic Buildings.
2. Procedure\footnote{Procedure revised since Consolidated Draft to reflect current practice. EPC Condition #245 recommended moving these procedures to the Certificate of Appropriateness Major, but they are applicable to this approval process and have been left here.}

   a. City staff (Historic Preservation Planner) shall review the demolition permit application within 15 days after receipt of the application in order to determine whether to approve the demolition administratively or to recommend review and decision by the LC.\footnote{Revised since EPC Draft per Condition #200 for clarity and consistency.}

   b. If LC staff recommends demolition review by the LC, the LC shall notify the applicant and the Chief Building Official in writing within 15 days and hold a public hearing within 60 days of receipt of the application to decide whether a 120-day review period shall be invoked.

   c. To invoke the 120-day review period, the LC must find that, in considering the public interest, it is preferable the structure be preserved or rehabilitated rather than demolished.

   d. Upon a determination by the LC that the 120-day review period is to be invoked, no permit for demolition, new construction, or alterations on the premises shall be issued for a period of 120 days from the date of the LC determination. The LC shall notify the Chief Building Official within 21 days of the public hearing that the review period has been invoked.

   e. During the demolition review period, the City may take any action that it deems necessary and consistent with this section to preserve the structure. During the review period, the LC shall provide for the documentation of the structure.

   f. A “Determination of No Feasible Alternative” may be issued at public hearing if the LC finds that there is no feasible alternative to demolition, and the LC will then inform the Chief Building Official and the applicant in writing.

   g. The Chief Building Official may issue a demolition permit or a building permit upon expiration of the 120-day review period if a City landmark designation has not been initiated or some other means of preserving the structure intact has not been agreed to in writing by the LC and the applicant; however, no permit for demolition of a structure subject to the 120-day review period shall be granted, even after expiration of the review period, until all plans for future use and development of the site have been filed with the Chief Building Official and have been found to comply with all laws pertaining to the issuance of a building permit, or, if for a parking lot, a certificate of occupancy for that site. All approvals necessary for the issuance of such building permit or certificate of occupancy including without limitation any necessary zoning variances or special permits must be granted and all appeals from the granting of such approvals must be concluded, prior to the issuance of a demolition permit under this section.

   h. If after an inspection, the Chief Building Official finds that a structure subject to the 120-day review period poses an immediate threat to public health or safety due to its deteriorated condition and that there is no
reasonably alternative to the immediate demolition of the structure, then the Chief Building Official may issue an emergency demolition permit to the owner of the structure. The Chief Building Official shall then prepare a report explaining the condition of the structure and the basis for his/her decision, which shall be forwarded to the LC.

3. Review and Decision Criteria
   a. City staff (Historic Preservation Planner) shall review the demolition permit application based on the following criteria:
      i. the structure’s historic, architectural, engineering or cultural significance;
      ii. the structure’s potential to contribute to the city’s economic development or tourism industry;
      iii. the structure’s potential to enhance the city’s heritage and historical identity;
      iv. whether the structure is unique or one of the last remaining examples of its kind in the neighborhood, the city or the region; and
      v. the structure's condition.
   b. To invoke the 120-day review period, the LC will use the criteria in Subsection he LC will use the criteria in Subsection 14-16-5-5.2.B.3.a and Section 14-16-5-5.3.C (Adoption or Amendment of HPO Zone or Designation of a Landmark Site or Structure) in its evaluation.
   c. In determining whether the structure should be designated as a landmark, the LC shall apply the criteria in Section 14-16-5-5.3.C (Adoption or Amendment of HPO Zone or Designation of a Landmark Site or Structure).

C. Expansion of Nonconforming Use or Structure

All applicable provisions of Section 14-16-5-4 (General Procedures) apply unless specifically modified by the provisions of this Section 14-16-5-5.2.C or the DPM.

1. Applicability
   This Section 14-16-5-5.2.C applies to all applications to expand a nonconforming use or structure, as defined in Section 14-16-5-6 (Nonconformities) and Chapter 14-16-6: (Definitions). Nonconforming site features may not be expanded. No nonconforming use or structure may be expanded unless an approval under this Section 14-16-5-5.2.C is obtained by the property owner or applicant.

2. Procedure
   a. The City Planning staff shall review the application and forward a recommendation to the ZHE pursuant to all applicable provisions of Section 14-16-5-4 (General Procedures).

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1870 Added since EPC Draft per Condition #200 to carry over existing Landmarks and Urban
1871 Revised since EPC Draft per Condition #200 for clarity and consistency.
1872 Existing 14-16-4-2(B), with changes as noted.
Chapter 14-16-5: Administration and Enforcement  5-5.2: Decisions Requiring a Public Meeting and/or Hearing

b. The ZHE shall conduct a public hearing on the application and shall make a decision on the application pursuant to all applicable provisions of Section 14-16-5-4 (General Procedures).

3. Review and Decision Criteria\textsuperscript{1873}
   The ZHE shall approve the expansion of a nonconforming use or structure if the ZHE determines that the expansion of the nonconforming use and/or the expansion of the nonconforming structure:
   a. Will not create material negative impacts on other land in the surrounding area through increases in traffic congestion, parking congestion, noise, or vibration without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts.
   b. Will not increase non-residential activity within 300 feet of a lot in a Residential zone district between the hours of 8:00 P.M. and 6:00 A.M.
   c. Will not negatively impact pedestrian or transit connectivity without appropriate mitigation.
   d. Will not exceed 25 percent of the gross floor area of the structure occupied by the nonconforming use, or 25 percent of the area occupied by the nonconforming use, at the time it became nonconforming, or by more than 2,500 square feet, whichever is less.\textsuperscript{1874}
   e. Will not expand the gross floor area of a nonconforming structure by more than 25 percent of the gross floor area existing at the time the structure became nonconforming, or by more than 2,500 square feet of gross floor area, whichever is less.\textsuperscript{1875}
   f. Will not increase an existing nonconformity or create a new nonconformity.

D. Historic Certificate of Appropriateness – Major\textsuperscript{1876}
   All applicable provisions of Section 14-16-5-4 (General Procedures) apply unless specifically modified by the provisions of this Section 14-16-5-5.2.D or the Development Process Manual (DPM).
   1. Applicability
      This Section 14-16-5-5.2.D applies to all development and modification of structures in any HPO zone and to all development or modification of a landmark site that does not meet the applicability standards for a Historic Certificate of Appropriateness – Minor in Section 14-16-5-5.1.D.
   2. Procedure

\textsuperscript{1873} Criteria revised to avoid overlap and confusion with the criteria for approval of a zoning variance. Existing condition that the owner covenant that the property be brought into conformity within stated time was not carried over as impracticable. Criterion that nonconforming use not be damaged by surrounding properties or uses was deleted as unnecessary since EPC Draft per Condition #246 and Condition #247. Provisions a-c added since EPC Draft per Condition #247 and Condition #248 for consistency and clarity.
\textsuperscript{1874} 2,500 sq. ft. cap has been added since Consolidated Draft.
\textsuperscript{1875} Existing DPM Volume I, Chapter 14. Certificates of Appropriateness are required for development and activities in the HPO zones, but not in the CPO zones. Title revised since EPC Draft per Condition #1 for clarity.
a. Applicants shall review their proposed projects with the City staff (Historic Preservation Planner) before preparing final plans and submitting an application. The purpose of this discussion is to determine the approval procedure and create a project drawing checklist for the specific request.

b. The City Landmarks Commission staff planner shall review the application and forward a recommendation to the Landmarks Commission pursuant to all applicable provisions of Section 14-16-5-4 (General Procedures).

c. The Landmarks Commission shall conduct a public hearing on the application and shall make a decision on the application pursuant to all applicable provisions of Section 14-16-5-4 (General Procedures).

3. Review and Decision Criteria

An application for a Historic Certificate of Appropriateness – Major shall be approved if it complies with the following criteria:

a. The change is consistent with Section 14-16-2-7.3 (Historic Protection Overlay Zone), the ordinance designating the specific HPO zone where the property is located, and any specific development guidelines for the landmark or the specific HPO zone where the property is located.

b. The architectural character, historical value, or archaeological value of the structure or site itself or of any HPO zone in which it is located will not be significantly impaired or diminished.

c. The change qualifies as a "certified rehabilitation" pursuant to the Tax Reform Act of 1976, if applicable.

d. The structure or site’s distinguished original qualities or character will not be altered. For the purposes of Section 14-16-2-7.3 and this Section 14-16-5-5.2.D, “original” shall mean as it was at the time of initial construction or as it has developed over the course of the history of the structure.

e. Deteriorated architectural features shall be repaired rather than replaced, if possible. If replacement is necessary, the new material shall match the original as closely as possible in material and design.

f. Additions to existing structures and new construction may be of contemporary design if such design is compatible with its landmark status (if any) or the HPO zone in which it is to be located.

g. If the application is for a Historic Certificate of Appropriateness – Major for demolition of a landmark or a contributing structure in an HPO zone, demolition shall only be allowed if it is determined that the property is incapable of producing a reasonable economic return as presently controlled and that no means of preserving the structure has been found. In
the meantime, no permit for demolition can be issued. In making a
determination regarding reasonable economic return the LC may consider
the estimated market value of the building, land, and any proposed
replacement structures; financial details of the property including, but not
limited to, income and expense statements, current mortgage balances,
and appraisals; the length of time that the property has been on the market
for sale or lease; potential return based on projected future market
conditions; the building's structural condition; and other items determined
to be relevant to the application.

E. Site Plan – DRB

All applicable provisions of Section 14-16-5-4 (General Procedures) apply unless specifically
modified by the provisions of this Section 14-16-5-5.2.D or the DPM.

1. Applicability

A Site Plan – DRB may only be approved for a
legally platted lot or nonconforming lot, and
may not be approved for unsubdivided
property. This Section 14-16-5-5.2.D applies to:

a. Any application for multi-family, civic,
institutional, commercial, mixed-use, or
industrial development that does not
qualify for consideration as a Site Plan –
Administrative under Section 14-16-5-5.1.F and is not located in an NR-SU, PD,
or PC zone district (which require review
of a Site Plan – EPC under Section 14-16-5-5.2.F).\(^{1880}\)

b. Any application for a site five acres or greater that is not adjacent to Major
Public Open Space (which requires review of a Site Plan – EPC under
Section 14-16-5-5.2.F).\(^{1881}\)

c. Any application for an electric utility within any zone district where approval
by the DRB is required by the Facility Plan for Electric Transmission.\(^{1882}\)

d. Any application for a major utility within any zone district where approval by
the DRB is required by an adopted Facility Plan.\(^{1883}\)

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\(^{1877}\) New sentence since EPC Draft per Condition #242 to clarify the process for demolition review.

\(^{1878}\) From existing DPM Volume I, Chapter 3, and 14-16-3-11.

\(^{1879}\) First sentence is new since Consolidated Draft

\(^{1880}\) Revised since EPC Draft per Condition #249 to add reference to new Subsection b.

\(^{1881}\) Added since EPC Draft per Condition #249 to ensure that review of development of sites that are greater than 5 acres and
adjacent to Major Public Open Space to EPC for review.

\(^{1882}\) Added since Consolidated Draft.

\(^{1883}\) Added since Consolidated Draft.
2. Procedure

   a. The City Planning staff shall review the application and forward a
     recommendation to the DRB pursuant to all applicable provisions of Section
     14-16-5-4 (General Procedures).
   b. The DRB shall conduct a public meeting on the application and shall make
     a decision on the application pursuant to all applicable provisions of Section
     14-16-5-4 (General Procedures).
   c. The DPM may also grant Deviations to IDO standards as part of this
     approval within the thresholds established per Section 14-16-5-4.15
     (Deviations). 1885
   d. The DRB may grant a Variance to DPM Standards as part of this approval
     per Section 14-16-5-5.2.K (Variance – DRB).
   e. Site Plans shall be reviewed administratively for compliance with conditions
     of approval and zoning standards prior to the issuance of a building
     permit. 1886

3. Review and Decision Criteria

   The DRB shall approve a Site Plan – DRB if the DRB determines that all of the
   following apply:
   a. The Site Plan is consistent with the ABC Comp Plan, as amended.
   b. The Site Plan complies with all applicable provisions of this IDO, the DPM,
      other adopted City regulations, and any conditions specifically applied to
      development of the property in a prior permit or approval affecting the
      property.
   c. The City’s existing infrastructure and public improvements, including but not
      limited to its street, trail, drainage, and sidewalk systems, have adequate
      capacity to serve the proposed development, and any burdens on those
      systems have been mitigated to the extent practicable.
   d. The application mitigates any significant adverse impacts on the
      surrounding area to the maximum extent practicable.

F. Site Plan – EPC

   All applicable provisions of Section 14-16-5-4 (General Procedures) apply unless
   specifically modified by the provisions of this Section 14-16-5-5.2.F or the DPM.
   1. Applicability

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1884 Existing provision for referral to EPC if the DRB concludes that the application is a major amendment to a prior EPC approval
   was not carried over; major amendments are now addressed by Section 14-16-5-23 (Amendments of Prior Approvals).
1885 Added since EPC Draft per Condition #1 for consistency with edits in other sections.
1886 Added since EPC Draft per Condition #1 to mirror language in Site Plan – EPC.
1887 Revised provisions. Requirement that the major Site Plan protect natural features, since the requirement for consistency with
   this IDO now includes compliance with 14-16-4 regarding avoidance of sensitive lands.
1888 New section intended to generally reflect current practice.
1889 First sentence is new since Consolidated Draft.
Chapter 14-16-5: Administration and Enforcement  

5-5.2: Decisions Requiring a Public Meeting and/or Hearing

a. A Site Plan – EPC may only be approved for a legally platted lot or nonconforming lot, and may not be approved on unsubdivided property, except for development in the PD or NR-SU zone districts and any development on a site 5 acres or greater adjacent to Major Public Open Space, in which case a Site Plan approval is required prior to any platting action.  

b. This Section 14-16-5-5.2.F applies to the following:

i. Any application for development or redevelopment of a multi-family, civic, institutional, commercial, mixed-use, or industrial property within an NR-PO, PC, or PD zone district that does not qualify for consideration as a Site Plan – Administrative under Section 14-16-5-5.1.F.  

ii. Any application for development in an NR-SU zone district.  

iii. Any application for development on a site 5 acres or greater adjacent to Major Public Open Space.  

iv. Any application for development for which the applicant requests EPC review, provided the Planning Director concurs with that request.  

v. Any application for an electric utility within any zone district where EPC approval is required by the Facility Plan for Electric Transmission.  

vi. Any application involving a major utility as a primary use of the site, unless otherwise specified by an adopted Facility Plan.

2. Procedure

a. The City Planning staff shall review the application and forward a recommendation to the EPC pursuant to all applicable provisions of Section 14-16-5-4 (General Procedures).

b. The EPC shall conduct a public hearing on the application and shall make a decision on the application pursuant to all applicable provisions of Section 14-16-5-4 (General Procedures).

c. The EPC may delegate authority to the DRB to determine technical review of compliance with conditions of approval and DPM standards.  

d. The EPC may grant a Variance to IDO standards as part of this approval per Section 14-16-5-5.2.L (Variance – EPC).

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1890 Added since EPC Draft per Condition #249 to ensure that review of development of sites that are greater than 5 acres and adjacent to Major Public Open Space to EPC for review and for consistency with edits to other IDO sections per Condition #1.

1891 Reference to NR-PO added since Consolidated Draft.

1892 Added since Consolidated Draft at the request of the Parks and Recreation Department.

1893 Added since Consolidated Draft.

1894 New since Module 3.
e. Site Plans shall be reviewed administratively for compliance with conditions of approval and zoning standards prior to the issuance of a building permit.\(^{1895}\)

3. Review and Decision Criteria

The EPC shall approve a Site Plan – EPC if the EPC determines that all of the following apply:

a. The Site Plan is consistent with the ABC Comp Plan, as amended.

b. The Site Plan is consistent with any applicable terms and conditions in any previously approved NR-SU or PD zoning covering the property and any related development agreements and/or regulations.\(^ {1896}\)

c. The Site Plan complies with all applicable provisions of this IDO, the DPM, other adopted City regulations, and any conditions specifically applied to development of the property in a prior permit or approval affecting the property.

d. The City's existing infrastructure and public improvements, including but not limited to its street, trail, drainage, and sidewalk systems, have adequate capacity to serve the proposed development, and any burdens on those systems have been mitigated to the extent practicable.\(^ {1897}\)

e. The application mitigates any significant adverse impacts on the surrounding area to the maximum extent practicable.

G. Subdivision of Land – Minor\(^ {1898}\)

All applicable provisions of Section 14-16-5-4 (General Procedures) apply unless specifically modified by the provisions of this Section 14-16-5-5.2.G or the DPM.

1. Applicability\(^ {1899}\)

This Section 14-16-5-5.2.G applies to the review of any application for:

a. Approval of a subdivision of land within the City that:
   i. Creates 10 or fewer lots on any single lot that has been recorded as a single lot for at least three years previously.
   ii. Does not require any new streets or additional right-of-way on an existing street.
   iii. Does not create any lots that do not front on a public or private street previously approved by the City.
iv. Does not require installation of any significant infrastructure, other than service connections between permitted structures on the lot and existing infrastructure and other systems located on or in an adjacent street or parcel of land.¹⁹⁰⁰

v. Does not require the installation of any off-site infrastructure of a size, type, or location that may create significant adverse impacts on adjacent or nearby property owners.

b. Approval of a combination of previously platted subdivision lots and termination of some or all of the related easements, where all benefitted and burdened parties agree to the lot combination and easement termination.

2. Procedure¹⁹⁰¹

a. The DRB shall review the application and shall conduct a public meeting and make a decision on the application pursuant to all applicable provisions of Section 14-16-5-4 (General Procedures).

b. The DRB may grant a Variance to a DPM standard as part of this approval per Section 14-16-5-5.2.K (Variance – DRB).¹⁹⁰²

c. The DRB may grant a Deviation to a development standard in the IDO as part of this approval per the thresholds in Section 14-16-5-4.15 (Deviations).¹⁹⁰³

d. Any granted Variances or Deviations shall be noted on the approved final plat and noted on a separate recorded document.¹⁹⁰⁴

e. When all conditions of approval are satisfied, the final plat is approved; approval shall be recorded on the original drawing of the final plat and shall be dated and verified by the signatures of members of the DRB.¹⁹⁰⁵

f. The applicant shall record the plat with the Bernalillo County Clerk within five working days after DRB signatures. A plat that is not recorded in a timely manner is not valid, may not be used as the basis for legal transfer of property where a subdivision is required, and is subject to withdrawal of the DRB approval through the same process used to approve the Subdivision of Land – Minor.¹⁹⁰⁶

3. Review and Decision Criteria

The DRB shall approve a Subdivision of Land – Minor if the DRB determines that it:

a. Is consistent with the ABC Comp Plan, as amended.

¹⁹⁰⁰ Revised since EPC Draft per Condition #252 in response to agency comment.
¹⁹⁰¹ From DPM Volume I, Chapter 2, Subdivision Procedures (Standard), Phase III Final Plat. Sections a.iii and a.iv are new since Zoning Code. Revised to remove reference to bulk land transfer in this section and new 2.a.ii added new 2.ii to clarify requirements for an adjustment since EPC Draft per Condition #318.
¹⁹⁰² Revised since EPC Draft per Condition #1 to consolidate variances that may be granted by DRB during subdivision or review of Site Plan – DRB.
¹⁹⁰³ Revised since EPC Draft per Condition #1 to for consistency with edits to other sections.
¹⁹⁰⁴ Revised since EPC Draft per Condition #1 to for consistency with edits to other sections.
¹⁹⁰⁵ Clarifies that responsibility for recording the plat is with the applicant.
¹⁹⁰⁶ Last sentence is new since Zoning Code.
b. Complies with all applicable provisions of this IDO, the DPM, other adopted City regulations, and any conditions specifically applied to development of the property in a prior permit or approval affecting the property.

c. Documents any Variances granted development standards applicable to the subdivision in Section 14-16-4-4 (Subdivision of Land) or Section 14-16-4-3 (Access and Connectivity) and any deviations to other IDO standards granted within the thresholds established by Section 14-16-5-4.15 (Deviations).  

H. Subdivision of Land – Major

All applicable provisions of Section 14-16-5-4 (General Procedures) apply unless specifically modified by the provisions of this Section 14-16-5-5.2.H or the DPM.

1. Applicability

This Section 14-16-5-5.2.H applies to any application for a subdivision of land or combination of previously subdivided lots that is not eligible to be processed as a Subdivision of Land – Minor under Section 14-16-5-5.2.G.

2. Procedure

a. Deviations and Variances

i. The DRB may grant a Deviation to a development standard in the IDO as part of this approval per the thresholds in Section 14-16-5-4.15 (Deviations).

ii. The DRB may grant a Variance to standards in Section 14-16-4-3 (Access and Connectivity), Section 14-16-4-4 (Subdivision of Land), or the DPM per Section 14-16-5-5.2.K (Variance – DRB).

b. Pre-Application Meeting

In addition to those provisions in Section 14-16-5-4.2 (Pre-application Meeting), the following provisions apply to Subdivisions of Land – Major:

i. The applicant shall file a sketch plat that indicates the basic layout of the proposed subdivision, including general layouts of streets, drainage

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1907 Reference to adjustments of access and connectivity standards added since Module 3. Revised since EPC Draft per Condition #1 for consistency with other edits to IDO sections to consolidate exceptions that DRB may grant in a new section for Variance – DRB to clarify and to remove duplication in multiple sections.

1908 Application type in graphic revised for accuracy since EPC Draft per Condition #204 and Condition #255 in response to DRB comment.

1909 From DPM Volume I, Chapter 2, Introduction.

1910 Revised since EPC Draft per Condition #1 for consistency with edits to other sections.

1911 Revised since EPC Draft per Condition #1 to consolidate variances that may be granted by DRB during subdivision or review of Site Plan – DRB.

1912 The existing Site Plan for Subdivisions process has been rolled into the Major Subdivision Pre-application process, because both involve a preliminary plan (not a plat) showing how major systems (streets, access, drainage, and open space) are anticipated to be completed and further refined through a later platting process.
areas, open spaces, and buildable lots within the subdivision, and other technical standards\textsuperscript{1914} specified in the DPM.

ii. The DRB shall review the sketch plat, conduct a public meeting, and provide a Letter of Advice outlining the requirements and recommendations of the meeting, which will address the suitability of the proposal for development and for infrastructure improvements based on the intent of this IDO and the DPM.

iii. The approved sketch plat shall not be recorded but shall be retained by the City Planning Department, and the Preliminary and Final Plat are required to be generally consistent with the Sketch Plat Letter of Advice.

c. Preliminary Plat

i. Within one year after DRB issuance of a Letter of Advice on a Sketch Plat, the applicant shall file a Preliminary Plat that meets all standards and requirements of this IDO and the DPM.

ii. Any request for a Variance from the development standards applicable to the subdivision in Section 14-16-4-4 (Subdivision of Land), Section 14-16-4-3 (Access and Connectivity) or to a standard in the DPM\textsuperscript{1915} shall be reviewed and decided per Section 14-16-5-5.2.K (Variance – DRB), shown on the Preliminary Plat, and considered simultaneously with the review and approval of the Preliminary Plat.\textsuperscript{1916}

iii. The City Planning staff shall review the application and forward a recommendation to the DRB pursuant to all applicable provisions of Section 14-16-5-4 (General Procedures).

iv. The DRB shall conduct a public hearing and make a decision on the application pursuant to all applicable provisions of Section 14-16-5-4 (General Procedures).

d. Construction Plans

After approval of the Preliminary Plat, the applicant shall present construction plans and specifications for all improvements (which shall conform to the approved Preliminary Plat) to the City Engineer for approval, together with a proposed subdivision improvements agreement between the subdivider and the city specifying all infrastructure proposed for construction. Construction plans and specifications shall meet all applicable requirements of the DPM or other technical standards adopted by the City.\textsuperscript{1917}

e. Subdivision Improvements Agreement\textsuperscript{1918}

After approval of the Preliminary Plat, the applicant shall provide to the City a Subdivision Improvements Agreement (SIA) that complies with the following standards and all applicable standards in the DPM.

i. The SIA shall specify the time period within which the improvements necessary to provide required access, public services, and public

\textsuperscript{1914} Revised from “features” to “technical standards” since EPC Draft per Condition #1 for clarity.

\textsuperscript{1915} Reference to adjustments of access and connectivity standards added since Module 3.

\textsuperscript{1916} Revised since EPC Draft per Condition #1 for consistency with edits to other sections.

\textsuperscript{1917} Existing 14-14-5-2(A); detailed specifications from Subsection (B) moved to DPM. Added since EPC Draft based on staff discussion.

\textsuperscript{1918} Existing 14-14-5-3, with changes as noted. Existing requirements for review of extensions by DMD and Air Quality Division have been deleted as unnecessary. Subsection iv about extensions removed since EPC Draft per Condition #256 in response to DRB comment. Revision from Condition #260 was deleted as a result of Condition #256.
amenities required of the applicant are to be completed, which time period will end not later than two years after execution of the SIA.

ii. An SIA for sidewalks that have received an adjustment for temporary deferral of installation shall have a time period that will end four years after execution of the SIA, unless extended by the DRB for good cause, as described in the DPM.

iii. The DRB may extend the time periods listed in Subsections i. and ii. above for a period of less than 12 months for good cause shown.

iv. If a Preliminary Plat approval should expire under the terms of this IDO without a Final Plat having been approved, the SIA automatically lapses, and no further improvements are required or approved.

v. After execution of an SIA approved by the City, the applicant may proceed with the construction of all required improvements.

f. Final Plat

i. Within one year after DRB approval, or approval with conditions, of a Preliminary Plat, the applicant shall file a Final Plat that meets all standards and requirements in the DPM.

ii. The City Planning staff shall review the application and forward a recommendation to the DRB pursuant to all applicable provisions of Section 14-16-5-4 (General Procedures).

iii. The DRB shall conduct a public meeting and make a decision on the application pursuant to all applicable provisions of Section 14-16-5-4 (General Procedures).

iv. When all conditions of approval are satisfied, the DRB shall accept the revised Final Plat and record it with the Bernalillo County Clerk as soon as possible, but in no case more than five working days from date of DRB signature.

g. Dedications1919

i. Dedication of public areas, as required by Section 14-16-4-4.11, or by other City policy requirements shall be free and clear of any liens or encumbrances and be in fee simple unless:

a. The applicant demonstrates that fee simple dedication is legally infeasible; or

b. The DRB and the City Attorney find that a different type of dedication better accomplishes City policy or is provided for by specific ordinance.

ii. If dedication in other than fee simple is approved, the nature of the property interest dedicated shall be clearly indicated on the plat.

1919 Existing 14-14-2-4
iii. When parks are dedicated, a deed to the land shall be delivered to the governmental entity with jurisdiction over that type of park, as determined by the City.

3. Review and Decision Criteria

   a. The DRB shall approve a Preliminary Plat if the DRB determines that it:
      i. Is consistent with the ABC Comp Plan, as amended;
      ii. Complies with all applicable provisions of this IDO, the DPM, other adopted City regulations, and any conditions specifically applied to development of the property in a prior permit or approval affecting the property.

   b. The DRB shall approve a Final Plat if the DRB determines that it includes all changes, conditions, and requirements contained in the DRB’s approval of the Preliminary Plat.

I. Vacation of Easement or Right-of-Way

All applicable provisions of Section 14-16-5-4 (General Procedures) apply unless specifically modified by the provisions of this Section 14-16-5-5.2.I or the DPM.

1. Applicability

   This Section 14-16-5-5.2.I applies to all applications to vacate a public right-of-way or easement including but not limited to streets, alleys, and easements that are owned by or under the control of the City, as well as applications to vacate a private way or easements shown on a recorded plat.

2. Procedure

   a. Notwithstanding the provisions of Table 5-1-1, Published and Posted Sign notice are not required when the application is for vacation of a public easement that does not involve a public right-of-way, provided that the Planning Director is satisfied that all benefitted and burdened parties are clearly and completely defined and agree to the vacation.

   b. The City Planning staff shall review the application and forward a recommendation to the DRB pursuant to all applicable provisions of Section 14-16-5-4 (General Procedures).

   c. The DRB shall conduct a public hearing and make a decision on the application pursuant to all applicable provisions of Section 14-16-5-4 (General Procedures).

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1920 New section since Zoning Code incorporating criteria from the DPM, and reflecting current practices. “Public” removed and procedure title revised since EPC Draft per Condition #202 and Condition #258 in response to DRB comment; equivalent revisions made in graphic to the right and throughout this section.

1921 Revised since EPC Draft per Condition #258 for clarity in response to DRB comment.

1922 Revised since EPC Draft per Condition #259 to reflect current response in response to DRB comment.
3. **Review and Decision Criteria**

   The DRB shall approve the vacation of public right-of-way or easement if the DRB determines that:

   a. The public welfare does not require that the public right-of-way or easement be retained; or

   b. There is a net benefit to the public welfare because the development made possible by the vacation is clearly more beneficial to the public welfare than the minor detriment resulting from the vacation, and there is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.

J. **Variance – ZHE**

   All applicable provisions of Section 14-16-5-4 (General Procedures) apply unless specifically modified by the provisions of this Section 14-16-5-5.2.J or the DPM.

