

DEVELOPMENT CODE UPDATE

Module 3 Administration and Enforcement PZ Presentation 8.10.2022

ATTACHMENT A

Agenda

- Process Overview
- Changes from Module 1 and Module 2
- Overview of major changes in Module 3
- Public input received
- Next steps

Timeline

- Module 1 released July 7, 2021
- Downtown Master Plans adopted October 19, 2021
- Module 2 released January 24, 2022
- Module 3 released July 18, 2022
- Additional content on Wireless Telecommunication Facilities, Outdoor Lighting, and Accessory Dwelling Units anticipated to be released September 2022
- Council Review for Adoption of Revised Chapter 16 anticipated Fall 2022

Code Update Modules

- Modules integrate findings from Diagnostic Report into municipal code
- Modules build off of each other
- Comments on each Module are addressed in subsequent Modules. Module 1 comments have been addressed in Module 2.



Content removed as a result of public comments are indicating in this document via text that is struck through (e.g. ~~content removed~~), while new content added as a result of public comments is underlined (e.g. new content), with the exception of cross-references.

Steering Committee

Role of Committee

- Advise Code Update recommendations
- Meets every other week

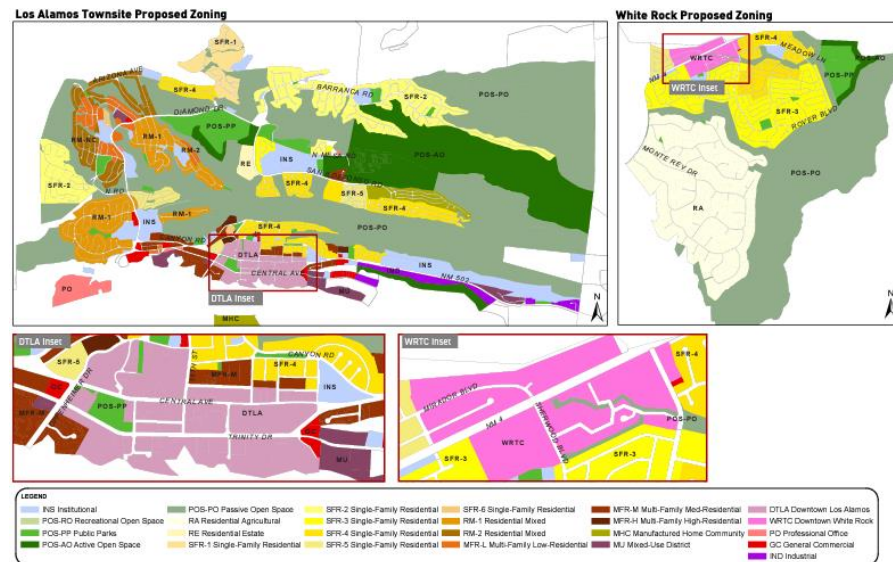
Composition of Committee

- Neighborhood representatives
- Business owners
- Development community representatives
- County staff – community development, public works,
- County legal

Revisions to Module 1 & 2

Zone District Name Changes

- Changed PL: Public Land District name to INS: Institutional District



Revisions to Module 1 & 2

North Community Districts

- Changed RM-NC: Residential Mixed North Community District name to RM-2: Residential Mixed District
- Incorporated MFL-NC into general MFL and carried over less stringent entitlements from NC

TABLE 3: RM DIMENSIONAL STANDARDS

| | RM-1 RM | | RM-2 RM-NC | | |
|----------------------------------|------------|----------|---------------|--------|-----|
| Lot Standards | SF* | DPX/TH** | SF | TH | DPX |
| Lot area, min | 8,000 | 10,000 | 6,500 | 10,000 | |
| A Lot width, min | 50' | | 40' | 20' | 40' |
| Setbacks | | | | | |
| B Front, min | 20' | | 15' | | |
| C Interior side, min*** | 5' | | 7.5' | | |
| D Street side, min | 15' | | 15' | | |
| E Rear, min | 20' | | 20' | | |
| Heights | | | | | |
| F Primary Building Height, max | 35' | | 35' | | |
| G Accessory Building Height, max | 15' | | 15' | | |
| Density | | | | | |
| Lot coverage, max | 40% | | 40% | | |

* SF indicates single-family dwellings.

** DPX indicates duplex dwelling types and TH indicates t

*** Allowed exceptions for Zero lot building types are ou

Table 3: RM Standards are provided along exterior bo



TABLE 6: MFL-NC DIMENSIONAL STANDARDS

| Lot Standards | SF | DPX/TH | MF |
|--------------------------------|-------|--------|--------|
| Lot area, min | 6,500 | 10,000 | 12,000 |
| A Lot width, min | 40' | 20' | 40' |
| Setbacks | | | |
| B Front, min | 15' | | |
| C Interior side, min* | 5' | | |
| D Street side, min | 15' | | |
| E Rear, min | 15' | | |
| Heights | | | |
| F Primary Building Height, max | 35' | | |
| Density | | | |
| Lot coverage, max | 40% | | |

