

IDO Annual Update 2019

Public Review Meeting – Parts 1 and 7

Questions / Suggestions

May 1, 2019

Questions

- Minor amendments and deviations: If staff does not approve, can applicant come in for a major amendment (decided by original body)? Or is an appeal the only recourse?
 - Answer: Appeal would be the appropriate recourse. Which decisions are minor vs. major is set by [IDO Subsection 6-4\(X\) Amendments of Approvals](#) or [Section 6-4\(Y\) Amendments of Prior Approvals](#).
- What happens if a previously approved site plan includes an angle plane? How would you amend that?
 - Answer: Amendments are either minor or major. If the change is within the thresholds for minor amendments per [Table 6-4-5](#), then it would be an administrative amendment decided by staff. Otherwise, it would go back to the original decision-making body.
- Is the proposed change for Temporary Use definition targeted at prohibiting homeless tent encampments?
 - Answer: No. The definition change clarifies that camping in a tent is considered an activity on a property, not a land use, and therefore is not regulated by the IDO.

Suggestions

- In zone change criteria, specify when “change” is measured from so that it is consistent with Supreme Court Ruling. (Suggestion: from effective date of IDO.)
- Reduce the required rear setbacks in residential zones (and other zones) where the rear property line abuts an alley.
- Require solar panels on developments over a certain size.

May 3, 2019

Suggestions

- Remove “maximum extent practicable” because it’s a “get out of jail free” card.
- Take and post all notes from informal meetings between Planning staff and applicants, residents, and other stakeholders outside of public meetings and hearings.
- Adjust the review/decision process to be less streamlined for certain approvals.
 - *Note: Need clarification of which approvals need to be adjusted.*
- Readjust public notice to be more similar to pre-IDO – too much unnecessary notice now.
 - *Note: Need clarification of which notice is unnecessary now.*
- Adjust comment deadlines for decision-making bodies to be more resident-friendly. 2 days or 6 days prior to the hearing is difficult.
 - *Note: This would affect DRB and ZHE decisions.*
- Limit cluster developments to 1 per project site.
 - *Note: This would result in less open space but fewer overall dwelling units.*
- Modify public meetings/hearing procedures so that residents are listened to at public meetings or hearings. 2 minutes is not enough time for comments.
 - *Note: The IDO does not establish these procedures. These comments/concerns will be distributed to the decision-making bodies, which each establish their own procedures.*

IDO Annual Update 2019

Public Review Meeting – Parts 2 and 3

General Questions/Suggestions

- Reduce or eliminate notice for each house within a subdivision, as it gets a bit much.
- Establish a procedure to audit or review administration decisions to ensure that regulations are being applied consistently.

Review of Technical Edits in Parts 2 and 3

- Participants at the meeting put blue dots on Technical Edits that they either had questions about or wanted to discuss.
- Participants put red dots on Technical Edits that they did not agree with.
- Participants put green dots on Technical Edits that they support.

Part 2 Zone Districts

Page	Section	Technical Edit	Red Dot - Disagree	Blue Dot – Want more info
34	Table 2-4-11	Add a note to allow the amount of usable open space to be reduced by 50% in UC-MS-PT areas in the MX-ID and MX-FB subzones.	1 dot: usable open space is important and shouldn't be reduced	
37	2-4(E)(3)(f)3.b.i.	Revise as follows: "Each second floor and higher façade facing a public street or alley shall contain a minimum of 40 30 percent of its surface in clear, transparent windows and/or doors."	2 dots: windows are important and shouldn't be reduced	
43	2-5(B)(3)(c)	Add a new Subsection (3) as follows: "If the Master Development Plan does not specify certain development standards, or if there is no Master Development Plan but development is allowed pursuant to Subsection 14-16-2-5(B)(3)(e), Development Standards in Part 14-16-5 of this IDO apply. If there are no development standards for the NR-BP zone district or if an IDO standard specifies that it is 'per approved plan' in the NR-BP zone district, development shall meet the development standards established for the NR-C zone district."		1 dot

Page	Section	Technical Edit	Red Dot - Disagree	Blue Dot – Want more info
44	2-5(B)(3)(e)1	Create a new Subsection as follows: "For properties zoned NR-BP that are less than 20 acres without a Master Development Plan, unsubdivided lots can be subdivided pursuant to the criteria in Subsection 14-16-6-6(I) (Subdivision of Land - Minor)."		1 dot
53	2-6(A)	Add a new Subsection (5) as follows: "Single-Family Development For PD zone districts that show a clear pattern of single-family residential land use based on a pre-IDO approval, a land owner may apply for a Site Plan - Administrative pursuant to Subsection 14-16-6- 5(G) for low-density residential development that maintains the pattern of development in the surrounding subdivision."		1 dot
53	2-6(A)(3)(b)	Replace existing text with the following: "A Site Plan – EPC that specifies uses, site standards, and development standards shall be reviewed and decided by the EPC in conjunction with review and decision of the zone change request pursuant to Subsection 14-16-6-7(F) (Zoning Map Amendment – EPC) or Subsection 14-16-6- 7(G) (Zoning Map Amendment – Council), as relevant."		1 dot

Additional Suggestions for Part 2

Note: The following proposed regulations would apply to Form-based zones, which are currently only mapped Downtown but could be applied anywhere in the city through a zone map amendment for a particular property.

- Add a regulation to vary window styles per floor.
- Add a regulation requiring high-quality building materials and/or prohibiting low-quality building materials. [Clarification is needed of which materials should be considered high-quality and which considered low-quality.]
- Add parking requirements Downtown.

Part 3 Overlay Zones

Page	Section	Technical Edit	Red Dot - Disagree	Blue Dot – Want more info
76	3-4(D)(5)(b)(2)d	Revise to require 50 percent, instead of 60 percent, of each ground floor façade to have clear, transparent windows and/or doors.	1 dot: windows are important and shouldn't be reduced	
94	3-4(I)(5)(b)(4)b	Revise as follows: "Be built to function as or appear as a storefront or urban residential building frontage type."	1 dot: [Clarification needed about disagreement]	
103	3-4(L)(5)(c)5	Add text to clarify and provide options for compliance, e.g.: "The street-facing building facade of a building on Mountain Road or adjacent to a residential zone shall change a minimum of every 35 linear feet in height, setback, or material."		1 dot
105	3-4(M)(4)	Revise as follows: 3-4(M)(4)(a) Building height, maximum: 18 feet. 3-4(M)(4)(b) For cluster development, building height may be increased to 26 feet on a maximum of 50 75 percent of the building footprint. 3-4(M)(4)(c) For all other low-density residential development, building height may be increased to 26 feet on a maximum of 50 percent of the building footprint.	2 dots: lower building heights are important to protect views in this area	1 dot
112	3-5(F)(4)(d)1	Revise as follows: "Primary building entrances shall be oriented toward the sidewalk abutting the façade of the building on the street with the highest vehicular traffic volume."		1 dot
121	3-6(D)(3)(c)	Revise as follows: "A view plane 4 feet above the elevation of the east edge of the east driving lane on Coors Boulevard, based on the elevation of the viewpoint for a given sightline, and extending horizontally above the sites located east of Coors Boulevard." Add a label showing the "view point" in all applicable graphics.	2 dots [clarification needed about disagreement]	1 dot