   1. **Applicability**

      a. This Section 14-16-5-5.2.J applies to all requests for Variances from an IDO standard other than the following:

      b. Standards in Section 14-16-4-4 (Subdivision of Land) or Section 14-16-4-3 (Access and Connectivity) or in the DPM (which require a Variance – DRB per Section 14-16-5-5.2.K)

      c. Variances to IDO Standards requested in applications for a Site Plan – EPC (which requires a Variance – EPC per Section 14-16-5-5.2.L).

   2. **Procedure**

      a. No application for a Variance may allow a land use that is not a permissive use on the property that is the subject of the Variance, or a land use that is listed as conditional (i.e. Conditional Primary, Conditional Accessory, or Conditional Vacant) on the property that is the subject of the Variance without obtaining a Conditional Use Approval pursuant to Section 14-16-5-5.2.A.

      b. The City Planning staff shall review the application and forward a recommendation to the ZHE pursuant to all applicable provisions of Section 14-16-5-4 (General Procedures).

      c. The ZHE shall conduct a public hearing and make a decision on the application pursuant to all applicable provisions of Section 14-16-5-4 (General Procedures).

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1923 Name revised from Variance – Development Standard since EPC Draft per Condition #1 and Condition #159 for consistency with edits to other sections.
1924 Revised since EPC Draft per Condition #1 for consistency with edits to other sections.
1925 Existing 14-16-4-2(B).
1926 New provision to reflect current practice.
3. Review and Decision Criteria

   a. General

      Except as indicated in Subsection 3.b. below, the ZHE shall approve an application for a Variance – ZHE if the ZHE determines that all of the following apply:

      i. The application is not materially contrary to the public interest or will not cause significant adverse impact to the community or to property or improvements in the vicinity.\(^{1928}\)

      ii. There are special circumstances applicable to the subject property that do not apply generally to other property in the same zone district and vicinity, such as size, shape, topography, location, surroundings, or physical characteristics, and such special circumstances were created either by natural forces or by government eminent domain\(^{1929}\) actions for which no compensation was paid.

      iii. Such special circumstances were not self-imposed.

      iv. Such special circumstances create an unnecessary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property.

      v. The grant of the Variance will not materially undermine the intent and purpose of this IDO or the applicable zone district.

   b. Variance for a Wall to Provide Sound Mitigation\(^{1930}\)

      If the application is to allow a wall, retaining wall, or vertical combination of those structures (collectively, in this section, the “wall”) that face a public street to exceed the maximum height otherwise applicable on a residentially zoned property, the ZHE shall approve the Variance – ZHE if the ZHE determines that the following requirements have been met:

      i. A noise analysis that complies with the requirements of the DPM has been certified by a licensed engineer.

      ii. The existing noise levels exceed those levels established in the DPM, and the wall will result in at least the levels of sound reduction established in the DPM.

      iii. If the wall is located in an area where a maximum fence height of three feet would otherwise apply, the wall is set back at least 10 feet from the property line abutting the street.

      iv. The design of the wall includes at least two façade design treatments specified in Section 14-16-4-7.5.C (Façade Standards).

      v. No portion of the wall exceeds 8 feet in height above grade on the public side of the wall, unless the wall abutting a Residential zone district has a height of over 8 feet above the abutting grade on the

\(^{1927}\) Existing 14-16-4-2(C)(2), reworded for clarity, and “substantial justice” standard deleted as vague and difficult to enforce.

\(^{1928}\) “Materially” has been added to several of the existing criteria to better reflect current practice. Revised for clarity since EPC Draft per Condition #260.

\(^{1929}\) Text revised to clarify that this refers to earlier partial takings of property by eminent domain.

\(^{1930}\) Existing 14-16-3-19 currently treats this as a conditional use, but applications to change a physical site feature (rather than a use of land) are usually processed as variances. Technical standards for sound levels have been moved to the DPM. Revised since EPC Draft per Condition #1 to remove reference to a fence, which cannot be used to mitigate sound.
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5-5.2: Decisions Requiring a Public Meeting and/or Hearing

residential side, in which case the ZHE shall decide the required height.\textsuperscript{1931}

c. Variance in an APO Zone\textsuperscript{1932}

i. A Variance from a standard in the APO zone may be granted for a structure or vegetation within the Air Space Protection Sub-area, excluding the Runway Protection Sub-area, provided that:

a. The request meets the requirements of this Section 14-16-5-5.2.K.

b. The ZHE determines that the request will not cause an increase of minimum requirements for instrument or night flying, or will not otherwise cause or create a greater hazard to air navigation.

ii. A Variance may be granted by the ZHE to a structure height in Section 14-16-2-7.4.B.2.c f within the Northwest Mesa Escarpment – VPO-2 for requests associated with applications other than a Site Plan – EPC provided the procedure specified in Section 14-16-5-5.2.L.2.a and decision criteria in Section 14-16-5-5.2.L.3.c are met.\textsuperscript{1933}

iii. A Variance granted may be conditioned to require hazard marking and lighting per Subsection 14-16-2-7.1.F.

K. Variance – DRB\textsuperscript{1934}

All applicable provisions of Section 14-16-5-4 (General Procedures) apply unless specifically modified by the provisions of this Section 14-16-5-5.2.J.

1. Applicability

This Section 14-16-5-5.2.J applies to all requests for Variances to IDO standards in Section 14-16-4-3 (Access and Connectivity) or Section 14-16-4-4 (Subdivision of Land) or the City’s technical or engineering standards in the DPM.

2. Procedure

a. The City Planning staff shall review the application and forward a recommendation to the DRB pursuant to all applicable provisions of Section 14-16-5-4 (General Procedures).

b. The DRB shall conduct a public hearing and make a decision on the application pursuant to all applicable provisions of Section 14-16-5-4 (General Procedures).

c. A notice of any Variances or Deviations granted associated with a subdivision shall be placed on the final plat and on a separately recorded

\textsuperscript{1931} Revised since EPC Draft per Condition #1 to remove unnecessary language.

\textsuperscript{1932} New since EPC Draft per Condition #21 to clarify Variance procedure within an APO zone.

\textsuperscript{1933} Added since EPC Draft per Condition #1 for consistency with edits in other sections and in response to adopted amendment to the NWMEP via R-16-127.

\textsuperscript{1934} Posted notice requirement has been added. Revised since EPC Draft per Condition #1 and Condition #159 to apply to both Subdivision of Land applications and Site Plan – DRB applications and broaden the applicability beyond sidewalks.
3. Review and Decision Criteria

The DRB shall approve a Variance to a DPM standard, to a subdivision standard in Section 14-16-4-4 (Subdivision of Land), or to a standard in Section 14-16-4-3 (Access and Connectivity) if it determines and documents in findings, based upon the evidence presented to it at a public hearing, the following conditions apply in the relevant Subsections below.

a. General

The DRB may grant a Variance based on any of the following conditions, in combination with conditions being met in one of the subsequent Subsection in b-c.

i. The area is one in which, because of special functional conditions that are not self-imposed, such as unusual topography or proximity to dangerous conditions that are not a result of the current or proposed development or site design, it is desirable to maintain or develop a design plan not consistent with a DPM standard.

ii. The area or site has been recognized as having historical, archeological, and/or architectural significance by the City, state, or federal government, and a Variance is needed and appropriate to maintain such historical, archeological, and/or architectural significance.

iii. A Variance would preserve trees that are healthy and adapted to the City climate.

iv. There are pre-existing obstructions that cannot be easily or economically relocated or should not be altered, such as grades, fills, water courses, natural topographic features, man-made obstructions, or utility lines.

v. The established neighborhood character or mature landscaping on the site would be damaged to a degree that outweighs the public utility of City’s normal technical standards in that location.

b. Sidewalk Exceptions

The DRB may grant a Variance based on any of the following criteria, as long as at least one of the criteria in the previous Subsection a has been met.

i. The area is of low-intensity land use to an extent that the normal installation of sidewalks will not contribute to the public welfare, and the absence of a sidewalk will not create a gap in an existing sidewalk system extended to one or more sides of the subject property or area.

ii. The City’s right-of-way is insufficient in width to permit the construction of a sidewalk of standard dimension and placement.
iii. The adjoining sidewalks are non-standard as to width and/or location, and the Variance would enable the new and existing sidewalks to match in width and/or location, or could create a smooth transition between areas of different width and/or character.\textsuperscript{1941}

c. Standards in Section 14-16-4-4 (Subdivision of Land), Section 14-16-4-3 (Access and Connectivity), or the DPM

The DRB may grant a Variance for these standards, provided all of the following criteria have been met:\textsuperscript{1942}

i. The Variance will not be injurious to the public safety, health or welfare.

ii. The Variance does not create material adverse impacts on surrounding properties.

iii. The Variance will not conflict significantly with the goals and provisions of any city, county, or AMAFCA adopted plan or policy, this IDO, or any other City code or ordinance.

iv. The Variance will not allow, encourage, or make possible undesired development in the 100-year Floodplain; and

v. The Variance will not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure improvements.

vi. The Variance does not allow a lot or type of development that does not meet the applicable size, area, and development standards applicable in the zone district where the lot is located, unless a Deviation may be granted within the thresholds established by Section 14-16-5-4.15 (Deviations) as part of this approval.

vii. The applicant has demonstrated that varying from the normal requirements and standards will encourage flexibility, economy, effective use of open space, or ingenuity in design of a subdivision, in accordance with accepted principles of site planning, or that extraordinary hardship or practical difficulty may result from strict compliance with the minimum standards.\textsuperscript{1943}

d. Bulk Land Transfer:\textsuperscript{1944}

i. Where a Variance is requested based upon a bulk land transfer, the use of the land for development and/or building purposes shall require subsequent further review for subdivision or Site Plan approval. Such further review and approval must be more comprehensive than issuance of a building permit, and a notice of any Variances granted shall be placed on the final plat and on a separately recorded document.\textsuperscript{1945}

ii. Where a Variance is requested based upon a bulk land transfer, the plat shall reflect the applicant’s agreement that building permits shall not be issued for any area where the Variances apply before further

\textsuperscript{1941} Second part of this standard is new since Zoning Code.

\textsuperscript{1942} Reflects the current practice of considering subdivision waivers together with proposed plats (not separately) and carries forward existing 14-14-4-1(B) allowing waivers of detailed standards for areas of the plat that will be the subject of a more detailed later subdivision design process. Revised since EPC Draft per Condition #254 to match current practice. Direction to add written findings unnecessary, since that is covered by General Procedures for hearings.

\textsuperscript{1943} Added since EPC Draft per Condition #253 to clarify requirements in response to DRB staff comment.

\textsuperscript{1944} Carries forward the intent of existing 14-14-4-1(B).

\textsuperscript{1945} Added since EPC Draft per Condition #257 in response to DRB comment.
subdivision and that recording of a final subdivision plat for the subject area has been completed.

L. Variance – EPC

All applicable provisions of Section 14-16-5-4 (General Procedures) apply unless specifically modified by the provisions of this Section 14-16-5-5.2.L or the DPM.

1. Applicability

a. This Section 14-16-5-5.2.L applies to all requests for Variances from any development standard in this IDO other than Section 4-3 (Access and Connectivity) or Section 4-4 (Subdivision of Land) requested as part of a Site Plan – EPC application.

b. Variances from IDO Standards in Section 4-3 (Access and Connectivity) or Section 4-4 (Subdivision of Land) or DPM standards shall only be granted by the DRB per Section 5-5.2.K (Variance – DRB).

c. Variances to IDO standards other than Section 4-3 (Access and Connectivity) or Section 4-4 (Subdivision of Land) that are requested as part of an approval other than a Site Plan – EPC shall only be granted by the ZHE per Section 5-5.2.J (Variance – ZHE).

d. No application for a Variance may allow a land use that is not a permissive use on the property that is the subject of the Variance, or a land use that is listed as conditional (i.e. Conditional Primary, Conditional Accessory, or Conditional Vacant) on the property that is the subject of the Variance without obtaining a Conditional Use Approval pursuant to Section 14-16-5-5.2.A.1947

2. Procedure1948

a. Requests for an exception to structure heights in Section 14-16-2-7.4.B.2 (Northwest Mesa Escarpment – VPO-2) shall at a minimum include all of the following:1949

i. Site plans, site elevations, and site sections showing the location of the major public views (i.e. views from the site perimeter or nearest public road to the east, west, south, and north property lines and views to the escarpment),

ii. View plane exhibits that illustrate the expected impact of structure height on major public views given the relationship of slopes, building heights, setbacks, escarpment height, and view corridors.

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1946 Added since EPC to be parallel to edits made to DRB so that EPC can approve Variances to IDO standards as part of the review of a Site Plan – EPC.
1947 New provision to reflect current practice.
1948 Existing 14-16-4-2(B).
1949 Added since the EPC Draft to carry over adopted amendment to the NWMEP via R-16-127.
iii. Analysis and demonstration of at least one of the techniques required by Section X (i.e. Height/Slope, View Corridors, and/or Height/slope/setback) to minimize the impact of additional structure height on views to and from the escarpment.

b. The City Planning staff shall review the application and forward a recommendation to the EPC pursuant to all applicable provisions of Section 14-16-5-4 (General Procedures).

c. The EPC shall conduct a public hearing and make a decision on the application pursuant to all applicable provisions of Section 14-16-5-4 (General Procedures) as part of the associated Site Plan – EPC review and decision.

d. Any Variances or Deviations granted associated with a Site Plan shall be noted on the approved Site Plan.\(^{1950}\)

3. Review and Decision Criteria\(^{1951}\)

a. Except as indicated in Subsection 3.b. and Subsection 3.c below, the EPC shall approve a Variance – EPC application if the EPC determines that all of the following apply:

i. The requested Variance is not materially contrary to the public interest or will not cause significant adverse impact to the community or to property or improvements in the vicinity.\(^{1952}\)

ii. There are special circumstances applicable to the subject property that do not apply generally to other property in the same zone district and vicinity, such as size, shape, topography, location, surroundings, or physical characteristics, and such special circumstances were created either by natural forces or by government eminent domain\(^{1953}\) actions for which no compensation was paid.

iii. Such special circumstances were not self-imposed.

iv. Such special circumstances create an unnecessary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property.

v. The grant of the Variance will not materially undermine the intent and purpose of this IDO or the applicable zone district.

vi. The Variance approved is the minimum necessary to comply with the intent and purpose of this IDO or the applicable zone district.

b. The EPC may grant a Variance from any standard in Chapter 14-16-4: (Development Standards) for projects with exceptional design that provide positive civic and/or environmental benefits that outweigh the benefits from following the normal IDO standards.\(^{1954}\)

c. The EPC may grant a Variance from the 15-foot structure height limit in the Height Restriction area within the Northwest Mesa Escarpment – VPO-2 in

\(^{1950}\) Revised since the EPC Draft per Condition #1 for consistency with edits in other IDO sections.

\(^{1951}\) Existing 14-16-4-2(C)(2), reworded for clarity, and “substantial justice” standard deleted as vague and difficult to enforce.

\(^{1952}\) “Materially” has been added to several of the existing criteria to better reflect current practice. Revised for clarity since EPC Draft per Condition #260.

\(^{1953}\) Text revised to clarify that this refers to earlier partial takings of property by eminent domain.

\(^{1954}\) Provision added since EPC Draft per Condition #251 in response to public comment to clarify EPC role. Moved to a new section since EPC Draft per Condition #1 for consistency with edits made to other sections of this IDO.
Section 14-16-2-7.4.B.2.c if the applicant demonstrates that both of the following criteria are met:

i. Hardship
The intent of the view regulations in Section 14-16-2-7.4.B.2 (Northwest Mesa Escarpment – VPO-2) must be met. The burden is on the applicant to demonstrate that strict adherence to VPO-2 building height regulations would render the lot undevelopable because of physical and/or engineering constraints (e.g., rock outcroppings, street grades, ADA compliance, utility design, etc.). The application shall include a Grading and Drainage Plan that has been approved by the City Engineer.

ii. Visual Impact
The resulting building shall not be taller than the tallest abutting building located within the Height Restriction area and shall not block views of the escarpment, as shown in view plane exhibits. No structure shall exceed 19 feet in height from the finished grade, inclusive of any Variance granted.

M. Wireless Telecommunications Facility Waiver

All applicable provisions of Section 14-16-5-4 (General Procedures) apply unless specifically modified by the provisions of this Section 14-16-5-5.2.L.

1. Applicability
This Section 14-16-5-5.2.L applies to all applications to deviate from the wireless telecommunications regulations otherwise applicable to the erection or installation of a Wireless Telecommunications Facility (WTF) under this IDO.

2. Procedure
   a. The City Planning staff shall review the application for a Waiver and forward a recommendation to the EPC pursuant to all applicable provisions of Section 14-16-5-4 (General Procedures).

   b. The EPC shall hold a public hearing and make a decision on the application for a Waiver pursuant to all applicable provisions of Section 14-16-5-4 (General Procedures) and may grant a Waiver of those requirements over which the EPC has review authority except for allowed maximum height, which does not qualify for a Waiver.

3. Review and Decision Criteria
   a. The EPC may approve an application for a WTF Waiver if it determines that the facility meets any of the following criteria:
      i. Will not permit the WTF to be taller or higher from the ground than would otherwise be allowed by this IDO.

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1955 Added since the EPC Draft to carry over adopted amendment to the NWMEP via R-16-127.
1956 Generally carries forward existing regulations on this topic, with reordering and rewording for clarity.
5-5: Specific Procedures

Chapter 14-16-5: Administration and Enforcement

5-5.3: Policy Decisions

A. Adoption or Amendment of Comprehensive Plan

All applicable provisions of Section 14-16-5-4 (General Procedures) apply unless specifically modified by the provisions of this Section 14-16-5-5.3.A.

1. Applicability

This Section 14-16-5.3.A applies to all applications to have the City adopt or amend the Albuquerque/Bernalillo County Comprehensive Plan.

2. Procedure

a. The City Planning staff shall review the application, including any specific regulations applicable to a proposed adoption or amendment of the Comprehensive Plan, and forward a recommendation to the EPC pursuant to all

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1957 These considerations may be integrated into the criteria in the adoption draft of the IDO.

1958 Order of Policy Decisions in Table and in Section 5-5.3 revised since EPC Draft per Condition #1 to be alphabetical/consistent with other sections.

1959 From existing 14-13-2-5 (Planning Ordinance) restructured for consistency with IDO structure and other sections. A new section may be added to address adoption of Facility, Topic, or Redevelopment Plans.

1960 Planning Ordinance text on delegated power to adopt plans to the EPC was not carried over as inapplicable to Comprehensive Plan amendments.
applicable provisions of Section 14-16-5-4 (General Procedures).

b. The EPC shall conduct a public hearing on the application and shall make a recommendation to the City Council pursuant to all applicable provisions of Section 14-16-5-4 (General Procedures).

c. The City Council shall conduct a public hearing and shall make a decision on the application pursuant to all applicable provisions of Section 14-16-5-4 (General Procedures).

3. Review and Decision Criteria\textsuperscript{1961}

The City Council may approve an application for adoption or amendment of the Comprehensive Plan if it determines that:

a. Because of changed economic, social, environmental or other conditions, the adoption or amendment is necessary to protect the public health, safety, or welfare.

b. The adoption or amendment will protect the public health, safety, or welfare better than retention of the continued application of the existing Comprehensive Plan.

c. The adoption or amendment will result in general benefits to a large portion of the citizens or property owners in the City.

d. If the adoption or amendment is being proposed by a small group of citizens or property owners, it would not create significant adverse impacts on the remaining citizens or property owners in the City.

B. Adoption or Amendment of Facility Plans\textsuperscript{1962}

All applicable provisions of Section 14-16-5-4 (General Procedures) apply unless specifically modified by the provisions of this Section 14-16-5-5.3.B.

1. Applicability\textsuperscript{1963}

This Section 14-16-5-5.3.B applies to any application for adoption or amendment of a Facility Plan.

2. Procedure

a. The City Planning staff shall review the application and forward a recommendation to the EPC pursuant to all applicable provisions of Section 14-16-5-4 (General Procedures).

\textsuperscript{1961} New criteria.

\textsuperscript{1962} New process added since Consolidated Plan. All references to Metropolitan Redevelopment Plans have been removed from this section since EPC Draft per Condition #261 because the approval of these plans is regulated by a separate standalone ordinance that is not being incorporated in the IDO, and Albuquerque Development Commission (ADC), not EPC, is the review body for this type of plan.

\textsuperscript{1963} Applicability criteria have been significantly simplified and a different standard established for Areas of Change. Although the DPM currently states some map amendments can be approved by the Zoning Hearing Examiner, staff has indicated this is not the practice. Revised since EPC Draft Condition #198 and Condition #262 based on discussion with City Staff to be consistent with edits to Section 5-3 Planning System, which specifies that Master Plans and Resource Management Plans are Rank 3 Plans not subject to approval procedures in the IDO. Rank 3 Plans may be reviewed by EPC and/or Council at the request of the implementing City departments where additional input is desired.
b. The EPC shall conduct a public hearing on the application and shall make a decision on the application pursuant to all applicable provisions of Section 14-16-5-4 (General Procedures).

c. The City Council shall conduct a public hearing and shall make a decision on the application pursuant to all applicable provision of Section 14-16-5-4 (General Procedures).

3. Review and Decision Criteria

The City Council may adopt or amend a Facility Plan if it determines that:

a. The proposed plan or amendment is consistent with the spirit and intent of the ABC Comp Plan, as amended, and with other policies and plans adopted by the City Council; and

b. The proposed plan or amendment promotes the efficient use or administration of public or quasi-public facilities; and

c. The plan or amendment will promote public health, safety, and general welfare.

C. Adoption or Amendment of HPO Zone or Designation of a Landmark Site or Structure

All applicable provisions of Section 14-16-5-4 (General Procedures) apply unless specifically modified by the provisions of this Section 14-16-5-5.3.C.

1. Applicability

a. This Section 14-16-5-5.3.C applies to all applications to designate an area of the City as an HPO zone, to amend the boundaries of an existing HPO zone, to change the text of HPO zone regulations in this IDO, or to designate a landmark site or structure.

b. In addition, this Section applies to all applications to remove a site or an area of the City from the City’s list of designated landmarks sites, to remove property from an HPO zone, or to remove an HPO zone from this IDO.

2. Procedure

a. The City staff (Historic Preservation Planner) shall forward a recommendation to the LC.

b. The LC shall conduct a public hearing and shall make a recommendation to City Council pursuant to all applicable provisions of Section 14-16-5-4 (General Procedures).

c. The City Council shall conduct a public hearing and shall make a decision on the application pursuant to all applicable provision of Section 14-16-5-4 (General Procedures).

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1964 Name revised since EPC Draft per Condition #1 from “creation” to “adoption” for clarity of the process.

1965 From existing DPM Volume I, Chapter 14. Revised since Consolidated Draft to reflect current practice.
Chapter 14-16-5: Administration and Enforcement

3. Review and Decision Criteria

a. Creation or Amendment of an HPO Zone

The City Council may approve an application for creation or amendment of an HPO zone if it determines that the area contains a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or united aesthetically by plan or physical development. An HPO zone may also comprise individual elements separated geographically but linked by association or history, provided that City Council determines that at least one of the following criteria is met:

i. Embodies the distinctive characteristics of a type, period, or method of construction.

ii. Portrays the environment of a group of people in an era of history characterized by a distinctive architectural type.

iii. Has yielded, or is likely to yield, information important in history or prehistory.

iv. Possesses high artistic values.

v. Has a relationship to designated landmarks or HPO zone that makes the area's preservation critical.

b. Termination of an HPO Zone

The City Council may remove an HPO zone from this IDO if it determines that the criteria used in the designation of that HPO zone are no longer met due to changing conditions in the HPO zone.

c. Designation of a Landmark Site or Structure

The City Council may approve an application for designation of a landmark site or structure if it determines that it is of particular historical, architectural, cultural, or archaeological significance and it:

i. It is the site of a significant historic event;

ii. It is identified with a person who significantly contributed to the history of the city, state or nation;

iii. It portrays the environment of a group of people in an era of history characterized by a distinctive architectural style;

iv. It embodies the distinctive characteristics of a type, period, or method of construction;

v. It possesses high architectural value;

vi. It represents the work of an architect, designer, or master builder whose individual work has influenced the development of the city;

vii. It embodies elements of architectural design, detail, materials, or craftsmanship which represent a significant architectural innovation;

viii. Its preservation is critical because of its relationship to already-designated landmarks or other real property which is simultaneously proposed as a landmark;

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1966 New since Zoning Code.
1967 New provision added in Module 3.
1968 Revised since EPC Draft per Condition #1 from ‘artistic’ to ‘architectural’ to be more clear.
ix. It has yielded or is very likely to yield information important in history or prehistory; or
x. It is included in the National Register of Historic Places or the New Mexico Cultural Properties Register; and
xi. The property has allowable uses within the relevant zone district as regulated by this IDO and any existing legally nonconforming uses that are suitable to be controlled as a landmark. 1969

d. Termination of Landmark Status
The City Council may remove the landmark designation of a site or structure if it determines that the criteria used in the designation are no longer met by that site or structure. 1970

D. Amendment to IDO Text1971
All applicable provisions of Section 14-16-5-4 (General Procedures) apply unless specifically modified by the provisions of this Section 14-16-5-5.3.D.

1. Applicability1972
This Section 14-16-5-5.3.D applies to all applications to amend the text of this IDO, except for the following:

a. Applications to create or amend the text of a Character Protection Overlay zone or View Protection Overlay zone are processed as part of an application to amend the Official Zoning Map per Sections 14-16-5-5.3.F (Amendment to Official Zoning Map – Council).

b. Applications to create or amend a Historic Overlay Zone are processed per Section 14-16-5-5.3.C (Adoption or Amendment of HPO Zone or Designation of a Landmark Site or Structure).

2. Procedure

a. The City Planning staff shall review the application, including any specific regulations applicable to a proposed Overlay zone, and forward a recommendation to the EPC pursuant to all applicable provisions of Section 14-16-5-4 (General Procedures).

b. If the proposed change includes any change to the process of designating HPO zones or landmark structures or sites (as opposed to an amendment to the boundaries or standards applicable in a specific HPO zone), the LC staff planner shall review and submit staff comments to the EPC pursuant to all applicable provisions of Section 14-16-5-4 (General Procedures).

1969 Revised since Consolidated Draft to clarify that this provision applies in addition to all other sub-section items.
1970 New provision added in Module 3.
1971 From existing 14-16-4-1 and DPM Volume I, Chapter 16. Revised for Clarity since Consolidated Draft.
1972 Existing 14-16-4-1(A)(4) revised for clarity. Revised since EPC Draft per Condition #1 for clarity.
c. The EPC shall conduct a public hearing on the application and shall make a recommendation to the City Council pursuant to all applicable provisions of Section 14-16-5-4 (General Procedures).

d. The City Council shall conduct a public hearing and shall make a decision on the application pursuant to all applicable provision of Section 14-16-5-4 (General Procedures).

3. Review and Decision Criteria\footnote{1973}

The City Council may approve an amendment to the text of this IDO if it determines that:

a. The proposed IDO amendment is consistent with the spirit and intent of the ABC Comp Plan, as amended (including the distinction between Areas of Consistency and Areas of Change) and with other policies and plans adopted by the City Council; and

b. The change to the IDO text is required because of changed conditions or circumstances in all or a significant portion of the city; or

c. The change to the IDO text is required in order to address a new or unforeseen threat to the public health, safety, and welfare; or

d. The change to the IDO text is required in order to promote economic growth and investment in the City as a whole that will not create material risks to the public health, safety, and general welfare.

e. The change to the IDO text does not apply to a single lot or project.\footnote{1974}

E. Amendment to Official Zoning Map – EPC\footnote{1975}

All applicable provisions of Section 14-16-5-4 (General Procedures) apply unless specifically modified by the provisions of this Section 14-16-5-5.3.C.

1. Applicability\footnote{1976}

This Section 14-16-5-5.3.C applies to any application:

a. That would amend the Official Zoning Map to change less than 10 gross acres of land located wholly or partially in an Area of Consistency (as shown in the ABC Comp Plan, as amended) or less than 20 gross acres of land in a zone district located entirely in an Area of Change (as shown in the ABC Comp Plan, as amended) to a different zone district.

\footnote{1973}{New provisions added in Module 3.}
\footnote{1974}{Added since EPC Draft per Condition #265 to clarify procedure.}
\footnote{1975}{Existing Section 14-16-4-1, significantly reorganized and with changes as noted. References to SU-2 and SU-3 procedures have not been carried forward.}
\footnote{1976}{Applicability criteria have been significantly simplified and a different standard established for Areas of Change. Although the DPM currently states some map amendments can be approved by the Zoning Hearing Examiner, staff has indicated this is not the practice. Removed provision that EPC does not review applications for PC zone districts as unnecessary since EPC Draft per Condition #1 for clarity because this procedure is handled by Council.}
b. That does not include creation or amendment of text or map for any Overlay zone.\footnote{Revised since EPC Draft per Condition #1 because overlay zones require different processes.}

c. For which a written protest meeting the requirements of the protest provisions in Section 14-16-5-5.3.F.1.b has not been received.

