

# A1 Animal Welfare

**THIS AMENDMENT PASSED ON A 5-0 VOTE.**

**LAND USE, PLANNING AND ZONING COMMITTEE  
of the  
CITY COUNCIL**

**May 15, 2024**

**COMMITTEE AMENDMENT NO.   1   TO Exhibit 1 to O-24-13**

**AMENDMENT SPONSORED BY COUNCILOR Tammy Fiebelkorn**

In Exhibit 1 to O-24-13, the EPC Redline, make the following changes:

1. On page 209, Section 4-3(F)(3), Animal Keeping, add a new Use Specific Standard and renumber accordingly:  
[4-3(F)(3)(c) All development applications shall require review by a representative from the City Animal Welfare Department].
2. On page 430, Section 6-4(J), add a new subsection:  
[6-4(J)(XX) Animal Keeping  
For development applications involving animal keeping, the City Animal Welfare Department are a commenting department, pursuant to Section 4-3(F)(3)(c).]

Explanation: This amendment proposes to add Animal Welfare Department as a commenting department for development applications that involve an animal keeping use.

# A2 Areas of Change and Consistency

**THIS AMENDMENT PASSED ON A 5-0 VOTE.**

**LAND USE, PLANNING AND ZONING COMMITTEE  
of the  
CITY COUNCIL**

**May 15, 2024**

**COMMITTEE AMENDMENT NO.   2   TO Exhibit 1 to O-24-13**

**AMENDMENT SPONSORED BY COUNCILOR Nichole Rogers**

In Exhibit 1 to O-24-13, the EPC Redline, make the following changes:

1. On page 315, in Section 5-6(E)(5), revise as follows:  
[Except in DT-UC-MS-PT areas, w] ~~[W]~~ here a premises partially or completely in an Area of Change is abutting ~~[or across an alley from]~~ a premises partially or completely in an Area of Consistency (per City Development Areas in the ABC Comp Plan, as amended), the following standards shall apply on the lot(s) ~~[adjacent]~~ [abutting] to the premises partially or completely in the Area of Consistency, regardless of the proposed land use on that lot or premises, unless specified otherwise in this IDO.
2. On page 315, in Table 5-6-5, strike the column for buffering in DT-UC-MS-PT areas.

Explanation: This amendment proposes to remove the buffering requirements applicable for Areas of Change and Consistency in DT-UC-MS-PT areas. The buffering and landscaping in section 5-6(E)(1) through (4) would still apply in DT-UC-MS-PT areas. The buffering requirements in 5-6(E)(1) through (4) provide for buffers between use types and underlying zoning and ensures that more sensitive uses are buffered from more intense uses. These provisions are untouched by this proposed amendment. This amendment also strikes the requirement that properties that are in an Area of Consistency and are across an alley from an Area of Change be buffered as the alley provided a buffer of at least 16 feet. Properties in an Area of Change would only need to provide a buffer if they abut a property in an Area of Consistency.

# A3 Boat and RV Parking

**THIS AMENDMENT PASSED ON A 4-1 VOTE.**

**For: Baca, Bassan, Champine and Rogers**

**Against: Grout**

**LAND USE, PLANNING AND ZONING COMMITTEE  
of the  
CITY COUNCIL**

**May 15, 2024**

**COMMITTEE AMENDMENT NO.   3   TO Exhibit 1 to O-24-13**

**AMENDMENT SPONSORED BY COUNCILOR Brook Bassan**

In Exhibit 1 to O-24-13, the EPC Redline, make the following changes:

1. On pages 272-273, Section 5-5(B)(4)(d)3, remove the red line text added at EPC as follows:
  3. The vehicle must be parked in 1 of the following areas:
    - a. Inside an enclosed structure.
    - b. Outside in a side or rear yard.  
~~[c. In any Residential zone district or MX-T zone district with a primary residential use, the vehicle shall not be parked in any portion of a front yard, whether that portion has been improved as a driveway or not.]~~
    - c. ~~[In any MX or NR zone district with a primary nonresidential use, the vehicle may be parked o]~~  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.