Page	Section	Technical Edit	Red Dot - Disagree	Blue Dot – Want more info
122	3-6(D)(5)	Insert a new (b) as follows: "No portion of a structure shall extend above the ridgeline of the Sandia Mountains that is visible within any view frame for a property." Renumber subsequent subsections accordingly. Clarify that the 16 ft and 20 ft height allowance for lots near or above elevation of Coors trumps this additional regulation as well. Add a graphic of a view frame showing a wavy ridgeline and several structures whose tops do not extend above the segment of ridgeline that is immediately behind each one.		1 dot

IDO Annual Update 2019

Public Review Meeting – Part 4 Uses

Questions

- Can the City require phasing of projects to lessen immediate impacts, such as traffic?
- How can the City limit or deny development that will increase traffic?
- Can the City limit or deny development until infrastructure is in place (e.g. streets, transit service, etc.)?

Suggestions

- More training of decision-makers is needed.
 - Ethics
 - Regulations
 - Ability/responsibility to set conditions to respond to concerns
- Go back to parks dedication instead of impact fees. The West Side has fewer parks than the east side, which developed when there was a parks dedication ordinance.
- Make PRTs open to neighborhood associations.
- Common open space is meant for the recreational use of residents in the cluster. It should not include things that are meant to be preserved/conserved on the site. Sensitive lands to be preserved/conserved should be subtracted out before 30% common open space is taken out of the project site.
 - Suggestion: Define common open space so that it does not include:
 - Slopes > 9%
 - Wetlands
 - [See 7-1 Definitions, Open Space Definitions, “Common Open Space” on page 479]
- Remove OS supervisor authority over single-loaded streets. [See 5-2(H)(2)(a)1.]
 - City council should decide after public discussion.
- Increase distance between car washes next to residential from 50 ft. to 150 ft. [See 4-3(D)(15)(a)]
- MX-T should allow cafes/coffee shops and corner stores. [See Table 4-2-1]
 - Change restaurant use from C to P, maybe with use-specific standard that limits size to 5,000 s.f.) [See 4-3(D)(8)]
 - Change General retail, small from A to P, maybe with use-specific standard that limits size to 5,000 s.f. [See 4-3(D)(34)]

Review of Technical Edits in Part 4 Use Regulations

- Participants at the meeting put blue dots on Technical Edits that they either had questions about or wanted to discuss.
- Participants put red dots on Technical Edits that they did not agree with.
- Participants put green dots on Technical Edits that they support.

Part 4 - Uses				Red Dot: Disagree	Blue Dot: Want more info	Green Dot: Agree
130	Table 4-2-1	Daytime gathering facility - change "C" to "A" in MX-H and NR-LM zone districts.	Adds 2 zone districts where this use is allowed permissively when accessory to another primary use on the site. MX-H is the most-intense mixed-use zone, where this use would be the most appropriate. NR-LM is an appropriate zone for this use, since it is an intense non-residential zone but does not allow heavy manufacturing.	1 dot: Not P in MX-H.		
130	Table 4-2-1	Overnight shelter - change "C" to "A" in MX-H and NR-LM zone districts.	Adds 2 zone districts where this use is allowed permissively when accessory to another primary use on the site. MX-H is the most-intense mixed-use zone, where this use would be the most appropriate. NR-LM is an appropriate zone for this use, since it is an intense non-residential zone but does not allow heavy manufacturing.	1 dot: Not P in MX-H.		
130	Table 4-2-1	Change "Sorority or fraternity" to "Dormitory." Find/replace throughout the document.	Broadens the sorority or fraternity use to other users as a housing option with common kitchens and common bathrooms.		1 dot	
134	Table 4-2-1	Revise R-T column for "Dwelling unit, accessory without kitchen" to "A."	The R-T zone allows multiple single-family dwellings on one lot and ADUs with kitchens permissively, so it makes sense for ADUs without kitchens, which are generally considered less impactful than ADUs with kitchens and other dwelling types, to be allowed as well.		1 dot	

Part 4 - Uses				Red Dot: Dis-agree	Blue Dot: Want more info	Green Dot: Agree
134	Table 4-2-1	Revise R-T column for "Dwelling unit, accessory without kitchen" to "A."	There was an inconsistency in the old zoning system that allowed ADUs with kitchens in certain areas, but ADUs without kitchens (formerly "accessory living quarters") were conditional uses in other zones that allow single-family and townhouse development. This revision makes the treatment of ADUs without kitchens consistent with ADUs with kitchens.		1 dot	
135	4-3(B)(1)(a)	Revise to read as follows: "In the <u>R-A and R-1</u> zone districts, only 1 single-family detached dwelling is allowed per lot..."	Reinstates a requirement from the old Zoning Code that was unintentionally omitted in the IDO.		2 dots	1 dot
136	4-3(B)(2)(d)	Revise as follows: "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..."	Allows cluster development open space to be provided in multiple locations on the project site.		1 dot	
136	4-3(B)(2)(d)4	Revise as follows: " No structure is allowed in the common open space except if <u>Only shade structures are allowed in the common open space, unless another structure is necessary for its operation and maintenance.</u> "	Allows shade structures in common open space areas. Shade is an amenity that can increase the use of the open space.		1 dot: Rephrase to clarify that this is about structures	1 dot

Part 4 - Uses			Red Dot: Dis-agree	Blue Dot: Want more info	Green Dot: Agree	
137	4-3(B)(3)(f)	<p>Revise as follows: "Maximum project density shall be measured in square feet of residential gross floor area, rather than in the number of dwelling units. <u>1. In all zone districts, the total residential gross floor area shall be no more than the total residential gross floor area that would be allowed on an equal size property in the same zone district platted into standard lots of the minimum lot size established for that zone district in Table 5-1-1, calculated based on multiplied by a standard dwelling unit size of 2,000 square feet, assuming 1 dwelling unit per lot.</u> <u>2. In the R-T or R-ML zone districts, for which minimum lot sizes are established for different residential uses, the above calculation shall be based on the minimum lot size for the relevant low-density residential use (i.e. single-family or two-family detached if the cottage development will be single-family or two-family detached dwellings or townhouse if the cottage development will be townhouse dwellings.)"</u></p>	Clarifies how the maximum residential gross floor area is calculated for cottage developments in zone districts with different minimum lot sizes for different low-density residential uses. Clarifies how to apply this calculation in MX-T, which does not have minimum lot sizes.	1 dot [clarification needed about disagreement]	1 dot	1 dot