2. **Procedure**

a. The City Planning staff shall review the application and forward a recommendation to the EPC pursuant to all applicable provisions of Section 14-16-5-4 (General Procedures).

b. If the application is for a zone change to the NR-SU zone district, the associated Site Plan – EPC shall be reviewed and decided simultaneously pursuant to all applicable provisions of Section 14-16-5-5.2.F (Site Plan – EPC).\footnote{Added since EPC Draft per Condition #1 to make clear that Zone changes for NR-SU require simultaneous review of the zone change and site plan.}

c. The EPC shall conduct a public hearing on the application and shall make a decision on the application pursuant to all applicable provisions of Section 14-16-5-4 (General Procedures).

3. **Review and Decision Criteria**\footnote{Based on Council Resolution 270-1980, with wording simplified and changes as noted. The meaning of error has been clarified, and changes cited as reasons for the change are now required to be significant. Relocated from Amendment of Zoning Map – Council (with cross-reference here) since Consolidated Draft. Subsections c.i and c.ii revised since Consolidated Draft to require two of three criteria in Areas of Consistency, but only one of three factors in Areas of Change.}

a. The applicant must bear the burden of providing a sound justification, based on substantial evidence, for an Amendment to Official Zoning Map – Council.

b. If a written protest has been received pursuant to Section 14-16-5-5.3.F.1.b, the proposed zone change shall only be approved if a majority of all Councilors vote in favor of the proposed zone change.

c. An Amendment to Zoning Map may be approved if the decision-making body determines that the following criteria are met:\footnote{From existing R-270 Section B. This section, including Subsections, has been revised since the EPC Draft per Condition #264 and #264 based on public comment and EPC review.}

i. The proposed zone change is consistent with the health, safety, and general welfare of the City as shown by furthering (and not being in conflict with) a preponderance of applicable Goals and Policies in the ABC Comp Plan, as amended, and other applicable plans adopted by the City.\footnote{Subsections i.a and i.b are new. Footnote revised since EPC Draft per Condition #264 – provisions have been incorporated into other parts of this section.}

ii. If the proposed amendment is located wholly or partially in an Area of Consistency (as shown in the ABC Comp Plan, as amended), the applicant has demonstrated that the new zone would clearly reinforce or strengthen the established character of the surrounding Area of Consistency and would not permit development that is significantly different from that character. The applicant must also demonstrate that...
the existing zoning is inappropriate because it meets at least one of the following criteria:

a. There was typographical or clerical error (as opposed to an error in the judgment of the approving body) when the existing zone was applied to the property.

b. There has been a significant change in neighborhood or community conditions affecting the site.1982

c. A different zone district is more advantageous to the community as articulated by the ABC Com Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

iii. If the proposed amendment is located wholly in an Area of Change (as shown in the ABC Comp Plan, as amended) and the applicant has demonstrated that the existing zoning is inappropriate because it meets at least one of the following criteria:

a. There was typographical or clerical error (as opposed to an error in the judgment of the approving body) when the existing zone district was applied to the property.

b. There has been a significant change in neighborhood or community conditions affecting the site that justifies this request.

c. A different zone district is more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

iv. The zone change does not include permissive uses that would be harmful to adjacent property, the neighborhood, or the community, unless the Use-specific Standards associated with that use will adequately mitigate those harmful impacts.

v. The City's existing infrastructure and public improvements, including but not limited to its street, trail, and sidewalk systems meet one the following requirements:

a. Have adequate capacity to serve the development made possible by the change of zone.

b. Will have adequate capacity based on improvements for which the City has already approved and budgeted capital funds during the next calendar year.

c. Will have adequate capacity when the applicant fulfills its obligations under the IDO, the DPM, and/or a Subdivision Improvements Agreement.

d. Will have adequate capacity when the City and the applicant have fulfilled their respective obligations under a City-approved Development Agreement between the City and the applicant.

vi. The applicant's justification for the requested zone change is not completely based on the property's location on a major street.1983

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1982 Phrase “affecting the site” has been added since Consolidated Draft.

1983 Reference to collector street has been dropped.
vii. The applicant's justification is not based completely or predominantly on the cost of land or economic considerations.

viii. The zone change does not apply a zone district different from surrounding zone districts to one small area or one premises (i.e. create a “spot zone”) or to a strip of land along a street (i.e. create a “strip zone”) unless the change will clearly facilitate implementation of the ABC Comp Plan, as amended, and at least one of the following applies:1984

a. The area of the zone change is different from surrounding land because it can function as a transition between adjacent zone districts.

b. The site is not suitable for the uses allowed in any adjacent zone district due to topography, traffic, or special adverse land uses nearby.

c. The nature of structures already on the premises makes it unsuitable for the uses allowed in any adjacent zone district.

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1984 Existing standards to avoid spot zoning and strip zoning were combined for simplicity.
F. Amendment to Official Zoning Map – Council

All applicable provisions of Section 14-16-5-4 (General Procedures) apply unless specifically modified by the provisions of this Section 14-16-5-5.3.F.

1. Applicability

a. This Section 14-16-5-5.3.F applies to any of the following:

i. Any application that would amend the Official Zoning Map to change 10 gross acres of land or more located wholly or partially in an Area of Consistency (as shown in the ABC Comp Plan, as amended) or 20 gross acres of land or more in a zone district located entirely in an Area of Change (as shown in the ABC Comp Plan, as amended) to a different zone district.

ii. Any application that would create or amend the text and/or boundaries of any Overlay zone (e.g. CPO, VPO, APO) other than an HPO zone.

b. This Section 14-16-5-5.3.F also applies to all applications to amend the Official Zoning Map when all of the equitable owners of land that comprises at least 20 percent of the area proposed for change or 20 percent of the area within 100 feet (excluding public right-of-way) of the area proposed for change have protested in writing the proposed amendment to the Official Zoning Map. When such a protest is filed after action of the EPC, it shall be processed as an appeal under Section 14-16-5-4.21 (Appeals). It is the burden of the persons asserting the applicability of this Section 14-16-5-5.3.F.1.b to show that it applies through clear and convincing evidence.

2. Procedure

a. The City Planning staff shall review the application, including any specific regulations applicable to a proposed Overlay zone, and forward a recommendation to the EPC pursuant to all applicable provisions of Section 14-16-5-4 (General Procedures).

b. The EPC shall conduct a public hearing on the application and shall make a recommendation to the City Council pursuant to all applicable provisions of Section 14-16-5-4 (General Procedures).

c. The City Council shall conduct a public hearing and shall make a decision on the application pursuant to all applicable provisions of Section 14-16-5-4 (General Procedures).

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1985 Existing Section 14-16-4-1, significantly reorganized and with changes as noted. References to SU-2 and SU-3 procedures have not been carried forward.

1986 Exception for HPO districts removed as unnecessary since EPC Draft per Condition #1 because it is addressed as a separate process in this Chapter. Provision specifying that PC and NR-BP zone changes go to Council removed since EPC Draft per Condition #1 as unnecessary because they are over 10 acres. This Subsection revised for clarity since EPC Draft per Condition #1.

1987 Applications for creation of CPO district are now subject to the same process as other major zone map amendments, rather than to the process used for designation of historic districts.
d. If the application is for a zone change to an NR-BP zone district, a
associated Master Development Plan shall be reviewed and decided
simultaneously, and the approved Master Development Plan shall be
binding on future development on all property within the NR-BP zone
district.\textsuperscript{1988}

e. If the application is for the creation of a PC zone district, a Framework Plan
that shall be reviewed and decided simultaneously, and the approved
Framework Plan shall be binding on future development on all property
within the PC zone district.\textsuperscript{1989}

f. If the application is for a zone change to NR-SU zone district, the
associated Site Plan – EPC shall be reviewed and decided simultaneously
pursuant to all applicable provisions of Section 14-16-5-5.2.F (Site Plan –
EPC).\textsuperscript{1990}

g. If the application is for a zone change for any City-owned property that has
primarily been used for a municipal purpose, including parks or properties
that contain a structure such as a fire station, police substation, community
center, or other facility out of which a City service has been provided, and
been deemed non-essential for municipal purposes, the City Planning
Department shall coordinate with the affected City Department and may
submit its recommendation for rezoning directly to the City Council without
first obtaining a recommendation from the EPC.\textsuperscript{1991}

3. Review and Decision Criteria\textsuperscript{1992}

a. The applicant must bear the burden of providing a sound justification,
based on substantial evidence, for an Amendment to Zoning Map –
Council.

b. The Council shall approve an application for an Amendment to Zoning Map
– Council if it determines that the following criteria apply:

i. The criteria for approval of an Amendment to Zoning Map – EPC in
Section 14-16-5-5.3.E.3 have been met; and\textsuperscript{1993}

ii. If the application is for the creation or amendment of an NR-BP zone
district, the proposed zoning map amendment and related Master
Development Plan, all of the following criteria must be met.\textsuperscript{1994}

a. The NR-BP zone and Master Development Plan will result in an
internally coordinated system of land uses, development intensities,
and open spaces that is more consistent with the adopted ABC Comp
Plan, as amended, that is visually more attractive to surrounding
areas, and that promotes economic development of the City better,
than could be achieved without the NR-BP zone district.

\textsuperscript{1988} Added since EPC Draft per Condition #199 to clarify the process for approving Master Development Plans.
\textsuperscript{1989} Added since Consolidated Draft. "Framework Plan" replaces the terms "general development plan" and "framework development plan throughout the IDO since the EPC Draft per Condition #1 for clarity and consistency of terminology.
\textsuperscript{1990} Added since EPC Draft per Condition #1 to make clear that Zone changes for NR-SU require simultaneous review of the zone change and site plan.
\textsuperscript{1991} From existing 14-13-2 (Planning Ordinance). This provision is still under review and may be revised.
\textsuperscript{1992} Based on Council Resolution 270-1980, with wording simplified and changes as noted. The meaning of error has been clarified, and changes cited as reasons for the change are now required to be significant. List was relocated to Amendment of Zoning Map (with cross-reference here).
\textsuperscript{1993} From existing R-270 Section B.
\textsuperscript{1994} Added since EPC Draft per Condition #199 to provide criteria for NR-BP zone change requests.
b. The proposed map amendment and related Master Development Plan for the property will result in street, circulation, open space, and storm drainage systems that connect and integrate with the City’s existing systems; and

c. The City and other service providers have adequate infrastructure and public service capacity to serve the proposed development without decreasing service quality to existing City residents or increasing financial burdens on existing City residents, or the applicant has made adequate financial commitments to ensure this result.

iii. If the application is for the creation or amendment of a PC zone district, all of the following requirements must be met:1995

a. The proposed amendment and related Framework Plan meet any criteria for approval for a Planned Community adopted by City Council.

b. The Framework Plan for the property will result in street, circulation, open space, and storm drainage systems that connect and integrate with the City’s existing system.

c. The Framework Plan for the property accommodates reasonably anticipated growth of the City in a manner that is more consistent with the ABC Comp Plan, as amended, than the accommodation of such growth that could be achieved without the PC zone district.

d. The City and other service providers have adequate infrastructure and public service capacity to serve the proposed development without decreasing service quality to existing City residents or increasing financial burdens on existing City residents, or the applicant has made adequate financial commitments to ensure this result.

G. Annexation of Land1996

All applicable provisions of Section 14-16-5-4 (General Procedures) apply unless specifically modified by the provisions of this Section 14-16-5-5.3.G.

1. Applicability

This Section 14-16-5-5.3.G applies to all petitions to annex land into the municipal limits of the City. Bernalillo County must agree to all annexation requests prior to submittal of a request to the City. The City Council must act on all annexation requests.1997

2. Procedure

a. Review and Decision

   i. The City Planning staff shall review the application, including any specific

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1995 Added since Consolidated Draft. “Framework Plan” replaces the terms “general development plan” and “framework development plan throughout the IDO since the EPC Draft per Condition #1 for clarity and consistency of terminology.

1996 From existing DPM Volume I, Chapter 10 Annexation. This section is still under review by Planning staff for consistency with the Comprehensive Plan.

1997 Reference to County agreement has been added.
regulations applicable to a proposed annexation, and forward a recommendation to the EPC pursuant to all applicable provisions of Section 14-16-5-4 (General Procedures).

ii. The EPC shall conduct a public hearing on the application and shall make a recommendation to the City Council pursuant to all applicable provisions of Section 14-16-5-4 (General Procedures).

iii. The City Council shall conduct a public hearing and shall make a decision on the application pursuant to all applicable provision of Section 14-16-5-4 (General Procedures).

b. Withdrawal of Petition

i. Persons who petition the City for annexation may withdraw their names and their land from petitioner status at any time before the full City Council votes on the annexation and simultaneous establishment of zoning, but they may not withdraw after that time.1998

ii. Withdrawal of persons or land from annexation petitions does not prevent any person from again petitioning the City for annexation at any time and also does not prevent the City from seeking to annex such land by any legal method in subsequent proceedings.

3. Review and Decision Criteria1999

The City Council may approve an application to annex land into the City at its legislative discretion, but shall consider the following factors in making its decision.

a. Annexation of areas designated in the ABC Comp Plan, as amended, as Established Urban and/or Developing Urban will be approved when the following criteria are met:

i. Compliance with City policy regarding land dedication for public facilities is assured.

ii. The applicant agrees in writing to at least one of the following criteria for timing of capital expenditures for necessary major streets, water, sanitary sewer, and stormwater-handling facilities:

a. The timing to be per a written City statement of intent as to when it or another public body will be able to provide such capital facilities, such City statement to be issued prior to annexation.

b. The timing to remain indefinite but a substantial number of years in the future, based on a written City statement, made prior to annexation, that it will provide the facilities but no timing can be assured.

c. A commitment by the land owner that he/she or his/her successors in interest will, in a manner that satisfies City standards, install and pay for such facilities or cause them to be installed and paid.

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1998 The following text was deleted is inapplicable to withdrawal of petitions: “That each petition for annexation shall be considered on its own merits. Separate petitions for annexation may not be combined into a single consolidated petition unless: (i) Each petitioner whose land would be joined in the consolidated petition consents; or (ii) A separate petition is submitted and processed, as envisioned by Section 3 below.”

1999 Criteria for annexation of lands outside Bernalillo County were deleted as unnecessary.
iii. The anticipated delay in provision of City services is not so far into the future as to be speculative and therefore an unreasonable basis to provide for annexation.

iv. The land annexed shall be to some extent contiguous to the City limits, except land owned by the City may be annexed when it is not contiguous where this is allowed by state statutes.

v. The land to be annexed shall have provision for convenient street access to the City.

vi. The land to be annexed shall have reasonable boundaries so that providers of public services can easily determine where the City boundary is located and so that public services can be delivered under appropriate service extension policies at reasonable operating and capital cost to the City.

vii. City boundaries shall be established along platted lines that clearly define the City limits; annexation plats need not meet all requirements of a subdivision plat as specified in the DPM.

b. Areas that are designated in the ABC Comp Plan, as amended, as Reserve Development Areas are appropriate for annexation if they create high-quality, mixed-use, largely self-sufficient planned communities. Annexation of such areas will be approved when the following criteria are met:
   i. The criteria in Subsection a above.
   ii. Applications are accompanied or preceded by satisfactory plans for each proposed community.

c. Areas that are designated in the ABC Comp Plan, as amended, as Semi-Urban and as Rural Development Areas are appropriate for annexation where the Semi-Urban and Rural Development Area policies in the ABC Comp Plan are furthered or where the general public welfare clearly is better served by annexation. Zoning appropriate for low-intensity uses shall be assigned. Annexation of such areas will be approved when the following criteria are met:
   i. The criteria in Subsection a above.
   ii. Since the eventual annexation of all these areas is unlikely, special care shall be taken to maintain reasonable, compact boundaries in these areas. To this end, the City will not annex such land unless it:
      a. Has at least 10 percent of its boundary contiguous to the City boundary; or
      b. Does not create an arm of the City’s incorporated area that is at any point less than 1,000 feet wide.
   iii. Barring exceptional conditions, the City will not annex land on one side of a public street without also annexing the land on the other side of the street.
   iv. The City will not annex land unless appropriate City zone districts are available for regulation of development consistent with planned and appropriate land development patterns.

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2000 “The following text was deleted “The City may decline an annexation if necessary capital expenditures fall all or partly under paragraph b(ii), above, and the City concludes that it would be unreasonable to make land owners wait for basic utilities and facilities as long as would probably be the case.”
d. The City may annex land even though some or all of the above policies are not met where the EPC and City Council find that:
   i. There is a particular hazard to the health of persons that would be removed or materially alleviated by the City upon annexation, and that no other adequate and timely remedy for the removal or material alleviation of such hazard is available; or
   ii. City-owned land used for a public purpose is being annexed to better facilitate that use.

## 5-6 NONCONFORMITIES

### 5-6.1 PURPOSE

The purpose of this Section 14-16-5-6 is to regulate land uses, buildings, lots, signs, and site features that were legally established, but that do not conform to the requirements of this IDO due to some action of the government (collectively “nonconformities”). These regulations are intended to reduce or eliminate over time any nonconformity that does not meet the regulatory standards of the IDO and/or the goals of the ABC Comp Plan, as amended, and that creates adverse impacts on the surrounding area or the city.

### 5-6.2 APPLICABILITY

#### A. General Applicability

The regulations in this Section 14-16-5-6 apply to land uses, buildings, lots, signs, and site features, including:

1. Those that were legally established prior to the effective date of this IDO but that become nonconforming due to the adoption of this IDO; and

2. Those that were legally established prior to the initial adoption of this IDO or after the effective date of this IDO but that become nonconforming due to the adoption of a future amendment to this IDO.

#### B. Authority to Continue

1. General Nonconformities

   Nonconformities that in general do no harm to the surrounding area may be allowed to continue or expand based on the regulations and criteria of this Section 14-16-5-6 in order to preserve the integrity of a neighborhood and prevent adverse impacts resulting from unused buildings or vacant lots.

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2001 Revised existing Section 14-16-3-4 consolidating information on nonconforming land uses, buildings, lots, signs, and site features scattered throughout existing Zoning Code and DPM. New provision unless indicated otherwise. Existing 14-16-4-13 on Status Established Buildings has not been carried over, as it is apparently not being applied. Existing provision for appeal of Impact Fee Assessment to EPC were not carried over; they are now appealed to City Council through LUHO. This section may be revised to clarify that some properties that might become nonconforming as a result of adoption of the IDO shall be treated as conforming properties.

2002 New Section since Zoning Code.

2003 Revised since EPC Draft per Condition #1 for clarity.

2004 Combines existing Sections 14-16-3-4(B)(1) and (B)(7) and includes nonconforming limitation from existing Airport Zone as noted. Reference to sector development plans was deleted. Existing Section 14-16-3-4(B)(2) regarding Adult Entertainment and Adult Retail made nonconforming by a 2004 amendment were not carried over, because they just repeat general nonconformities law.
2. **Timeframes for Compliance**
   Where the IDO establishes timeframes for compliance, the effective date of this IDO shall mark the beginning of the timeframe, unless otherwise stated in this IDO or another adopted City Ordinance in ROA 1994.

3. **Nonconforming Use of Land or a Structure in the APO Zone**
   Notwithstanding Subsections 1-3 above, the City shall not grant any permit or approval under this IDO that would allow a nonconforming use of a parcel of land or a structure to become a greater hazard or obstruction to air navigation than it was on the effective date of this IDO or any relevant amendments to this IDO.

### 5-6.3. NONCONFORMING USES

#### A. Authority to Continue

Except as otherwise provided in this Section 14-16-5-6 or elsewhere in this IDO, the nonconforming use of land or a structure shall be allowed to continue regardless of any change in ownership or occupancy of the use, until that use is discontinued or another provision of this Section 14-16-5-6 requires the termination of the use.

#### B. Discontinuance of Nonconforming Use

1. **Except as noted in Subsection 2 below, when a nonconforming use of land or a structure is discontinued for a period of 12 consecutive months or more, any later use shall only be an allowable use as indicated in Table 3-2-1 (Use Table) for the zone district in which the property is located.**

2. **When a nonconforming residential use of a single-family detached dwelling located in a Non-residential zone district is discontinued for a period of five consecutive years or more, any later use shall only be an allowable use as indicated in Table 3-2-1 (Use Table) for the zone district in which the property is located.**

3. **Neither the intention of the owner nor that of anybody else to use a lot or part of a lot for any nonconforming use, nor the fact that the lot or part of a lot may have been used by a makeshift nonconforming use shall prevent the ZEO from determining that the use has been discontinued for purposes of this Section 14-16-5-6.B.**
C. Expansion of Nonconforming Use\textsuperscript{2011} 
A nonconforming use of land or a structure shall not be expanded, except that the portion of a structure or land containing a nonconforming use may be expanded in size if approved by the ZHE pursuant to Section 14-16-5-5.2.C.

D. Change in Nonconforming Use\textsuperscript{2012} 
A nonconforming use of land or a structure may be changed to another use equally or more restrictive than the immediately preceding nonconforming use, as determined by the ZEO.

E. Helipads\textsuperscript{2013} 
A helipad shown on a Site Plan approved by the EPC prior to March 5, 2000, shall be deemed conforming.

F. Mobile Home Dwellings and Mobile Home Development\textsuperscript{2014} 
1. An individual Mobile Home Dwelling that is a nonconforming use of land shall be made to conform within five years after it becomes nonconforming.

2. A nonconforming use of land and incidental structures consisting of a mobile home development may remain for the life of the fixtures, which shall never be more than 50 years, but only if all of the following provisions apply:
   a. The mobile home development does not cease operation for a continuous period of one year or more.
   b. Any private street system servicing the mobile homes is paved at least to a standard approved by the Planning Director and the Traffic Engineer according to the applicable standards of this IDO and related DPM standards and criteria, even though there may be no new subdivision.
   c. Mobile homes within the development are skirted with materials similar in appearance and durability to the siding of the mobile home, or the unit is situated at ground level, within two years of the mobile home development becoming nonconforming.
   d. The Planning Director approves the nonconforming use of land and incidental structures as meeting the standards of this IDO and the DPM\textsuperscript{2015}.

3. Any addition to a nonconforming mobile home development shall conform to the regulations in this IDO.

4. See Section 14-16-3-3.2.B ( Dwelling, Mobile Home) for Use-specific Standards associated with mobile homes\textsuperscript{2016}.

\textsuperscript{2011} From existing Section 14-16-3-4(B)(4) and relocates existing Section 14-16-4-2(C)(3); revised to clarify the difference between a nonconforming use and nonconforming structure. Revised since EPC Draft per Condition #268 to remove reference to 25% size increase, which is one of the decision criteria in Section 5-5.2.D.

\textsuperscript{2012} Carries forward existing Section 14-16-3-4(B)(6). Last phrase is new since Zoning Code.

\textsuperscript{2013} Carries forward existing Section 14-16-3-4(B)(3) and deletes reference to SU-1 zoning and makes all helipads with an EPC approved sited development plan conforming (rather than only those in SU-1 zone districts). Provision requiring removal of nonconforming helipads within 12 months deleted as unenforced and likely unenforceable.

\textsuperscript{2014} Carries forward specific nonconforming regulations for mobile homes from existing Section 14-16-3-4(B)(7). Section title revised since EPC Draft per Condition #267 to refer only to mobile homes, not manufactured homes.

\textsuperscript{2015} New standard to establish an official approval for this nonconforming.

\textsuperscript{2016} Cross-reference added since Consolidated Draft.
5-6.4. NONCONFORMING STRUCTURES

A. Authority to Continue

Except as otherwise provided in this Section 14-16-5-6, a nonconforming structure shall be allowed to continue in use, regardless of any change in ownership or occupancy of the structure, until the uses in the structure are discontinued or the structure becomes vacant for a continuous period of 12 months or more, or until another provision of this Section 14-16-5-6 requires the termination of the use. Signs are subject to provisions in Subsection 14-16-5-6.6 (Nonconforming Signs). 2017

B. Repair and Maintenance

A nonconforming structure may be maintained, repaired, or altered, but no maintenance, repair, or alteration may increase the extent of nonconformance.

C. Height Nonconformance

A structure nonconforming as to height regulations cannot be added to or enlarged unless the addition or enlargement conforms to all the regulations of the zone district in which it is located.

D. Setback Nonconformance

A structure nonconforming as to setback regulations cannot be added to or enlarged unless the addition conforms to all the regulations of the zone district in which the structure is located.

E. Expansion of Nonconforming Structure 2018

A nonconforming structure may be expanded in size, provided that the expansion will not increase an existing nonconformity or create a new nonconformity, if approved by the ZEPO pursuant to Section 14-16-5-5.2.C.

F. Relocation of Nonconforming Structure

A nonconforming structure may be moved in whole or in part to another location on the lot, provided that the moving will make it nonconforming to a lesser extent.

G. Damage 2019

A nonconforming structure that is damaged through natural causes or otherwise may be restored, provided the restoration is started within 6 months of the damage and is continued diligently to completion, unless the ZEPO determines that the continued use of the structure creates a significant threat to public health or safety, even after repairs that meet the requirements in Articles 14-1 and 14-3 of ROA 1994 (Uniform Administrative Code and Uniform Housing Code).

H. Walls and Fences 2020

1. A nonconforming wall or fence may remain for the life of the structure, except that a wall or fence nonconforming because it is in a clear sight triangle may remain only if the Traffic Engineer gives and does not withdraw a written opinion that the wall or fence is not a traffic hazard.

2017 Added since EPC Draft per Condition #1 for clarity, since signs are typically considered structures.
2018 Added from existing Section 14-16-3-4(B)(4) and 14-16-4-2(C)(3); revised to clarify the difference between a nonconforming use and nonconforming structure. Revised since EPC Draft per Condition #268 to remove reference to 25% size increase, which is one of the decision criteria in Section 5-5.2.D.
2019 Last clause on public health and safety is new since Zoning Code.
2020 Revises the date for removal from June 2, 2013 to 12 months from nonconforming determination.
2. A nonconforming wall or fence partially or wholly constructed of barbed tape, barbed wire, razor wire, or similar materials shall be removed within 12 months of the wall or fence becoming nonconforming.

I. Airport Protection Overlay (APO) Zone

1. Whenever the ZEO determines that a nonconforming structure located in the APO has been abandoned or that more than 80 percent of the structure has physically deteriorated, decayed, or demolished, such structure or obstruction shall be discontinued, demolished, and removed by the owner.

2. No permit shall be granted that would allow a permanent or temporary nonconforming structure to exceed the applicable height limit or otherwise deviate from standards in Section 14-16-2-7.1 (Airport Protection Overlay Zone) or any other applicable standards of this IDO.

5-6.5 NONCONFORMING LOTS

A. A lot that does not meet minimum lot size or width requirements may be used or developed without a Variance if the lot was legally created and placed on the records of the County and all of the following also apply:

1. The use(s) of the property is allowable as indicated in Table 3-2-1 (Use Table) in the zone district in which the lot is located or the use is legally nonconforming;

2. The proposed structure(s) on the property meets the requirements of this IDO; or the existing structure is legally nonconforming; or any new use(s) or structure(s) proposed for the lot is a use or structure for which the minimum lot dimensions are the closest to those required in the zone district in which the lot is located.

B. Lots legally nonconforming to minimum lot width in the R-MH zone district may be developed governed by the R-T zone in all respects; no Variance is required for such development.

5-6.6 NONCONFORMING SIGNS

A. Authority to Continue

A nonconforming sign shall be allowed to continue in use, regardless of any change in ownership or occupancy of the structure, for the life of the physical sign structure in the size, height, lighting/illumination type, and configuration that existed at the time it became nonconforming.

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2021 Zoning Code Section 14-15-7(C).
2022 Decision-maker changed from Board of Appeals since Zoning Code. “or obstruction” removed since EPC Draft per Condition #1 for consistency with other language used in this IDO.
2023 or obstruction” removed for consistency with other language used in this IDO and “permanent or temporary” added to clarify that all structures are impacted by this regulation since EPC Draft per Condition #1.
2024 Carries forward Zoning Code Section 14-16-3-4(C).
2025 The final phrase “complying with any zoning and subdivision standards and procedures then applicable”. Revised since Module 3 to cover nonconformities as to width.
2026 Relocates Section 14-16-2-12(D)(2).
2027 Nonconforming sign regulations from Section 14-16-3-4(D) were not carried forward except for a revised statement of the authority to continue existing nonconforming signs and a clarification that this applies to until the structure is removed, and that conversion to an electronic sign is not permissive unless a new electronic sign could be erected in that location. Zoning Code requires compliance within 5 years of becoming nonconforming.
B. Repair and Maintenance

A nonconforming sign may be maintained, repaired, or altered, but no maintenance, repair, or alteration may increase the extent of nonconformance.

C. Modification

1. Any modification of size, height, lighting/illumination type, or configuration or any replacement of the sign shall conform to all requirements of Section 14-16-4-12 (Signs) and all other applicable requirements of this IDO.

2. Conversion of a non-electronic nonconforming sign to an electronic sign is not allowed unless the erection of a new electronic sign the same size, height, and configuration as the nonconforming sign in that location would be allowed under Section 14-16-4-12 (Signs).

5-6.7 NONCONFORMING SITE FEATURES

A. Except for property acquired by government entities (addressed in Section 14-16-5-6.8), a parcel of land that does not comply with the standards of this IDO in Sections 14-16-4-3 (Access and Connectivity), 14-16-4-5 (Parking and Loading), 14-16-4-6 (Landscaping, Buffering, and Screening), 14-16-4-7 (Walls and Fences), or 14-16-4-8 (Outdoor Lighting) may continue to be used and occupied, and uses may be changed or expanded as allowed by other provisions of this Section 14-16-5-6, notwithstanding those nonconformities, unless and until the gross square footage of the primary structure on the parcel is expanded in size pursuant to the decision criteria in Section 14-16-5-5.2.C (Expansion of Nonconforming Use or Structure), at which time any portion of the parcel affected by the expansion shall be brought into compliance with the requirements of this IDO regarding pedestrian circulation, parking, landscaping, walls, and outdoor lighting.