* Allowed exceptions for Zero Lot building types are outlined in Section

Table 3: RM Standards are provided along exterior boundaries of the

Revisions to Module 1 & 2

Open Space Districts

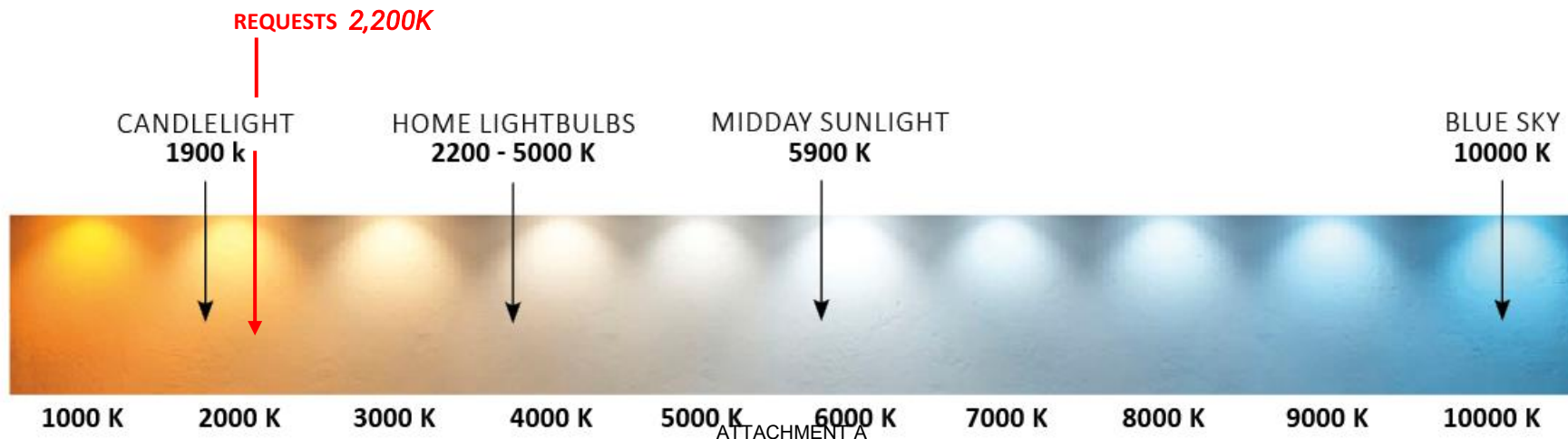
- New parks district, POS-RO: Parks and Open Space – Recreational Open Space, covers Pajarito Mountain Ski Area
- Removed more intense use allowance from POS-PO



Revisions to Module 1 & 2

Development Standard Changes

- Changed Correlated Color Temperature (CCT) restriction from 3000K to 2200K



Module 3 Table of Contents

Review and Decision- Making Bodies

Defines the authority and responsibility of each body.

Procedures

Outlines general procedures and provides a guide to the development process in the Procedures Summary Table

PART 16-5. ADMINISTRATION AND ENFORCEMENT 144

Section 16-5-1 Review and Decision-Making Bodies144

| | |
|--|-----|
| 5-1(A) Community development department / Community Development Director | 144 |
| 5-1(A)(I) Authority..... | 144 |
| 5-1(A)(II) Responsibilities | 144 |
| 5-1(B) Planning and Zoning Commission | 145 |
| 5-1(B)(I) Authority | 145 |
| 5-1(B)(II) Responsibilities | 145 |
| 5-1(C) County Council | 147 |
| 5-1(C)(I) Authority | 147 |
| 5-1(C)(II) Responsibilities | 147 |

Section 16-5-2 Procedures148

| | |
|---|-----|
| 5-2(A) Procedures Summary Table..... | 148 |
| 5-2(B) Common Procedures..... | 150 |
| 5-2(B)(I) Code Interpretations..... | 150 |
| 5-2(B)(II) Meeting Requirements | 151 |
| 5-2(B)(III) Notifications | 152 |
| 5-2(B)(IV) Application Submittal Requirements | 153 |
| 5-2(B)(V) Public Hearing Procedures | 154 |
| 5-2(B)(VI) Appeals | 159 |
| 5-2(B)(VII) Calculation of Time Periods | 162 |
| 5-2(B)(VIII) Permit and Approval Expirations | 162 |
| 5-2(B)(IX) Extensions of Period of Validity..... | 163 |

Section 16-5-3 Specific Development Procedures.....165

| | |
|--|-----|
| 5-3(A) Administrative Decisions..... | 165 |
| 5-3(A)(I) Administrative Deviations..... | 165 |

Module 3 Table of Contents

Specific Development Procedures

Describes the applicability, procedures, and decision criteria for each type of development application.

Nonconformities

Outlines the applicability and procedures for nonconforming uses, lots, structures, and site features