Explanation: This amendment proposes to remove the prohibition on Boat and RV parking that was recommended by the EPC. At present, the IDO allows Boats and RVs to parking in the front, side, and rear yards. This amendment would ensure that remains.

# A4 Cottage Development Maximum

**THIS AMENDMENT PASSED ON A 4-1 VOTE.**

**For: Baca, Bassan, Grout and Rogers**

**Against: Champine**

**LAND USE, PLANNING AND ZONING COMMITTEE  
of the  
CITY COUNCIL**

**May 15, 2024**

**COMMITTEE AMENDMENT NO. 4 TO Exhibit 1 to O-24-13**

**AMENDMENT SPONSORED BY COUNCILOR Joaquin Baca**

In Exhibit 1 to O-24-13, the EPC Redline, make the following changes:

1. On page 159, in Section 4-3(B)(4), revise (a) as follows:
  - (a) The maximum project size for a cottage development is [3] [5] [2] acres.
  
2. On page 159, in Section 4-3(B)(4), add a new (c) and renumber accordingly:  
[4-3(B)(4)(c) Where accessed from a local street, this use is prohibited within 330 feet of any other cottage development except for the following:
  1. Up to 2 cottage development projects may be adjacent.
  2. There is no distance separation required if the subject property is within 1,320 feet (¼ mile) of UC-MS-PT-MT areas.]

Explanation: This amendment proposes to revise the maximum project size for a Cottage Development to 3 acres, limit the number of Cottage Developments that can be adjacent to each other when access to the project site is from a local street, and requires a 330 foot distance separation between cottage development projects when located on a local street. Project sites within 1,320 feet of a MT, UC, MS, or PT area are exempted from the limitations. The IDO currently has a maximum of 2 acres for a project size. EPC recommended that the project size increase to 5 acres. This amendment proposes a middle ground of 3 acres.

# A5 Duplexes

**THIS AMENDMENT FAILED ON A 2-3 VOTE.**

**For: Baca and Rogers**

**Against: Bassan, Champine and Grout**

**LAND USE, PLANNING AND ZONING COMMITTEE  
of the  
CITY COUNCIL**

**May 15, 2024**

**COMMITTEE AMENDMENT NO. 5 TO Exhibit 1 to O-24-13**

**AMENDMENT SPONSORED BY COUNCILOR Nichole Rogers & Tammy Fiebelkorn**

In Exhibit 1 to O-24-13, the EPC Redline, make the following changes:

1. On page 162, revise 4-3(B)(5)(b) as follows:

4-3(B)(5)(b) ~~[This use is prohibited in the R-1 zone district, except in] [In] R-1A [this use is allowed] [where 1 two-family detached dwelling is permissive]~~ on 2 lots where the building straddles ~~[the] [a common]~~ lot line and each dwelling unit is on a separate lot. (See figure below.)

2. On page 162, Section 4-3(B)(5), add new use-specific standards in appropriate numerical order as follows:

4-3(B)(5)(XX) In UC-MS-PT areas or within 1,320 feet (1/4 mile) of an UC-MS-PT area in the R-1 zone district, this use is permissive on lots where the second dwelling unit is attached to or is within an existing building.

4-3(B)(5)(XX) In UC-MS-PT areas or within 1,320 feet (1/4 mile) of an UC-MS-PT area in the R-1 zone district, this use requires a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) when the dwelling is constructed on a vacant lot.

4-3(B)(5)(XX) In UC-MS-PT areas or within 1,320 feet (1/4 mile) of an UC-MS-PT area in the R-1 zone district, this use is not allowed on a lot with an Accessory Dwelling Unit.

4-3(B)(5)(XX) Street facing facades must have at least one entrance and one window.]

## A5 Duplexes

3. On page 213, Section 4-3(F)(6), add a use-specific standard to Dwelling Unit, Accessory as follows:

[4-3(F)(6)(XX) In UC-MS-PT areas or within 1,320 feet (1/4 mile) of an UC-MS-PT area in the R-1 zone district, this use is not allowed on a lot with a Two-Family Detached (Duplex) dwelling.]