B. No native vegetation or landscaping in the APO zone shall be allowed to exceed the applicable height limit or otherwise deviate from standards in Section 14-16-2-7.1 (Airport Protection Overlay Zone) or any other applicable standards of this IDO.

5-6.8 PROPERTY ACQUISITION BY GOVERNMENT ENTITIES

No property shall be considered nonconforming solely because it fails to meet applicable lot size or dimensional standards if the reason for those failures is the acquisition of part of the property by an exercise of eminent domain or a transfer to a governmental entity as an alternative to an exercise of eminent domain.

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2028 Replaces existing Section 14-16-3-4(E), which appears very hard to enforce and reads “Premises that, when they were developed, were not required to be developed according to a City-approved landscaping plan shall be made to conform to such a plan within two years of the time they were required to so conform due to amendment of the map or text of this IDO. Threshold raised from 200 sq. ft. to 25% in Module 3, and capped at 2,500 sq. ft. since Consolidated Draft. Reference to Section 4-3 (Access and Connectivity) added since EPC Draft per Condition #1 to be consistent with the requirement that expansions of nonconforming structures over 25% or 25,000 sq.ft. come into compliance with pedestrian circulation requirements.

2029 Added since EPC Draft to clarify vegetation requirements in the APO zone.

2030 Carries forward existing Section 14-16-3-4(F). Revised since EPC Draft per Condition #1 for clarity and to better match current practice.
5-7 VIOLATIONS, ENFORCEMENT, AND PENALTIES

5-7.1. PURPOSE
This Section 14-16-5-7 describes what is a violation of this IDO, how the standards and requirements of this IDO will be enforced, and what penalties the City may impose for different types of violations of this IDO.

5-7.2. VIOLATIONS
The following activities and actions are a violation of this IDO and are subject to the enforcement and penalty provisions of this IDO and Section 1-1-99 of ROA 1994 (General Penalty):

A. A building or structure erected, constructed, reconstructed, altered, repaired, converted, or maintained in violation of this IDO.
B. Any building, structure, or land used in violation of this IDO.
C. Providing false or misleading information in an application for any permit or approval.
D. Failure to comply with the terms or conditions attached to any permit or approval issued pursuant to this IDO.
E. Dividing or re-dividing land within the City into lots for sale or development without an approval required by this IDO or recording any plat that has not been approved by the City pursuant to this IDO with the County Clerk.
F. Transferring or conveying a parcel created by subdivision without the approval of a final plat of such subdivision and recording that plat with the County Clerk, unless the parcel resulted from an exercise of eminent domain or purchase under threat of an exercise of eminent domain. Public agencies shall record plats reflecting acquisitions and transfer of parcels resulting from an exercise of eminent domain or purchase under threat of an exercise of eminent domain within six months of the decision by the court or the purchase, as applicable.
G. Grading or other alteration of a site without meeting the following requirements, as applicable:
   1. Approval of a preliminary plat, if the grading or site alteration is related to a proposed subdivision;
   2. Approval of a drainage plan or report, or a determination by the City Engineer that no such plan or report is required;
   3. Compliance with the provisions of a drainage plan or drainage report or to the requirements of a preliminary or final plat, approved pursuant to this IDO; or

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2031 New section reorganizing existing sections 14-16-4-5 through 14-16-4-99 and 14-14-9-1 through 14-14-9-99 into 3 new Subsections: Violations; Enforcement and Penalties. New language unless indicated otherwise.
2032 Provisions of existing 14-16-3-12(E)(2) and 14-16-3-13(D)(2) were not carried over, because they treat community residential facilities and emergency shelters differently than similarly sized facilities for persons not protected by the Fair Housing Act amendments, which is likely a violation of the Act, and because any violation of a term or condition of approval of a permit or approval is already a violation of the IDO. Section 14-16-3-15(F) making it a violation to fail to recycle materials was deleted as unenforced and likely unenforceable.
2033 Carries forward section 14-16-4-10 and relocates penalty provisions of this section to new penalty Subsection
2034 Existing section 14-14-9-1 with minor rewording.
2035 Existing section 14-14-9-2 reworded for clarity.
4. Obtaining all required permits pursuant to Section 9-5-1-1 et. seq. (Air Quality Control Board).\textsuperscript{2036}

H. Failure to immediately cease demolition, development, or land disturbance activity upon the discovery of an archaeological resource.\textsuperscript{2037}

I. Failure to pay any required impact fees as specified by Section 14-19 of ROA 1994 (Impact Fees) and any associated procedures in the DPM.\textsuperscript{2038}

5-7.3. ENFORCEMENT

A. Authority to Enforce\textsuperscript{2039} 

1. The ZEO has the authority and duty to enforce this IDO pursuant to Section 14-16-5-2.A.3 (Zoning Enforcement Officer).

2. A permit, license, or certificate issued in conflict with the provisions of this IDO is void.

3. In enforcing the requirements of this IDO the City may use any enforcement powers allowed by the State of New Mexico, in any order. The choice of one method of enforcement does not foreclose the City from pursuing others later if the violation is not remedied.

4. Without limiting the generality of Subsection 3 above, the City may enforce this IDO through any of the following powers:

   a. To institute proceedings to prevent the unlawful action.

   b. To deny, delay, or withhold permits and approvals.

   c. To revoke permits and approvals after giving the property owner or applicant notice of intent to revoke the permit or approval.

   d. To issue a stop work order requiring that all work on a property or structure or operation of a use that is in violation of this IDO cease, or if a violation is suspected but not known, then until the existence or absence of the violation can be confirmed.

   e. To require the immediate abatement of any use or the vacation or removal of a structure that creates a threat to the public health and safety or to the health and safety of those in or around the use or structure.

   f. To order the removal of any sign or violating portion of a sign that is erected or maintained in violation of this IDO.\textsuperscript{2040}

      i. At least 10 days’ notice in writing shall be given to the owner of such sign, or of the structure or premises on which such sign is located, to remove the sign or to bring it into compliance with this IDO.

      ii. Upon failure to remove the sign or to comply with this notice, the ZEO shall have the sign removed.

\textsuperscript{2036} Existing section 14-14-9-3
\textsuperscript{2037} Existing section 14-16-3-20(F)(3)
\textsuperscript{2038} Added since EPC Draft per Condition #269 in response to staff comment.
\textsuperscript{2039} Existing section 14-16-4-5(A) with new language in new Subsection (B). Incorporates existing section 14-15-8 (Airport Zoning Enforcement) and revises enforcement authority from Mayor to Zoning Enforcement Officer. Provisions specific to Community Residential Facilities and Emergency Shelters was not carried over as unnecessary; the City has and retains the ability to enforce all conditions and agreements made during the approval process.
\textsuperscript{2040} Existing section 14-16-4-11. This provision is being reviewed by Legal Department.
iii. Any cost of removal incurred by the City shall be assessed to the owner of the property on which such sign is located and may be collected in the manner of ordinary debt or in the manner of taxes, and such charge shall be a lien on the property.

g. To terminate all or part of a Site Plan where the applicant has used the property or constructed improvements in violation of the terms and conditions attached to an approved Site Plan.\textsuperscript{2041}

i. If an approved Site Plan has been partially developed, the termination shall only apply to the undeveloped portion of the property,\textsuperscript{2042} and any termination of a part of the Site Plan shall not adversely affect or impose additional requirements on the developed parcels.

ii. Termination of all or part of a Site Plan does not preclude approval of a similar plan at a later date.

iii. If a Site Plan is terminated, the City shall review applicable Subdivision Improvements Agreements or development agreements to determine necessary amendments to such agreements and/or release of any financial guarantee pursuant to Section 14-16-5-4.17 (Required Improvements and Financial Assurance).\textsuperscript{2043}

h. To impose civil and criminal penalties as allowed by New Mexico law.

B. Notice and Timing of Enforcement\textsuperscript{2044}

1. The City shall attempt to give the property owner, agent, or occupant of a parcel of land or a building that contains a violation of this IDO written notice of the violation and a reasonable amount of time to cure the violation.

2. The property owner, agent, or occupant may request additional time (beyond that allowed by this IDO or the notice of violation) to cure a violation, and the ZEO may approve additional time to cure for good cause shown.

C. Inspectorial Searches by Consent\textsuperscript{2045}

1. Within the scope of his/her authority, the ZEO or authorized zoning inspectors may conduct an inspectorial search, with the voluntary consent of an occupant or custodian of the premises or vehicles to be inspected, who reasonably appears to the ZEO or the inspector to be in control of the places to be inspected or otherwise authorized to give such consent.

2. Before requesting consent for an inspectorial search, the ZEO or inspector shall inform the person to whom the request is directed of the authority under and purposes for which the inspection is to be made and shall, upon demand, exhibit an identification card or official City document evidencing their authority to make such inspections.

\textsuperscript{2041} Renames and reorganizes existing Section 14-16-3-11, with minor rewording to conform to language to revised IDO. Deletes requirement for notice of these provisions to pre-existing site development plans as obsolete and deletes fee amount for processing (which should be relocated to a resolution adopted by City Council). Requirement for notice of these provisions to be supplied when future Site Plans are approved or amended was moved to the DPM.

\textsuperscript{2042} Clarification that developed portions are still governed by the Site Plan is new since Zoning Code.

\textsuperscript{2043} Replaces existing provision stating that owner will be released from SIAs and related financial guarantees, which Code Enforcement confirms is not the current practice. This allows to the City to review which parts, if any, of the SIA or guarantees relate to the developed or undeveloped portions of the parcel and make a decision on that basis.

\textsuperscript{2044} New since Zoning Code.

\textsuperscript{2045} Existing section 14-16-4-7(B). Clarified that inspector must show an official City identification document.
3. Inspections undertaken pursuant to this Section 14-16-5-7.3.C shall be carried out with due regard for the convenience and privacy of the occupants, and during the daytime unless, because of the nature of the premises, the convenience of the occupants, the nature of the possible violation or other circumstances, there is a reasonable basis for carrying out the inspection at night.

4. Unless advance notice would be likely to cause the suspected violation to be temporarily eliminated so as to frustrate enforcement, notice of the purpose and approximate time of an inspectorial search of an area not open to the general public shall be sent to the occupants or custodians of premises or vehicles.

D. Inspectorial Searches without Consent

1. Upon sufficient showing that required consent to an inspectorial search has been refused or is otherwise unobtainable within a reasonable period of time, the ZEO may make application to the district court for an inspection order/search warrant. Such application shall be made to a district court having jurisdiction over the premises or vehicle to be searched. Such application shall set forth the following information:
   a. The particular vehicle(s), premises, or portion of a vehicle or premises sought to be inspected.
   b. That the owner or occupant of the premises or vehicle(s), has refused entry.
   c. That inspection of the premises or vehicle(s) is necessary to determine whether they comply with the requirements of this IDO.
   d. Any other reason necessitating the inspection, including knowledge or belief that a particular condition exists in the premises or vehicle(s) which constitutes a violation of this IDO.
   e. That the ZEO or inspector is authorized by the City to make the inspection.

2. The application shall be granted and the inspection order/search warrant issued upon a sufficient showing that inspection in the area in which the premises or vehicles in question are located, or inspection of the particular premises or vehicles, is in accordance with reasonable legislative or administrative standards, and that the circumstances of the particular inspection for which application is made are otherwise reasonable. The district court shall make and keep a record of the proceedings on the application and enter thereon its finding in accordance with the requirements of this section.

3. The ZEO or inspector executing the inspection order/search warrant shall, if the premises or vehicle in question are unoccupied at the time of execution, be authorized to use such force as is reasonably necessary to enter and make the inspection.

4. After execution of the order or after unsuccessful efforts to execute the order, as the case may be, the ZEO shall return the order to the district court with a sworn report of the circumstances of execution or failure to execute the order.

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2046 Provision referencing 7 days’ notice was not carried forward.
2047 Existing 14-16-4-7(C). Provisions regarding law enforcement officers accompanying inspectors was deleted since Module 3 as unnecessary.
E. Disclaimer

This IDO shall not be construed to hold the City or its authorized representatives responsible for any damage to persons or property by reason of the inspection or re-inspection authorized by this IDO, or failure to inspect or re-inspect, or the issuance of a building permit authorized by this IDO, the DPM, or other adopted City regulations.

5-7.4. PENALTIES

A. Any person, firm, or corporation violating any provision of this IDO, or any amendments to it, shall be subject to the penalty provisions set forth in Section 1-1-99 of ROA 1994 (General Penalty) or in any resolution of City Council establishing those penalties.

B. Each day this IDO is violated shall be considered a separate offense.

C. The City may, in its discretion, waive financial penalties for periods before violation is cured or may condition such waivers on prompt cure of the violation. Any waiver of penalties shall be accompanied by a written rationale for the waiver.

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2048 Zoning Code Section 14-16-4-12.
2049 Consolidates Zoning Code sections 14-16-4-99, 14-14-9-99, and 14-15-99; deletes maximum per lot fine and imprisonment provisions from existing subdivision section regulations.
2050 Text simplified to match current practice. Last clause is new and reference to civil proceedings is new since Zoning Code.
2051 New since Zoning Code. Second sentence added since EPC Draft Per Condition #270 in response to staff comment.
Chapter 14-16-6: Definitions & Acronyms

6-1 DEFINITIONS

Abut
To touch or share a property boundary.

Access
A way or means of approach to provide vehicular or pedestrian physical entrance to a property.

Accessory Building
A building detached from and, except in the case of agricultural support buildings like barns in the R-A zone district, smaller than the main building on the same lot. The use of an accessory building shall be subordinate and customarily incidental to the main use of the lot.

Accessory Structure
A structure detached from a principal building, customarily used with and clearly incidental and subordinate to the principal building or use, and located on the same lot as such principal building. Including but not limited to sheds, swimming pools, and shade structures such as covered patios, gazebos, pergolas, ramadas, or similar roofed structures.

Acequia
An irrigation ditch operated and maintained by the MRGCD or a community acequia association. See also Irrigation Facility.

Adjacent
Those properties that are abutting or separated only by a street, alley, trail, or public utility easement, whether public or private.

Adult or Child Day Care Facility
A facility other than an occupied residence that provides care for more than 12 individual adults or children during the day. This use does not include overnight care. See also Family Home Daycare, Family Care Facility, Community Residential Facility, and Group Home.

2052 Almost all definitions are new or substantially new since Zoning Code. These definitions do not include requirements for specific licenses and permits from the federal or state governments, since the IDO will have a general requirement that all uses requiring a state or federal permit have maintain a valid license or permit in effect at all times. Definition for Boarding House deleted since EPC Draft per Condition #1 as unnecessary, since Bed and Breakfast covers small rentals and Motel/Hotel covers larger rentals. Definition for Contiguous deleted since EPC Draft per Condition #278 as unnecessary because the IDO uses the term based on its standard definition. Definition for water resources engineer deleted since EPC Draft per Condition #285 to reflect the change in structure between the City and ABCWUA, which is now responsible for water resource management. Definition for detached open space deleted since EPC Draft per Condition #1 because the term is not used in the IDO. Definition of hobby breeder deleted since EPC Draft per Condition #296 as unnecessary. Capital Improvements Budget and Capital Implementation Program deleted as terms unused in the IDO. Condition #293 recommended deleting FAR definition. That definition had been deleted prior to the EPC Draft.

2053 Existing definition added since Module 1. Revised since EPC Draft per Condition #278 for clarity and consistency with usage throughout the IDO.

2054 New definition added since Module 1.

2055 New definition added since Consolidated Draft.

2056 Removed "garage" from the list of accessory structures as it would be considered an accessory building since EPC Draft per Condition #1.

2057 New definition added since Module 1. Definition revised for accuracy since Consolidated Draft.

2058 New definition since Module 3. Revised since EPC Draft per Condition #278 for clarity and consistency with usage throughout the IDO. Revised subsequently per Condition #1 to remove railroad right-of-way and drive.
Adult Entertainment
An establishment such as an auditorium, bar, cabaret, concert hall, nightclub, restaurant, theater, or other commercial establishment, other than an adult retail establishment, that provides amusement or entertainment featuring one or more of the following:

1. A live performance, act, or escort service distinguished or characterized by an emphasis on the depiction, description, exposure, or representation of specified anatomical areas or the conduct or simulation of specified sexual activities.

2. Audio or video displays, computer displays, films, motion pictures, slides or other visual representations or recordings characterized or distinguished by an emphasis on the depiction, description, exposure or representation of specified anatomical areas or the conduct or simulation of specified sexual activities.

Adult entertainment is a primary use and is not accessory to any other use.

Adult Retail
Any establishment where 25 percent or more of the gross floor area is used to sell or rent adult material including, but not limited to, books, magazines, newspapers, films (video tapes and/or DVDs), slides, photographic or written material, and other items or devices that are distinguished or characterized by an emphasis on the depiction, description, exposure, or representation of specified anatomical areas or the conduct or simulation of specified sexual activities. Adult retail is a primary use and is not an accessory to any other use.

Agriculture, General
Any use of land for the purpose of crops, grazing animals, orchards, trees or forest lands, and any other use pertaining to farming or agricultural research, including the raising of horses, cattle, sheep, goats, and other farm animals for use or sale, and including all the types of structures normally associated with these uses, such as storage bins, barns, sheds, tool houses, greenhouses, garages, and any other use or facility ancillary to farming or open land.

Agricultural Sales Stand
A structure for the retail sale of agricultural products raised on the same premises.

Airport
The area of land used or intended to be used for the landing and takeoff of aircraft, passenger and cargo loading areas, and related uses.

Albuquerque Metropolitan Arroyo Flood Control Authority (AMAFCA)
The political subdivision of the State of New Mexico established pursuant to Section 72-16-1 et seq. NMSA 1978 with specific responsibility for flooding problems in the greater Albuquerque area.

Alley
A public right-of-way, private way, or thoroughfare, or a part thereof primarily devoted to vehicular use and providing secondary access to abutting property or primary vehicular access to residential properties, minimizing or eliminating the need for driveway access to the street. Alleys are not considered streets for setback standards.

Amendment
Any repeal, modification, or addition to a regulation; any new regulation; any change in the number, shape, boundary, or area of a zone district or Overlay zone; or any repeal or abolition of any map, part thereof, or addition thereto.
Amphitheater\textsuperscript{2066}
An outdoor, open-air area or structure suitable for performances or theatrical, performing arts, or sporting events with tiers of seats, benches, or berms with seating capacity for less than 1,000 people\textsuperscript{2067}

Animal Keeping\textsuperscript{2068}
The keeping of animals allowed and as regulated by Article 9-2 of ROA 1994 [Humane and Ethical Animal Rules and Treatment (HEART) Ordinance].

Archaeological Resource\textsuperscript{2069}
Material remains of past human activity and life that are of archaeological interest, including, but not limited to: pottery, basketry, bottles, weapon projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, graves, human skeletal materials, or any portion or piece of any of the foregoing items. Non-fossilized and fossilized paleontological specimens, or any portion or piece thereof, shall not be considered archaeological resources unless found in an archaeological context. No item shall be treated as an archaeological resource unless such item is at least 75 years old. Material remains that are structures may be considered for further review and protection as a landmark site or structure.

Archaeological Site, Significant\textsuperscript{2070}
A geographic location which contains an archaeological resource likely, as determined by the City Archaeologist, to yield information important to the prehistory or history of the Albuquerque area.

Archaeological Survey\textsuperscript{2071}
A visual inspection conducted on foot that examines, identifies, records, evaluates and interprets all surface visible archaeological resources.

Area of Change\textsuperscript{2072}
An area designated as an Area of Change in the Albuquerque/Bernalillo County Comprehensive Plan (ABC Comp Plan), as amended, where growth and development is encouraged, primarily in Centers other than Old Town, Corridors other than Commuter Corridors, Master Development Plan areas, planned communities, and Metropolitan Redevelopment Areas.

Area of Consistency\textsuperscript{2073}
An area designated as an Area of Consistency in the Albuquerque/Bernalillo County Comprehensive Plan (ABC Comp Plan), as amended, where development must reinforce the character and intensity of existing development.

\textsuperscript{2066} Revised to refer only to Amphitheater and not Stadium since EPC Draft to eliminate confusion between this reference to stadium and the stadiums that require NR-SU zoning.
\textsuperscript{2067} Revised since EPC Draft per Condition #1 for clarity and to reflect footnote on Amphitheater and Stadium in the Use Table, which indicates that this use will be defined to include only those facilities that hold less than 1,000 people.
\textsuperscript{2068} Renamed from "Animal keeping, approved species" and reference to specific species replaced by cross-reference since Consolidated Draft. Renamed form "Animal keeping, other", and definition replaces references to species other than rabbits, pigeons, poultry, cows, horses, goats, or sheep since Consolidated Draft. Revised since EPC Draft to remove distinction between domestic and agricultural animal keeping. Use-specific Standard for this use addresses the keeping of cows and horses as an accessory use. The keeping of farm animals for agricultural purposes is addressed in the General agriculture use. Revised since EPC Draft to remove the phrase, “as pets or for security purposes” as unnecessarily specific -- the reasons for keeping animals are addressed in the HEART Ordinance.
\textsuperscript{2069} Added since EPC Draft to incorporate Section 14-16-3-20(F) (Archaeological Ordinance), unintentionally omitted in previous IDO drafts and to reflect current practice.
\textsuperscript{2070} Added since EPC Draft to incorporate the Archaeological Ordinance, unintentionally omitted in previous IDO drafts and to reflect current practice.
\textsuperscript{2071} Added since EPC Draft to incorporate the Archaeological Ordinance, unintentionally omitted in previous IDO drafts and to reflect current practice.
\textsuperscript{2072} New definition added since Module 1. Expanded and revised for clarity since Consolidated Draft. Revised for accuracy since EPC Draft per Condition #1.
\textsuperscript{2073} New definition added since Module 1. Expanded and revised for clarity since Consolidated Draft.
Arroyo, Major
An arroyo designated by the Facility Plan for Arroyos as Major Open Space Arroyo or Major Open Space Link.

Art Gallery
A building, room, or series of rooms where works of art are exhibited for display or sale.

Artisan Manufacturing
See Manufacturing, Artisan.

Assisted Living Facility
An establishment containing a combination of housing, supportive services, personalized assistance, and health care services designed to respond to the individual needs of those who need help with activities of daily living or memory care services, but not including skilled nursing care. Such facilities may include separate bedrooms or living quarters, a central or private kitchen, dining, recreational, and other residential accessory uses. See also Other Uses Accessory to a Residential Primary Use.

Auditorium
A hall or seating area, generally enclosed, where an audience views a musical or theatrical performance, concert, sporting or other entertainment event, but not including any facility or performance meeting the definition of adult entertainment.

Automated Teller Machine (ATM)
An electronically operated device used to conduct financial transactions on-site by means of direct computerized access.

Bakery or Confectionary Shop
A facility for the production and sale of baked goods and confectioneries, primarily for retail sales to customers of the facility. Accessory sales to off-site customers is allowed. For uses with primary off-site sales, see Manufacturing, Light. See also Catering Service.

Bank
An establishment that provides retail banking, mortgage lending, and financial services to individuals and businesses, including check-cashing facilities. Accessory uses may include automatic teller machines and drive-through facilities. See also Small Loan Business, which is considered a Bank for the purposes of this IDO.

Bar
An establishment having as its principal or predominant uses the serving of beer, wine, or liquor for consumption on the premises, but that does not meet the definition for Tap Room/Tasting Room.

Bed and Breakfast
A single-family dwelling with guest rooms that are rented for short-term overnight lodging with breakfast served; some or all guest rooms may be in accessory buildings. Provision of alcoholic beverages is controlled by the New Mexico State statutes for “Bed and breakfast” as governed by 60-6A-34 NMSA 1978.

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2074 Definition added since EPC Draft per Condition #1 to define a term used in the IDO.
2075 Definition moved to Manufacturing, Artisan to cluster Manufacturing use definitions since EPC Draft per Condition #274 for clarity.
2076 Although listed as one use type in Use Table 3-2.1, Assisted Living Facility and Nursing Home are defined separately. Revised since EPC Draft to add reference to memory care services to make clear that this type of service is considered a part of the assisted living use and not part of the nursing home use in response to public comment. Added reference to a compatible use often associated with assisted living - ‘other residential accessory uses’.
2077 Revised since EPC Draft per Condition #273 to clarify the distinction between a bakery or confectionary shop and light manufacturing.
2078 Reference to Small Loan Business added since EPC Draft per Condition #308.
2079 “Accessory living quarters” replaced by “accessory buildings”, and reference to state regulation of alcohol added since Consolidated draft. Definition revised since EPC Draft per Condition #1 to remove language duplicated in the Use Specific Standard for this use.
Chapter 14-16-6: Definitions & Acronyms

6-1 Definitions

**Bedroom**
Any room in a dwelling that is partitioned by walls and doors, other than the following: one kitchen, one room that may be designated as a living room, one room that may be designated as a dining room or family room, and any number of baths, foyers, corridors, and closets (all as defined Articles 14-1 and 14-3 of ROA 1994 (Uniform Administrative Code and Uniform Housing Code). Rooms greater than 100 square feet are not considered closets for the purposes of this definition.

**Bikeway**
Any street or trail that is specifically designated as being open to bicycle travel, regardless of whether such facility is designated for the exclusive use of bicycles or is to be shared with other transportation modes.

**BioPark**
City-owned facilities managed by Cultural Services and regulated by a Master Plan, including the ABQ BioPark Zoo, Botanic Garden, Aquarium, and Tingley Beach. Zoned NR-PO-D in the IDO.

**Block**
An area that is bounded but not crossed by streets, railroad rights-of-way, waterways, unsubdivided areas, or other barriers. For the purposes of the Large Retail Facility provisions, NR-LM, and NR-GM development, drive aisles and private streets also qualify as block boundaries.

**Boat**
A vehicle, not exceeding 30 feet in body length, 8 feet in width, or 11 feet in overall height, for traveling in or on water. Height includes the trailer, if the boat is mounted on a trailer.

**Buffer**
See Landscape Buffer.

**Building**
Any structure built and maintained for the support, shelter or enclosure of persons, animals, or property of any kind.

**Building and Home Improvement Materials, Large**
An establishment having a gross floor area greater than 50,000 square feet primarily engaged in retailing a general line of new home repair and improvement materials and supplies, such as lumber, plumbing goods, electrical goods, tools, house wares, hardware and lawn and garden supplies, with the merchandise lines normally arranged in separate departments, with or without central customer checkout. This use includes the sale of plants and garden supplies in outdoor areas. See also Retail, General.

**Building Frontage Types**

**Porch**
Porches are common frontages associated with single-family houses where the façade is setback a minimum of 10 feet from the right-of-way with a front yard. A fence or wall at the property line may be used to define the private space of the yard. An encroaching porch may also be appended to the façade. A great variety of porch and fence designs are possible including a raised front yard with a retaining wall at the property line with entry steps to the yard.
Chapter 14-16-6: Definitions & Acronyms

**Stoop**
The façade is placed close to the frontage line with the ground story elevated from the sidewalk, securing privacy for the windows. This type is suitable for ground floor residential uses at short setbacks. This type may be interspersed with the shop front. A porch may also cover the stoop.

**Dooryard**
Dooryards are elevated gardens or terraces that are set back from the frontage line. This type can effectively buffer residential quarters from the sidewalk, while removing the private yard from public encroachment. The terrace is also suitable for restaurants and cafes as the eye of the sitter is level with that of the standing passerby.

**Storefront**
The façade is placed at or close to the right-of-way line, with the entrance at sidewalk grade. This type is conventional for retail frontage. It is commonly equipped with cantilevered shed roof or awning. The absence of a raised ground floor story precludes residential use on the ground floor facing the street, although this use is appropriate behind and above.

**Arcade**
The façade of a building with an attached colonnade. Balconies may overlap the sidewalk while the ground floor remains set at the lot line. This type is ideal for retail use, but only when the sidewalk is fully absorbed within the arcade so that a pedestrian cannot bypass it. An easement for private use of the right-of-way is usually required. To be useful, the arcade should be no less than 8 feet wide clear in all directions.

**Forecourt**
The façade is aligned close to the frontage line with a portion of it setback. The façade is aligned close to the frontage line with a portion of it setback. The resulting forecourt is suitable for gardens and outdoor dining. This type should be used sparingly and in conjunction with the shop fronts. A fence or wall at the property line may be used to define the private space of the yard. The court may also be raised from the sidewalk, creating a small retaining wall at the property line with entry steps to the court.

**Business**
A legal entity operating an enterprise in a space separate from any other enterprise.

**Campground**
A lot developed or used for occupancy by tents and or recreational vehicles for transient dwelling purposes.

**Canopy**
A roof-like decorative feature projecting from the exterior of a building that may serve as a shelter from the sun, rain, or wind. A tree canopy includes the area beneath a tree’s dripline. See also, Sign, Canopy.

