

## Exhibit 5 to O-18-11

**Amendment:**

- Page 219, Section 5-5(F)(2)(a) Low Density Residential Development, revise Section 5-5(F)(2)(a)1. to read as follows:

[The area of the front yard that can be improved for] driveways and ~~off-street~~ parking areas [in all residential zones except the RA zone] shall be [limited pursuant to Table X-X-X] ~~cover no more than 60 percent of the area of the front yard~~

[Table X-X-X-X]

<u>Lot Size</u>	<u>Maximum Front Yard Parking Area</u>
<u>&gt;5,000 square feet</u>	<u>400 square feet or up to 60%, whichever is greater</u>
<u>&lt; 5,000 square feet and &gt; 2,200 square feet</u>	<u>400 square feet or up to 75%, whichever is greater</u>
<u>&lt;2,200 square feet</u>	<u>400 square feet or up to 85%, whichever is greater]</u>

- Page 379, Section 6-6(O)(3), add an additional section for criteria for variances to the Front Yard Parking Areas:

[6-6(O)(3)(c) Variance for Front Yard Parking Areas

- A Variance for a Front Yard Parking Area may be granted provided that the following criteria are met:
  - The request meets the requirements of this Subsection 14-16-6-6(O).
  - There is one or fewer on-street parking space per dwelling unit available within 330 linear feet of the subject property.]

- Page 401, Section 6-8(G) Nonconforming Site Features, create a new Section 6-8(G)(3):

[Section 6-8(G)(3)(a) Parking on areas other than allowed pursuant to Subsection 14-16-5-5(F)(1)(a)3 is illegal, and such parking must be discontinued within the timeframe specified by Code Enforcement in notice provided to the property owner, with the following exceptions:

Section 6-8(G)(3)(a)1. Front Yard Parking Areas in Existence Prior to June 17, 2007.

a. Front Yard Parking Areas not satisfying the requirements of this IDO that were improved for and specifically dedicated to use as a front yard parking area prior to June 17, 2007, and that otherwise satisfied the requirements of all applicable regulations in place at the time of their installation, may continue to be used for as a front yard parking area pursuant to the provisions of this IDO governing nonconforming uses and structures. For purpose of this subsection, "improvements" include only impervious surfaces such as concrete or asphalt or all-weather

pervious services surfaces such as recycled asphalt or driveway gravel (as distinguishable from landscape gravel). In order to enjoy non-conforming status under this Section 14-16-6-8, any such improvements must have been installed for and suitable for the specific purpose of front yard parking and maneuvering.

- i. Where a residential unit has an existing, improved front-yard parking area, parking on unimproved surfaces such as dirt, grass or landscape areas, or upon surfaces that were improved for any purpose other than front yard parking such as decorative gravel areas, patios or pedestrian walkways, must be discontinued regardless of the year of development of the property or improvement.

b. Where an existing residential unit lacks an improved front-yard parking area, and improved front yard parking areas were not required at the time of the unit's initial development, such residential unit may continue to utilize a portion of the front yard for parking subject to the size and area limitations prescribed by Subsection 14-16-5-5-(F)(2)(a)1

Section 6-8(G)(3)(a)2. Lawful Improvements Installed between June 17, 2007 and the effective date of the IDO. Front Yard Parking Areas not satisfying the requirements of the IDO but that satisfied the requirements of all applicable regulations in place between June 17, 2007 and the effective date of this IDO may continue to be used for front yard parking area pursuant to Section 14-16-6-8.]

- Page 459, Section 7-1, Definitions, add a definition for Vehicle:

[Vehicle

A vehicle, as defined by the City of Albuquerque Traffic Code, Definitions, §8-1-1-2.]

**Explanation:**

In 2007 the City Council established a task force to consider concerns raised by the community about front yard parking. The concerns that were raised focused on where and how much parking in a front yard is appropriate. Based on the recommendations of the task force an amendment to the Zone Code was adopted; this 2007 amendment (F/S(2) O-07-61) addressed the appropriate surfaces for parking and how much of the front yard is appropriate for parking. Since the amendment was adopted in 2007, concerns about the enforceability of the language have been raised by Code Enforcement. This amendment to the IDO seeks to clarify the language from the 2007 amendment, as carried over into the IDO, and to ensure that the language is enforceable and that the intent of the original amendment is furthered.

This amendment removes the limits to the area of front yard parking in the RA zone as the equivalent zones (RA-1 and RA-2) in the Zone Code are not regulated in terms of area. This amendment also reflects the amount of the front yard that can be used for front yard parking by lot size, per the Zone Code today, with the addition of a maximum square footage in order to make the language easier for Code Enforcement to assess. The language now allows for a square footage or percentage, whichever is greater. This amendment does not go beyond the allowances today but provides clarity for Code

Enforcement and flexibility for unusual shaped or sized lots through the percentage. This amendment includes an additional variance criterion for those seeking a variance to the driveway and front yard parking allowance, reflecting conditions that could require additional parking on a lot. And finally, language is added to the non-conformities section that clarifies the status of improvements made prior to 2007.