| | |
|---|------------|
| Section 16-5-3 Specific Development Procedures..... | 165 |
| 5-3(A) Administrative Decisions..... | 165 |
| 5-3(A)(I) Administrative Deviations..... | 165 |
| 5-3(A)(II) Accessory Structure Permit..... | 166 |
| 5-3(A)(III) Encroachment Permit..... | 167 |
| 5-3(A)(IV) Fence/Wall Permit..... | 169 |
| 5-3(A)(V) Minor Historic Property Alteration Certificate..... | 170 |
| 5-3(A)(VI) Minor Development Plan Amendments..... | 173 |
| 5-3(A)(VII) Minor Site Plan Amendments..... | 174 |
| 5-3(A)(VIII) Sign Permit..... | 176 |
| 5-3(A)(IX) Special Event Permit..... | 177 |
| 5-3(A)(X) Summary Plat..... | 178 |
| 5-3(A)(XI) Temporary Use Permit..... | 180 |
| 5-3(A)(XII) Wireless Telecommunication Facilities Permit..... | 182 |
| 5-3(B) Quasi-Judicial Decisions..... | 183 |
| 5-3(B)(I) Subdivision (Preliminary and Final Plats)..... | 183 |
| 5-3(B)(II) Conditional Use Permit..... | 186 |
| 5-3(B)(III) Major Historic Property Alteration Certificate..... | 188 |
| 5-3(B)(IV) Variances..... | 190 |
| 5-3(B)(V) Minor Zone Map Amendment..... | 192 |
| 5-3(B)(VI) Site Plan Adoption Or Major Amendment..... | 194 |
| 5-3(B)(VII) Development Plan Adoption or Major Amendment..... | 197 |
| 5-3(C) Legislative Decisions..... | 199 |
| 5-3(C)(I) Comprehensive Plan Adoption or Amendment..... | 199 |
| 5-3(C)(II) Adoption or Amendment of a Master Plan..... | 201 |
| 5-3(C)(III) Text Amendment..... | 203 |
| 5-3(C)(IV) Major Zone Map Amendment..... | 205 |
| Section 16-5-4 Nonconformities..... | 207 |
| 5-4(A) Purpose..... | 207 |
| 5-4(B) Applicability..... | 207 |
| 5-4(C) Authority To Continue..... | 207 |
| 5-4(D) Maintenance and Minor Repair..... | 207 |
| 5-4(E) Nonconforming Lots..... | 207 |
| 5-4(F) Nonconforming Uses..... | 208 |
| 5-4(F)(I) Limitation on Continuation on Nonconforming Uses..... | 208 |
| 5-4(F)(II) Discontinuance of Nonconforming Use..... | 208 |
| 5-4(G) Nonconforming Structures..... | 208 |
| 5-4(H) Nonconforming Site Features..... | 209 |
| 5-4(H)(I) Applicability..... | 209 |
| 5-4(H)(II) Authority to Continue..... | 209 |

Module 3 Table of Contents

Construction Improvements

Describes processes and requirements for public and private construction improvements.

Violations, Enforcement, and Penalties

Describes the County's authority to enforce and enforcement procedures

Definitions

| | |
|--|------------|
| Section 16-5-5 Construction Improvements | 210 |
| 5-5(A) Construction Phasing Plan | 210 |
| 5-5(B) Notification..... | 210 |
| 5-5(C) Beginning of Construction..... | 210 |
| 5-5(D) Developments with Public Improvements | 210 |
| 5-5(E) Developments with Private Improvements | 210 |
| 5-5(F) Escrow Agreement..... | 211 |
| 5-5(G) Responsibility for Maintenance | 211 |
| 5-5(H) Acceptance..... | 212 |
| 5-5(I) Monuments | 212 |
| 5-5(J) General Construction Standards | 213 |
| Section 16-5-6 Violations, Enforcement, and Penalties | 214 |
| 5-6(A) Purpose..... | 214 |
| 5-6(B) Authority to Enforce | 214 |
| 5-6(C) Review of Zoning Compliance | 214 |
| 5-6(D) Enforcement Procedures | 214 |
| 5-6(E) Penalty For Violation Of Code | 214 |
| PART 16-6.DEFINITIONS | 215 |
| Section 16-6-1 Rules | 215 |
| Section 16-6-2 DEFINED TERMS | 215 |

Procedures Summary Table

TABLE 43: PROCEDURES SUMMARY TABLE

*X = Required
R = Review and Recommend
D = Review and Decide
AD = Appeal Review and Decision*

| APPLICATION TYPE | NOTICE | | MEETINGS | | | REVIEW/ APPROVING BODIES | | | SPECIFIC PROCEDURES |
|--|------------------------|--------|---------------|-------------------------|----------------------|--|--------------------------------|----------------|------------------------------------|
| | PUBLISHED NEWSPAPER AD | MAILED | POSTED NOTICE | PRE-APPLICATION MEETING | NEIGHBORHOOD MEETING | COMMUNITY DEVELOPMENT DIRECTOR/ DESIGNEE | PLANNING AND ZONING COMMISSION | COUNTY COUNCIL | |
| Conditional Use Permits | X | X | X | | | | D | AD | <u>5-3(B)(II)</u> |
| Major Historic Property Alteration Certificate | X | X | X | X | | | D | AD | <u>5-3(B)(III)</u> |
| Variances | X | X | X | | | | D | AD | <u>5-3(B)(IV)</u> |
| Minor Zone Map Amendments | X | X | X | X | X | | | | <u>5-3(B)(V)</u> |
| Site Plan Adoption / Major Amendments | X | X | X | X | | | | | <u>5-3(B)(VI)</u> |
| Development Plan Adoption / Major Amendments | X | X | X | X | X | | D | AD | <u>5-3(B)(VII)</u> |
| Legislative Decisions | | | | | | | | | |
| Master Plans | | | | | | | | | <u>5-3(C)(II)</u> |
| Comprehensive Plan Adoption or Amendments | X | | | | | | R | D | <u>5-3(C)(I)</u> |
| Major Zone Map Amendments | X | | | | | | R | D | <u>5-3(C)(IV)</u> |
| Text Amendments | X | | | X | | | R | D | <u>5-3(C)(III)</u> |

Application Type

Meeting Requirements

Notice Requirements

Review and Decision Authority

Specific Procedure Link

ATTACHMENT A

Types of Procedures

Establishes and defines categories of decisions authorized in the Development Code: Legislative Decisions, Quasi-Judicial, and Administrative

- **Legislative Decisions** involve a change in land-use policy by the decision making body that does not concern a single tract – require a public hearing
- **Quasi-judicial Decisions** involves the use of a discretionary standard, as specified in the Development Code, to an application for discretionary development approval that is applicable to specific land in common ownership or to an area of land in which the predominant ownership is in a single ownership – require a public hearing
- **Administrative Decisions** involve interpretation and application of nondiscretionary standards of the Development Code to an application – do not require a public hearing

Review and Decision-Making Bodies

Community Development Department / Director reviews and makes final decisions on:

- Accessory Structure Permits
- Administrative Deviations / Waivers
- Building Permits
- Declaratory Rulings
- Encroachment Permits
- Fence / Wall Permits
- Hillside Development Plans
- Landscape Plans
- Lighting Plans
- Minor development plan amendments
- Minor site plan amendments
- Sign Permits
- Special Event Permits
- Summary Plats
- Temporary Use Permits
- Wireless Telecommunications Facilities

Review and Decision-Making Bodies: Planning and Zoning Commission

Appeal authority for administrative decisions.

