

MINUTES
ZONING CODE UPDATE FOCUS GROUP
TUESDAY, SEPTEMBER 12, 2023

The Zoning Code Update Focus Group met on Tuesday, September 12, 2023, at 6:00 PM in the Village Council Chambers. Those present were Erin Callahan (Village of Los Lunas), Alex Ochoa (Village of Los Lunas), Sonia Walker (Village of Los Lunas), Jackie Fishman (Consensus Planning), Charlene Johnson (Consensus Planning), Jonathan Turner (Consensus Planning), Giovanna Archuleta (Focus Group Member), Dean Vigil (Focus Group Member), Ambrose Chavez (Focus Group Member), and Josh Johnson (Focus Group Member).

Item 1: Discussion on draft Article 1

J. Fishman introduced the draft of Article 1 to the Focus Group and explained the proposed changes in the draft document.

There was discussion on the definition of “Clear Sight Triangle”. It relates to the zoning code when someone is looking to place a sign or erect a fence. J. Fishman stated she is used to speed being a factor to determine the clear sight triangle, but that is an engineering standard. It was determined this is an area to review due to the existing specificity on height and different codes referencing a clear sight triangle within the current Village Municipal Code.

A. Chavez asked about the proposed changes of removing regulations in the new definition of “Accessory Dwelling Units”. E. Callahan explained that there are numerous places that have regulations in the definitions. The intent is to remove the regulations from definitions and include them in the appropriate sections.

E. Callahan proposed removing the definition of “Affordable Housing” from the Zoning Code and referring people to Title 18 which is the Affordable Housing Ordinance.

J. Fishman asked for feedback from the Focus Group regarding the draft of Article I.

A. Ochoa provided context on the Cannabis definitions explaining that most are straight from state statute and legislation.

A. Chavez asked if the “Bed and Breakfast” definition was new. It is. E. Callahan stated we are not aware of a bed and breakfast in the Village so it may have never come up, but if it is defined it should also be in the Table of Permissible Uses and have regulations. A. Ochoa asked if there should be a separate section for accommodations with subsections of definitions for the different types.

A. Chavez asked for clarification of “Boarding House”. E. Callahan stated it exists in the definitions, but is part of the code that has not been used. She explained what a boarding house use would look like.

J. Fishman asked if “Accommodations” was more like hospitality, short term rentals, hotel, motel, etc.

E. Callahan asked if the subsections could be done in a different way because Municode will not preserve the formatting (indentation of subsections). It was decided the definitions need to have the main title followed by a comma and the subtitle of the definition.

E. Callahan asked if definitions should be readopted from state statute or should they be referenced as authorized by state statute. The readoption leads to pages of adopted definitions, for example, Cannabis. Staff asked for recommendations on a preference. A. Ochoa stated that as the state updates definitions, that option would keep the Village ordinance updated.

J. Fishman asked about "Community Residential Facility". E. Callahan stated that there are state regulations on this use and wanted to make sure the new definition did not conflict with the regulation. E. Callahan pointed out that if the name is going to change from "group home", it should not be referred to as a "group home" elsewhere. There was a discussion about the proposed statement referring to there not being a time limit for a person to live in the community residential facility.

D. Vigil asked if a community residential facility would include foster kids. E. Callahan stated it would not, those situations would be viewed as a family. S. Walker asked about a definition or provision for respite facilities. J. Fishman stated she would explore that use.

A. Chavez asked about the proposed reduction in numbers for the number of children allowed at a daycare facility. E. Callahan stated that for zoning, she's unsure if there is a concern for a number. J. Fishman made a note to remove the number limit.

There is a limit for the number of children in a "Daycare Home". J. Turner stated that there are state regulations on the number of children allowed in a daycare home. A. Ochoa brought up again that the number restrictions may be a regulation. E. Callahan stated that in this case, the number of children is part of the definition.

J. Fishman brought up the definition of "Historic District". She stated there is not a historic district but asked if it would be good to include it in case there is a historic district in the future. E. Callahan recommended that it not be included at this time because there are no immediate or future plans to create a historic district. J. Fishman stated that the Comprehensive Plan does talk about historic preservation. It was determined that the definition would be removed.