Part 4 - Uses				Red Dot: Dis-agree	Blue Dot: Want more info	Green Dot: Agree
138	4-3(B)(5)(c)	Revise as follows: "For properties on which the rear <u>or side</u> lot line abuts an R-A or R-1 zone district <u>or on which the rear lot line is across an alley from an R-A or R-1 zone district</u> , no townhouse dwelling may contain more than 3 dwelling units.	Broadens a provision to make townhouse development across an alley more compatible with the single-family detached scale of R-A and R-1.		1 dot	1 dot
140	4-3(C)(3)	Add a new subsection as follows: "This use does not need to meet glazing requirements in 5-11(E)(2)(b)(1)." (Council Staff: Revise from 60% to 40%)	Exempts elementary and middle schools in UC-MS-PT areas from the 60% glazing requirement on the ground floor. Schools are encouraged in Centers as an active use that is supportive of and well supported by transit. Schools have safety constraints and programming constraints related to instruction. This edit removes a potential obstacle for the location of schools in Centers. Since APS is not required to comply with City zoning standards, this provision would apply most often to charter or private schools.			
140	4-3(C)(4)	Add a new subsection as follows: "This use does not need to meet glazing requirements in 5-11(E)(2)(b)(1)." (Council Staff: Revise from 60% to 40%)	Exempts high schools in UC-MS-PT areas from the 60% glazing requirement on the ground floor. Schools are encouraged in Centers as an active use that is supportive of and well supported by transit. Schools have safety constraints and programming constraints related to instruction. This edit removes a potential obstacle for the location of schools in Centers. Schools have safety constraints and programming constraints related to instruction. Since APS is not required to comply with City zoning standards, this provision would apply most often to charter or private schools.			

Part 4 - Uses				Red Dot: Dis-agree	Blue Dot: Want more info	Green Dot: Agree
140	4-3(C)(8)(a)	Revise heading to "NR-PO-A or Other Zone District with a City-owned or City-operated Park."	Added to clarify what happens on City-owned or operated Park not zoned NR-PO-A		1 dot	
144	4-3(D)(5)(a)	Revise as follows: "In the <u>MX-T</u> , MX-L ₂ and MX-M zone districts..."Add MX-T to close the possible loophole for the MX-T zone to serve large animals.	Veterinary hospitals are Conditional in MX-T, so this revision extends the limitation on large animal veterinary hospitals from the more intense MX-L and MX-M zone districts to MX-T for consistency.			1 dot
148	4-3(D)(17)(c)	Revise as follows: "In the MX-L zone district, this use shall only be located where the vehicular access is from a street designated by the LRTS Guide as collector and above. In the MX-M and higher zone districts, this use shall be located at least 330 linear feet from a residential use in a Residential or Mixed Use zone district if located on a local street."	This change reinstates the requirement from the Zoning Code that in the MX-L zone district, access must be from a collector or above. This change would also allow fueling stations on local streets in the MX-M zone and above, but with the condition that the fueling station is at least 330 feet from a residential zone.	1 dot: apply 330' distance separation to MX-L as well		
148	4-3(D)(17)(k)	Add the following sentence at the end of this Subsection: "A canopy attached to the building with a common roof does not satisfy this standard."	Revised for consistency with a proposed change to the definition of "building" that would include any area covered by a common roof. Without this edit, a canopy connected to a convenience store that extends to the edge of the street would count toward the frontage requirement. The intent of the provision is to define and activate the street edge at a pedestrian scale. The canopy is open and at an auto-oriented scale so cannot meet this intent. This edit requires the convenience store to create the street edge, which activates the space, since that is the active use for pedestrians.	1 dot [clarification needed about disagreement]	1 dot	

Part 4 - Uses				Red Dot: Dis-agree	Blue Dot: Want more info	Green Dot: Agree
149	4-3(D)(18)	Add a new Subsection (e) as follows: "In the MX-H zone district, minor repair and maintenance shall be conducted within fully enclosed portions of a building. and the building shall be located at least 25 feet from any Residential zone district or lot containing a residential use in a Mixed-use zone district. "	Revision for consistency with Use-specific standard for light vehicle sales and rental in the MX-H zone district to encourage more urban development in these areas. Note: Second part of this sentence is already covered by Subsection 4-3(D)(18)(d).	1 dot: should be all MX zones		
166	4-3(E)(10)(a)1	Revise as follows: "Small cell WTFs shall use <u>concealed technology except on co-locations of antennas on existing unconcealed towers and public utility co-locations on electrical transmission towers.</u> All other proposed WTFs, excluding co-locations of antennas on existing unconcealed towers and public utility co-locations, shall use concealed technology."	Revises the provision for compliance with the new small cell Ordinance 5-10-1. As adopted in the IDO, this section provision excludes public utility co-locations from the concealment requirement for all WTFs. Because public utility co-locations are broadly defined in the IDO to be any utility structure, that would apply to light poles and electric poles the same as a large transmission tower. On the large transmission tower, the City's intent is to not conceal. On a street light or street utility/electric pole, it is the City's intent to require concealment technology.			1 dot

Part 4 - Uses				Red Dot: Dis-agree	Blue Dot: Want more info	Green Dot: Agree
176	4-3(F)(5)(h)	Revise as follows: "If accessory to residential development, the accessory dwelling unit can be attached or detached. In the MX-L and MX-M zone districts, if accessory to a non-residential use, the accessory dwelling unit shall be attached to the building with a non-residential use. In a Non-residential zone district, the accessory dwelling unit is allowed for the caretaker of the primary non-residential use and may be attached or detached."	This edit clarifies how accessory dwelling units work when accessory to residential or non-residential uses. As previously defined, ADUs would not be allowed as accessory to residential uses but would allow a detached ADU in zones that otherwise would not allow single-family detached uses. This edit carries over the provision that caretaker units are allowed in NR zones and add that they can be either attached or detached.		1 dot	1 dot: split into subsections for clarification.
178	4-3(F)(5)	Add a new Subsection (j) as follows: "In the R-1 zone district, accessory dwelling units without kitchens require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A), except in areas where accessory dwelling units with kitchens are allowed permissively pursuant to Subsection (i) above." In Table 4-3-1, revise R-1 column for "Dwelling unit, accessory without kitchen" to "A" for consistency with this revision.	Makes the treatment of ADUs without kitchens consistent with ADUs with kitchens. There was an inconsistency in the old zoning system that allowed ADUs with kitchens in certain areas, but ADUs without kitchens (formerly "accessory living quarters") were conditional uses in R-1.		1 dot	1 dot