**Car Wash**
A building, or portion of a building, containing facilities for the primary purpose of washing automobiles using production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices or providing space, water, equipment, or soap for the complete or partial hand-washing of such automobiles, whether by operator or by customer.

**Catering Service**
An establishment whose principal business is to prepare food on-site, then to transport and serve the food off-site. No retail sale of food or beverages for consumption on the premises is allowed.

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2089 Existing definition added since Module 1.
2090 New definition added since Module 1.
2091 Definition added since EPC Draft per Condition #232.
Chapter 14-16-6: Definitions & Acronyms

6-1 Definitions

Center and Corridor Definitions

2092 Center
An area designated as a Center in the ABC Comp Plan, as amended.

2093 Center, Activity
The area designated as an Activity Center in the ABC Comp Plan, as amended.

2094 Center, Downtown
The area designated as the Downtown Center in the ABC Comp Plan, as amended, which is entirely within the Mixed-use Form-Based Zone District (MX-FB). See also Downtown.

2095 Center, Employment
The area designated as an Employment Center in the ABC Comp Plan, as amended.

2096 Center, Urban (UC)
The area designated as an Urban Center in the ABC Comp Plan, as amended.

2097 Center and Corridor Area
For the regulatory purposes of the IDO, this term applies to parcels with any portion within Centers as defined and mapped by the ABC Comp Plan, excluding Old Town, or parcels with any portion within 660 feet of the Corridors as defined in the ABC Comp Plan, excluding Commuter Corridors.

2098 Corridor
A street and adjoining land designated in the ABC Comp Plan, as amended, as one of five Corridor types depending on travel modes and development intensity. See also Measurement, Corridor Area.

2099 Corridor, Main Street
A Corridor designation from the Comprehensive Plan. See also Measurement, Corridor Area.

2100 Major Transit
A Corridor designation from the Comprehensive Plan. See also Measurement, Corridor Area.

2101 Premium Transit
A Corridor designation from the Comprehensive Plan. See also Measurement, Corridor Area.

2102 Revised for accuracy since Consolidated Draft. Moved from “Urban Center” to “Center, Urban” to group with other Center and Corridor related definitions since EPC Draft per Condition #1.

2093-2102 Definitions added since Module 1 and revised per Condition #1 for consistency with terminology used in the IDO.

2103 Revised since EPC Draft per Condition #191 for consistency with terminology used in the IDO.

2104 Revised since EPC Draft per Condition #1 and Condition #191 for consistency with terminology used in the IDO.

2105 Revised since EPC Draft per Condition #1 for consistency with terminology used in the IDO.

2106 Revised for accuracy since Consolidated Draft. Moved from “Urban Center” to “Center, Urban” to group with other Center and Corridor related definitions since EPC Draft per Condition #1.

2107 Revised since Consolidated Draft to provide clarity about the applicability of a term used throughout the IDO.

2108 Revised since EPC Draft per Condition #282 to clarify the definition and use of the term Corridor in the IDO.

2109 New definition added since Module 1. Revised since EPC Draft per Condition #282 to clarify the definition and use of the term Corridor in the IDO.

2110 Revised since EPC Draft per Condition #282 to clarify the definition and use of the term Corridor in the IDO.

2111 Revised since Consolidated Draft to clarify application after station locations are identified. Revised since EPC Draft per Condition #282 to clarify the definition and use of the term Corridor in the IDO. Language about application of standards associated with PT removed as redundant – addressed in the Measurement, PT area definition.
Characteristic Building\textsuperscript{2103}
A building in the Nob Hill – CPO-6 zone that exemplifies historic commercial architecture as identified on the map in Section 14-16-2-7.2.B.6.

Chief Building Official\textsuperscript{2104}
A City employee in the City Planning Department responsible for enforcing Articles 14-1 and 14-3 of ROA 1994 (Uniform Administrative Code and Uniform Housing Code) and managing the operations of the Building Safety Division, including issuing building and demolition permits, performing building inspections, and coordinating with other divisions and departments to help maintain a safe and habitable built environment.

Chile Ristra\textsuperscript{2105}
A string or cord on which natural, unadorned chile peppers are threaded or tied and hung for display.

Circus
A travelling enterprise that features feats of physical skill and daring, wild animal acts, and performances by clowns.\textsuperscript{2106}

City\textsuperscript{2107}
Capitalized, this refers to the City of Albuquerque, New Mexico local government. Uncapitalized, this refers to the geographic area defined by the City of Albuquerque municipal boundary.

City Archaeologist\textsuperscript{2108}
A City employee, or person contracted by the City, who reviews sites for archaeological significance, as described in Section 14-16-5-5.X (Certificate of No Effect or Certificate of Approval).

City Council\textsuperscript{2109}
The governing body of the City and the land use and zoning authority empowered by the state through home rule. The City Council makes discretionary, policy, and regulatory decisions for City-owned property and private property within the city’s municipal boundaries.

City Engineer
A City employee who is a professional engineer registered by the State of New Mexico and designated as the City Engineer.

City Surveyor
A City employee who is a registered land surveyor.

Clear Sight Triangle\textsuperscript{2110}
An area of unobstructed vision at street intersections between three and eight feet above the gutter line and within a triangular area at the street corner or driveway, regulated by the Development Process Manual (DPM).

Club
An organization catering exclusively to members and their guests for social, intellectual, recreational, or athletic purposes that are not conducted for profit; includes lodge.

\textsuperscript{2103} New definition added since Consolidated Draft. Removed reference to Highland since EPC Draft per Condition #28, since this CPO only contains parcels within the Nob Hill area.
\textsuperscript{2104} Added since Consolidated Draft.
\textsuperscript{2105} New definition added since Consolidated Draft.
\textsuperscript{2106} Reference to tent added since Module 1.
\textsuperscript{2107} Revised for accuracy since Consolidated Draft.
\textsuperscript{2108} Added since EPC Draft to carry over Section 14-16-3-20 of ROA 1994 (Archaeological Ordinance), unintentionally omitted from previous IDO drafts.
\textsuperscript{2109} Revised since Consolidated Draft to reflect zoning role. Revised since EPC Draft to clarify discretionary, policy, and regulatory decision-making powers.
\textsuperscript{2110} Existing definition added since Module 1; revised to reflect DPM content.
Cluster Development Design<sup>2111</sup>
A design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, open space, or preservation of sensitive areas. See also Dwelling, Cluster Development.

Co-location<sup>2112</sup>
See Wireless Telecommunications Facility Definitions.

Commercial Services
Any activity involving the provision of services carried out for profit, generally for a business customer and not an individual buyer, including but not limited to upholstering, welding, laundry, printing, or publishing, that is not listed separately as a distinct use in Table 3-2-1 (Use Table).

Common Open Space
See Open Space, Common.

Community Garden
A private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family as a primary use of land.

Community Residential Facility<sup>2113</sup>
Any building, structure, home, or facility, 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 purpose 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. Community Residential Facilities are further divided into:

Community Residential Facility, Small
A facility in which personal service, personal assistance, personal care, and/or protective care are provided to no more than 8<sup>2114</sup> individuals, except those foster family homes licensed by child-placing agencies.

Community Residential Facility, Medium<sup>2115</sup>
A facility in which personal service, personal assistance, personal care and/or protective care are provided to between 9 and 18 individuals, except those foster family homes licensed by child-placing agencies.

Community Residential Facility, Large<sup>2116</sup>
A facility in which personal service, personal assistance, personal care and/or protective care are provided to 19 or more individuals.

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<sup>2111</sup> Existing definition added since Module 1. “Design” added since Consolidated Draft.
<sup>2112</sup> Existing definition added since Module 1.
<sup>2113</sup> Revised definition, and size categories are new since Zoning Code. Revised per Condition #1 to remove place operated by persons other than residents.
<sup>2114</sup> Revised from 8 to 10 since EPC Draft per Condition #277 for consistency with the Zoning Code and current practice. Subsequently revised back to 8 to be consistent with Group Home and to remove the term “unrelated.”
<sup>2115</sup> Revised since EPC Draft per Condition #1 for consistency with changes to Group Homes to keep them consistent and to remove the term “unrelated.”
<sup>2116</sup> Revised since EPC Draft per Condition #1 to remove the term “unrelated.”
Community Centers
Publicly or privately owned buildings and facilities operated for meeting, social, cultural, educational, or recreational purposes.

Construction Contractor Facility and Yard
A building and related outdoor areas used to store and maintain construction equipment and materials including but not limited to plumbing, electrical, carpentry, roofing, and landscaping, and facilities customarily required in the building trade by a construction contractor.

Construction Staging Area, Trailer, or Office
A temporary building or structure used as a construction office or outdoor storage area for equipment and materials for a project located on the same site during its construction.

Correctional Facility
A facility to house persons awaiting trial or persons serving a sentence after being found guilty of committing a crime. This use includes a prison, jail, and adult or juvenile detention center.

County
Bernalillo County, New Mexico, unless the context clearly indicates that another county is intended.

Crematorium
An establishment that burns dead bodies of humans and/or animals.

Cul-de-Sac
A short street intersecting another street at one end and terminating at the other end, normally with a vehicular turnaround.

Curb Cut
Any break in a curb that facilitates access to or from a street, alley, or driveway.

Daytime Gathering Facility
A premises used to provide social services to those in need, for no fee or compensation, or at a fee recognized as being significantly less than charged by for-profit organizations. Services may include, but are not limited to, information and referral services; ambulatory medical services; counseling; skill development; aid through the provision of food or clothing; life skill and personal development programs; alcohol, drug, or substance abuse counseling; and drop-in or activity space.

Design Review Committee (DRC)
A committee of City employees representing the City Engineer, Construction Management, Hydrology, Water/Wastewater Development, City Architect, and Transportation Development. This committee is chaired by the City Engineer's representative. The DRC meets regularly to review and approve design plans or relay combined staff concerns on unapproved final plans. The DRC also conducts pre-design conferences requested for new projects and in-house review meetings to consolidate comments for presentation to the consulting engineer.

Developer
Any individual, corporation, company, firm, partnership, joint venture, or other entity responsible for land platting and/or construction or placement of any structures or infrastructure within the boundaries of the city. If the property owner has engaged a representative to act as his/her agent, the agent must possess a legally binding agreement with the property owner in order to act in the property owner's behalf with regard to the development of the project.

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2117 Name and definition revised since EPC Draft per Condition #68 in response to agency comment.
2118 Existing definition added since Module 1.
2119 Existing definition added since Module 1.
2120 Reference to driveway has been added.
2121 New definition since Module 3. Ambulatory medical services added to this definition since EPC Draft per Condition #284.
2122 Reference to Parks and Recreation Department removed to reflect current practice.
Development Definitions

Development
Any activity that alters the ground on a property. Development may include construction of buildings, structures, or streets; installation of landscaping, infrastructure, utilities, or site features; and/or activities to prepare land for such construction or installation, such as grading. For the purposes of the IDO, the term development includes new development and redevelopment on existing lots.

Low-density Residential Development
Properties with residential development of any allowable land use in the Household Living category in Use Table 3-2-1 other than multi-family dwellings. Properties with Small Community Residential Facilities are also considered low-density residential development. Properties that include other uses accessory to residential primary uses are still considered low-density residential development for the purposes of this IDO. See also Other Uses Accessory to Residential Primary Uses.

Mixed-use Development
Properties with residential development and non-residential development on a single lot or premises. For the purposes of this IDO, mixed-use development can take place in the same building (i.e. vertical mixed-use) or separate buildings on the same lot or premises (i.e. horizontal mixed-use).

Multi-family Residential Development
Residential development of multi-family dwellings or uses from the Group Living category (except Small Community Residential Facilities) in zone districts as allowed per Use Table 3-2-1. Properties that include both multi-family dwellings and low-density residential development are considered multi-family development for the purposes of this IDO. Properties with other uses accessory to residential primary uses allowed per Use Table 3-2-1 are still considered multi-family development for the purposes of this IDO. See also Other Uses Accessory to Residential Primary Uses.

Non-residential Development
Development of allowable land uses on a property that includes no residential development.

Residential Development
Development of any allowable land use from the Residential category in Table 3-2-1 (i.e. any allowable combination of Household Living uses and Group Living uses) that occurs on properties with no land use from another category, with the following exceptions: (1) Property with both Household Living uses and parks and open space are still considered residential development for the purposes of this IDO. (2) Properties that include other uses accessory to residential primary uses allowed per Use Table 3-2-1 are still considered residential development for the purposes of this IDO. (3) A property that has an approved non-residential Temporary Use but that otherwise meets this definition is still considered residential development for the purposes of this IDO. See also Low-density Residential Development, Mixed-use Development, and Non-residential Development, and Other Uses Accessory to Residential Primary Uses.

Development Process Manual (DPM)
A compilation of City requirements related to design criteria, technical and engineering standards, and procedures for the processing of development proposals within the City's jurisdiction, particularly relating to public rights-of-way.

Development Review Board (DRB)
A six-member board made up of City and Agency staff, as described in Section 14-16-5-2.54 (DRB), that makes decisions about development in the city based on zoning and technical standards.

2123 Section and definitions added since EPC Draft to clarify terms used in the IDO.
Deviation
An exception to dimensional standards that can be granted administratively by City Planning Department staff within thresholds and based on criteria established by the IDO.

Downtown
When referred to as DT, the area defined by the ABC Comp Plan, as amended, as the Downtown Center. (See also Centers and Corridors Definitions, Downtown)

2. When referred to within the Mixed-use form-based zone district for Downtown (MX-FB-DT), the area within that mapped sub-zone boundary (which is slightly larger than the Downtown Center and completely includes the Downtown Center).

3. When referred to as the Downtown Neighborhood Association, indicates the area mapped in Section 14-16-2-7.2.B.2 (Downtown Neighborhood Area – CPO-2).

Dispatch Center
A facility from which vehicles for couriers, deliveries, security, locksmiths, taxis, senior services, meals-on-wheels, or similar services are dispatched. Accessory uses may include, but are not limited to, administrative offices and vehicle washing facilities.

Drainage Plan
See definition in Development Process Manual (DPM).

Drainage Report
See definition in Development Process Manual (DPM).

Drive Aisle
A private, improved, unenclosed accessway allowing vehicular access either to individual buildings or to parking space(s) within parking lots. In the case of single-family attached and multi-family dwellings, a drive aisle is an accessway shared by the residents and guests of two or more dwellings.

Drive-in Theater
An establishment including a large outdoor movie screen, a projection booth, and a large parking area for automobiles from which films projected outdoors may be seen. Accessory uses may include a concession stand.

Drive-through or Drive-up Facility
Establishments offering goods and services directly to customers waiting in motor vehicles, including, but not limited to, banks, financial institutions, restaurants, dry cleaners, and drug stores.

Driveway
An unobstructed improved area leading from the street to a garage or other allowed off-street parking area.

Dwelling Type Definitions

Dwelling Unit, Accessory
A dwelling unit that is subordinate to a principal single-family or two-family dwelling or non-residential use. When accessory to a non-residential use, an accessory dwelling unit serves as quarters for a caretaker. Accessory dwelling units may be attached to the principal dwelling, contained within the

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2124 Revised since EPC Draft per Condition #285 to reflect additional member of the Parks and Recreation Department. Revised since EPC Draft to provide a cross-reference to the IDO section that specifies membership so that this definition does not get out of sync with the IDO over time. Removed reference to “administrative” board to be consistent with the IDO, which includes the DRB as a board that makes decisions requiring a meeting or hearing.

2125 Definition added since EPC Draft per Condition #286.

2126 New definition added since Consolidated Draft. Definition revised since EPC Draft per Condition #287 for consistency with terminology used throughout the IDO.

2127 New definition added since Module 1. Added since EPC Draft per Condition #1 to change “paved” to “improved” to make clear that permeable paving is also allowable.

2128 Revised since Module 1 to include caretakers quarters. Revised since EPC Draft per Condition #1 to refer to kitchens.
existing structure of the principal dwelling, or built as a detached structure. This IDO distinguishes between Accessory Dwelling Units with and without a kitchen.

Dwelling, Cluster Development\textsuperscript{2129}
A development type that concentrates single-family or two-family dwellings on smaller lots than would otherwise be allowed in the zone district, but at the same allowable density relative to the project site, in return for the preservation of Common Open Space within the same site, on a separate lot, or in an easement.

Dwelling, Co-Housing Development\textsuperscript{2130}
A residential development with multiple single-family dwellings on an unsubdivided parcel of land that combines individually owned dwelling units with shared facilities such as: open space, parking lots or carports, gardens, recreation areas, community building(s) with a kitchen and dining area, guest room(s), meeting and activity spaces, etc.

Dwelling, Cottage Development\textsuperscript{2131}
A shared-interest residential community with multiple single-family dwellings in which small individual homes are served by shared private ways or infrastructure, and in which the development intensity is measured by the amount of gross floor area in residential dwelling units rather than the number of residential dwelling units.

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

Dwelling, Manufactured Home\textsuperscript{2132}
A structure transportable in one or more sections that is built on a permanent chassis, is designed for use with or without a permanent foundation when connected to the required utilities, and meets the construction safety standards of the federal Manufactured Housing Act of 1974. Similar structures that do not meet the construction safety standards of that Act are referred to as mobile homes and are not allowed to be installed in the City.

Dwelling, Mobile Home\textsuperscript{2133}
A transportable structure built prior to 1974 that does not meet the construction safety standards of the federal Manufacturing Housing Act of 1974.

Dwelling, Multi-family
A structure, located on a single lot, containing three or more dwelling units, each of which is designed for or occupied by one family only, with separate housekeeping and cooking facilities for each, and that does not meet the definition of a townhouse dwelling.

Dwelling, Single-family Detached
A residential building used for occupancy by one household that is not attached to any other dwelling unit through shared side or rear walls, floors or ceilings, or corner points.

\textsuperscript{2129} Edited since Consolidated Draft to provide more detail.
\textsuperscript{2130} New use since Zoning Code. Since Consolidated Draft, reference to location on unsubdivided parcels of land has been added and requirement for arranged communal services has been deleted. Definition revised since EPC Draft per Condition #288 to clarify that Co-housing developments are for single-family dwellings. Additional revisions since EPC Draft to expand the list of shared facilities commonly seen in co-housing developments in response to public comment.
\textsuperscript{2131} New use since Zoning Code. Since Consolidated Draft, reference to location on unsubdivided parcels of land has been deleted. Definition revised since EPC Draft per Condition #288 to clarify that Cottage developments are for single-family dwellings. Revised since EPC Draft per Condition #1 to remove "unsubdivided parcel of land," change roads to "ways," and delete lanes.
\textsuperscript{2132} From Sec. 14-5-1-4 of ABQ Code.
\textsuperscript{2133} New since Zoning Code.
Dwelling, Temporary
A portable dwelling, not attached to a permanent foundation, for use during temporary events or construction periods.

Dwelling, Townhouse\textsuperscript{2134}
A group of three or more dwelling units divided from each other by vertical common walls, each having a separate entrance leading directly to the outdoors at ground level. For the purposes of the IDO, this use is considered a type of single-family dwelling, whether or not the townhouses are platted on separate lots.\textsuperscript{2135}

Dwelling, Two-family Detached (Duplex)
A structure containing two dwelling units, each of which is designed for or occupied by one family only, with separate housekeeping and cooking facilities for each.\textsuperscript{2136} Each unit in a two-family dwelling is completely separated from the other by an unpierced wall dividing the two units side-to-side or back-to-front or by an unpierced ceiling and floor extending from exterior wall to exterior wall (over-under), except for a common stairwell exterior to one of the dwelling units.

Easement\textsuperscript{2137}
A legal right to use another’s land for a specific, limited purpose, typically within private ways. The purpose may include, but is not limited to, installing and maintaining stormwater drainage, water and sanitary sewer lines, fire hydrants, landscaping, and other infrastructure improvements. Easements may also be granted for open space, view protection, or other specific uses.

Electric Vehicle Charging Station\textsuperscript{2138}
A facility or area at which electric-powered or hybrid-powered motor vehicles can obtain electrical current to recharge batteries and that is accessory to a principal use of the property. Can be incidental to any allowable use in any zone district.

Electromagnetic Interference\textsuperscript{2139}
Disturbance caused by intruding signals or electrical current.

Emergency Shelter
A facility that provides sleeping accommodations for six or more persons for a period not normally exceeding 30 consecutive days, with no charge or a charge substantially less than market value; it may provide meals and social services. Included in the Group Home use in Use Table 3-2-1.\textsuperscript{2140}

Entertainment, Indoor\textsuperscript{2141}
Entertainment and recreational facilities located inside an enclosed building, including climbing gyms, baseball batting cages, bowling alleys, miniature golf course, swimming pools, skating rinks, tennis clubs, velodromes, game arcades, shooting ranges, and other uses not listed separately in Table 3-2-1 (Use Table).

Entertainment, Outdoor\textsuperscript{2142}
An outdoor facility whose main purpose is to provide entertainment or recreation, with or without charge, including amusement parks, batting cages, golf driving ranges, miniature golf courses, go-cart tracks, target sport ranges, skating rinks, skateboard parks, swimming pools, tennis courts, sports courts, water parks, private zoos, and similar uses not listed separately in Table 3-2-1, but not including auto or horse race tracks. See also Drive-in Theater.

\textsuperscript{2134} Merged two definitions for this term since Consolidated Draft.
\textsuperscript{2135} Revisions since EPC Draft per Condition #1 to clarify terms used in the IDO.
\textsuperscript{2136} Revised since EPC Draft per Condition #1 to remove reference to the two units being on a single lot.
\textsuperscript{2137} Revised since Consolidated Draft to reconcile conflicting definitions. Last sentence added since EPC Draft per Condition #290. References to public rights-of-way deleted per EPC Condition #291.
\textsuperscript{2138} New definition added since Module 1.
\textsuperscript{2139} Existing definition added since Module 1.
\textsuperscript{2140} Added since EPC Draft per Condition #1 for clarity of terms used in the IDO.
\textsuperscript{2141} New since Zoning Code.
\textsuperscript{2142} New since Zoning Code. Revised since Consolidated Draft to clarify this includes private (but not public) zoological parks.
Environmental Planning Commission (EPC)
A nine-member commission appointed by the Mayor, as described in Section 14-16-5-2.5 (Environmental Planning Commission), that makes discretionary and policy decisions and recommendations about land use in the city.2143

Equestrian Facility
A facility where horses, mules, or ponies are hired, bred, shown, or boarded including accessory stables or exercise areas. Equestrian facilities are often for the display of equestrian skills and the hosting of events including, but not limited to, show jumping, dressage, and similar events of other equestrian disciplines.

Escarpment2144
Land with 9 percent slope or more that may be within the Petroglyph National Monument, other publicly-owned Major Public Open Space, or privately-owned lands.2145

Escarpment2146
Land with nine percent slope or more and considered sensitive land, where development is discouraged. The Northwest Mesa Escarpment is part of the Petroglyph National Monument, which is also designated as Major Public Open Space.

Establishment2147
A place of business, industry, institutional, or philanthropic activity, with its furnishings and staff.

Event Facility
A publicly or privately owned building devoted to the assembly of people for social, professional, or recreational activities such as meetings, weddings, or conferences.

Existing Vertical Structure
See Wireless Telecommunication Facility Definitions – Existing Vertical Structure.

Extraordinary Facilities in Major Public Open Space2148
Facilities within Major Public Open Space other than trails, fencing, signs, incidental parking lots, access roads, and infrastructure not visible on the surface that are primarily for facilitating recreation, relaxation, and enjoyment of the outdoors and that require additional review by the Open Space Advisory Committee and EPC per the Facility Plan for Major Public Open Space. Extraordinary Facilities may include utility structures, Wireless Telecommunications Facilities, or buildings.

Exterior Appearance
The visual character of all outside surfaces of a structure, including the kind and texture of the signs, light fixtures, steps, or appurtenant elements.

Façade2149
The exterior wall of a building set parallel to a lot line bordering a public right-of-way or clearly visible from a public right-of-way.

Facility Plans2150
Plans that are specialized in subject matter. They normally cover only one type of utility or public facility, such as electric facilities or Major Public Open Space. Such plans address the entire metropolitan area or

2143 Revised since Consolidated Draft to refer to land use role.
2144 Existing definition from Volcano Cliffs SDP added since Module 3.
2145 Existing definition broadened since EPC Draft to include other segments of escarpments that would be covered by the prohibition on free-standing Wireless Facilities and consideration of Sensitive Lands provisions during the subdivision process.
2146 Existing definition from Volcano Cliffs SDP added since Module 3. Revised since EPC Draft per Condition #289 for consistency with the term as used throughout the IDO, such as the prohibition on free-standing Wireless Facilities and consideration of Sensitive Lands provisions during the subdivision process.
2147 Added since Consolidated Draft.
2148 Revised since Consolidated Draft.
2149 Existing definition added since Module 1 and revised since Module 2.
2150 Revised since Consolidated Draft.
city, or at least a major part of it. These plans specify important development standards, as well as
general site locations and multi-year programs for facility capital improvements.

**Fair, Festival, or Theatrical Performance**
An organized event or set of events, including but not limited to musical performances or plays, usually
happening in one place for a designated period of time with its own social activities, food, or ceremonies
and accessory sales of retail goods.

**Fairgrounds**
An area where outdoor fairs, circuses, or exhibitions are held.

**Family**
For the purposes of this IDO, the term family may be defined as any of the following individuals or groups:
1. An individual.
2. Two or more persons related by blood, marriage, legal guardianship, or adoption, plus household
staff.
3. Any group of not more than five persons living together in a dwelling.
4. Any group of five persons or more that has a right to live together pursuant to the federal Fair
Housing Act Amendments of 1988 (or as amended), as interpreted by the courts.

**Family Care Facility**
An occupied dwelling used for 24-hour care of one or two residents who are not relatives of the resident
family and not under court ordered guardianship of a member of the resident family. This type of facility
must be licensed as a Family Care Home by the state and provide services as outlined for Adult
Residential Shelter Care or Board and Care Homes in New Mexico Health and Environment Department
regulations.

**Family Home Daycare**
An occupied dwelling in which a person provides, for remuneration, care for at least four but not more
than 12 children on a regular basis for less than 24 hours per day. The resident provider's children who
are age six or more shall not be counted for this definition.

**Farmers Market**
An occasional or periodic market held in a designated area where groups of individual sellers offer for
sale to the public items such as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and
food and beverages dispensed from booths located on-site.

**Fenestration**
The arrangement and proportioning of doors and windows in a building.

**Filming Events**
Any event with a permit to perform specified filming from the Albuquerque Film Office.

**Fire Station**
A public facility where fire engines and other equipment are housed and from which calls for emergency
fire responses are handled.

**Flood-Related Definitions**
The City’s flood protection regulations are included in Article 14-5 of ROA 1994 (Flood Hazard and
Drainage Control). If there is a conflict between these general definitions and the definitions in Article 14-5,
the definitions in Article 14-5 shall apply.

**Floodway**
The channel of a river, arroyo, or other watercourse and the adjacent land areas that must be
reserved in order to discharge the base flood.

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2151 Existing definition added since Module 1. Subsection 4 added to avoid unintentional violations of the FHAA.
2152 Revised since EPC Draft per Condition #1 for clarity and appropriate language.
2153 Existing definition added since Module 1.
Floodplain
Any land susceptible to being inundated by water from any source.

Flood Fringe
The area between the floodway and the boundary of the 100-year flood.

Footcandle\textsuperscript{2154}
A unit of illumination of a surface that is equal to one lumen per square foot. For the purposes of these regulations, footcandles shall be measured at a height of three feet above finished grade by a digital light meter.

Footlambert\textsuperscript{2155}
A unit of luminance equal to \(1/\pi\) candela per square foot or 3.426 candela per square meter.

Framework Plan\textsuperscript{2156}
A plan that accompanies applications for the creation of a PC zone district that describes, in general terms and without engineering level detail, proposed land uses (based on definitions in this IDO); proposed maximum and minimum intensities of development for each development phase or area; and the location, size, alignment, and connectivity of proposed automobile, bicycle, and pedestrian circulation systems; open space and/or wildlife habitat systems; and storm drainage systems and facilities.

Fraternity or Sorority
A building rented, occupied, or owned by a national or local chapter of a fraternity or sorority that is officially recognized by a college, university, or other educational institution as a residence for students at that college, university, or other educational institution.

Freight Terminal
A property or building used primarily for the temporary parking of trucks of common or contract carriers during loading or unloading and for receiving and dispatch of freight vehicles, including necessary warehouse space for storage of transitory freight. Accessory uses may include, but are not limited to, a truck wash.

Front Façade\textsuperscript{2157}
The building plane that faces the street. It is typically located at the front setback line and also typically contains the front door. Where there are multiple front façade planes, the one with the greatest massing is considered to be the front façade plane. For the purposes of determining setbacks and allowable wall heights, the front façade includes the imaginary plane that extends across the entire property in alignment with the building’s front façade. For the purposes of measuring a second story setback in regulated areas, each plane should be independently considered to determine the relevant setback for that portion of the building.

Game Arcade
Any commercial building in which there are more than three amusement game machines on the premises that are available to the public. An arcade may contain commercial recreational machines or games otherwise allowed in the state of New Mexico (beyond amusement game machines).

Garage or Yard Sale
The occasional sale of household good from a residential premises to the public, but not including the sale of new or used commercial goods not previously used as household goods by the individuals conducting the sale or goods purchased by the household specifically for resale.