Reviews and makes recommendations to County Council on:

- Master Plans
- Development Plans
- Comprehensive Plans
- Zone Map Amendments
- Text Amendments

Reviews and makes final decisions on:

- Code Interpretations
- Sketch Plats
- Preliminary Plats
- Final Plats
- Conditional Use Permits
- Site Plan
- Development Plan
- Major Site Plan Amendments
- Major Development Plan Amendments
- Variances
- Any application referred to it by the Community Development Director

Review and Decision-Making Bodies: County Council

Appeal authority for decisions by the Planning and Zoning Commission

- Master Plan Approvals
- Development Plan Approvals, including any associated site plans or sketch plats.
- Comprehensive Plan Adoption or Amendments
- Zone Map Amendments
- Text Amendment

Reviews and makes final decisions on:

- Master Plan Approvals
- Development Plan Approvals, including any associated site plans or sketch plats.
- Comprehensive Plan Adoption or Amendments
- Zone Map Amendments
- Text Amendment

Common Procedures: Permit Approval and Expiration

- Procedures for extending approvals

| TABLE 44: PERMIT AND APPROVAL EXPIRATIONS | |
|---|--|
| TYPE OF APPROVAL | PERIOD OF VALIDITY |
| Administrative Decisions | |
| Accessory Structure Permit | 1 year |
| Administrative Deviations/ Waivers | 2 years |
| Declaratory Rulings | Does not expire, unless the section(s) of the LAC to which the ruling relates is amended |
| Encroachment Permits | 2 years |
| Fence/ Wall Permits | 1 year |
| Hillside Development Plans | As stated in development agreement |
| Landscape Plans | 1 year |
| Lighting Plans | 1 year |
| Minor Development Plan Amendments | 2 years |
| Minor Site Plan Amendments | 2 years |
| Sign Permits | 1 year |
| Special Event Permits | As stated in the Special Event Permit |
| Summary Plats | 2 years |
| Temporary Use Permits | As stated in the Temporary Use Permit |
| Wireless Telecommunications Facilities | 2 years |
| Decisions Requiring a Public Hearing* | |
| Preliminary Plats | 1 year |
| Final Plats | Does not expire once timely recorded |
| Conditional Use Permits | 2 years |
| Site Plans | 3 years |
| Development Plans | 3 years |
| Major Site Plan Amendments | 1 Year or Until Preliminary Plat is approved |
| Major Development Plan Amendments | 1 Year or Until Preliminary Plat is approved |
| Variances | Expires with associated site plan |
| Minor Master Plan Approval | 3 years |
| Policy Decisions | |
| Major Master Plan Approval | Do not expire |
| Comprehensive Plan Adoption and Amendments | |
| Text Map Amendments | |
| Text Amendments | |
| *A 1 year extension may be granted by the appropriate approver if requested by an applicant | |

Common Procedures: Administrative Deviations

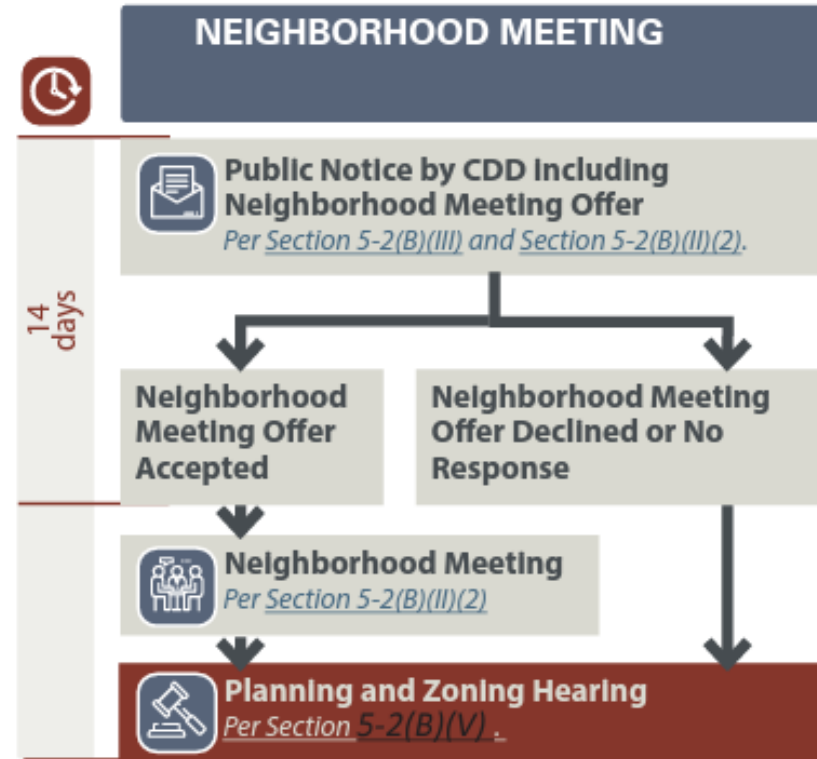
- Procedures for instances where strict application of the Code would result in practical difficulty or undue hardship
- **Can not** be applied to neighborhood protection standards
- Deviations beyond these thresholds will be reviewed and decided as Variances

| TABLE 45: ALLOWABLE ADMINISTRATIVE DEVIATIONS | |
|---|--|
| CODE STANDARD | ALLOWABLE MODIFICATION (MAXIMUM PERCENTAGE) |
| Lot area, minimum | 10 |
| Lot coverage, minimum | 10 |
| Setbacks, minimum | 15 |
| Building height, maximum | 10 |
| Off-street parking spaces, minimum | 10 |
| Wall and fence height, maximum | 1' maximum |
| Landscape coverage, minimum | 10 |
| Any other numeric standard | 10 |