Part 4 - Uses				Red Dot: Dis-agree	Blue Dot: Want more info	Green Dot: Agree
180	4-3(F)(9)(g)	Revise as follows: "The outside appearance of the dwelling or unit shall not show evidence of the use, <u>including, but not limited to, outside storage, noise, dust, odors, noxious fumes, or other nuisances emitted from the premises,</u> except that one non-illuminated sign is allowed..."	Reinstates language from the Zoning Code that provides additional clarity.			1 dot
180	4-3(F)(9)(h)	Replace the language as follows: "All parking requirements shall be met per Section 14-16-5-5 (Parking), including, but not limited to, Subsection 14-16-5-5(F)(2)(a) and Table 5-5-6 that limit front yard parking."	The regulation as written is unenforceable, since parking for the residential use would be allowed if it met the standards in Subsection 5-5. The edit replaces the language with cross references to the provisions that limit front yard parking to keep the same intent that the lot with the home occupation should be indistinguishable from homes without a home occupation. See related edit to Subsection 4-3(F)(9)(g).	1 dot [clarification needed about disagreement]		

IDO Annual Update 2019

Public Review Meeting – Part 5 Development Standards

May 22 & 24

Questions

- Amendment C – Contextual Standards: Should buffer also apply around downtown center?
- Proposed Technical Edits: Is an approved variance required for the proposed contextual side setback standards?
 - Staff note: Currently a side setback variance is required; this proposed amendment would allow an administrative approval of side setbacks that match the neighborhood pattern.
- Proposed Technical Edits: How will relocation of requirements to the DPM be tracked and verified?
 - Staff note: Any changes to the Development Process Manual (DPM) must be approved by the Development Process Manual Executive Committee and signed off by the Mayor.
 - Proposed and Adopted Amendments to the DPM are posted on the City's website: <http://www.cabq.gov/planning/boards-commissions/development-process-manual-executive-committee/amendments-to-the-dpm>
- Proposed Technical Edits: In the wall articulation section (page 274, §5-7(D)(3)(a)), can the review/approval body deny this frequency if the design element is found to be obtrusive/excessive/etc.?
 - Staff note: This is one option for providing wall articulation. The proposed amendment reduces the width and frequency of the wall articulation so that it would apply in more situations. If this frequency is still too high, the rule should be changed to reflect the desired situation rather than making it a discretionary decision. You could get a variance or just pick a different option for wall articulation.

Suggestions/Online Comments for the IDO

- Civil penalties – could some of the revenue from fees go to neighborhood associations? Or somehow to the neighbors?
 - See [Amendment B](#). This change would need to be added by Council and probably needs buy-in from the Administration, since it would affect the General Fund.
- [Amendment C](#) shouldn't apply in Volcano Heights.
 - Volcano Heights is an Area of Change. Amendment C only applies in Areas of Consistency. Amendment C would not apply in Volcano Heights.
- Prohibit multiple cluster developments at one location. (two green dots)
 - See [IDO Subsection 4-3\(B\)\(2\)\(c\)](#).

- Staff comment: It is unclear how this regulation would be enforceable over time. If one cluster development goes in, what if the rest of the land on a site is sold – would the next owner not be allowed to do a cluster development? Either would need a distance separation – must be X distance apart (if it’s about not wanting too many clustered units too close together). Or a time separation – 2 clusters cannot be done adjacent unless X years have passed since the last approval (if it’s about phasing).
- Prohibit marijuana growing in R-A zone. Allow only in nonresidential zones.
 - See [Table 4-2-1](#) for General Agriculture.
 - Staff comment: The IDO is currently silent on cannabis. Councilor Davis is working on a larger planning effort to address the appropriate regulation of cannabis uses. Another option would be to allow it in R-A but add a use-specific standard requiring a distance separation from residential uses on nearby lots, similar heavy manufacturing (1000 feet – see [IDO Subsection 4-3\(E\)\(3\)\(e\)](#)).
- Revise maximum building heights to better reflect standard construction. Example: 35 ft. in R-ML limits buildings to 2 stories. 38 ft. would be needed for 3 stories.
 - See dimensional standards tables in [IDO Section 5-1](#). Clarification needed about the recommended changes for other zones.
- >100 ft. unlimited height is too restrictive in R-MH and MX-H, which are generally smaller lots. (Angle plane in old zoning code allowed more development.)
 - See dimensional standards tables in [IDO Section 5-1](#).
- Remove >100 ft. unlimited height allowance.
 - See dimensional standards tables in [IDO Section 5-1](#). Currently applies to R-MH, MX-M, MX-H, NR-BP, NR-LM, and NR-GM zone districts.
- Add story limits in addition to height limits in dimension tables in [IDO Section 5-1](#). 45’ should be 3 stories – would allow pitch and parapet.
 - [IDO LUPZ draft](#) as of July 2017 identified stories in these tables.
- Do not allow workforce housing height bonus to apply in MX-H along north 4th Street, where buildings can already be 65’.
 - See [Table 5-1-2](#).
- Exempt civic/institutional uses from maximum building setbacks.
 - See [Table 5-1-2](#). Maximum building setbacks only apply in mixed-use zones in UC-MS-PT areas.
- Remove maximum setback in Main Street (MS) areas.
 - Problematic for drive-thru uses.
 - See [Table 5-1-2](#).
 - Staff comment: Main Streets prioritize pedestrians. Drive throughs are allowed, but the design is required to still prioritize the pedestrian environment. Buildings at the street edge “activate” the street and protect the pedestrian from auto circulation.
- Requirement that 50% of property line be occupied by building in Main Street (MS) areas is problematic for uses like drive-thrus.
 - See [Table 5-1-2](#).
 - Staff comment: Main Streets prioritize pedestrians. Drive throughs are allowed, but the design is required to still prioritize the pedestrian environment. Buildings at the street edge “activate” the street and protect the pedestrian from auto circulation.