\textsuperscript{2154} New definition added since Module 1.
\textsuperscript{2155} New definition added since Module 1.
\textsuperscript{2156} New definition added since Consolidated Draft. “Framework Plan” replaces the terms “general development plan” and “framework development plan” throughout the IDO since the EPC Draft per Condition #1 for clarity and consistency of terminology.
\textsuperscript{2157} Added since EPC Draft per Condition #1 for clarity about building design standards and setback requirements.
Garden
An area of land managed and maintained as an accessory use of land to cultivate fruits, flowers, vegetables, or ornamental plants for personal or group use, consumption, or donation.

Gated Community
A residential area where access is controlled by means of a gate, guard, or barrier that restricts access to normally public spaces such as streets and pedestrian/bike paths. A residential development with controlled access that functions as a nursing home or that offers multiple levels of care (e.g. assisted living facility) or a community residential facility is not considered a gated community.\textsuperscript{2158}

Glare\textsuperscript{2159}
The sensation produced by brightness within the field of vision that is sufficiently greater than the light level to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility.

Golf Course
A tract of land laid out with a course for playing the game of golf, including any accessory clubhouse, driving range, office, restaurant, concession stand, picnic tables, pro shop, maintenance building, shelters, restroom facility, or similar accessory use or structure. The facility may also include public trails private trails, and golf cart paths.

Grade\textsuperscript{2160}
5. The average of the approved ground levels immediately adjacent to each façade of a building, considered separately; where an earth embankment is placed against the side of a building or a retaining wall supporting a terrace is placed close to a building, grade shall be measured from the toe or bottom of the embankment or retaining wall; building floor level is irrelevant; and
6. The elevation of the finished, approved ground level at all points along a wall or fence.

Approved grade shall be no higher than the specified elevation on the grading plan approved by the City in conjunction with subdivision or site development plan approval; in the absence of such approved plans, original natural grade applies.

Gross Floor Area\textsuperscript{2161}
The total floor area, including basements, mezzanines, and upper floors, if any, expressed in square feet measured from the outside surface of exterior walls.

Group Home\textsuperscript{2162}
Any building, structure, home, facility, or place designed to help the residents adjust to the community and society in which persons reside for a period of more than 24 hours and that is intended to be used for the purpose 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. \textit{Includes Emergency Shelter}. This use is further defined as follows:

\begin{itemize}
  \item \textbf{Group Home, Small}
  A facility housing no more than 8 unrelated individuals receiving services, plus those providing services.
\end{itemize}

\textsuperscript{2158} From Coors Corridor Design Overlay Zone. Revised since EPC Draft per Condition #1 for clarity and consistency with terminology used in this IDO.
\textsuperscript{2159} New definition added since Module 1.
\textsuperscript{2160} Existing definition added since Module 1.
\textsuperscript{2161} Existing definition added since Module 1.
\textsuperscript{2162} Definition revised since Module 1. Revised since EPC Draft per Condition #1 to clarify size thresholds so they are not overlapping. Revised to specify Emergency Shelter since EPC Draft per Condition #294.
Group Home, Medium
A facility housing between 9 and 18 unrelated individuals receiving services, plus those providing services.

Group Home, Large
A facility housing 19 or more unrelated individuals receiving services, plus those providing services.

Health Club or Gym
A non-medical service establishment intended to maintain or improve the physical condition of persons that contains exercise and game equipment and facilities, steam baths and saunas, or similar equipment and facilities.

Heavy Manufacturing
See Manufacturing, Heavy.

Heavy Vehicle and Equipment Sales, Rental, Fueling, and Repair
A facility that is engaged in the sales, fueling, rental, and/or repair of heavy vehicles and equipment typically used in agricultural, transit, commercial, or industrial operations, including, but not limited to, tractors, vehicles with a gross vehicle weight of 10,000 pounds or greater, semi-trucks and/or trailers, buses, harvesters, loaders, and all tracked vehicles. Sales of parts, whether new or used, for heavy equipment and vehicles, and incidental storage of vehicles related to sales, rental, fueling, and repair are included in this use.

Height
See Measurement, Height.

Helipad
An area of land or structural surface created for and used for the landing and takeoff of helicopters or similar vertical lift aircraft, including but not limited to medical and law-enforcement helipads.

Historic Protection Overlay (HPO) Zone Definitions
For purposes of the HPO zone, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Alteration
Any construction, modification, addition, moving, or destruction which would affect the exterior appearance of a structure that has been designated a landmark or that is located in an HPO zone or that has been formally identified as worthy of preservation or for which the City has received a preservation façade easement.

Certificate of Appropriateness
Written authorization required for alteration, demolition, or new construction in certain zones as provided for in Sections 5-5.1.D (Historic Certificate of Appropriateness – Minor) or 5-5.2.D. Historic Certificate of Appropriateness – Major).

Construction
The erection of any new structure on property located within an HPO zone or within the boundaries of a landmark site.

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2163 Revised since EPC Draft per Condition #1 to remove overlapping thresholds.
2164 Definition moved to Manufacturing, Heavy to cluster Manufacturing use definitions since EPC Draft per Condition # 274 for clarity.
2165 Revised since Module 3 to include fueling. Revised since Consolidated Draft to include transit vehicles and incidental storage.
2166 Re-alphabetized to be near other definitions of measurement since Consolidated Draft.
2167 Reference to medical and law enforcement added since Module 2.
2168 Revised since Consolidated Draft to match current practice and fact that CPOs are now reviewed by EPC, not LC.
2169 Two competing definitions reconciled since Consolidated Draft.
Demolition
The complete removal of a structure located within an HPO zone or within the boundaries of a landmark site.

Demolition Permit
The permit issued by the City for the demolition of a structure, excluding a permit issued solely for the demolition of the interior of a structure.

Exterior Appearance
The visual character of all outside surfaces of a structure, including the kind and texture of the signs, light fixtures, steps, or appurtenant elements.

Historic Protection Overlay (HPO) Zone
Any area designated under the authority of the IDO as an HPO zone. HPO zones provide regulations to protect and enhance the character of areas designated as historic by the City.

Landmark
Any real property designated as a landmark structure or site pursuant to Section 14-16-5-5.3.C (Adoption or Amendment of HPO Zone or Designation of a Landmark Site or Structure).

Landmarks Commission2170
The City Landmarks Commission as created by Section 14-16-5-2.8 (Landmarks Commission) to review and recommend decisions about potential historic zones or landmarks.

Structure
See Structure.

Home Occupation2171
An activity that is carried on for commercial or philanthropic purposes in a residential dwelling unit and that is clearly secondary to the use of the structure as a residential dwelling.

Hospital
An establishment that provides diagnosis and treatment, both surgical and nonsurgical, for patients who have any of a variety of medical conditions through an organized medical staff and permanent facilities that include inpatient beds, medical services, and continuous licensed professional nursing services. This definition includes any facility licensed by the state as a general, limited, or special hospital.

Hotel or Motel
A building or a group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental for temporary occupancy by persons on an overnight basis, not including Bed and Breakfast establishments or a Boarding House, which are regulated separately per this IDO.

Independent Living Facility2172
Multi-family housing associated with either an assisted living facility or nursing home as part of a continuing care community that allows residents to transfer to higher levels of care as needed. Independent living units may be designed and constructed as part of a central building along with other levels of care or be designed and constructed as single family attached or detached units that include their own kitchen. Such facilities may include a central or private kitchen, dining, recreational, and other residential accessory uses.

2170 Revised since Consolidated Draft to reference IDO role.
2171 Definition simplified since Consolidated Draft.
2172 Definition added since EPC Draft in response to public comment. Added to Use Table with “Assisted living facility or nursing home.”
Infill Development
An area of platted or unplatted land that includes no more than 20 acres of land and where at least 75 percent of the parcels adjacent to the proposed development has been developed and contains existing primary structures.

Infrastructure
Streets, sidewalks, electric facilities, sanitary sewer and water system facilities, drainage and flood control facilities, street lighting, and other improvements used by the public or used in common by owners of lots within a subdivision. Includes both private (owned by a non-governmental entity) and public (owned by a governmental entity) improvements.

Irrigation Facility
The system of water facilities within the MRGCD, including acequias, ditches, laterals, canals, interior drains, riverside drains, and wasteways, which convey water to irrigators or return unused irrigation water to the Rio Grande. Some facilities may also convey stormwater. The irrigation facility includes the canal that conveys the water, the maintenance road(s) along the bank top, and the sloped banks that tie back to the surrounding land. These facilities may or may not have a formal easement. See also Acequia.

Kennel
A premises on which five or more dogs or cats or combinations of dogs and cats over three months of age are kept, maintained, or boarded.

Kitchen
An area of a dwelling where there is a sink of adequate size and shape for washing dishes and food items (as opposed to washing hands) and a cooking stove, range, or oven. The presence of a sink and a hot plate or microwave does not constitute a kitchen.

Land Surveyor
A person who engages in the practice of land surveying and is registered as a land surveyor in the State of New Mexico.

Land Use Hearing Officer
The individual(s) appointed and designated by the City Council as described in Section 14-16-5-2.9 (Land Use Hearing Officer) to review and recommend decisions on appeals to the City Council.

Landscape Area
The area, optional or required, that is landscaped with living vegetative materials, such as trees, grasses, vines, spreading shrubs, or flowers. In addition, the landscape area may include natural and manufactured materials including but not limited to rocks, fountains, reflecting pools, works of art, screens, walls, fences, benches, and other types of street furniture.

2173 New definition to replace existing definition tied to 1960 city boundaries. Threshold revised from 10 acres since Module 2. Revised since EPC Draft per Condition #1 to remove phrase related to ownership as unnecessary.
2174 Revised from “lines” to “electric facilities” since EPC Draft per Condition #297 in response to agency comment. Revised since EPC Draft per Condition #1 to remove “appurtenances” as unnecessary.
2175 Existing definition added since Module 1. Definition revised since Module 2 to clarify that microwaves and hot plates are not adequate to turn a room into a kitchen.
2176 Revised since Consolidated Draft.
2177 New definition added since Module 1. Revised since EPC Draft per Condition #298 to clarify landscape areas may also include other elements beyond vegetation.
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Landscape Buffer
A required piece of land in a specific location used to physically separate or screen one land use or piece of property from another and landscaped with at least the minimum requirements specified in this IDO.

Landscaping
The planting and maintenance of live plants including trees, shrubs, ground cover, flowers, or other low-growing plants that are native or adaptable to the climatic conditions of the Albuquerque area. Includes the provision of non-vegetative materials as ornamental features to make a piece of land more attractive.

Large Retail Facility
A single tenant structure with at least 75,000 square feet of net leasable area for the purpose of retailing. A collection of buildings or establishments, each less than 75,000 square feet, linked by common walls is not considered a large retail facility.

Library
A public facility for the use and loan, but not sale, of literary, musical, artistic, or reference materials.

Light Fixture
An assembly that holds the lamp (bulb) in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.

Light Manufacturing
See Manufacturing, Light.

Light Source
The element of a lighting fixture that is the point of origin of the lumens emitted by the fixture.

Light Spillover
The shining of light produced by a light fixture beyond the boundaries of the property on which it is located.

Light Vehicle Fueling Station
The retail dispensing or sale of vehicle fuels, including but not limited to gasoline, gas/oil mixtures, diesel fuel, compressed natural gas, electricity, and hydrogen through fixed, approved dispensing equipment. Accessory uses may include car washes, the sale of convenience items, food, beverages, snacks, household necessities, lubricants, batteries, car washes, and similar accessory uses. This definition shall not include any facility meeting the definition of Light Vehicle Repair, Light Vehicle Sales and Rental, or another vehicle sales, rental, repair, or storage use; any facility providing any automotive services or repairs except battery charging, tire repairs, or oil and fluid changes; or any Liquor Retail use.

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2178 New definition added since Module 1.
2179 Existing definition from existing Development Process Manual and Section 17-14-5.B, added since Module 1. Revised since EPC Draft per Condition #298 to clarify landscape areas may also include other elements beyond vegetation.
2180 Definition added since EPC Draft per Condition #1 and #128 to clarify terms used in the IDO.
2181 New definition added since Module 1.
2182 Definition moved to Manufacturing, Light to cluster Manufacturing use definitions since EPC Draft per Condition # 274 for clarity.
2183 New definition added since Module 1.
2184 New definition added since Module 1.
2185 Last sentence revised since Consolidated Draft to avoid overlap with other definitions, including Liquor, Retail.
2186 Reference to the size of a building for accessory activities removed since EPC Draft because those activities would be considered General retail, small and are permissive primary or accessory in all zones where Light vehicle fueling stations are permissive.
Light Vehicle Repair\textsuperscript{2187}
Any facility providing for the major or minor repair and maintenance, beyond what is allowed in a light vehicle fueling station, of automobiles, motorcycles, trucks, vans, trailers, scooters, all-terrain vehicles, and similar vehicles under 10,000 pounds gross vehicle weight.

Light Vehicle Sales and Rental\textsuperscript{2188}
An establishment primarily engaged in the retail sale and/or rental of new and used automobiles, non-commercial trucks, motor homes, \textit{boats}, or recreational vehicles, including incidental outdoor display, storage, maintenance, and servicing. This use does not include outdoor vehicle storage as a primary use.

Liquor Retail\textsuperscript{2189}
A retail sales establishment licensed by the state selling packaged alcoholic liquors (including beer, wine, and spirituous liquors) for consumption off-site. Establishments that operate under a Small Brewer’s, Winegrower’s, or Craft Distiller’s license are not considered Liquor Retail. See also \textit{Tap Room/Tasting Room}.

Loading Area\textsuperscript{2190}
An area where merchandise and/or supplies are delivered and unloaded or where customers can receive goods for transport off the site.

Lot Definitions\textsuperscript{2191}

\textbf{Lot}\textsuperscript{2192}
A tract or parcel of land, exclusive of public right-of-way, that meets one of the following criteria:

1. Has been platted and placed on the Bernalillo County Clerk’s record in accordance with laws and ordinances applicable at the time.

2. Is described by metes and bounds held in separate ownership prior to June 20, 1950 or October 2, 1950,\textsuperscript{2193} as shown on the records of the Bernalillo County Assessor.

3. Is a portion of one or more platted lots, which portion was placed on the records of the Bernalillo County Assessor prior to November 16, 1973, provided such portion met all requirements of area and dimension of the zone in which it was created.

4. Has been placed in the records of the Bernalillo County Assessor pursuant to the laws of the State of New Mexico related to situations not covered by the applicable subdivision regulations in effect at that time.

\textbf{Lot Area}\textsuperscript{2194}
The area of a lot exclusive of easements for a private way or street.

\begin{footnotesize}
\begin{itemize}
\item \textsuperscript{2187} Weight limit revised from 14,000 since Module 3.
\item \textsuperscript{2188} Revised since Consolidated Draft to clarify that this includes incidental display but is not a vehicle storage use. Boats added to the list of vehicle types that can be sold as part of this use since EPC Draft per Condition #299 in response to public comment.
\item \textsuperscript{2189} Revised since Consolidated Draft to clarify that tap room/tasting room is not considered liquor, retail.
\item \textsuperscript{2190} New definition added since Module 1.
\item \textsuperscript{2191} Existing definitions.
\item \textsuperscript{2192} Consolidates existing definitions in the zoning and subdivision regulations. Revised since EPC Draft per Condition #320.
\item \textsuperscript{2193} Definition simplified to list the earlier of two dates in Zoning Code. Since Module 2, both dates from existing subdivision regulations have been reinserted, since they relate to dates on which certain county lands were annexed into the city.
\item \textsuperscript{2194} Existing definition added since Module 1.
\end{itemize}
\end{footnotesize}
Lot, Corner
A lot located at the intersection of and having frontage on two or more streets.

Lot, Through
A lot having frontage on two separate parallel or approximately parallel dedicated public streets.

Lot Line, Front
A legal boundary of a lot bordering on a street. For the purpose of determining setback requirements on a corner lot, the side with the street number address is the front lot line. For a through lot, the property owner may designate which of the two lot lines is the front lot line.

Lot Line, Rear
A legal boundary that is opposite and most distant from the front lot line. In the case of an L-shaped or other irregularly shaped lot where two or more lines are so located all are considered rear lines, except those that are within 50 feet of the front lot line. In the case of a lot that comes to a point at the rear, the rear lot line is the imaginary line parallel to the front lot line, not less than 10 feet long, lying wholly within the lot, and farthest from the front lot line.

Lot Line, Side
A lot line that is not a front lot line or a rear lot line.

Lot Width
The length of a straight line between the mid-points of each of the side lot lines, or between an interior side lot line and a corner street frontage lot line that is not the front lot line.

Lumen
A quantitative unit measuring the amount of light emitted by a light source. A lamp is generally rated in lumens.

Luminance
The brightness of an object, expressed in terms of footlamberts, determined from a point five feet above grade on another premises or the public right-of-way, but no closer than 20 horizontal feet from the object measured.

Main Street
See Centers and Corridors, Main Street.

Major Public Open Space
See Open Space, Major Public.

Major Transit
See Centers and Corridors, Major Transit.
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Manufacturing Definitions

Manufacturing, Artisan
Application, teaching, making, fabrication, compounding, processing, assembling, or treating of crafts or products by an artist, artisan, or craftsperson either by hand or with minimal automation, which may include direct sales to consumers. This use includes uses such as small-scale fabrication, manufacturing, and other industrial uses and processes typically not allowed in non-industrial zone districts including but not limited to welding, sculpting, and creation of products from stone, clay, ceramic, metal, textiles, wood, paper, plastic, electronics, or similar materials.

Manufacturing, Heavy
The assembly, fabrication, or processing of goods and materials using processes that ordinarily have greater than average impacts on the environment or that ordinarily have significant impacts on the use and enjoyment of other properties in terms of noise, smoke, fumes, odors, glare, or health or safety hazards.

Manufacturing, Light
The assembly, fabrication, or processing of goods and materials, including growing food or plants in an indoor structure, using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place, where such processes are housed entirely within a building. This use does not include any use that meets the definition of Heavy Manufacturing or Special Manufacturing.

Manufacturing, Special
An establishment or business that uses hazardous inputs or creates hazardous by-products, as defined by federal regulation, in the course of manufacturing, assembly, fabrication, or materials treatment, or that uses manufacturing, assembly, fabrication, or treatment processes that create potentially hazardous impacts including but not limited to explosions or leakage of nuclear or electromagnetic radiation into the environment or surrounding areas.

Massing
The overall composition of the exterior of the major volumes of a building and their relationship to each other in a sequence in the overall design of the building or structure.

Master Plan
For the purposes of this IDO, a Rank 3 Plan developed and approved by an implementing City department to guide the development, maintenance, and operation of individual public resources or facilities. For the purposes of the State Constitution, the Master Plan is a duly adopted plan or any of its parts for the development of an area within the planning and platting jurisdiction of a municipality for the general purpose of guiding and accomplishing coordinated, adjusted, and harmonious development. In the case of the City and Bernalillo County, this Master Plan is the ABC Comp Plan.

Maximum Extent Practicable
No feasible or prudent alternative exists, as determined by the relevant decision-making body, after the applicant has taken all possible steps to comply with the standards or regulations and to minimize potential harmful or adverse impacts. Constraints to compliance that are self-imposed, such as through a...
particular platting proposal when other options are feasible, shall not be considered sufficient justification. Economic considerations may be taken into account but shall not be the overriding factor.

Measurement Definitions\textsuperscript{2210}

Measurement, Building Height\textsuperscript{2211}
The vertical distance above the grade at each façade of the building, considered separately, to the highest point of the coping of a flat roof; to the deck line of a mansard roof; or to the average height between the plate and the ridge of a gable, hip, or gambrel roof. The height of a stepped or sloped building is the maximum height above grade of any distinct segment of the building, which segment constitutes at least 10 percent of the gross floor area of the building.

Measurement, Corridor Area\textsuperscript{2212}
Lots within a specified distance of the centerline of a Corridor designated in the ABC Comp Plan, as amended. Where the specified distance crosses a lot line, the entire lot is included in the Corridor Area. See measurements for Corridors below:

\textbf{Measurement, Main Street (MS) Area}
Lots within 660 feet (1/8 mile) of the centerline of a Main Street Corridor as designated by the ABC Comp Plan, as amended.

\textbf{Measurement, Major Transit (MT) Area}
Lots within 1/8 mile (660 feet) of the centerline of a Major Transit Corridor as designated by the ABC Comp Plan, as amended.

\textbf{Measurement, Premium Transit (PT) Area}
Lots within 660 feet (1/8 mile) of a transit station with transit service of 15 minute or greater frequency on a Premium Transit Corridor as designated by the ABC Comp Plan, as amended. Development standards associated with the Premium Transit designation apply once the station locations have been identified and funding for the transit service and any associated streetscape improvements has been secured.

Measurement, Distance for Notification or Appeals\textsuperscript{2213}
Excludes public rights-of-way.

Measurement, Separation of Uses\textsuperscript{2214}
In all instances where the IDO requires a separation of uses, use districts, lots, or buildings, such distance shall be measured in a geometrically straight line using a scaled map, or a survey if necessary, unless otherwise specifically provided for in the IDO. This line shall be measured to run from the nearest point on the nearest lot line or the lot or lots upon which the regulated use is located to either the nearest point on the nearest lot line of the lot or lots upon which a use is located from which the regulated use is required to be separated or the nearest point on the nearest boundary of the zone district from which the regulated use is required to be separated, whichever terminal point is applicable. Such measurement shall be made without regard to any intervening structures, objects, uses, the street grid, landforms, waterways, or any other topographical features.

\textsuperscript{2210} New definitions since Consolidated Draft.
\textsuperscript{2211} Existing definition added since Module 1. Exceptions for certain building features are now included in Section 14-16-4-1.
\textsuperscript{2212} Section on measurement for Corridor areas added since EPC Draft per Condition #282. Definitions for MS and PT areas revised for clarity and consistency, and MT area added.
\textsuperscript{2213} Added since Consolidated Draft to clarify difference in measurement methods from those associated with Separation of Uses.
\textsuperscript{2214} Currently titled “Measurement”.
Measurement, Setback\textsuperscript{2215}
The shortest distance between a structure and a lot line. In the case of setback from Irrigation Facility, the measurement is taken from the toe of slope the structure or the structure to the lot line, whichever is greater.

Measurement, Structure Height\textsuperscript{2216}
The vertical distance above grade of the highest point on a structure that is not a building, but not including decorative or incidental features – such as fence posts – that do not extend more than 10 percent of the length of any side of the structure or occupy more than 10 percent of the ground coverage of the structure.

Measurement, Wall Height\textsuperscript{2217}
For a perimeter wall along the front lot line, wall height shall be measured from the grade on the public side of the wall. For other perimeter walls along other lot lines or for walls between the front lot line and the front façade of the primary structure, wall height shall be measured from the grade on the side of the wall that provides the taller wall height.

Medical or Dental Clinic
An establishment where patients who are not lodged overnight are admitted for examination and treatment by a group of licensed health care practitioners, dentists, or licensed health care practitioners and dentists in practice together.

Metropolitan Redevelopment Area\textsuperscript{2218}
An area that has been designated for targeted initiatives, incentives, or public and/or private investment in order to promote the repurposing or expansion of existing structures to accommodate new economic uses, or to promote the demolition, remediation, and/or redevelopment of sites to accommodate new economic uses.

Mobile Food Unit\textsuperscript{2219}
Any wagon, truck, push cart, or vehicle self-propelled or otherwise movable from place to place from which any person sells, offers for sale, or gives away, beverages, food, or any food product for human consumption.

Mobile Vending Cart
A mobile structure that has functional wheels and at least one axle, used for the sale of goods including but not limited to food, raw produce, flowers, arts, and crafts.

Model Home
A dwelling or dwelling unit representative of other dwellings or units offered for sale or lease or to be built in an area of residential development. A model home may be used as a residential real estate sales office for the development in which it is located before occupancy by a household.

Monument\textsuperscript{2220}
See definition in Development Process Manual (DPM) relating to the surveying of property. The Petroglyph National Monument includes lands owned and managed by the National Park Service and City Parks and Recreation Open Space Division. See also Escarpment.

\textsuperscript{2215} Existing definition added since Module 1. Definition revised to delete reference to future street line, since the Future Street Line Ordinance is no longer in effect. Last sentence added since Consolidated Draft.
\textsuperscript{2216} Added since Consolidated Draft.
\textsuperscript{2217} Existing wording revised and clarified to protect street character and adjacent properties from overheight fences. A variety of individual fence measurement rules in individual SU-2 regulations were not carried over. Definition moved from Section 4-6.9 (Walls and Fences) and revised slightly for clarity since EPC Draft per Condition #179.
\textsuperscript{2218} Definition simplified. Definition revised since Module 2. Term renamed and definition revised since Consolidated Draft.
\textsuperscript{2219} Added since Consolidated Draft.
\textsuperscript{2220} Existing definition replaced with a cross-reference to DPM. Definition revised since Consolidated Draft to refer to surveying and to the Petroglyph National Monument.
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Mortuary
An establishment in which the dead are prepared for burial or cremation, the body may be viewed, and funeral services are sometimes held.

Multi-Use Trail
A path physically separated from motorized vehicle traffic by an open space or barrier and constructed within the street right-of-way or within an independent right-of-way, including shared-use rights-of-way or utility or drainage easements that permits more than one type of non-motorized use. Multi-use trails are typically paved.

Municipal Lien or Lien
A statutory lien against land for the estimated cost of construction of required infrastructure or improvements by the applicant, Developer, or Subdivider, which is recorded and enforced in accordance with Chapter 3, Article 36 NMSA 1978 or such other method prescribed by law.

Museum
A facility open to the public, with or without charge, for the collection and display of paintings, sculpture, textiles, antiques, other works of art, or similar items.

Natural Grade
Grade based on the original site contours, prior to any grading. See also Grade.

Natural Resource Extraction
The extraction and or refining of dirt, minerals, sand, gravel, and ores, from their natural occurrences on affected land and transportation of extracted materials to locations off-site.

Net Lot Area
For purposes of calculating landscaping requirements, the total area of the lot minus the following:

1. The area of the lot covered by buildings;
2. The portions of the lot that are not required for off-street parking or a parking lot and that are fully screened from view form any abutting lot or public right-of-way by an opaque wall or fence at least six feet high, in which no landscape will be required except required buffer landscaping; chain link fence with slats does not constitute acceptable full screening;
3. The area of any approved landscape that the property owner installs and maintains in the abutting public right-of-way, exclusive of the area of any existing or planned public sidewalk.

Nightclub
An establishment dispensing liquor in which music, dancing, or entertainment is provided, but not including any “Adult Entertainment” use.

Non-commercial Vehicle
A motor vehicle used in the conduct of normal daily activities that has a gross vehicle weight rating of not more than 10,000 pounds and can be lawfully parked in a standard 8.5 feet by 20 feet parking space. The term includes motor vehicles commonly called motorcycles, automobiles, vans, sport utility vehicles, light trucks, or pickups.

Nonconformity Definitions
Nonconforming Lot
A lot that was lawfully created but does not conform to the lot size, lot dimension, or other requirements of this IDO related to the lot.

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2221 Text revised to apply to developments other than subdivisions, and to improvements other than infrastructure.
2222 Added since EPC Draft per Condition #292 to reflected adopted amendment to the NWMEP via R-16-27.
2223 New definition added since Module 1. From newly adopted Landscaping Regulations Section 14-16-3-10.
2224 Revised since Consolidated Draft to remove reference to serving meals.
2225 Definitions clustered since EPC Draft per Condition #1 for clarity and consistency.
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Nonconforming Structure\textsuperscript{2226}
A structure that does not conform to the IDO requirements for structures in the zone district where it is located, for reasons other than the use of the structure, but that did not violate those requirements at the time the structure was constructed. By way of example: a nonconforming structure could be one that violates height, setback, aesthetic, or form requirements.

Nonconforming Use\textsuperscript{2227}
A use of a structure or land that does not conform to the IDO requirements for land uses in the zone district where it is located, but that was an approved use at the time the use began.

Nonconformity\textsuperscript{2228}
A structure, use, lot, sign, or site feature that does not conform to applicable zoning but that did conform with applicable zoning in effect at the time it was built or developed.

Nursery
A primary use of land in which the predominant activity is the growing of plants for wholesale or retail sales, which may take place outside or in greenhouses. Outdoor sales of plants are allowed.

Nursing Home\textsuperscript{2229}
Facilities primarily engaged in providing shelter, food and intermediate or long-term medical and health related care for individuals. This definition includes facilities providing in-patient care for individuals suffering from a terminal illness. Support services typically include commercial level kitchens with shared dining facilities for residents; medical services with personnel that provide assistance with medication, administration, dressing, bathing, and social activities; activity rooms; indoor recreational amenities; gift shops; hair salons; administrative offices; laundry services; worship space; overnight guest units for short term visitors; and other residential accessory uses.

Office\textsuperscript{2230}
Establishments providing executive, management, administrative, professional services, consulting, record keeping, or a headquarters of an enterprise or organization, but not including the on-premises sale of retail goods, or any use included in the definition of personal or business services.

Open Air Market
Open air sales of new retail goods, produce, and/or handcrafts; incidental sales of food and beverages is allowed.

Open Space Definitions\textsuperscript{2231}
Open Space
In lowercase letters, a generic term for any outdoor space or amenity intended to retain access to open air and sunlight, regardless of location, ownership, or management responsibility. Open space is required through various means in order to provide a psychological and physical respite from development densities. Healthy places balance density vs. openness, urban vs. natural environments. For City-owned open space, see Open Space, Major Public.