4. Throughout the IDO where it appears, replace the term “Dwelling, two-family detached (duplex)” with “Dwelling, duplex.”

Explanation: This amendment proposes to allow duplexes in the R-1 zone district in UC-MS-PT areas, or within 1,320 feet of UC-MS-PT areas. If the property contains an existing structure the duplex is permissive, if the property is vacant a duplex is a conditional use. This amendment proposes to make duplexes and ADUs on the same site prohibited. This amendment requires a street facing window and door.

# A6 Energy Storage Systems

**THIS AMENDMENT WAS WITHDRAWN.**

## **LAND USE, PLANNING AND ZONING COMMITTEE of the CITY COUNCIL**

**May 15, 2024**

**COMMITTEE AMENDMENT NO. 6 TO Exhibit 1 to O-24-13**

**AMENDMENT SPONSORED BY COUNCILOR Joaquin Baca, by request**

In Exhibit 1 to O-24-13, the EPC Redline of the IDO Annual Update 2023, make the following changes:

1. On page 154 of the IDO EPC Redline of the IDO Annual Update 2023, in the Telecommunications, Towers, and Utilities sub-category in Table 4-2-1, add a new row for “Energy Storage System (ESS)” with a P (permissive primary) in all zone districts except for the NR-SU and NR-PO zone districts, where it shall be listed as A (permissive accessory).
2. On page 199 of the IDO EPC Redline of the IDO Annual Update 2023, in §14-16-4-3(E)(8), revise the text as follows:

### **4-3(E)(8) Electric Utility**

- 4-3(E)(8)(a) ~~[A s][S]~~ubstation ~~[shall be surrounded by perimeter]~~ walls ~~[a minimum of 12 feet high]~~ ~~[shall be]~~ set back a minimum of 10 feet from all property lines to allow for perimeter landscape. ~~[Such walls shall be a combination of split face and smooth face blocks, cast-in-place walls with a discernable pattern, and/or shall provide pilasters along the wall every 20 feet.]~~
- 4-3(E)(8)(b) ~~[Outside of the perimeter wall, a s][S]~~ubstation ~~[facilities]~~ shall be surrounded by a minimum 10-foot landscaped buffer area consisting of shrubs and other vegetation that complies with the safety and maintenance requirements for substations.
- ~~[4-3(E)(8)(c) Substations shall be surrounded by a wall a minimum of 12 feet high wall.]~~
- 4-3(E)(8)(~~[e]~~~~[c]~~) All existing substations that undergo expansion shall meet the design standards for new substations.
- 4-3(E)(8)(~~[e]~~~~[d]~~) All uses and associated facilities shall be subject to the terms and conditions in the Facility Plan for Electric System Transmission and Generation, as amended, ~~[except that battery storage facilities are not considered electric generation facilities and~~

## A6 Energy Storage Systems

~~may be a primary activity in association with the electric utility use in the NR-BP, NRLM, and NR-GM zone districts][unless specified otherwise in this IDO, the DPM, or other adopted City regulations].~~

- 4-3(E)(8)(~~f~~~~e~~) ~~[Utility-scale e][E]~~lectric generation facilities, as ~~[defined][identified]~~ in the Facility Plan for Electric System Transmission and Generation, are large ~~[ ]~~scale industrial developments and are only allowed in the NR-GM zone district ~~[, unless specified otherwise in this IDO].~~
- 4-3(E)(8)(~~g~~~~f~~) If this use is located on the same premises as a geothermal energy generation use, the premises must meet all Use-specific Standards in this Subsection 14-16-4-3(E)(8) and in Subsection 14-16-4-3(E)(9) (Geothermal Energy Generation).
- 4-3(E)(8)(~~h~~~~g~~) If this use is located on the same premises as a solar energy generation use, the premises must meet all Use-specific Standards in this Subsection 14-16-4-3(E)(8) and in Subsection 14-16-4-3(E)(10) (Solar Energy Generation).
- 4-3(E)(8)(~~i~~~~h~~) If this use is located on the same premises as a wind energy generation use, the premises must meet all Use-specific Standards in this Subsection 14-16-4-3(E)(8) and in Subsection 14-16-4-3(E)(11) (Wind Energy Generation).