Modified / clarified from Sec. 16-51.C.6 which allows minor dimensional deviations of 12 inches or less from the provisions of this chapter or a deviation in the number of required off-street parking spaces amounting to one percent or less of the spaces otherwise required.

Common Procedures: Neighborhood Meetings

- Neighborhood Meetings required for Zone Map Amendments and Development Plan Adoptions/Major Amendments
- Offered to all property owners within 300 ft of the subject property



Common Procedures: Notifications

- Procedures for published, posted, and mailed notice
- New procedures for posted notice

5-2(B)(III)(3) CONTENT OF NOTICES

1. All notice required by Table 43 Procedures Summary Table shall include, at a minimum, all the following information:
 - A. The address of the subject property, if available, and a location map indicating the subject property;
 - B. The name of the property owner;
 - C. The name of the agent (if different from the property owner);
 - D. A short summary of the approval being requested, including an explanation of any deviations or variances being requested, if any. If an exhibit such as a plat or site plan is included within the required application materials, a copy of the exhibit should be included in the notice;
 - E. The date, time, and place of the public hearing if required;
 - F. An address, telephone number, or website where additional information about the application can be obtained.

Specific Development Procedures

- Applicability defines when the procedures is required
- Procedures describes the review and approval process and includes a flowchart of the process
- Decision Criteria provides the criteria for approval and reference to the applicable Development Standards

ATTACHMENT A

5-3(A)(VIII) SIGN PERMIT

5-3(A)(VIII)(1) APPLICABILITY

This Section applies to any sign that requires a Sign Permit pursuant to [Section 16-5-8](#).

5-3(A)(VIII)(2) PROCEDURES

- A. Applications for Sign Permits may be made by the owner or agent of any parcel of property to be affected.
- B. Sign Permit applications shall be submitted to the Community Development Department and shall include all information per the County's Sign Permit Plan Application, including:
- Proof of property ownership.
 - A scaled and dimensioned color drawing of all proposed signs that indicates how it will be constructed.
 - A scaled site plan which shall indicate the location of any proposed Permanent Freestanding Signs. Sufficient documentation of compliance with all applicable development standards of [Section 16-5-8 Signage](#) is required as well as documentation from a New Mexico Registered Structural Engineer verifying all proposed Permanent Freestanding Signs are designed to withstand 90 mph wind, 30 psf snow, and seismic design D loads.
 - Building elevations showing the locations and dimensions of any proposed Wall Signs.
 - Electrical plan for any proposed Electronic Message Center, which includes compliance with Sign Illumination standards of [Section 5-8\(F\)\(III\)](#).
- C. The Community Development Department shall intake the application pursuant to the requirements of [Section 5-2\(B\)\(IV\)](#).
- D. The Community Development Director, or their designee, shall review the Sign Permit application based on its conformity with the Decision Criteria of [Section 5-3\(A\)\(VIII\)\(3\)](#).
- E. If the application complies with the provisions of [Section 5-3\(A\)\(VIII\)\(3\)](#), the Community Development Director, or their designee, shall issue a Sign Permit.

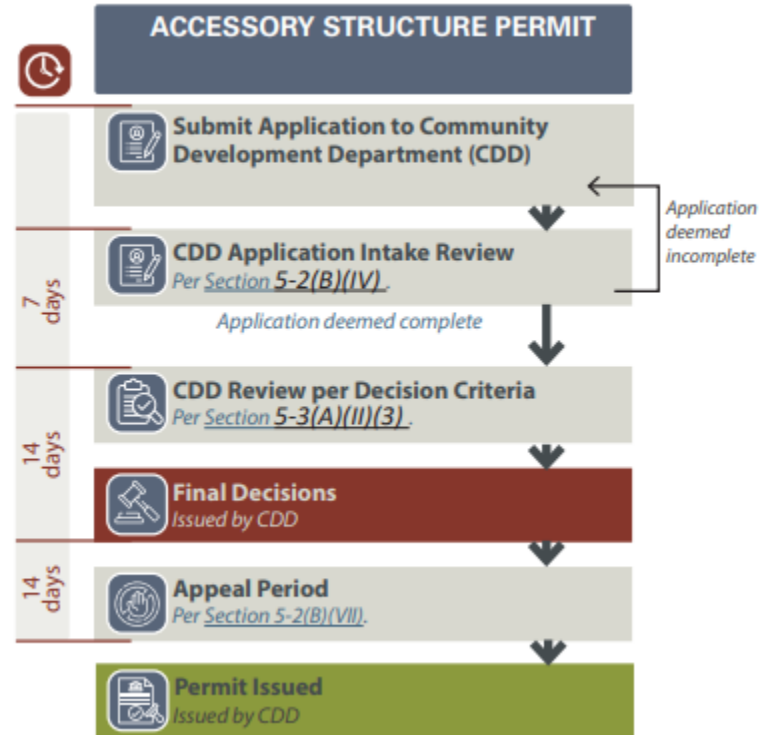


5-3(A)(VIII)(3) DECISION CRITERIA

An application for a Sign Permit shall be approved if it complies with all applicable standards in this Code, in particular [Section 16-5-8 Signage](#) and other adopted County regulations.