- Require a buffer for existing Major Public Open Space.
 - See [IDO Subsection 5-2\(H\) Major Public Open Space Edges](#).
 - More clarification is needed about what buffer should be required.
 - Currently, the IDO achieves a buffer in one of 2 ways:
 - Requiring a single-loaded street OR landscaped buffer of at least 20 feet, if the Open Space Superintendent determines that a single-loaded street is not desired. See [IDO Subsection 5-2\(H\)\(2\)\(a\)1](#).
 - Requiring onsite open space to be placed abutting Major Public Open Space. See IDO Subsection 5-2(H)(2)(a)2.
- Require preservation of sensitive lands, which then would be removed before calculating common open space in a cluster development.
 - See [IDO Subsection 5-2\(C\)\(1\)](#).
 - Currently, the IDO incentivizes preservation in two ways:
 - Cluster Development, which sets aside 30% of the land as common open space. See [IDO Subsection 4-3\(B\)\(2\)\(d\)](#).
 - Allowing up to 25% reduction in lot size for all other development. See [IDO Subsection 5-2\(C\)\(4\)](#).
- Organic mulch requirement is excessive, and materials should not be specified.
 - See [IDO Section 5-6\(C\)\(5\)](#).
- Remove requirement that organic mulch be used at root ball.
 - See [IDO Section 5-6\(C\)\(5\)\(b\)](#).
- Require low-migrating mulches instead of just striking they examples of organic mulch that is required.
 - See [IDO Section 5-6\(C\)\(5\)\(b\)](#).
- Remove requirement that landscaping in ROW meet city irrigation standards or identify a reasonable project scale where the requirement should apply.
 - See [IDO Subsection 5-6\(C\)\(9\)\(c\)](#).
- Large parking lots require 36 sq. ft. of planting area for trees, while small parking lots require 60 sq. ft. Large parking lots have more impact on heat island effect – planting areas should be larger.
 - See [IDO Subsection 5-6\(F\)\(2\)\(c\)\(3\)](#) and [5-6\(F\)\(2\)\(d\)](#). Both requirements would apply to large parking lots. The requirements in (d) do not supersede those in (c).
 - Staff comment: The technical edit would require the parking aisle endcap landscape islands in large parking lots to be a minimum of 64 square feet, and would not allow the smaller 36 square foot size if permeable paving were provided. Smaller parking areas are not required to landscape the endcaps of the parking aisles and can provide the smaller planting areas.
- Add R-ML to the zones where solar access provisions apply.
 - See [IDO Section 5-10](#).
 - Currently, these provisions only apply to zones for low-density residential development only. Need clarification about whether the suggestion is for all development in R-ML or low-density residential development in R-ML only.
- Remove “clear” from “clear, transparent windows and/or doors” (specifically on [IDO Subsection 5-11\(D\)\(2\)\(b\)](#) – could be taken to disallow energy efficient coatings.

- Darkly tinted windows are not intended to meet this requirement. Energy efficient coatings that meet the 70% visible transmittance standard are specifically allowed by the defined term “Transparent Window or Door.”
- Glazing requirements in MX zones in DT-UC-MS-PT (60% ground floor/30% upper floors) are excessive, specifically for townhouse development. Impacts energy conservation, privacy, and security. Reduce UC-MS-PT requirement to 15% at ground level and 10% on upper floors.
 - See [IDO Subsection 5-11\(E\)\(2\)\(b\)](#) for UC-MS-PT and [IDO Subsection 2-4\(E\)\(3\)\(f\)3.a.i](#) for DT.
 - Townhouses are low-density residential so the requirements in 5-11(E)(2) would not apply to townhouses, even in MX zones (unless specified otherwise in an overlay zone).
 - Downtown is regulated by the MX form-based zone standards. The transparency is regulated by frontage type. Only storefront building frontage requires 60% transparency. Others require 40%.
- Adjust notice in [Table 6-1-1](#). “Want notice of things I can influence”
 - Staff comment: All decisions can be influenced by comments. If this comment is about policy decisions only, then that would mean very little notice for most development decisions.
 - Clarification is needed about which decisions should be open to influence.
- Remove notice requirements in [Table 6-1-1](#) for small admin decisions (walls, house in a subdivision). Require notice for the subdivision, but not houses within subdivision, since the subdivision required notice already.
 - Staff comment: There can be significant time delays between subdivision approval and building permits, particularly if the development is phased. Would the neighborhood association remember being noticed years ago? Is it ok if they’ve forgotten?
 - More clarification is needed about what should be “small” administrative decisions.
- Require more information in notice e-mail.
 - See Tech Edits for [IDO Subsection 6-4\(K\)\(6\)](#).
- Adjust thresholds for Site Plan – DRB and Site Plan - EPC so that more projects go to EPC.
 - See [IDO Subsection 6-6\(G\)](#) for Site Plan – DRB and [Subsection 6-6\(H\)](#) for Site Plan – EPC.
 - Clarification needed. Which projects should go to the EPC?
- Allow DRB to take more public comment.
 - DRB can take public comment. Public comment can influence how the IDO rules are applied to a particular project.
 - It seems this comment is requesting that DRB be allowed to *change the requirements for development* based on public comment. As a staff board, DRB does not have that discretion. To achieve the intent of this comment, decisions would need to move from DRB to the EPC. See similar comment requesting such a change above for site plan review.
- Prohibit zone changes and expansions where parking is not available.
 - See [IDO Subsection 6-7\(F\)\(3\)](#). This would be added to zone map amendment criteria.
 - Expansions and changes of use would be required to meet parking standards. Clarification needed.
- Exclude utilities in common open space.

- See definition in [IDO Section 7-1](#) under Open Space Definitions. See meeting summary for Part 7.
- Prohibit infrastructure in common open space.
 - See definition in [IDO Section 7-1](#) under Open Space Definitions. See meeting summary for Part 7.
- Remove Section 5-3 Access & Connectivity from DRB purview for waiver.
 - See [IDO Subsection 6-6\(L\)\(1\)\(a\)](#).
 - See [Council Resolution – Waiver – DRB](#).
- New floodlight installations should be required to meet the standard so that the intent of the lighting section is achieved. Disagree with deleting “floodlights” on page 283.
 - Staff comment:
 - The proposed change would allow new floodlights by removing them from the list of prohibited lighting. They would still need to follow the light spillover and brightness regulations.
 - Code Enforcement has indicated that motion-activated floodlights cannot be measured because they are intermittently activated and turn off before a reading can be made. This change was intended to reflect their enforcement concerns.
- One freestanding sign per 5 acres is way too generous. Limit to primary entrances to the NA and subdivisions.
 - See [IDO Table 5-12-1](#).
 - Staff comment: Subdivisions that have multiple entrances or are accessed from multiple major roads may not have a clear primary entrance, and this standard was intended to allow wall signs for all subdivision/neighborhood design.
- Agricultural sales stand signs should be an exception to the 2 sq. ft. rule rather than allowing all signs to be 4 sq. ft. maximum.
 - See [IDO Table 5-12-1](#).
- Look into sign allowances along Coors to make sure more signs and bigger signs are not allowed vs. the Coors Corridor Plan.
 - See [IDO Table 5-12-1](#) and [Table 5-12-2](#) for on-premises signs and [Table 5-12-4](#) for off-premises signs.
 - See [Coors Corridor Plan page 112](#) for sign regulations.
- Add Neighborhood Association support as criterion to allow deviation.
 - See [IDO Subsection 6-4\(O\)\(2\)](#).