3. On page 200 of the IDO EPC Redline of the IDO Annual Update 2023, in §14-16-4-3(E), add a new Subsection for Energy Storage System (ESS) with text as follows and renumber subsequent Subsections accordingly:

### **4-3(E)(#) Energy Storage System (ESS)**

- 4-3(E)(#)(a) This use shall be surrounded by an opaque wall or fence at least 8 feet and not more than 12 feet high that is a combination of split face and smooth face blocks, cast-in-place walls with a discernable pattern, and/or pilasters along the wall every 20 feet.
- 4-3(E)(#)(b) Except where abutting industrial development, a landscaped buffer area shall be provided that is at least 10 feet wide and contains at least 1 tree for every 25 feet along the lot line that complies with the safety and maintenance requirements for an ESS, in addition to all applicable standards in Section 14-16-5-6 (Landscaping, Buffering, and Screening), including but not limited to Subsection 14-16-5-6(C)(10) Planting near Utilities.
- 4-3(E)(#)(c) All onsite utility lines and associated equipment shall be placed underground or pad mounted, unless soil conditions, shape, or topography of the site as verified by the City Engineer dictate above-ground installation, with the exception of the main service connection at the utility right-of-way and any new interconnection equipment, including without limitation any poles, as permitted by the electric utility.
- 4-3(E)(#)(d) All existing ESS facilities that undergo expansion beyond the perimeter wall shall meet the design standards for new ESS



# A6 Energy Storage Systems

facilities.

- 4-3(E)(#)(e) In Residential zone districts, this use is limited to a maximum size of 1 acre, unless accessory to another primary use or a Conditional Use Approval is obtained pursuant to Subsection 14-16-6-6(A).
- 4-3(E)(#)(f) If this use is located on the same premises as an electric utility use, the premises must meet all use-specific standards in this Subsection 14-16-4-3(E)(#) and in Subsection 14-16-4-3(E)(8) (Electric Utility). The uses may be located inside the same perimeter wall.
- 4-3(E)(#)(g) If this use is located on the same premises as a geothermal energy generation use, the premises must meet all Use-specific Standards in this Subsection 14-16-4-3(E)(8) and in Subsection 14-16-4-3(E)(9) (Geothermal Energy Generation).
- 4-3(E)(#)(h) If this use is located on the same premises as a solar energy generation use, the premises must meet all Use-specific Standards in this Subsection 14-16-4-3(E)(8) and in Subsection 14-16-4-3(E)(10) (Solar Energy Generation).
- 4-3(E)(#)(i) If this use is located on the same premises as a wind energy generation use, the premises must meet all Use-specific Standards in this Subsection 14-16-4-3(E)(8) and in Subsection 14-16-4-3(E)(11) (Wind Energy Generation).
- 4-3(E)(#)(j) All ESS facilities that are not in use for a period of 1 year shall be removed by the owner within the following 6 months. Upon removal, the site shall be revegetated to blend with the existing surrounding vegetation. The owner shall notify the City when removal of the ESS occurs.]

## 4-3(E)(#) Residential District Concealment Requirements

- 4-3(E)(#)(a) Where allowed in a Residential zone district, this use shall be concealed to be the least visually and physically intrusive as possible and to have the least adverse visual effect on the environment and its character and nearby residences by meeting all of the following requirements.
  - (I). This use shall be aesthetically integrated with the existing buildings, structures and landscaping to blend in with the nature and character of the built and natural environment in terms of height, color, architectural style, massing, and materials.
  - (II). This use shall be located to avoid a dominant silhouette on escarpments and next to Major Public Open Space.
  - (III). The required perimeter wall shall use the same architectural materials (e.g., stucco, brick, concrete) as properties within 330 feet of the subject property.
  - (IV). No horizontal length of the required perimeter wall shall extend longer than 20 feet without the inclusion of architectural elements such as decorative grillwork, projection of lintels, portals, windows or doors, awning, or other external features to avoid visual

# A6 Energy Storage Systems

monotony. A change in color alone does not satisfy this requirement.