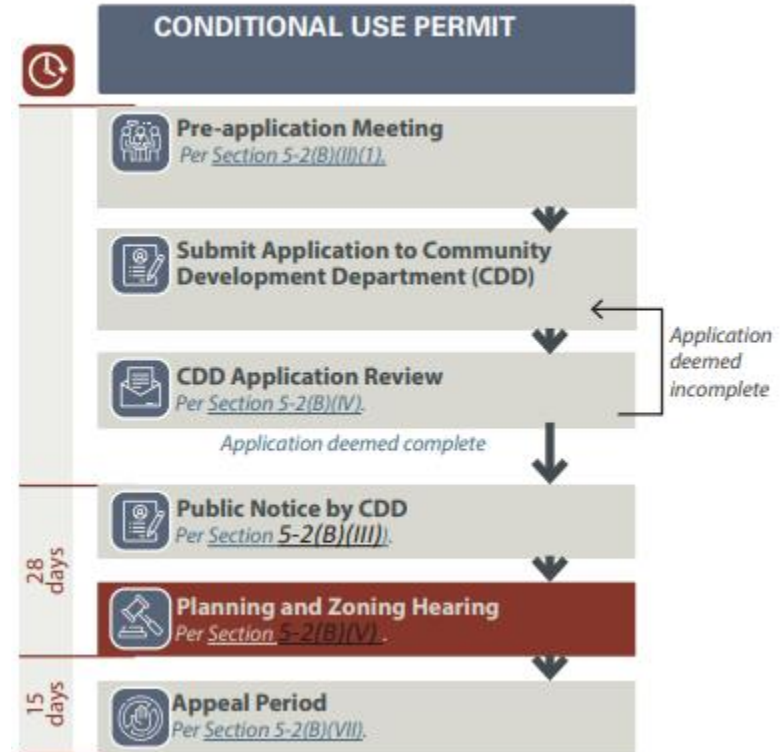
General Administrative Procedures

- Pre-application meeting
- Do not require a public meeting



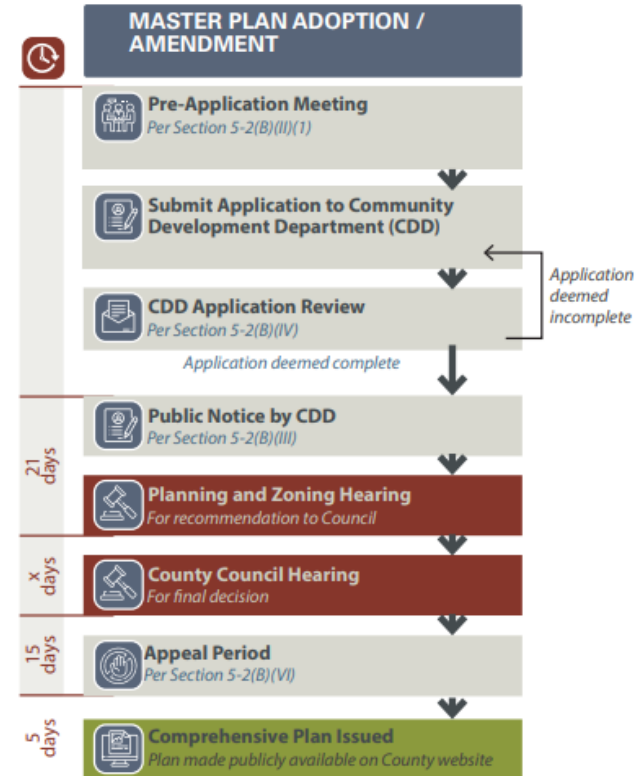
General Quasi-judicial Procedures

- Pre-application meeting
- May require a neighborhood meeting; minor Zone Map Amendment
- Recommendation from CDD
- Require 1 public hearings at P/Z for final decision
- Appeals to Council



General Legislative Procedures

- Pre-application meeting
- May require a neighborhood meeting;
- Require 2 public hearings; one at P/Z for recommendation and another at Council for final decision
- Appeals to District Court



Common Procedures: Public Hearings

- Establishes Hearing Officer position to assist in the adjudication of quasi-judicial hearings, if necessary
- Legislative Hearing Requirements including rules for procedures, Planning and Zoning Commission Recommendations, and Council Actions
- Quasi-Judicial Hearing Requirements including conduct of quasi-judicial hearings, proceedings of hearings, decisions, and rules regarding ex-parte communication

Common Procedures: Public Hearings

| LEGISLATIVE PUBLIC HEARINGS | |
|--|---|
| 1. Presiding Officer calls meeting to order | |
| 2. CDD presents case facts, relevant Code, and answers questions from Hearing Body | ▼ |
| 3. Applicant presents their case | ▼ |
| 4. Public comment | ▼ |
| 8. Hearing Body closes public input portion of hearing | ▼ |
| 9. Hearing Body deliberates | ▼ |
| 10. Motion and Vote | ▼ |
| 11. Written recommendation or final decision with findings of fact and conclusion of law | ▼ |