Other Comments/Suggestions/Questions

- Ensure anything removed from IDO is in DPM prior to losing it in IDO.
- Notify Neighborhood Associations about DPM Executive Committee meetings.
- Align CPA boundaries with City Council boundaries.

- CPA boundaries are established in the Comprehensive Plan, which is updated every 5 years.
- Cost of impact fees and infrastructure may be forcing more density in infill than may be wanted by the owner or neighbors.
 - Impact fees are established by City Council.
- Research what other cities have done with these kinds of planning/zoning strategies.
- Nor Este Estates (zoned R-1) has a monument sign “advertising” one of the builders. Last house built and sold a quarter of a century ago. Nonconforming? Not sure who owns the property it is on, might be on the grounds of Nor Este Park, in which case zoned NR-PO-A and “City owned or managed.” What would it take to remove it?
 - If the sign is nonconforming, the City would require it to be removed. Code Enforcement makes this determination. The sign location can be reported using 311.

Review of Technical Edits in Part 5 Development Standards

- Participants at the meeting put blue dots on Technical Edits that they either had questions about or wanted to discuss.
- Participants put red dots on Technical Edits that they did not agree with.
- Participants put green dots on Technical Edits that they support.

Page	Section	Proposed Change	Notes	Part 1		
Part 5 - Development Standards				Red Dot	Blue Dot	Green Dot
<i>See also Barbed Wire Amendment A, Context Standards Reduction Amendment C, Drive Throughs Amendment E, Non-residential Amendment F, Primary Building Requirement Amendment H, and Site Lighting Amendment J.</i>						
190	Table 5-1-1	Revise the minimum lot width in R-1B to 35 ft.	Revised to a multiple of 5 to work better with the required minimum lot size of 5,000 s.f. The original number of 37.5 was established because it is exactly halfway between 25 ft. (R-1A minimum width) and 50 ft. (R-1C minimum width). The lot sizes do not work in the same way. The 5,000 s.f. lot size for R-1B is 500 s.f. closer to the minimum lot size for R-1A. This edit would reduce the minimum width to be slightly closer to the R-1A minimum width.	1 Dot [clarification needed about disagreement]		

Page	Section	Proposed Change	Notes	Part 1		
Part 5 - Development Standards <i>See also Barbed Wire Amendment A, Context Standards Reduction Amendment C, Drive Throughs Amendment E, Non-residential Amendment F, Primary Building Requirement Amendment H, and Site Lighting Amendment J.</i>				Red Dot	Blue Dot	Green Dot
190	Table 5-1-1	Add a front setback requirement that states that driveways are a minimum length of 20' to accommodate one parked car without overhanging onto the sidewalk.	This change reinstates a prior requirement in the Zoning Code that required a 20 foot front setback to accommodate driveways and off-street parking areas.			1 Dot
191	Table 5-1-1	Add the 12 ft. Workforce Housing Bonus for Building Height in R-MH in UC-MS-PT-MT areas.	Extends the incentive for workforce housing to R-MH, which is intended as a high-density zone district, in areas designated by the Comprehensive Plan to encourage higher densities and better access to centralized services and amenities.	2 Dots: Shouldn't apply in R-MH or MX-H (already high)	1 Dot – Why not just require workforce housing?	

Page	Section	Proposed Change	Notes	Part 1		
Part 5 - Development Standards				Red Dot	Blue Dot	Green Dot
<i>See also Barbed Wire Amendment A, Context Standards Reduction Amendment C, Drive Throughs Amendment E, Non-residential Amendment F, Primary Building Requirement Amendment H, and Site Lighting Amendment J.</i>						
192	5-1(C)(2)(c)	Revise to add the option of using contextual standards for side setbacks instead of side setbacks from Table 5-1-1.	Allows a property owner to follow existing patterns instead of setbacks established by zone in Table 5-1-1. Variances require exceptionality of the lot. This provision would allow property owners to have the same side setback that other lots have on their block. Since zone standards change over time, this is another way to allow existing setback patterns in a particular location to prevail over new citywide standards. This is proposed as an option rather than a requirement because side setbacks can vary without changing the character of a block as drastically as front setbacks might.	1 Dot – There should be oversight of this process so as not to perpetuate problematic patterns	1 Dot	
194	Table 5-1-2	Add MT to workforce housing bonus.	Extends the incentive for workforce housing to Major Transit corridors, where transit service can support and be supported by additional residential density, particularly for 1-car families and others who might benefit from good access to transit.		1 Dot	

Page	Section	Proposed Change	Notes	Part 1		
Part 5 - Development Standards <i>See also Barbed Wire Amendment A, Context Standards Reduction Amendment C, Drive Throughs Amendment E, Non-residential Amendment F, Primary Building Requirement Amendment H, and Site Lighting Amendment J.</i>				Red Dot	Blue Dot	Green Dot
198	5-2(C)(4)	Revise as follows: <u>"For all development except cluster and cottage development, if avoidance of sensitive lands..."</u>	Revision to avoid confusion and/or conflict between this provision and the Use-specific Standards for cluster and cottage development.	1 dot - Sensitive lands should be removed first, then 30% common open space should come from remainder		
209	5-3(C)(3)	Require a minimum of 20 ft. driveway in front of garages (that are not off alleys) in low-density residential development.	This change reinstates a prior requirement in the Zoning Code that required a 20-foot front setback to accommodate driveways and off-street parking areas.		1 Dot	1 Dot

Page	Section	Proposed Change	Notes	Part 1		
Part 5 - Development Standards <i>See also Barbed Wire Amendment A, Context Standards Reduction Amendment C, Drive Throughs Amendment E, Non-residential Amendment F, Primary Building Requirement Amendment H, and Site Lighting Amendment J.</i>				Red Dot	Blue Dot	Green Dot
214	5-3(E)(2)(a)	Revise as follows: Where <u>land adjacent to the new subdivision</u> has been <u>platted</u> with stub streets, or with a local <u>street ending at a street between the new subdivision and the adjacent land</u> , the new subdivision streets shall be designed to align <u>with</u> those streets to allow through circulation, <u>unless deemed impracticable by the DRB due to physical constraints, natural features, or traffic safety concerns.</u>	Revision to delete "local" makes this provision apply to all street classifications and will better implement the block size and connectivity standards in §5-4(E). The final phrase tracks with allowances in 5-3(E)(2)(b) so the two sections are parallel.			1 Dot