4. On page 278 of the IDO EPC Redline of the IDO Annual Update 2023, in the Telecommunications, Towers, and Utilities sub-category of Industrial Uses in Table 5-5-1, add a new row for “Energy storage system” with “No requirement” for parking.
5. In Section 14-16-17-1, update the term “Electric Utility” with text and add new terms “Energy Storage System” and “Utility-scale Electric Facility” as follows:

## **Electric Utility**

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 [, but not including an Energy Storage System, which is regulated as a separate use for the purposes of this IDO]. Back-up generators and [back-up] battery storage are incidental to this use. See also [Energy Storage System,] *Geothermal Energy Generation, Major Utility, Solar Energy Generation, [Utility-scale Electric Facility] and Wind Energy Generation.*

## **[Energy Storage System (ESS)]**

A utility-scale electric facility that stores energy from the electrical grid and then discharges it at a later time to provide power when needed. An ESS may include electrochemical batteries and/or solid-state batteries (Battery Energy Storage System), mechanical energy storage, and/or thermal energy storage. For the purposes of this IDO, this use does not include charging equipment for electric vehicles (EVs), batteries used in consumer products, or residential energy storage systems. See also *Electric Utility and Utility-scale Electric Facility.*

## **[Utility-Scale Electric Facility]**

Equipment and facilities developed and/or used by an electric utility regulated by the New Mexico Public Regulation Commission or a facility that is at least 1 megawatt (MW) of net generation or storage capacity and owned by electric utilities or independent power producers to provide grid support services to the bulk electric system and those systems that transmit or distribute electricity with voltages of 4.16 kilovolts (kV) or greater.]

6. On page 647 of the IDO EPC Redline of the IDO Annual Update 2023, in Section 14-16-17-2, add the following acronyms to Table 7-2-1:

[ESS: Energy Storage System]

[MW: Megawatt]

[kV: Kilovolt]

Explanation: This amendment creates a new use for energy storage systems with related standards, including required landscape buffers and size limitation in Residential

## A6 Energy Storage Systems

zone districts. The new use will apply to both PNM and privately-developed and operated facilities, and changes to the existing electric utility use reflect this.

The amendment responds to a growing need for alternative and renewable energy sources. Energy storage systems collect and store electricity until it is needed during an energy shortage or an emergency – where it might be needed – helping to serve future economic growth in the city, improving the viability and efficiency of our electric utility, and allowing the private market to help fill this need throughout our city.

This amendment was proposed but withdrawn from consideration at EPC, so City staff could meet with PNM and other stakeholders, which resulted in the changes proposed herein.

There has been added language since the April 10<sup>th</sup> LUPZ to include aesthetic design requirements for the security walls around the Energy Storage Systems. This language looks to incorporate existing materials and other architectural characteristics that are found in the residential vicinity for any ESS that is located within a residential zoning district.

# A7 Front Yard Walls and Fences (Residential)

**THIS AMENDMENT FAILED ON A 0-5 VOTE.**

**LAND USE, PLANNING AND ZONING COMMITTEE  
of the  
CITY COUNCIL**

**May 15, 2024**

**COMMITTEE AMENDMENT NO. 7 TO Exhibit 1 to O-24-13**

**AMENDMENT SPONSORED BY COUNCILOR Klarissa Peña, by request**

1. On page 328 of the IDO EPC Redline of the IDO Annual Update 2023, in §14-16-5-7(D)(3)(a), add a new Subsection with text as follows, renumbering subsequent subsections accordingly:

[1. For low-density residential development, the maximum height for a wall in the front yard or street side yard is 5 feet if all of the following requirements are met:  
(a) The wall is not located in a small area where taller walls are prohibited pursuant to Subsection (3) below.  
(b) View fencing is used for portions of a wall above 3 feet.  
(c) The wall is set back at least 5 feet, and the setback area is landscaped with at least 3 shrubs or 1 tree for every 25 feet along the length of the wall.]