\textsuperscript{2226} Revised for clarity and to remove references to SDPs.
\textsuperscript{2227} Revised for clarity and to remove references to SDPs.
\textsuperscript{2228} Definition revised to address all forms of nonconformities, and for clarity.
\textsuperscript{2229} Although listed as one use type in Use Table, Assisted Living Facility and Nursing Home are defined separately. Revised since EPC Draft to add reference to a list of compatible uses often associated with assisted living and the category of uses - ‘other residential accessory uses’ in response to public comment.
\textsuperscript{2230} Last clause added for clarity since Consolidated Draft.
\textsuperscript{2231} New since Consolidated Draft. Definition for detached open space deleted since EPC Draft per Condition #1 because the term is not used in the IDO.
Open Space, Common\textsuperscript{2232}  
The area of undeveloped land within a Cluster Development that is set aside for the use and enjoyment by the owners and occupants of the dwellings in the development and includes agriculture, landscaping, on-site ponding, or outdoor recreation uses. The Common Open Space is a separate lot or easement on the subdivision plat of the Cluster Development.

Open Space, Major Public\textsuperscript{2233}  
Publicly-owned spaces managed by the Open Space Division of the City Parks and Recreation Department, including the Rio Grande State Park (i.e. the Bosque), the Petroglyph National Monument, and the Sandia foothills. These are typically greater than five acres and may include natural and cultural resources, preserves, low-impact recreational facilities, dedicated lands, arroyos, or trail corridors. The adopted Facility Plan for Major Public Open Space guides the management of these areas. For the purposes of this IDO, Major Public Open Space located outside the city municipal boundary still triggers Major Public Open Space Edge requirements for properties within the city adjacent to or within the specified distance of Major Public Open Space.

Open Space, Usable\textsuperscript{2234}  
Outdoor space to be preserved on-site and managed privately to help ensure livable conditions on each site by providing light and air and meeting visual, psychological, and recreational needs. These areas can be used for a variety of purposes, such as landscaped medians, buffers, or setbacks; plazas, patios, courtyards, or balconies; or community gardens. Usable open space may include, but is not limited to, lawns, decorative plantings, native plants, open balconies, rooftop decks, covered patios open on at least two sides, walkways, active and passive recreational areas, fountains, swimming pools, wooded areas, and water courses. Required drainage facilities or land within an easement for overhead utilities shall not count toward required usable open space. Usable open space does not include public right-of-way, parking lots, off-street parking, driveways, other private vehicular surfaces, or buildings other than swimming pool rooms. Such space shall be available for entry and use by the residents of the development.

Open Space, Private\textsuperscript{2235}  
Open space for passive or active recreation that is owned, managed, and maintained privately and accessible either to the public or to the residents of a subdivision and zoned at the request of the property owner as NR-PO-C. In the case of Cluster Development, Co-Housing, and Cottage Development, private open space that is created by clustering dwelling units may count as usable open space. Private open space includes, but is not limited to courtyards, playgrounds, recreational areas, trails, or undeveloped land.

Other Indoor Entertainment  
A facility providing entertainment or recreation activities where all activities take place within enclosed structures, but not including a theater, auditorium, game arcade, event center, or any other use listed separately in Table 3-2-1 (Use Table). Examples include, but are not limited to, bowling alleys and trampoline, climbing wall, paintball, or laser tag centers.

Other Outdoor Entertainment  
An area devoted to active sports or recreation such as go-cart tracks, batting cages, miniature golf, archery ranges, or any similar outdoor use not listed separately in Table 3-2-1 (Use Table).

Other Pet Services  
A facility providing care and services for household pets, such as animal grooming, training, or day care but which is not listed separately in Table 3-2-1 (Use Table).

\textsuperscript{2232} New since Consolidated Draft.  
\textsuperscript{2233} Revised since EPC Draft per Condition #303 to clarify what is considered Major Public Open Space for the purpose of provisions in this IDO.  
\textsuperscript{2234} Revised since Consolidated Draft and re-organized to be with other open space definitions. Rooftop decks added since EPC Draft per Condition #302 in response to public comment.  
\textsuperscript{2235} New definition since Consolidated Draft.
Other Uses Accessory to a Non-residential Primary Use
A land use that is subordinate in use, area, or purpose to a Primary non-residential land use on the same lot, serving a purpose naturally and normally incidental to such principal land use, and that is not listed separately in Table 3-2-1 (Use Table).

Other Uses Accessory to a Residential Primary Use
A land use that is subordinate in use, area, or purpose to a principal residential land use on the same lot and serving a purpose naturally and normally incidental to such principal land use and that is not listed separately in Table 3-2-1 (Use Table). For residential uses other than multi-family dwellings, this use includes, but is not limited to, community buildings, recreation centers, tennis courts, game rooms, swimming pools, and facilities for storage, recreation, hobbies, and gardening, that are operated by a Home Owners Association or an entity associated with the owners of residential dwelling units served by the accessory use. For multi-family developments, this includes, but is not limited to, convenience item sales, personal-service shop, concierge/doorman services, swimming pools, tennis courts, recreation facilities, game rooms, and similar uses for the use and enjoyment of the residents of the multi-family or group living development.

Outdoor Animal Run
An area for the temporary outdoor containment of animals.

Outdoor Storage
The keeping, in an unroofed area of any goods, material, or merchandise in the same place for more than 24 hours, but not including any storage activity or use of land listed separately in Table 3-2-1 (Use Table).

Outdoor Vehicle Storage
The keeping, in an unroofed area, of motor vehicles or equipment not used for transportation purposes on an active, regular, or continuing basis, generally for a period of one week or more, whether or not the motor vehicle is titled, licensed, or operable, either as a primary use or accessory use, but not including a salvage yard.

Park-and-Ride Lot
An area or structure intended to accommodate parked vehicles where commuters park their vehicles and continue travel to another destination via public transit, carpool, vanpool, or bicycle. This use may be a operated in a parking area owned or operated by a third party with the consent of that party, but spaces used for this use may not be counted toward required off-street parking spaces required for any primary or accessory use operated by the third party.

Park-and-Ride Temporary Facilities
The temporary provisions of parking for transit customers using service provided by the municipal transit agency in conjunction with a temporary civic use, including but not limited to the New Mexico State Fair and the International Balloon Fiesta. The use may include a ticket booth, portable restrooms, lighting, concession stand, and barriers contributing to traffic management.

Parking Garage
A structure or part of a structure designed to accommodate vehicle parking spaces that are fully or partially enclosed, but not including a parking structure that is located underground or within the outer building envelope of another building. Parking garages are typically associated with Residential development. See also Parking Structure and Development, Residential Development.

Parking Lot
An outdoor area or space for the parking of motor vehicles, including any spaces, aisles, and driveways necessary for the function of the parking lot or for the convenience of patrons. A primary use parking lot is one that is operated as a freestanding facility on a lot where no primary building and no other primary

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2236 Revised since EPC Draft to refer to group living to allow these accessory uses in senior living communities, including nursing homes, assisted living, and independent living communities.
2237 Revised definition since Zoning Code. Revised definition since Module 3. Definition revised to clarify that joint use is permissive. Reference to normal commuting hours removed since Module 3.
2238 Revised definition since EPC Draft per Condition #1 to distinguish residential parking garages from parking structures typically associated with mixed-use and non-residential development.
2239 Definition revised to clarify difference between primary use and accessory parking lots.
land use exists, and for which a fee for parking may be charged. An accessory parking lot is one that is located on a lot where another primary building or land use exists, and that is used primarily to provide parking for one or more of those primary buildings or uses.

**Parking Space**\(^{2240}\)

An off-street storage area for the parking of one motor vehicle. See Development Process Manual (DPM) for dimensional standards.

**Parking Structure**\(^{2241}\)

A structure or part of a structure designed to accommodate vehicle parking spaces that are fully or partially enclosed, but not including a parking structure that is located underground or within the outer building envelope of another building. Parking structures are typically associated with Mixed-use and Non-residential development. See also Parking Garage and Development, Mixed-use Development and Non-residential Development.

**Parks**\(^{2242}\)

Privately or publicly owned land that is maintained for active or passive recreational use for the use and enjoyment of the general public or the residents or occupants of a development. This use includes parks and designated special use areas. Lands are characterized primarily by natural areas, large areas consisting mostly of vegetative landscaping or areas improved for outdoor sports and recreation. Structural improvements are generally limited to those that facilitate the use of the land as park. Accessory uses may include playgrounds, maintenance facilities, swimming pools, restrooms and dressing rooms, concessions, caretaker’s quarters, and parking.

**Pavement Width**

See definition in Development Process Manual (DPM).

**Pawnbroker**\(^{2243}\)

Any establishment engaged in the business of lending money on the deposit or pledge of personal property; the purchase of personal property with the expressed or implied agreement or understanding to sell it back at a stipulated price; or engaged in the business of purchasing items of gold, silver, platinum or other precious metals or gems and reselling the product.

**Pedestrian-Oriented Areas**

Areas that are intended primarily to provide access, amenities, or space for services that benefit people on foot. They include, but are not limited to, sidewalks, walkways, multi-use trails, transit stops, spaces for outdoor seating or vending, plazas, parks, and public facilities associated with City Open Space.

**Pedestrian-Scale Lighting**

Lighting in pedestrian areas not to exceed 16 feet in height that allows people to see and be seen from a distance of 40 to 60 feet.

**Pedestrian Walkway**

A sidewalk located on a private property.

**Permeable Pavement**\(^{2244}\)

Pavement materials including pervious asphalt and concrete, interlocking pavers, modular pavers, and open-celled paving, or similar materials that allow the infiltration of water below the pavement surface and that meet the requirements of the City Engineer. Gravel, turf, or other materials that are not part of a structured system designed to manage stormwater shall not be considered permeable pavement.

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\(^{2240}\) New definition.

\(^{2241}\) Revised definition since Zoning Code. Revised since EPC Draft per Condition #1 to distinguish residential parking garages from parking structures typically associated with mixed-use and non-residential development.

\(^{2242}\) Definition revised since Module 3 to remove references to open space.

\(^{2243}\) Incorporates language from definition found in ABQ Code Sec. 13-6-3.

\(^{2244}\) Existing definition added since Module 1.
Person
An individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

Personal and Business Services
Establishments providing services to individuals or businesses for profit, including but not limited to: bail bond providers, beauty and barber shops, shoe repair, tailor/alterations shops, tattoo parlors, taxidermy services, electronic data processing, and employment service; mailing, addressing, stenographic services; and specialty business service such as travel bureau, news service, exporter, importer, interpreter, appraiser, film library. This use is divided into two categories based on the size of the establishment (not the size of the structure):

1. Personal and Business Services, Small: An establishment with 10,000 square feet or less of gross floor area.
2. Personal and Business Services, Large: An establishment with more than 10,000 square feet of gross floor area space.

Planning Director
The chief administrative officer of the City Planning Department or his/her authorized representative or designee.

Planting Strip
Areas intended for the placement of required vegetation.

Plat
A graphic and written description of a lot or lots with survey reference ties to permanent survey monuments related to the subdivision or resubdivision of land.

Sketch Plat
A conceptual plat of a proposed subdivision used for discussion by the applicant and Development Review Board to determine suitability for subdivision.

Preliminary Plat
A tentative plat of a proposed subdivision prepared in accordance with the specifications of this IDO for presentation to the Development Review Board for action.

Final Plat
The completed subdivision plat in a form for approval and recordation.

Porch
A roofed structure that is not more than 50 percent enclosed (except for removable screens, screen doors, storm sashes, or awnings) on at least two sides, that projects from the exterior wall of a building, and that is used as an outdoor living area. If a porch extends from the front of a building or from any side of the building that faces a street, that side of the porch must be open, and the side(s) that faces the street must not be more than 50 percent enclosed (except for removable screens, screen doors, storm sashes, or awnings).

Premises
Any lot or combination of abutting or adjacent lots held in single ownership, together with the development on that lot or lots; there may be multiple occupancy.
Chapter 14-16-6: Definitions & Acronyms

**Premises, Joint Sign**\(^{2251}\)
Two or more abutting premises, each with less than 150 feet of street frontage that are combined pursuant to Section 14-16-4-10.6.E.

**Premium Transit**\(^{2252}\)
See *Centers and Corridors, Premium Transit*.

**Primary Parking Lot**\(^{2253}\)
An area of land used to provide parking, as a commercial enterprise, for four or more motor vehicles for a fee. Such parking is a primary use, not accessory to another primary use. The term does not include a commercial parking structure that is a building primarily used for the provision of parking for a fee.

**Primary Building**\(^{2254}\)
A building within which a Primary Use of the property takes place. For the purposes of the Large Retail Facility provisions, a building used for the purpose of retailing that is at least 75,000 square feet in size and dedicated to a single tenant, or a building that has one or more tenants with at least one tenant occupying at least 75,000 square feet for retail uses. A collection of smaller buildings, each less than 75,000 square feet and linked by common walls is not considered a primary building. See also *Building*.

**Primary Building Façade**\(^{2255}\)
Any building façade that faces or is within 30 feet of a public right-of-way. A building may have more than one primary building façade.

**Primary Pedestrian Entrance**\(^{2256}\)
A public entrance to a Primary Building. If there is more than one, for the purposes of provisions in this IDO, the entrance demarcated by more façade articulation, signage, landscaping, site amenities, or other design treatments shall be considered the Primary Pedestrian Entrance. If all entrances are thus demarcated, the applicant may choose which entrance shall be considered the Primary Pedestrian Entrance to satisfy any relevant requirements in this IDO.

**Private Way**\(^{2257}\)
A lot or easement that is not public right-of-way and that contains a street or alley providing access between public right-of-way and one or more lots. The term may include easements for public and private infrastructure when such are established through a suitable legal document, along with the access rights.

**Public Area**
An area of land owned by or intended to be owned by a governmental entity or over which a governmental entity enjoys an easement, whether deeded, dedicated, or otherwise acquired, and that is generally, but not required, to be used to serve the public with some service or benefit, including public infrastructure.

**Public Hearing**\(^{2258}\)
A formal meeting open to the public in which the decision-making body makes a discretionary decision based on policy in addition to regulations.

**Public Meeting**\(^{2259}\)
A meeting open to the public in which the decision-making body makes a decision based on zoning requirements, technical standards, or other regulations without the ability to make discretionary decisions.

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\(^{2251}\) Existing definition added since Module 1.
\(^{2252}\) Revised since Consolidated draft to clarify application after station locations are identified. Revised since EPC Draft per Condition #282 to clarify the definition and use of the term Corridor in the IDO. Language about application of standards associated with PT removed as redundant – addressed in the Measurement, PT area definition.
\(^{2253}\) Revised since EPC Draft per Condition #282 to clarify the definition and use of the term Corridor in the IDO. Language about application of standards associated with PT removed as redundant – addressed in the Measurement, PT area definition.
\(^{2254}\) Definition added since EPC Draft per Condition #1 to clarify terms used in the IDO.
\(^{2255}\) Definition added since EPC Draft per Condition #1 to clarify terms used in the IDO.
\(^{2256}\) Definition added since EPC Draft per Condition #1 to clarify terms used in the IDO.
\(^{2257}\) Existing definition added since Module 1.
\(^{2258}\) Definition added since EPC Draft per Condition #304 to clarify terms used in the IDO.
\(^{2259}\) Definition added since EPC Draft per Condition #304 to clarify terms used in the IDO.
Public Right-of-Way\textsuperscript{2260} 
That area of land deeded, reserved or dedicated by plat or otherwise acquired by any unit of government for the purposes of movement of vehicles, bicycles, pedestrian traffic, and/or for conveyance of public utility services and drainage.

Public Utility Structure\textsuperscript{2261} 
A structure, owned by a unit of government or by a public utility company, that is an electric switching station; electric substation operating at voltages greater than 50 kilovolts (kV); gas transfer station or border station; lift station, odor control (or chlorine) station, water well or pump station, or water reservoir; streetlight or traffic signal structure; or any other public utility structure controlled by a Facility Plan approved by the City.

Qualified Home Buyer\textsuperscript{2262} 
For purposes of regulating Family Housing Developments, a home buyer whose income is 80 percent or less of the median gross income for the city, adjusted for family size and as determined by the U.S. Department of Housing and Urban Development (HUD), and who meets other eligibility requirements as established in the rules and regulations.

Racetrack 
An outdoor facility for sanctioned competition of racing vehicles (including cars, trucks, motorcycles, and other vehicles designed for racing purposes) or for horses or dogs, on a closed circuit. In addition to a racetrack, the facility may include spectator seating (bleacher-type stands), a paddock area for support crews and maintenance, racetrack operations offices, and spectator services.

Railroad Yard\textsuperscript{2263} 
A primary use of land that includes an area and related facilities in which the predominant activity is the assembly or disassembly and loading or unloading of trains, including without limitation passenger or freight terminals, operations and maintenance shacks, train sheds, and classification yards.

Real Estate Office 
A facility or area used as a temporary office to sell or lease land or buildings or interests in land or buildings within a specified area.

Recognized Neighborhood Association 
Groups self-defined and recognized by the City pursuant to Section 14-16-5.3.5 (Neighborhood Associations), which may include, but are not limited to, neighborhood associations, homeowner associations, property owner associations, and business improvement districts.

Recreational Vehicle 
A motor vehicle or trailer equipped with living space and amenities found in a home, including, but not limited to bus campers, camper trailers, pickup campers, travel trailers, motor homes, and tiny houses.

Recycling Drop-off Bin Facility\textsuperscript{2264} 
An accessory use, structure, or enclosed area that serves as a neighborhood drop-off point for temporary storage of recyclable materials, including but not limited to paper, aluminum, glass, and plastic, but not including compost or organic materials.

\textsuperscript{2260} Carries over language from Subdivisions 14-14. Definition revised since Module 2 to combine slightly differing definitions found in the existing zoning and subdivision regulations. Reference to bicycles added since Module 2.

\textsuperscript{2261} Existing definition added since Module 1, revised to delete city ownership requirement and to add references to streetlights and traffic signals. Revised since Module 1 to replace reference to Rank 2 plan to an approved Facility Plan.

\textsuperscript{2262} Existing definition from Section 14-17 added since Module 1.

\textsuperscript{2263} Revised since Consolidated Draft to clarify that this is a primary use of land; rail sidings connected with other primary uses of land are accessory uses of that land.

\textsuperscript{2264} Revised since Consolidated Draft to incorporate recent City Council amendments to Zoning Code.
Reflective or Mirrored Glass

Glass with greater than 15 percent average daylight exterior reflectance as published by the manufacturer.

Religious Institution

A structure or place where worship, ceremonies, rituals, and education pertaining to a particular system of beliefs are held, together with its accessory buildings and uses (including buildings used for educational, recreational, philanthropic, or humanitarian activities), operated, maintained, and controlled under the direction of a religious group. Accessory uses may include school facilities, parking, caretaker’s housing, religious leader’s housing, and group living facilities such as convents or monasteries.

Residential Community Amenity

An accessory use provided for the comfort and convenience of residents of more than one unit in a multi-family dwelling, residential subdivision, or mobile home dwelling community, including but not limited to a clubhouse, exercise room, swimming pool, tennis court, community room, or laundry room, provided for the use and convenience of the residents of the community and their guests.

Resource Management Plan

Rank 3 Plans developed by the Open Space Division of the City Parks and Recreation Department to provide policy guidance on how to manage and protect natural, historic, or cultural resources and/or scenic views for individual City-owned or managed Major Public Open Space. Resource Management Plans also guide visitor uses, budgeting, and decision-making.

Restaurant

An establishment that serves food and beverages that are consumed on its premises by customers seated at tables and/or counters either inside or outside the building thereon and which may also be engaged in providing customers with take-out service of food and/or non-alcoholic beverages for off-site consumption. Sale of alcoholic beverages is controlled by other provisions in this IDO and the New Mexico State statutes regarding alcoholic drink sales.

Retail, General

An establishment providing for the retail sale of general merchandise or food to the general public for direct use and not for wholesale; including but not limited to sale of general merchandise, clothing and other apparel, flowers and household plants that are not grown on-site, dry goods, convenience and specialty foods, hardware and similar consumer goods, or other retail sales not listed as a separate use in Table 3-2-1 (Use Table), and not including any adult retail use. General retail is divided into three categories based on the size of the establishment or use (not the size of the structure):

1. General Retail, Small: An establishment with no more than 10,000 square feet of gross area.
2. General Retail, Medium: An establishment of between 10,001 and 50,000 square feet of gross area, except grocery stores which shall be no more than 70,000 square feet of gross area.
3. General Retail, Large: An establishment of more than 50,000 square feet of gross area, and grocery stores of more than 70,000 square feet of gross area.

Rock Outcropping

Bedrock or other stratum a minimum of six 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.

Salvage Yard

Any use involving storage and/or sale of inoperable, disused, dismantled or wrecked vehicles, equipment, machinery, or goods, or the storage or processing of scrap metal, wastepaper, rags, wastes, construction wastes, industrial wastes or other scrap, salvage, waste or junk materials.

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2265 Definition added since EPC Draft per Condition #1 to clarify Building Design and CPO standards.
2266 Definition added since EPC Draft per Condition #306 to clarify terms used in the IDO.
2267 Last sentence is new since Module 2.
2268 Size limit clarified and sales of plants limited to those not grown on site (to distinguish from nursery use) in response to public comment since Consolidated Draft.
2269 Definition from Section II – General Standards, Volcano Trails Sector Development Plan, added since Module 3.
School\textsuperscript{2270}
An accredited public or private institution offering a course of education recognized by the state as leading to a high school diploma or equivalent. Accessory uses may include student sports fields or facilities, playgrounds, gardens, and an accessory dwelling unit for a caretaker. This use is divided into:

1. Elementary or middle school: An educational facility for grades kindergarten through ninth grades.
2. High school: An educational facility that for grades nine through twelve.

Seasonal Outdoor Sales
The temporary outdoor or indoor display and sale of goods or products associated with the season or a cultural event, such as the sale of fireworks, Christmas trees, pumpkins, or seasonal produce, and typically occurring at a location not devoted to such sales for the remainder of the year.

Self-storage
A building consisting of individual, small, self-contained units, in a building containing more than three such storage units, that are leased or owned for the indoor storage of business and household goods or contractors’ supplies.

Separation of Uses, Measurement\textsuperscript{2271}
See Measurement, Separation of Uses.

Setback\textsuperscript{2272}
See Measurement, Setback.

Sidewalk\textsuperscript{2273}
A hard-surfaced walk or raised path and any curb ramps or blended transitions along and generally paralleling the side of the streets for pedestrians. Sidewalks do not include the curb or gutter structures.

Sighting Lines\textsuperscript{2274}
See Section 14-16-2-7.4.B.1.c (Coors Boulevard – VPO-1 Definitions).

Sign Definitions\textsuperscript{2275}
The following definitions relate to the regulation of signs in Section 14-16-4-10 and other provisions of this IDO.

Sign
Any display to public view of letters, words, numerals, figures, statues, devices, emblems, pictures, or any parts or combinations thereof designed to inform or advertise or promote merchandise, services, or activities except for the following:

1. Non-illuminated names of buildings, dates of erection, monument citations, commemorative tablets and the like when carved into stone, concrete, metal, or any other permanent type construction and made an integral part of a permitted structure or made flush to the ground.
2. Signs required by law or signs of a duly-constituted governmental body.
3. Signs placed by a public utility for the safety, welfare, or convenience of the public, such as signs identifying high voltage, public telephone, or underground cables.
4. Signs upon a vehicle, provided that any such vehicle with a sign face of over two square feet is not conspicuously parked so as to constitute a sign; nothing herein prevents such a vehicle from being used for bona fide delivery and other vehicular purposes.

\textsuperscript{2270} Incorporates language found in Sec. 13-5-1-4, and existing Sec. 13-11-4 of the ABQ Code.
\textsuperscript{2271} Currently titled “Measurement”. Re-alphabetized to be near a new definition for dimensional measurements since Consolidated Draft.
\textsuperscript{2272} Existing definition added since Module 1. Definition revised to delete reference to future street line, since the Future Street Line Ordinance is no longer in effect.
\textsuperscript{2273} New definition to replace existing definition limited to sidewalks in the public right-of-way; added since Module 1.
\textsuperscript{2274} Reorganized since Consolidated Draft to keep Coors VPO terms together.
\textsuperscript{2275} All sign terms are existing definitions added since Module 1, except as noted. Definition of special political sign deleted since EPC Draft per Condition #194 to comply with the U.S. Supreme Court decision in Reed v. Gilbert. Illustrations added since EPC Draft per Condition #305.
5. Temporary holiday decorations.
A back-to-back sign or V-shaped sign constitutes one sign if it employs a common set of supports. A composite group of signs integrated into one framed unit or compact structure constitutes one sign.

Sign, Animated
A sign that uses changes in luminance in a sequential or radial manner to produce what appears to be movement of an element of the sign, but not including an electronic sign. Flashing of a sign or flashing by its elements that are not sequential or radial changes in luminance do not qualify as animation of a sign.\textsuperscript{2276}

Sign Area
1. For free-standing and projecting signs, the area of one rectangle or of two contiguous rectangles in the same plane, drawn with horizontal and vertical lines so as to include the entire sign except sign supports. The viewpoint for calculation shall be that which gives the largest dimension to that rectangular area.
2. For building-mounted signs, except projecting signs, the area enclosed with a sign border or the sum of the areas of the minimum imaginary rectangles enclosing each word or non-verbal symbol if there is no sign border.
3. For add-on signs to off-premise signs, the area of up to two rectangles in addition to the rectangle that defines the area of the basic sign.
For all signs, ornamental sign bases without advertising elements are not included in calculations of sign area.

Sign, Building-Mounted
A sign entirely supported by or through a building, including canopy sign, marquee sign, projecting sign, roof sign, or wall sign.

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\textsuperscript{2276} From Central Avenue Neon Design Overlay Zone. Reference to neon has been deleted to cover a broader range of signs.
\textsuperscript{2277} Revised since Consolidated Draft to avoid future inconsistencies between definition and IDO text.
Sign, Electronic
Electronic display panel signs and electronic message reader board signs.

Sign, Electronic Display/Board Panel
A sign that presents information that is transmitted in various visual forms and includes types such as: flat screen, active display matrix, or any electronic display capable of displaying multiple communications, images, graphics in mono, tri and/or full color. Such displays include, but are not limited to, current and future technology such as: Light Emitting Diodes (LED), Liquid Crystal Display (LCD), Plasma Display Panels (PDP), 3D Holography, pixel or subpixel technology, other fiber optics and illumination devices within the display area. The electronic control allows for programmable, electronic changing messages used primarily for the purpose of advertising, marketing messages, and display of time-sensitive and other updatable information.

Sign, Electronic Message Reader Board
A sign with light bulbs used to display single or multiple lines of text or graphics. The horizontal columns of light produce changing messages or text by programmable electronic or mechanical processes. The sign can also use a fixed light source to provide a message in text, graphics, photos and/or symbols appearing to move or flash. Examples of electronic message boards include, but are not limited to, static monochrome price signs displaying numbers only (e.g. gas stations); changeable price signs displaying numbers and/or text, with alternating messages against a dark background (e.g. gas stations); monochrome message reader boards displaying text and/or limited graphics, with changing messages (e.g. bus stops, community centers).

Sign, Freestanding
A sign attached to or supported from the ground and not attached to a building. Signs on walls or fences that are not an integral part of a building are considered free-standing signs.

Reference to portable signs removed since EPC Draft per Condition #307 and moved to Table 4-11-2 as a regulation.
Sign Height
The vertical distance from grade to the highest point of the sign.

Sign, Historic\textsuperscript{2279}
A sign that is listed or determined to be eligible for listing in the New Mexico Register of Cultural Properties either individually or as a contributing part of a property or a sign that contributes to the historic character of a designated City landmark.

Sign, Illuminated
Any sign that is directly lighted by any on-premises electrical light source, internal or external, except light sources specifically and clearly operated for the purpose of lighting the general area in which the sign is located rather than upon the sign itself, including but not limited to luminous tubing signs such as neon signs. All electronic signs are illuminated signs.

Sign, Marquee\textsuperscript{2280}
A type of projecting sign mounted on a continuous structural band that forms the more or less vertical edge of the marquee structure.

\textsuperscript{2279} From Central Avenue Neon Design Overlay Zone.
\textsuperscript{2280} Revised since Consolidated Draft to avoid future inconsistencies between definition and IDO text.
Sign, Neon\textsuperscript{2281}  
A sign that uses neon, argon, or a similar gas to fill tubing, made of glass or similar material, that is charged with electricity and used to create an illuminated tubular sign or illuminated elements of a sign that includes, at a minimum lettering and/or images. The tubing may contain an alternative illumination technology, such as, but not limited to, light-emitting diodes (LEDs). Any non-gaseous illumination technology, such as LEDs, must produce illumination that appears to be a continuous, uninterrupted line, similar to illumination produced by gaseous illumination technology.

Sign, Off-Premises  
A sign, the content of which does not refer to a business or merchant doing business on the premises where the sign is displayed.

Sign, On-Premises  
A sign, the content of which relates to the premises on which it is located, referring exclusively to the name, location, products, persons, accommodations, services, or activities of or on those premises, or the sale, lease, or construction of those premises.