ATTACHMENT A

| QUASI-JUDICIAL PUBLIC HEARINGS | |
|---|---|
| 1. Presiding Officer calls meeting to order | |
| 2. CDD presents case facts, relevant Code, and answers questions from Hearing Body | ▼ |
| 3. Applicant presents their case | ▼ |
| 4. Public comment and questions | ▼ |
| 5. Cross examination of applicant and staff by anyone with standing via questions provided in writing | ▼ |
| 6. Written cross examination questions read by Presiding Officer | ▼ |
| 7. CDD and applicant answer questions read by Presiding Officer | ▼ |
| 8. Hearing Body closes public input portion of hearing | ▼ |
| 9. Hearing Body deliberates | ▼ |
| 10. Motion and Vote | ▼ |
| 11. Written recommendation or final decision with findings of fact and conclusion of law | ▼ |

Common Procedures: Appeals

- Appealable Actions
- Effect of Appeals
- Standing Required to Appeal
- Appeal Bodies
- Procedures
- Review and Decision Criteria

5-2(B)(VI)(4) STANDING REQUIRED TO APPEAL

1. Appeals of final actions may be filed by the following persons:
 - A. The owner of the property listed in the application.
 - B. All persons that were required to be mailed notice for the application giving rise to the final action being appealed.
 - C. Any County official acting in their official capacity whose services, properties, facilities, interest, or operations may be adversely affected by the application; or.
 - D. Any person who has a recognized legal interest under New Mexico law.
2. For Discretionary Decision and Policy Decisions, as provided in Table 43 Procedures Summary Table, the appellant must have made an appearance of record to have standing to appeal, except in cases where the appellant alleges improper notice.
3. An appearance of record can be made through any of the following:
 - A. The initial submittal of the application which is the subject of the appeal.
 - B. The submittal of written comments by the eventual appellant about the subject case submitted to the relevant decision-making body within the deadline for written comments prior to the decision.
 - C. Verbal comments made by the eventual appellant provided at a public hearing about the subject case during the review process before the relevant decision-making body.

Nonconformities

Buildings or activities that were legal when they were built, but that will not comply with the Development Code

Different Types of “Nonconforming”

1. Lots
2. Use
3. Structure
4. Lots
5. Site features (e.g. parking, landscaping, etc.)

Nonconformities

- Allowed to continue – regardless of sale or lease to others (i.e. “grandfathered”)
- Allowed to be maintained / repaired, as long as non-conformity isn’t expanded
- Limits on expansion

Nonconforming Lots

- A nonconforming lot that was made nonconforming by virtue of enactment of the Code may be used for construction of a building allowed in the applicable zoning district, provided that all other zoning district and dimensional standards are met.
- Permitted uses or structures may be established on a preexisting lot of record, the description of which is on record on the date of adoption of the Code.
- In the North Community, where a conforming or legal nonconforming dwelling, two-family or multiple-family existed on a lot on May 9, 2000, such lot shall be considered a conforming site for dwellings, single-family, attached and may be subdivided into a number of lots less than or equal to the number of dwelling units located on the lot on May 9, 2000 (existing standard to remain).

Nonconforming Use

- A nonconforming use of land, building, or a structure shall be allowed to continue regardless of any change in ownership or occupancy of the use, until that use is **discontinued for a period of 180 days** or another provision of this section requires the termination of the use.
- No such nonconforming use shall:
 - Enlarged, increased or extended to occupy a greater area of land than was occupied on the date of adoption of this Code.
 - Moved in whole or in part to any portion of the lot or parcel other than occupied by such use on the date of adoption of this Code.
 - No additional structure not conforming to the requirements of this Code shall be erected in connection with the nonconforming use of land or structure.
- A structure containing a nonconforming use may be maintained, repaired, or altered, with limits on expansion pursuant to Section 5-4(D).

Nonconforming Structures

- A nonconforming structure shall be allowed to continue to be used, regardless of any change in ownership or occupancy of the structure, **until the structure is vacant for a period of 180 days** or until another provision of this Section requires the termination of the use.
- No such nonconforming structure shall enlarged or altered in a way that increases its nonconformity.
- A nonconforming structure that has been damaged or destroyed by fire or other causes may be restored to its original condition, provided that such work is commenced within one (1) year of such event and completed within eighteen (18) months of such event.
- A nonconforming structure may be moved in whole or in part to another location on or off the lot, provided that the moving will make it conform to the regulations for the zone district(s) in which it is located.
- A structure containing a nonconforming use may be maintained, repaired, or altered, with limits on expansion pursuant to Section 5-4(D).

Nonconforming Site Features

- Site features may continue to be used and occupied, and uses may be changed or expanded as allowed by other provisions of the Code, notwithstanding those nonconformities
- **Unless and until the gross floor area of the primary building on the lot is expanded more than 25% of the existing gross floor area,** at which time any portion of the lot affected by the expansion shall be brought into compliance with any relevant standards in the Sections listed above in this provision.

Construction Improvements

Remains consistent with existing requirements, minimal changes

- Phasing Plan
- Notification to County staff prior to commencing construction
- Responsibilities for maintenance
- Standards for acceptance by the County
- Monument standards
- General construction standards

Violations, Enforcement, and Penalties

Remains consistent with existing requirements, minimal changes

- Purpose
- Authority to Enforce
- Review of Zoning Compliance
- Enforcement Procedures
- Penalty of Violation of Code