2. On page 329 of the IDO EPC Redline of the IDO Annual Update 2023, in Table 5-7-2, revise the first row of text under View Fencing as follows:

[<5] [~~40~~] ft. from lot line abutting the street

**Explanation:** This amendment proposes to allow 5-foot walls in the front yard without requiring a special hearing if they are set back 5 feet to provide additional accommodation of pedestrians along the sidewalk and if view fencing is used above 3 feet to ensure “eyes on the street” and to follow Crime Prevention through Environmental Design (CPTED) principles. Such a wall would still need to meet clear sight triangle rules, and prohibitions of taller walls in small areas would still apply.

Existing rules limit front yard walls to 3 feet without a Permit – Wall or Fence – Major, which requires a special hearing by the Zoning Hearing Examiner. This amendment would still require a special hearing for taller walls less than 5 feet from the property line, following existing decision criteria for a Permit – Wall or Fence – Major in

## A7 Front Yard Walls and Fences (Residential)

Subsection 14-16-6-6(H).

In most cases today, if a taller wall is requested within the first 10 feet of the front property line, an owner is only allowed to have a taller wall if at least 20 percent of other properties on the same block already have similar walls. Even with this special hearing, the owner may only request a wall up to 5 feet tall, and the wall must include view fencing above 3 feet. Many taller front yard walls are requested each year from owners with security concerns or owners wanting taller walls to better secure pets or small children in the front yard.

Beyond 10 feet from the property line, the owner still has to go through a special hearing to request a wall up to 6 feet high. If the wall is connected to the house to create a courtyard, the wall may be opaque. Otherwise, the wall must include view fencing above 3 feet.

The result of this amendment would allow front yard walls as follows:

Distance from Front Property Line	Maximum Wall Height	View Fencing Required	Process
< 5 feet	3 feet	None	Wall/Fence Permit – Minor (administrative) pursuant to 6-5(F)
< 5 feet	5 feet	Above 3 feet	Wall/Fence Permit – Major (ZHE) pursuant to 6-6(H)
<u>5-10 feet</u>	<u>5 feet</u>	<u>Above 3 feet</u>	<u>Wall/Fence Permit – Minor (administrative) pursuant to 6-5(F)</u>
≥ 10 feet	6 feet	Above 3 feet	Wall/Fence Permit – Major (ZHE) pursuant to 6-6(H)
≥ 10 feet	6 feet	None for courtyard wall	Wall/Fence Permit – Major (ZHE) pursuant to 6-6(H)

For the IDO Annual Update 2021, the Administration requested increasing the height of an opaque front yard wall from 3 to 4 feet if the wall was set back 2 feet and view fencing was used above 3 feet. This amendment was not recommended by the Environmental Planning Commission (EPC) and later failed to gain a second by the full Council when proposed as a floor amendment.

For the IDO Annual Update 2022, the Administration requested allowing front yard walls up to 5 feet if the wall was set back 2 feet and view fencing was used above 3 feet. This amendment was not recommended by the EPC.

For this year's update, the Administration responded to critiques of past proposals by

## A7 Front Yard Walls and Fences (Residential)

setting back the wall an additional 3 feet to give more room to the pedestrian realm, requiring landscaping in the setback, and requiring view fencing above 3 feet. These additional requirements are intended to ameliorate concerns about eyes on the street and keeping an active pedestrian realm while still meeting the needs of many property owners. By eliminating the requirement for a special hearing for taller walls that meet the requirements, City staff can spend more time on higher priority cases. The EPC heard the proposal but recommended denial.

# A8 Landscaping Applicability

**THIS AMENDMENT PASSED ON A 3-2 VOTE.**

**For: Baca, Bassan and Rogers**

**Against: Champine and Grout**

**LAND USE, PLANNING AND ZONING COMMITTEE  
of the  
CITY COUNCIL**

**May 15, 2024**

**COMMITTEE AMENDMENT NO. 8 TO Exhibit 1 to O-24-13**

**AMENDMENT SPONSORED BY COUNCILOR Tammy Fiebelkorn & Joaquin Baca**

In Exhibit 1 to O-24-13, the EPC Redline, make the following changes:

1. On page 299, Section 5-6(B) APPLICABILITY revise as follows:

5-6(B)(1) The provisions of this Section 14-16-5-6 shall apply to any of the following, unless specified otherwise this IDO:

5-6(B)(1)(a) Construction of a new building containing multi-family, mixed-use, or non-residential development or an accessory parking structure.