Page	Section	Proposed Change	Notes	Part 1		
<p align="center">Part 5 - Development Standards</p> <p align="center"><i>See also Barbed Wire Amendment A, Context Standards Reduction Amendment C, Drive Throughs Amendment E, Non-residential Amendment F, Primary Building Requirement Amendment H, and Site Lighting Amendment J.</i></p>				Red Dot	Blue Dot	Green Dot
214	5-3(E)(2)(b)	<p>Revise as follows: "Where adjacent land has not been platted, residential subdivisions shall be designed with <u>stub street(s) intended as a future through connection(s) to the adjacent parcel provided according to the block lengths in Table 5-4-1, so that at least one local street within each 1,000 feet of is constructed as a stub street intended as a future through connection to the adjacent, unless this requirement is adjusted deemed impracticable by the DRB based on considerations due to physical constraints, natural features, or of traffic safety or traffic congestion concerns.</u>"</p>	<p>Revision to delete "residential" and the block size standard makes this provision apply to all subdivision types and will better implement the block size and connectivity standards in §5-4(E). Revision to the final phrase tracks with allowances in 5-2(C) so the two sections are parallel.</p>			1 Dot

Page	Section	Proposed Change	Notes	Part 1		
Part 5 - Development Standards <i>See also Barbed Wire Amendment A, Context Standards Reduction Amendment C, Drive Throughs Amendment E, Non-residential Amendment F, Primary Building Requirement Amendment H, and Site Lighting Amendment J.</i>				Red Dot	Blue Dot	Green Dot
247	Table 5-5-7	Delete the column for Minimum Size of Required Loading Spaces, as this content will move into the Development Process Manual.	The dimensions of standard, motorcycle, and accessible parking spaces are provided in the DPM, so it is more consistent to move the loading space dimensions to the DPM.		1 Dot – How do we make sure these are in DPM before it comes out of IDO?	
248	5-5(H)(3)	Delete section 5-5(H)(3), Design and Layout of Off-Street Loading Areas, as this content will move into the Development Process Manual.	The design and layout of parking spaces and vehicular circulation are provided in the DPM, so it is more consistent to move the loading space dimensions, design, and layout to the DPM.		1 Dot	

Page	Section	Proposed Change	Notes	Part 1		
Part 5 - Development Standards <i>See also Barbed Wire Amendment A, Context Standards Reduction Amendment C, Drive Throughs Amendment E, Non-residential Amendment F, Primary Building Requirement Amendment H, and Site Lighting Amendment J.</i>				Red Dot	Blue Dot	Green Dot
254	5-6(C)(4)(h)	<p>Add a new sentence as follows: "Shade trees planted approximately 25 feet on-center are required along all required pedestrian walkways. <u>At least one tree is required if the walkway is less than 25 feet long.</u> <u>A continuous trellis or green fence at least 8 feet high and 5 feet wide may be provided where there is insufficient space for a tree.</u>"</p>	<p>Carries over language from the Large Retail Facility use-specific standard as an optional alternative if the walkway is less than 25 feet long.</p>			1 Dot

Page	Section	Proposed Change	Notes	Part 1		
Part 5 - Development Standards <i>See also Barbed Wire Amendment A, Context Standards Reduction Amendment C, Drive Throughs Amendment E, Non-residential Amendment F, Primary Building Requirement Amendment H, and Site Lighting Amendment J.</i>				Red Dot	Blue Dot	Green Dot
254	5-6(C)(5)(b)	Revise as follows: such as wood chips or pecan shells, is required as ground cover for the portion of any landscape area surrounding the vegetation root ball, as well as beneath the entire tree canopy or dripline, within the entire drip line of a tree canopy or over the root ball of shrubs in each required landscape area.”	Per public comment. Other organic mulches do not migrate as much and may be preferred. This edit also clarifies that the mulch is for ground cover, not beneath the root ball (as "surrounded" may be erroneously interpreted).		1 Dot	1 Dot
254	5-6(C)(5)(f)	Revise as follows: “If used, weed barriers shall be permeable weed barriers shall be used to optimize permeability and stormwater infiltration to the maximum extent practicable.”	Adjusts the language to meet the intent of having weed barriers be permeable if they are used, not requiring that weed barriers be used. Other techniques for weed control may be more effective and/or more beneficial to soil biomes, etc.			1 Dot

Page	Section	Proposed Change	Notes	Part 1		
Part 5 - Development Standards <i>See also Barbed Wire Amendment A, Context Standards Reduction Amendment C, Drive Throughs Amendment E, Non-residential Amendment F, Primary Building Requirement Amendment H, and Site Lighting Amendment J.</i>				Red Dot	Blue Dot	Green Dot
274	5-7(D)(3)(a)	Revise second sentence as follows: "Such elements shall have a maximum width of <u>5</u> 2 feet and are allowed at intervals of no less than 200 <u>50</u> feet.	Revision to make this provision applicable in more areas. 200 ft. is longer than most walls, which would exclude this provision from being applied in most instances.		1 Dot	
283	5-8(C)(1)	Delete "floodlights" so that they are allowed.	Floodlights are primarily shielded security lights, which are used extensively throughout the city. See related item for Subsection 5-8(D)(3), which regulates light spillover from the property.		1 Dot	
291	5-11(D)	Reduce the applicability of multi-family development standards from 50 to 25 units.	Applies these design provisions to more projects.			1 Dot
291	5-11(D)(3)	Remove reference to parapet height not being included in building height.	Eliminates conflict with another section of the IDO that says parapets do count toward building height. When City Council made that change late in the adoption process, this ripple was missed.			1 Dot

Page	Section	Proposed Change	Notes	Part 1		
Part 5 - Development Standards <i>See also Barbed Wire Amendment A, Context Standards Reduction Amendment C, Drive Throughs Amendment E, Non-residential Amendment F, Primary Building Requirement Amendment H, and Site Lighting Amendment J.</i>				Red Dot	Blue Dot	Green Dot
301	Table 5-12-1	Revise the maximum size for Wall Signs in the R-A zone district to 4 sq. ft.	Revision for consistency with the allowed sign size in R-A for "Agricultural sales stand".	1 Dot – Existing allowance for R-A enough. Don't want to see bigger signs.		
301	Table 5-12-1	Add a new Note [1] to the "Residential Uses" row as follows: "This section includes Accessory Uses, including but not limited to home occupation and agricultural sales stand, if they are accessory to a primary Residential use. For other non-residential uses, see the "Allowed and Nonconforming Non-residential Uses" section of this table."	Clarifies that the provisions in the Residential Uses section of the table apply to certain accessory uses.		1 Dot	