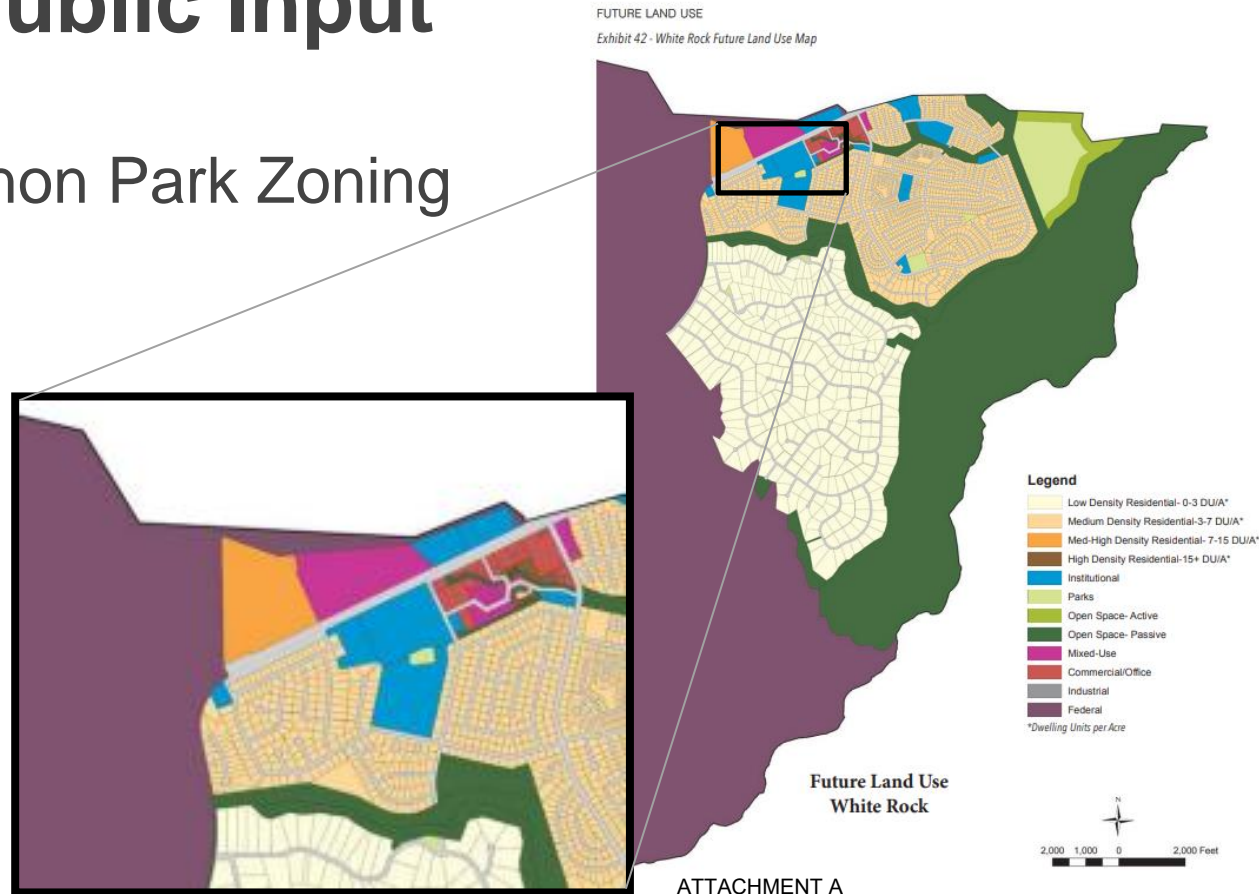
Public Input

Public comment spreadsheet

| Module 3 Public Comments | | | | |
|--------------------------|-------------------------|---|----------|--|
| Topic | Applicable Code Section | Comment | Revision | Response |
| Zone Map | 16-2-2 | <p>The Module 3 draft released July 18th is very interesting. I have a question about the proposed zoning maps on pages 18 and 19: Why is the Sombrello Nursing Home parcel colored MFR-M Multi-Family Medium Density? Is that a mistake? Or is the nursing home going to be removed and replaced with apartment buildings?</p> <p>ATTACHMENT A</p> | NA | <p>To start, we want to clarify that there is a distinction between the land use on a parcel and the zoning on a parcel. While these are often assumed to be the same thing, the land use deals with the existing functions of land, while zoning refers to the regulatory tool used by municipalities to regulate the types of land uses that are allowed and the development standards such as building height, setback, required parking etc., to which the use will be held.</p> <p>It looks like the Sombrello Nursing Home, located at 1011 Sombrello Ct, is currently zoned R-3-H (current zoning map is located here: https://cdn5-hosted.civiclive.com/UserFiles/Servers/Server_6435726/File/Mapping/Zone_TS78x36_20190515.pdf). The existing R-3-H zone currently allows a range of multiple-family uses, including nursing facilities, and these currently allowed uses are carried over in the zoning code update. This zone code update is renaming some of the districts and rewriting the intent statements to clarify the types of uses and development characteristics that are allowed. The allowed uses and required development standards within the residential districts closely follow what is allowed under the current zoning code. This is why the naming convention on the site has changed. That being said, this zoning code update has no intention of redeveloping the existing nursing home to multi-family. However, the existing zoning would allow the nursing home to redevelop as another use like multi-family in the future and those existing allowed uses cannot be taken</p> |

Public Input

Pinon Park Zoning



Public Input

County should consider a sponsored zone amendment process post adoption.

Albuquerque Planning Department sponsored a package of zone changes within a year of the IDO effective date that accommodated:

- Existing mismatches of land use and zoning
- Uses made nonconforming by the IDO
- Elective downzoning by property owners

Next Steps

- **Public comment on Module 3 will be accepted through August 23, 2022.** Email comments to Jessica Lawlis at jessical@dpsdesign.org or Sobia Sayeda at sobia.Sayeda@lacnm.us
- Presentation to County Council August 23, 2022
- Final draft for review September 2022
- P/Z and Council Work Sessions paired with Community office hours anticipated in October / November 2022

Questions?