5-6(B)(1)(b) Construction of a new parking lot containing ~~[25]~~ [20] or more spaces, or expansion of an existing parking lot by ~~[25]~~ [20] spaces or more.

5-6(B)(1)(c) Expansion of the gross floor area of an existing building containing multi-family, mixed-use, or non-residential development by ~~[2,500]~~ [2,000] square feet or more, or ~~[25]~~ [20] percent or more, whichever is less.

5-6(B)(1)(d) Renovation or redevelopment of an existing building containing multi-family, mixed-use, or non-residential development, including but not limited to reconstruction after fire, flood, or other damage, where the value of the renovation or redevelopment, indicated by building permits, is ~~[\$500,000]~~ [\$400,000] or more.

Explanation: This amendment proposes to increase the instances when landscaping would be required for existing developed properties. This amendment reduces each of the thresholds by 20%. As an urban area, Albuquerque experiences an urban heat island effect, and landscaped areas can significantly help to reduce that effect. Landscaping can also help to improve the visual landscape, to beautify. By reducing the thresholds for landscaping, this amendment will increase the instances where an existing developed property will need to provide landscaping.

# A9 Overnight Shelter

**THIS AMENDMENT WAS WITHDRAWN.**

**LAND USE, PLANNING AND ZONING COMMITTEE  
of the  
CITY COUNCIL**

**May 15, 2024**

**COMMITTEE AMENDMENT NO. 9 TO Exhibit 1 to O-24-13**

**AMENDMENT SPONSORED BY COUNCILOR Nichole Rogers & Tammy Fiebelkorn**

In Exhibit 1 to O-24-13, the EPC Redline, make the following changes:

1. On page 152, in Table 4-2-1 Allowable Uses, revise the row for Overnight shelter to make the use permissive in all zone districts where currently allowed as Conditional (MX-M, MX-H, NR-C, NR-BP, NR-LM, NR-GM).

2. On page 166, Section 4-3(C)(6), revise the text as follows:

(a) This use is prohibited within 1,500 feet in any direction of a lot containing any other overnight shelter.

~~[(b) This use shall be conducted within fully enclosed portions of a building.]~~

~~[(b) Overnight shelters providing 100 or more beds are prohibited.]~~

~~[(c) This use requires a Conditional Use approval pursuant to Subsection 14-16-6-6(A) for any of the following:~~

~~1. More than 10 beds in the MX-M and NR-C zone districts.~~

~~2. Locations within 330 feet of Residential zone districts or any residential use in a Mixed-use zone district.]~~

~~[(e)] [(d)] In the MX-M zone district, this use shall not exceed 25,000 square feet [of gross floor area].~~

**Explanation:** This amendment proposes to make small and medium sized overnight shelters permissive in some zone districts and to prohibit large overnight shelters:

- 10 or less = small, permissive in MX-M, MX-H NR-C, NR-BP, NR-LM, NR-GM
- 11- 49 beds = medium, permissive in NR-BP, NR-LM, NR-GM, MX-H, conditional in MX-M and NR-C
- 50+ beds = large, prohibited in all zones

In the IDO today, overnight shelters are not permissive in any zones and are conditional in the following zones: MX-M, MX-H, NR-C, NR-BP, NR-LM, NR-GM.



# A10 Pre-Application Facilitated Meetings

**THIS AMENDMENT WAS WITHDRAWN.**

## **LAND USE, PLANNING AND ZONING COMMITTEE of the CITY COUNCIL**

**May 15, 2024**

**COMMITTEE AMENDMENT NO. 10 TO Exhibit 1 to O-24-13**

**AMENDMENT SPONSORED BY COUNCILOR Dan Lewis, by request**

1. On page 403 of the IDO EPC Redline of the IDO Annual Update 2023, in Table 6-1-1, rename the column labeled “Neighborhood” to “Facilitated” Meeting and revise the cross reference to 6-4(L). In the Policy Decision category, delete the “X” in Amendment to IDO Text – Small Area and Zoning Map Amendment – Council.
2. On page 421 of the IDO EPC Redline of the IDO Annual Update 2023, delete §14-16-6-4(B) Pre-submittal Neighborhood Meeting in its entirety.
3. On page 436, of the IDO EPC Redline of the IDO Annual Update 2023, revise §14-16-6-4(L) Post-submittal Facilitated Meeting as follows and renumber subsequent Subsections accordingly:

### **6-4(L)(1) Requesting a Post-submittal Facilitated Meeting**

6-4(L)(1)(a) Once an application for a decision listed in Table 6-1-1 is accepted as complete by the City Planning Department, property owners within 330 feet and Neighborhood Associations within 660 feet in any direction of the subject property may request a post-submittal facilitated meeting in ~~[any-of]~~ the following circumstances [, as applicable]:

1. [Table 6-1-1 indicates that a facilitated meeting is eligible for that application type.]
2. ~~[1. The application is]~~ [For] a Site Plan – Administrative, [the application proposes] ~~[proposing]~~ a new building or multiple new buildings that include a total of any of the following:
  - a. More than 100 multi-family residential dwelling units.
  - b. More than 50,000 square feet of non-residential development.~~[2. The application is in the category “Decision Requiring a Public Hearing” in Table 6-1-1.]~~  
~~[3. The application is in the category “Policy Decision” in Table 6-1-1, and Table 6-1-1 indicates that a Neighborhood Meeting is required for that application type.]~~

### **6-4(L)(2) Criteria for Delaying a Decision**

# A10 Pre-Application Facilitated Meetings

## 6-4(L)(2)(a) Administrative Decisions

[4. The Planning Director may require a post-submittal facilitated meeting for any of the following reasons, which are to be specified in written instructions to the negotiating parties.

a. The request for a facilitated meeting expressed interest in purchasing the land from the applicant.

b. The request for a facilitated meeting demonstrated an interest in negotiating with the applicant in good faith about how the proposed development could be changed to lessen anticipated negative impacts on the surrounding area.

c. The request for a facilitated meeting included items to be discussed that can reasonably be accommodated by the proposed development.]

6-4(L)(2)(b) Decision Requiring a Public Hearing and [Policy Decision] [Zoning Map Amendment—EPC]

The following apply to all requests for a post-submittal facilitated meeting associated with a Decision Requiring a Public Hearing [or Policy Decision] as shown in Table 6-1-1 [and for a Zoning Map Amendment—EPC].

[4. The decision-making body may require a post-submittal facilitated meeting for any of the following reasons, which are to be specified in findings in a Notice of Decision for continuance or deferral, as appropriate, with instructions to the negotiating parties.

a. The request for a facilitated meeting expressed interest in purchasing the land from the applicant.

b. The request for a facilitated meeting demonstrated an interest in negotiating with the applicant in good faith about how the proposed development could be changed to lessen anticipated negative impacts on the surrounding area.

c. The request for a facilitated meeting included items to be discussed that can reasonably be accommodated by the proposed development.]

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

6-4(L)(3)(a) Once notified [by the Planning Director about the request for] [that] a post-submittal facilitated meeting [is required], the applicant shall contact the City's Alternative Dispute Resolution (ADR) office to request the post-submittal facilitated meeting within 2 business days. The City shall assign a facilitator, who shall schedule the post-submittal facilitated meeting to take place within 15 calendar days of the request to ADR. The facilitator shall attempt to contact all Neighborhood Associations whose boundaries are within 660 feet of the subject property.

Explanation: This amendment replaces the Pre-submittal Neighborhood Meeting with the Post-submittal Facilitated Meeting and gives the responsibility to require a meeting to the decision-maker of each application and to define the scope of negotiations.

## A10 Pre-Application Facilitated Meetings

This amendment responds to a request by the City's Alternative Dispute Resolution Office to adjust the facilitated meetings to follow the most successful negotiations since the IDO went into effect in 2018. Facilitators have found that consensus is most likely when the application is complete, development details are best known, and the scope of the negotiation between the applicant and interested parties is well-defined by the decision-maker.