Sign, Pole\textsuperscript{2282}  
A sign attached to or supported from the ground by a single pole or post and not attached to a building.

Sign, Portable\textsuperscript{2283}  
An A-frame or sandwich board sign. A portable sign shall rest on the ground and shall not be supported by a person or animal.

Sign, Projecting  
A type of building-mounted sign, other than a wall sign or canopy sign, that projects from and is supported by a wall of a building.

\textsuperscript{2281} From Central Avenue Neon Design Overlay Zone.  
\textsuperscript{2282} Definition added since Consolidated Draft.  
\textsuperscript{2283} Existing definition added since Module 1. Limit to businesses with fewer than 10 employees was deleted. Limitations on sign content were deleted since EPC Draft per Condition #194 to comply with the U.S. Supreme Court decision in Reed v. Gilbert. Regulatory text already covered in section 14-16-4.11 deleted since EPC Draft per Condition #1 and Condition #194.
Sign, Pylon
A freestanding sign that is detached from a building and having a support structure that is a solid-appearing base constructed of a permanent material, such as concrete block or brick.

Sign, Roof
A building-mounted sign or sign segment that is higher than the roof of the building or canopy to which it is attached.

Sign, Temporary
A public display of letters, words, numerals, figures, statues, devices, emblems, pictures, etc. for a specified period of time.

Sign, Transit Shelter
A sign located on a City of Albuquerque Transit Department shelter.

Sign Transition
The visual effect and time interval between messages or images displayed on an electronic display panel or electronic message reader board.

Sign, Wall
A sign flush to the exterior surface of a building, applied directly on the building, in a window, or a signboard attached flush to the building, projecting no more than 18 inches from the building surface and not projecting above the roof. However, light sources aimed at the wall sign may extend farther.

Sign, Window
A public display of letters, words, numerals, figures, statues, devices, emblems, pictures, placed on or inside a window that is discernible from a minimum of 3 feet away.

Site Plan
An accurate plan that includes all information required for that type of application, structure, or development by the Development Process Manual.

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2284 Term and definition added since EPC per Condition #1 for consistency with edits in other sections that carried over adopted sign provisions for pylon signs in the Nob Hill SDP.

2285 Definition added since Consolidated Draft. Limitations on sign content were deleted since EPC Draft per Condition #194 to comply with the U.S. Supreme Court decision in Reed v. Gilbert.

2286 Existing definition revised and replaced by cross-reference to DPM.
Sketch Plat
A plan for a subdivision showing general building and parking locations and specifying design requirements for buildings, landscaping, lighting, and signage.

Small Loan Business 2287
Any business requiring licensure under the New Mexico Small Loan Business Act, NMSA 1978 Sections 58-15-1 through 58-15-39, including but not limited to businesses offering Payday Loans, Title Loans, Installment Loans, or Refund Tax Anticipation Loans. For the purposes of this IDO, Small Loan Businesses are treated as a Bank use.

Solar or Geothermal Energy Generation or Device 2288
The use of land or buildings as locations for mounting of solar collectors or other devices that rely upon sunshine as an energy source and are capable of collecting, distributing or storing the sun's radiant energy; or the use of land area to install equipment for the conversion of natural geothermal energy into energy.

Solid Wall or Fence 2289
A continuous non-transparent vertical surface. A fence with inserts or non-rigid or cloth-like materials attached to the fence does not constitute a solid wall or fence.

Solid Waste Convenience Center
City-owned and operated locations for the drop-off of solid waste by residents and small commercial haulers only.

Special Manufacturing 2290
See Manufacturing, Special.

Specified Anatomical Areas 2291
Any of the following:
1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae; or
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities 2292
Any of the following:
1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy;
3. Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts;
4. Flagellation or torture in the context of a sexual relationship;
5. Masochism, erotic or sexually oriented torture, beating or the infliction of pain;
6. Erotic touching, fondling or other such contact with an animal by a human being; or
7. Human excretion, urination, menstruation, vaginal or anal irrigation as a part of or in connection with any of the activities set forth in Subsections 1 through 6 above.

Sports Field
A facility designed for amateur or professional sporting events, exhibitions, or shows.

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2287 Definition added since EPC Draft per Condition #308 to clarify terms used in the IDO. Reference to Bank added per Condition #1 for clarity.
2288 Replaces existing definition of Solar Collector.
2289 Existing definition added since Module 1.
2290 Definition moved to Manufacturing, Special to cluster Manufacturing use definitions since EPC Draft per Condition # 274 for clarity.
2291 Standard definition used in regulation of adult uses.
2292 Standard definition used in regulation of adult uses.
Stacking Space\textsuperscript{2293}  
A term used in parking lot design for the queuing of vehicles. See definition in the DPM.

Stadium\textsuperscript{2294}  
An outdoor, open-air area or structure suitable for sporting events or performances with tiers of seats or benches and with seating capacity for 1,000 or more people.

Street-Related Definitions

Street\textsuperscript{2295}  
That portion of a public right-of-way or private way or thoroughfare, from curb to curb (or from edge or paving to edge of paving if there is no curb, or from edge of visible travelway to edge of visible travelway, if there is no paving) that is primarily devoted to vehicular use.

Street Frontage\textsuperscript{2296}  
The boundary between a premises and a public right-of-way, whether or not direct access is allowed from the public right-of-way segment to the premises.

Street, Collector  
A street so designated on the Long Range Major Street Plan, or a logical geographic extension of that street, as determined by the Traffic Engineer. A collector street carries traffic from local streets to the principal and minor arterial streets. Traffic volumes are substantial but smaller than normally served by minor arterial streets.

Street, Local  
A street that is primarily for access to abutting properties. It carries low traffic volumes. It may further be defined as a Normal Street or Access Street, and may be designated for Infrequent Parking or Intermittent Parking, subject to the standards and requirements of the Development Process Manual.

Street, Minor Arterial  
A street that is designated on the Long Range Major Street Plan, used primarily for serving large volumes of traffic, but smaller volumes than are normally served by principal arterial streets; speed is comparatively high.

Street, Principal Arterial  
A street so designated on the Long Range Major Street Plan that is used primarily for serving large volumes of comparatively high speed traffic and to which access is controlled.

Side Street\textsuperscript{2297}  
On a corner lot, the street abutting the side lot line of the lot.

Street, Stub\textsuperscript{2298}  
A non-permanent dead-end street intended to be extended in conjunction with development on adjacent lots or sites.

\textsuperscript{2293} Added since EPC Draft per Condition #1 to clarify terms used in the IDO. Cross-referenced to DPM to maintain consistency with the DPM over time.
\textsuperscript{2294} Definition added since EPC Draft to eliminate confusion between amphitheaters (a use allowed in multiple zone districts) and stadiums (which require NR-SU zoning).
\textsuperscript{2295} Definition included in Module 1 revised to remove “such right-of-way or thoroughfare shall provide access to abutting property”, since, depending on traffic flow and access conditions, that may not be accurate. Reference to curb-to-curb added since Module 3. Revised since Consolidated Draft to address situations where there is no curb or no paving.
\textsuperscript{2296} Existing definition added since Module 1.
\textsuperscript{2297} Added since Consolidated Draft.
\textsuperscript{2298} This is a new definition for stub streets, which is different from how they are defined by the City of Albuquerque in the Zoning Code. This definition is consistent with the regulations and intent to regulate streets that temporarily dead-end until abutting development occurs to continue the road through. Footnote revised since EPC Draft per Condition # 309.
**Structure**

Anything constructed or erected above ground level that requires location on the ground or attached to something having a location on the ground but not including a tent, vehicle, vegetation, or public utility pole or line.

**Subdivision Definitions**

**Subdivide**

To divide or re-divide land into two or more parts by whatever means to facilitate the present or future conveyance or other transfer of incidents of ownership or use.

**Subdivider**

Any person who, by reason of his/her power, authority, and/or interest with respect to a specific parcel of land, effects, brings about, causes, or proposes, the subdivision of that parcel.

**Subdivision**

1. The process of subdividing land into two or more lots or parcels for purposes of sale or development; or
2. The parcel of land subdivided.

**Subdivision, Bulk Land**

Any subdivision of property that is primarily intended to facilitate transfer to intermediate land holders, not to create parcels available for development without further subdivision approvals, and that conforms to Development Review Board interpretive rules.

**Subdivision, Major**

Any subdivision not classified as minor.

**Subdivision, Minor**

Any subdivision that meets the eligibility requirements for a Minor Subdivision in Section 12-16-5-5.2.G (Subdivision of Land – Minor).

**Subdivision Improvements Agreement**

An agreement entered into between the City and a subdivider by which the subdivider agrees to assure construction of required infrastructure improvements.

**Tandem Parking**

A parking space within a group of two or more parking spaces arranged one behind the other.

**Tap Room/Tasting Room**

An establishment where ale, beer, and/or similar beverages are brewed; wine is made; or craft alcohol is distilled; or a tap room or tasting room associated with a local brewery, winery, or distillery. Establishments must have an approved “Small brewer’s license” as governed by 60-7A-26.1 (stet) NMSA 2299

Existing definition added since Module 1.

2300 Existing definition added since Module 1.

2301 Existing definition added since Module 1. Slightly revised to refer to two or more lots or parcels and “For purposes of sale or development” added.

2302 Wording clarified since Consolidated Draft.

2303 Definition replaced with cross-reference to subdivision section to avoid future inconsistencies in definition and eligibility statements.

2304 Existing definition added since Module 1.

2305 New definition added since Module 1.

2306 Last sentence added for consistency with recent amendments to Huning Highland SU-2 regulations permitting growler sale, and extends provision to this use in other areas. Revised since Consolidated Draft to include state provision for craft distiller’s license.
1978, an approved “Winegrower’s license as governed by 60-6A-11 NMSA 1978, or an approved Craft Distiller’s license as governed by 60-6A-6.1 NMSA 1978. Annual production shall be limited by state statute. Sale of materials produced on-site for off-premises consumption is allowed. This use is not a Liquor Retail use and is not subject to distance separation requirements for Liquor Retail uses.

**Tattoo Parlor**
A facility where permanent marks, scars, or designs are made on the skin by a process of pricking and ingraining an indelible pigment or by raising scars; or in which other bodily decorations, such as piercing, are provided.

**Taxidermy**
An establishment where the preparing, stuffing, and mounting of the skins of dead animals takes place.

**Theater**
A facility with fixed seats for the viewing of movies or live presentations of musicians or other performing artists.

**Toe of Slope**
The point where the irrigation facility bank meets natural grade. See *Irrigation Facility* for diagram.

**Tract**
A portion of land identified on a plat, often for a purpose other than development of a building, such as for drainage, transportation, open space, or as a remainder parcel that will not be sold as a lot.

**Trailer**
A vehicle without motive power, designed so that it can be drawn by a motor vehicle, to be used for the carrying of persons or property or as a human habitation. A structure which meets the requirements of Articles 14-1 and 14-3 of ROA 1994 (Uniform Administrative Code and Uniform Housing Code) in all ways, including foundation, is not a trailer, whether or not it was once a vehicle.

**Transit Facility**
A land use for bus or rail stops, stations, terminals, shelters, transfer points, depots, park and ride lots, and/or related facilities on publicly or privately owned parcels.

**Transit Shelter**
A shelter erected and maintained under the direction and control of ABQ RIDE or other public transportation provider as part of a public transit system for the use of transit patrons.

**Transit Station**
A designated place where transit vehicles stop for passengers to board or alight from the vehicles. Usually associated with a premium service such as Bus rapid Transit, transit stations are distinguished from transit stops by having level-boarding platforms and passenger amenities such as ticket vending machines and real-time transit information, as well as common transit stop amenities such as seating and/or shelters. See also *Transit Facility and Measurement, Premium Transit Area*.

**Transit Stop**
A designated place where transit vehicles stop for passengers to board or alight from a bus. Boarding and alighting are generally accomplished from the street curb by means of steps or deployable ramps. The level of amenity at a transit stop tends to reflect the level of usage. Stops at busy locations may have shelters, seating and possible electronic passenger information systems; less busy stops may use a simple pole and route sign to mark the location.
Transparent Window or Door

Window or door with materials that permit easy viewing into the building from the sidewalk from a minimum distance of 3 feet. To achieve transparency, materials shall be either glazing rated with a low reflective value or a combination of glass and coating or finish to satisfy the equivalent standard. Reflective or mirrored glass is not considered to be transparent.

Traffic Engineer

The chief administrative engineer of the City's Traffic Engineering Division or his/her authorized representative.

University or College

An institution, other than a vocational school, that provides full-time or part-time education beyond high school.

Usable Open Space

See Open Space, Usable.

Use Definitions

Use, Accessory

A land use that is subordinate in use, area, or purpose to a principal land use on the same lot or, in Mixed-use and Non-residential zone districts, the same premises. An accessory use may or may not be located in an accessory structure. For the purpose of the IDO, Accessory Uses are listed in the Use Table and may have separate Use Specific Standards. See also Use, Primary.

Use, Allowable

A land use allowed in a particular zone district by Table 3-2-1 as a primary or accessory use, whether allowed permissively or conditionally. See also Permissive Use, Conditional Use, and Accessory Use.

Conditional Use

A land use that is allowable in a particular base zone district subject to conditions that are meant to minimize potential negative impacts on nearby properties. The Use Table indicates whether a particular conditional use is primary (listed as C) or accessory (listed as CA) or allowed conditionally in a primary building that has been vacant for a specified amount of time (listed as CV). The Zoning Hearing Examiner reviews and decides conditional use requests.

Use, Permissive

A land use that is allowed by-right in a base zone district, either as a Primary or Accessory Use. Primary permissive uses are listed as P in Table 3-2-1 (Use Table). Accessory permissive uses are listed as A in Table 3-2-1 (Use Table).

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2313 Added since EPC Draft per Condition #1 to provide a consistent terminology for the fenestration requirements in various CPOs, VPO, and Building Design standards.

2314 Added new grouping of definitions for Use related terms since EPC Draft per Condition #1 for clarity and usability.

2315 “Or premises” added since Consolidated Draft. Clarification that accessory uses can be on the same premises only in MX and NR zone districts added since EPC Draft per Condition #271. Language about “serving a purpose naturally and normally incidental to such primary land use” deleted since EPC Draft and moved to a new definition for “Incidental Use” per Condition #1 to clarify how the terms are used in the IDO and distinguish between Accessory Uses and uses allowed as incidental in the definition of Primary Uses.

2316 New definition since EPC Draft per Condition #1 and Condition #48 for consistency with terminology used in the IDO.

2317 Revised since EPC Draft per Condition #1 to add cross references to other terms.

2318 Revised since EPC Draft per Condition #1 for consistency with other changes to clarify Primary, Permissive, and Accessory Uses.

2319 Definition added since EPC Draft per Condition #1 and Condition #49 to clarify terminology used in the IDO.
Use, Primary
A land use that is a principal use of a property and allowable within a particular base zone district either permissively or conditionally. A Primary Use may be combined with other Primary or Accessory uses allowable within that zone district, subject to IDO standards.

Utility, Electric\textsuperscript{2320}
A facility used or designed to provide electricity services to the city or part of the city that is regulated as a public utility by the New Mexico Public Regulation Commission and that is included in the City's Facility Plan for Electric System Transmission and Generation, as amended.

Utility, Other Major\textsuperscript{2321}
A facility sized or designed to serve the entire city, or a wide area of the city, and regulated as a public utility or common carrier by the state or other relevant jurisdiction or agency, including but not limited to major telephone facilities, natural gas facilities, water treatment plants, water pump stations, sewage treatment plants, stormwater drainage facilities, irrigation facilities, or similar public services, but shall not include mass transit or railroad depots or terminals or any similar traffic generating activity, any facility that provides wireless telecommunication services to the public, or any use listed separately in Table 3-2.1.

Vacation
The act that rescinds all or part of a recorded subdivision plat including legal dedications and grants of easements.

Variance\textsuperscript{2322}
Exceptions to dimensional standards or variations from the strict, literal application of standards in this IDO or the DPM. Variances from zoning standards are reviewed and decided by the ZHE or EPC, while Variances from technical standards in Section 4-3 Access and Connectivity, Section 4-4 Subdivision, or any standard in the DRB or related to projects in public rights-of-way are decided by the DRB. The allowable use of premises may never be changed via a Variance. See also Use, Allowable.

Vegetative Screen\textsuperscript{2323}
See Walls and Fence Definitions for Vegetative Screen.

Veterinary Hospital
An establishment of licensed practitioners primarily rendering dentistry, surgical, and medical treatment for animals that may provide overnight accommodations to pets for a limited period before or after medical procedures. Accessory uses include outdoor animal runs and crematory facilities.

View Area, View Frame, or View Plane
See Section 14-16-2-7.4.B.1.c (Coors Boulevard – VPO-1 Definitions).

Vocational School
A public or private institution that provides specialized training and education beyond the high school level, but that does not provide lodging or dwelling units for students or faculty, and that has programs that typically result in the awarding of a certificate.

\textsuperscript{2320} New definition since Consolidated Draft.

\textsuperscript{2321} Title and definition revised since Consolidated Draft to eliminate references to Utilities, Minor, which are no longer addressed in the UDO (they are addressed in the DPM), and to Utilities, Electric, which are listed separately. Broadened to include services regulated by entities other than the state since Consolidated Draft.

\textsuperscript{2322} Definition revised since EPC Draft per Condition #286 to distinguish between ZHE and DRB approvals. Revised per Condition #1 for consistency with other edits that would allow EPC to grant variance requests associated with a Site Plan – EPC.

\textsuperscript{2323} Wall-related references added since EPC Draft to clarify terms used when revising Section 4-7 per Condition #179.
Wall and Fence Definitions\textsuperscript{2324}

Vegetative Screen
A view screen created from evergreen plant material that is at least 75\% opaque on average across the area to be screened at maturity. Plant material can be trees, ivy, or shrubs, as long as it otherwise meets standards in this IDO.

View Fencing
A non-solid wall constructed of wood, painted or coated pipe, wrought iron, or smooth wire pasture fence material intended to provide a sense of openness and continuity, visual transparency, and passive surveillance while still providing perimeter security.

Wall
A vertical structure of masonry, wood, plaster, or other material that defines or encloses an area. Where the IDO provides standards about the wall of a building, the IDO refers to the building façade. Otherwise, the IDO provides standards about walls, fences, perimeter walls, courtyard walls, and retaining walls. Unless otherwise stated, the term “wall” includes walls, fences, perimeter walls, courtyard walls, and retaining walls. A post that supports a structure other than a wall, such as a sign or a carport, is not considered a wall.

Wall, Courtyard
Walls that are not on the lot line that enclose an outdoor space to form an outdoor courtyard. See also Wall, Perimeter.

Wall, Perimeter
A wall constructed on a lot line, typically to define a property boundary, enclose a property, or provide privacy.

Wall, Retaining
A wall designed and constructed to resist the lateral pressure of soil.

Warehousing\textsuperscript{2325}
The use of a building used primarily for the holding or storage of goods, including cold storage, and merchandise for onward transportation or for distribution to retailers, but not for sale to the general public, and not including Self Storage.

Waste and/or Recycling Transfer Station\textsuperscript{2326}
A site or facility where materials to be recycled or reprocessed are unloaded after collection and transferred onto transport vehicles, either immediately or following a temporary storage period, aggregation, or sorting. The facility may feature sorting, material crushing apparatus, and the storage of the material until it is transported.

Water Harvesting\textsuperscript{2327}
A water conservation method used to capture, divert, and/or store rainwater for plant irrigation and other uses.

Wholesaling and Distribution Center
A facility for the storage of products, supplies, and equipment offered for wholesale distribution, and not for direct sale to the general public.

\textsuperscript{2324} Wall-related references added since EPC Draft to clarify terms used when revising Section 4-7 per Condition #179.
\textsuperscript{2325} Reference to cold storage added since EPC Draft to reflect the fact that cold storage is an integral aspect of warehousing, and should not be regulated as an independent use.
\textsuperscript{2326} Use name revised to include waste since Module 3. Revised since Consolidated Draft to reflect recent City Council amendments to the Zoning Code.
\textsuperscript{2327} New definition added since Module 1.
Wind Energy Generation or Device
The use of land for the installation wind energy turbines, wind chargers, windmills, battery banks, and related equipment to generate electrical power from wind or the installation of such equipment or devices on a building.

Wireless Telecommunications Facility Definitions

Architecturally Integrated
A Wireless Telecommunications Facility that is camouflaged into the structure on which it is located by means of color, texturing, architectural treatment, massing, size, design, and/or shape. An architecturally integrated Wireless Telecommunications Facility is a concealed facility.

Co-location
The location of more than one Wireless Telecommunications Facility at a single location and/or using the same structure, but not including a public utility structure, for mounting of wireless telecommunications antenna by more than one provider of wireless telecommunication services.

Co-location, Public Utility (A “Public Utility Co-location”)
The location of one or more wireless telecommunication antenna on a public utility structure, including transmission structures.

Concealed
As further prescribed in Section 14-16-3-17(E), a Wireless Telecommunications Facility that is aesthetically integrated or otherwise consistent with surrounding existing buildings, structures, and landscaping, including height, color, style, massing, placement, design, and shape, and that does not visually stand out as a Wireless Telecommunications Facility. Face-mounted antennas that are painted to match the building façade, but have no other design elements that conceal the antenna, remain readily visible to the naked eye and are not considered concealed facilities.

Existing Vertical Structure
Any tower or other vertical structure that was constructed in accordance with a building permit.

Face-Mounted
An antenna attached to and covering a small portion of the surface of a building. Face-mounted WTF antennas are considered unconcealed and are not allowed. See Unconcealed Wireless Telecommunications Facility. Existing face-mounted WTFs are regulated as Nonconforming uses.

Free-Standing
A Wireless Telecommunications Facility, other than a public utility co-location, that consists of a standalone support structure, antennas, and associated equipment. The support structure may be a wooden pole, steel monopole, lattice tower, or similar structure.

Public Utility Structure
See Public Utility Structure.
Chapter 14-16-6: Definitions & Acronyms

6-1 Definitions

Roof-Mounted
A Wireless Telecommunications Facility placed on a rooftop through gravity mounts or other surface attachments and integrated into the natural rooftop profile of the building so as to resemble a permissible rooftop structure, such as a ventilator, cooling equipment, solar equipment, water tank, chimney, or parapet.

Small Wireless Telecommunications Facility
A Wireless Telecommunications Facility that is designed to act as a booster site that provides increased localized network capacity. A small WTF has three or fewer antennas, no greater than 4 feet long each, and does not exceed 35 feet in height for a free-standing small WTF, and includes associated equipment cabinet(s).

Substantial Change
As defined and regulated by federal law.

Unconcealed Wireless Telecommunications Facility
A Nonconforming Wireless Telecommunications Facility that is not designed as a concealed structure. These include lattice towers with exposed wireless telecommunications antennas and face-mounted wireless telecommunications antennas. New construction of this type of facility is not allowed.

Upgrade
As defined and regulated by federal law. An “upgrade” is the replacement, or addition of wireless telecommunications antenna(s) or equipment, but does not include routine maintenance.

Wireless Telecommunications Antenna
A component of a Wireless Telecommunications Facility. Any exterior transmitting or receiving device that may be mounted on a tower, building, or structure and used in communications that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), or other commercial signals. It includes, but is not limited to, a directional antenna (such as a panel, a microwave dish and satellite dish), and an omni-directional antenna (such as a whip), but not including a non-commercial antenna.

Wireless Telecommunications Facility
A facility that transmits and/or receives signals or waves radiated or captured by a wireless telecommunications antenna. It may include: antennas of all kinds including microwave dishes, horns, and other types of equipment for the transmission or reception of such signals, telecommunications tower or similar structures supporting said equipment, equipment buildings or cabinets, parking area, and/or other accessory development.

Wireless Telecommunications Services
The provision or offering for rent, sale, or lease, or in exchange for other value received, of the transmittal of voice, data, image, graphic, and video programming information between or among points excluding only cable services.

Wireless Telecommunications Tower
A component of a Wireless Telecommunications Facility. A structure intended to support wireless telecommunications antennas. Examples of such structures include, but are not limited to, free-standing poles (such as monopoles, masts, poles, or guyed towers) and lattice construction steel towers.

2335 Definition added since EPC Draft per Condition #312 to clarify terms used in the IDO.
Workforce Housing

Dwelling units for residents and their families whose annualized income is at or below 80% of the Area Median Income for Albuquerque (AMI) as adjusted for household size and determined by the U.S. Department of Housing and Urban Development and whose monthly housing payment does not exceed 30% of the imputed income limit applicable to such unit or 35% under special conditions to be defined in the Workforce Housing Plan.

Yard Definitions

Yard, Front

That part of a lot between the front lot line and the front façades of the principal building on the lot, and extended to both side lot lines. See also Lot Definitions.

Yard, Rear

That part of a lot between the rear lot line and the rear façades of the principal building on the lot, and extended to both side lot lines. See also Lot Definitions.

Yard, Side

That part of a lot not surrounded by buildings and not in the front or rear yard. See also Lot Definitions.

Zone Definitions

Zone Boundary

Zone boundaries are located as follows:
3. The boundary of a zone is a lot line unless clearly otherwise shown on the Official Zoning Map, in which case, the boundary of a zone is determined by use of the scale of measurement shown on the Official Zoning Map.
4. In the event a street, alley, drainageway, or other public way, the edge of which formed the boundary of a zone, is vacated, the zone boundary automatically becomes the former centerline of the vacated public way.

Zone District

One of the base zone districts established by this IDO and the boundaries of such zones shown on the Official Zoning Map. Zoning regulations include the use regulations, development standards, and administration and enforcement provisions of this IDO.

Zone District, Mixed-use

Those zone districts categorized as Mixed-use zones in Section 14-16-2 of this IDO.

Zone District, Non-residential

Those zone districts categorized as Non-residential zones in Section 14-16-2 of this IDO.

Zone District, Residential

Those zone districts categorized as Residential zones in Section 14-16-2 of this IDO.

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2336 From existing Workforce Housing Opportunity regulations, added since Module 3.
2337 Existing definition added since Module 1.
2338 Existing definition added since Module 1.
2339 Existing definition added since Module 1.
2340 Added since Consolidated Draft.
2341 Existing definition added since Module 1.
2342 Definition added since Consolidated Draft.
2343 Definition added since Consolidated Draft.
2344 Definition revised since Consolidated Draft to avoid future inconsistencies between definition and IDO text.
Zoning Enforcement Officer (ZEO)
A City Planning Department employee or his/her authorized representative who interprets the provisions of this IDO and may review and decide administrative decisions related to this IDO.

Zoning Hearing Examiner (ZHE)
A City employee appointed by the Mayor, or a contract with a person or firm entered into by the City, as described in Section 14-16-5-2.3 (Zoning Hearing Examiner), who reviews and decides Conditional Use Approvals and Variances.

Zoo \(^{2345}\)
A facility, indoor or outdoor, where animals are kept for viewing by the public, and that may be accredited by the American Zoological Association. Office, retail, and other commercial uses commonly established in such facilities and related parking structures shall be allowed as accessory appurtenances. This use does not include the ABQ BioPark, which is listed as a separate use in this IDO and regulated per the BioPark Master Plan.

\(^{2345}\) New since Consolidated Draft. Revised since EPC Draft per Condition #315 to clarify that zoos are not required to be accredited by the AZA.
## List of Acronyms

<table>
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<tr>
<th>Acronym</th>
<th>Description</th>
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<tbody>
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<td>ABC Comp Plan</td>
<td>Albuquerque/Bernalillo County Comprehensive Plan</td>
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<td>ABCWUA</td>
<td>Albuquerque Bernalillo County Water Utility Authority</td>
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<tr>
<td>MX</td>
<td>Mixed-use (zone district)</td>
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2346 Moved since EPC Draft to Chapter 6 so that it will be its own section in Amlegal version of the Ordinance.

2347 New acronyms added since EPC Draft per Condition #1 for clarity and completeness are indicated in red. Throughout the IDO, terms in this list have been replaced with the corresponding acronym, with a first reference in each Part, since EPC Draft per Condition #1.
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<td>Premium Transit (ABC Comp Plan Corridor - 660 feet from transit stations)</td>
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<tr>
<td>RNA</td>
<td>Recognized Neighborhood Association</td>
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<tr>
<td>R-1</td>
<td>Residential – Single-family (zone district)</td>
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<td>R-A</td>
<td>Rural and Agricultural (zone district)</td>
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<td>R-MC</td>
<td>Residential – Manufactured Home Community (zone district)</td>
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<td>R-MH</td>
<td>Residential – Multi-family High Density (zone district)</td>
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<td>R-ML</td>
<td>Residential – Multi-family Low Density (zone district)</td>
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<td>R-T</td>
<td>Residential – Townhouse (zone district)</td>
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<tr>
<td>SIA</td>
<td>Subdivision Improvements Agreement</td>
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<td>TIS</td>
<td>Traffic Impact Study</td>
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<tr>
<td>UC</td>
<td>Urban Center (ABC Comp Plan Center)</td>
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<td>VPO</td>
<td>View Protection Overlay (zone)</td>
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<td>WTF</td>
<td>Wireless Telecommunications Facility</td>
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<td>Zoning Enforcement Officer</td>
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<td>ZHE</td>
<td>Zoning Hearing Examiner</td>
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