The conversation moved to "Kitchen". J. Fishman stated she found it important to define a kitchen because of the Planning & Zoning Commission's concern of people living in a shed. E. Callahan asked where the definition came from. J. Fishman stated it is a hybrid definition. A. Ochoa read the definition of a kitchen from the International Building Code (IBC), which only refers to an area used or designated to be use for the preparation of food. E. Callahan expressed a concern of having a definition more stringent than the building code. She stated that it was explained to the Planning & Zoning Commission that building codes still apply to all structures proposed for residential uses. J. Fishman stated that in Albuquerque there has been conversations of converting motel/hotels to multi-family and much of the discussion has been centered around the definition of a kitchen. A. Ochoa expressed that the IBC

definition is vague and defeats one of the main goals of revising the zoning code. A. Chavez gave an example of someone removing the kitchen from a structure to redefine the building. E. Callahan stated that it appears there is potential for the definition to clarify things but also complicate them. She proposed circling back later to discuss further. A. Ochoa stated there are also questions when considering commercial kitchens. J. Turner stated that the intent is not for someone to use a bathroom as a kitchen but rather defining a dwelling unit.

E. Callahan requested the manufacturing definitions be grouped together.

E. Callahan asked to remove the definition for “Low Income Households” because it is also in Title 18.

S. Walker stated the multi-family definitions also need to be grouped.

E. Callahan asked about the date the state gives for the classification of a mobile home. J. Fishman stated there is a date and will look to include it into the definition.

J. Fishman asked about the “Mobile Home Park” expanded definition. There were no comments.

A. Ochoa asked about the definition of “Mural” and where it stands compared to a sign definition. E. Callahan stated it would be best to leave it where it is so that it is not confused with a sign.

A. Chavez asked about the minimum requirements for the mobile home park. He asked if it was necessary to state the minimum of two mobile homes. E. Callahan explained the difference between the accessory dwelling unit and the mobile home park. The intent is so that there are not two mobile homes on a single lot. However, it may be the case with other updates that two will be allowed. J. Fishman read the state’s definition and it states 12 or more. It was determined to update the number to 12.

E. Callahan asked about differentiating mobile homes and manufactured homes. How are manufactured homes covered in the mobile home park definition. J. Fishman stated she has never seen a manufactured home park. E. Callahan asked for clarification that it does include manufactured homes. There was a discussion about the difference between mobile and manufactured homes and their placement requirements.

A. Chavez stated that the county no longer allows older mobile homes to be moved into the county. If it is existing, it can be moved around but new ones can’t be moved in.

S. Walker asked if the definition of services and facilities in “Mobile Home Park” was referring to utilities. J. Fishman stated it was intended for utility services.

G. Archuleta asked if schools were defined. J. Fishman stated it is only where there is a private school because public schools are not subject to local zoning laws. E. Callahan stated there is currently a definition for trade schools and private schools. G. Archuleta asked about Christian schools. There was a discussion on the difference between religious facilities and a school use. There was conversation on

whether charter schools are subject to zoning regulations. J. Fishman stated they would research it. E. Callahan stated that there should be a definition for any type of schools that will be regulated.

A. Chavez asked about a definition for outdoor storage. A. Ochoa provided an explanation of what outdoor storage would be. J. Fishman asked if there should be definitions of storage. A. Ochoa stated he believes there should be varying definitions of storage. S. Walker asked why there was a difference between self-storage and indoor storage. J. Fishman stated it is now more common to see the indoor storage facilities. It was noted that for the Village, it is more common to have the drive-up storage rather than the fully enclosed storage facilities.

D. Vigil asked about a “Recreational Vehicle Park” and the statement of two or more. He asked if it was necessary. E. Callahan stated it was a new definition and the Village had to make a determination for the current RV park. S. Walker asked if it would be a short-term rental if it was only one. E. Callahan stated that would have to be looked at.

Item 2: Questions or clarifications on *Supplementary Standards for Specific Uses*

J. Fishman stated this item is an opportunity for feedback from the email that was sent out to cover what didn’t get addressed at the previous meeting. There were no comments. G. Archuleta stated she had drafted an e-mail of her comments and would send it to the group.

Item 3: Next Steps:

J. Fishman gave an overview of what would be presented at the following meetings. She stated she would like to send each article for review as it was finished. She stated there is a short timeline for the remaining items. She stated there are only two of the five meetings left to cover the remainder and proposed adding a sixth meeting. D. Vigil stated that sounded reasonable.

- **Draft Article II, Article III, and Article IV**

- **Next Focus Group Meeting on October 10, 2023**

Item 7: Adjourn

The meeting was adjourned at 7:25 PM.