IDO Annual Update 2019

Public Review Meeting –

Part 6 Administration and Enforcement

May 28-31

Questions

- Regarding the deletion of published notice requirement for Final Plat in [Table 6-1-1](#), could big/major changes be made between Preliminary and Final Plat?
 - Staff response: No. The preliminary plat “locks in” the approval. The final plat is just signatures on mylar that get filed with the County Clerk. In general, notice is given at the start of the process, and it is the responsibility of interested parties to follow the case through the review/decision process.
- Regarding removing fees from the [IDO Subsection 6-4\(G\)](#), are these not all the fees charged for development? If the City Council/Mayor, with each annual City Budget, make changes to these fees, does it not make sense to keep Table 6-4-1 in place and simply do a PTE at this point that states, as these fees are altered with each annual budget, those changes will be reflected in changes to [Table 6-4-1](#) at the start of each new adopted City Budget coming into effect?
 - Staff response: [Table 6-4-1](#) does not include all fees charged for different development applications. It includes a subset of fees that Council established through Ordinance. The rest of the fees are set by the Planning Director and negotiated with Council and the administration through the annual budget process. Removing them from the IDO is more transparent, as they change on a different cycle and in a different process than the IDO annual update.
- Does the IDO need to explain that Neighborhood Coalitions and Homeowners Associations get sent notice?
 - Staff response: No. The IDO defines “Neighborhood Association” in [Section 7-1](#) with reference to the Neighborhood Association Recognition Ordinance (NARO) so that when NARO changes, the IDO automatically enforces that Ordinance. NARO includes notice to Coalitions and Homeowners Associations that have filed paperwork with the Office of Neighborhood Coordination (ONC).
- What are consequences for an applicant if they haven’t followed notice requirements before getting approval?
 - Staff response: If the project is still in the review/decision process, the City will stop reviewing until the notice requirements have been met. The City is not supposed to accept applications that do not show proof that notice requirements have been met. If it is discovered that notice was not provided after the approval is granted, the decision can be appealed if it’s still within 15 days of the decision, and the City can rescind the approval until proper notice has been done, which may require repeating the review/decision process.
- Traffic Impact Study – What are the rules about when the counts are taken? School holidays?

- Staff response: Because land developments can be proposed in all different type of locations, a scoping meeting prior to each TIS determines where to take the counts and what the peak hour is in that location. In general, counts are taken on a non-holiday week day during the school year. The peak hour can be either the surrounding roadway peak or the development’s assumed peak. The scoping meeting may include the traffic engineer preparing the study, the developer, City representatives, and all additional affected governmental agencies. If there is a school in the vicinity of the development, we may require additional analysis to determine if there is a peak during drop-off or pick-up time.
- Who sets the agendas for the meetings of the EPC and the DRB? Who vets the issues/items submitted for consideration by the EPC and the DRB to determine if the issues/items are appropriate and currently valid for each body to consider?
 - Staff response: Agendas are based on what applications were accepted as complete by the deadline for each decision-making body. The front counter staff checks the completeness of each application based on application checklists. The staff for each decision-making body assess each application after it is accepted as complete to prepare for the public meeting or hearing. [Table 6-1-1](#) establishes which decision-making body decides which decisions.

Suggestions for IDO

- Make cluster development conditional? See [Table 4-2-1](#).
 - Or required to go to EPC as Site Plan – EPC? See [Table 6-1-1](#) and [Subsection 6-6\(H\)\(1\)](#).
 - Or properties with sensitive lands go to EPC as Site Plan – EPC? See [Table 6-1-1](#) and [Subsection 6-6\(H\)\(1\)](#).
- Neighborhood Edge: Remove parking access prohibition where it abuts rear of property but keep prohibition for side. Maybe for rear it’s ok to have parking between the protected lot and the proposed development. May be preferable to the building being closer to the protected lot.
 - See [IDO Subsection 5-9\(F\)\(1\)](#).
- Clarify procedures for neighborhood meetings and facilitated meetings in IDO Subsections [6-4\(C\)](#) and [6-4\(D\)](#) to ensure that Neighborhood Associations get necessary information and are able to assess projects and how to give useful input to influence projects.
 - Clarify and require applicants to provide more illustrative information in request for neighborhood meetings. (one green dot)
 - See Tech Edit proposed for [IDO Subsection 6-4\(C\)\(3\)](#). Based on another comment, staff is proposing to add the following language:
 - “At a minimum, the applicant shall provide a Zone Atlas page indicating the project location, an illustration of the proposed project (i.e. site plan, architectural drawings, elevations, and/or illustrations of the proposed application, as relevant), an explanation of the project, a short summary of the approval that will be requested (i.e. Site Plan - Admin, Variance, Wall Permit - Minor, etc.), and contact information for the applicant.”

- Requiring that “relevant” materials be provided in notice seems subjective.
 - Staff note: Rather than listing each required document for each type of application, it is more appropriate to provide the required list for each application type administratively online. See proposed additional language above.
- Ensure that neighborhood meeting notes are reported to impacted Neighborhood Associations and include opportunities for Neighborhood Associations to respond.
 - Staff response: Since Neighborhood Meetings are to be facilitated by ADR (the City’s Office of Alternative Dispute Resolution), Neighborhood Associations involved would get the meeting summary as part of their standard procedures. Neighborhood Associations can send comments about the meeting summary to the relevant decision-maker.
- Make sure ADR facilitators understand what is required to be in the notes per IDO [Subsection 6-4\(C\)\(6\)](#). When facilitating, ask the questions that get the explanations required (i.e. why accommodations don’t work). Also require the applicant to fill in those explanations if they don’t come up at the meeting or have an answer at the meeting.
 - Staff response: While ADR facilitators will provide a summary of the meeting to all involved, it will remain the applicant’s responsibility to provide the items required by [Subsection 6-4\(C\)\(6\)](#). The applicant is free to use the meeting summary from ADR facilitators, but ultimately, the applicant needs to justify the application.
- Support Councilor Winter’s [Amendment I](#), which returns the facilitated meeting between the Pre-application and Application meetings to its previous automatic standing.
 - Staff response: The post-application facilitated meeting was never mandatory. Under the old system, ONC required a facilitated meeting on a case-by-case basis for some EPC cases with no set criteria to make that determination, or EPC sometimes required a facilitated meeting on a case-by-case basis at its discretion. The proposed technical edit would confirm the existing practice that the Planning Director would determine whether the decision on an application be held up until a facilitated meeting happens based on the proposed criteria. Any applicant and any interested party can always use the City’s ADR services at any time. The question is when the City should put an application on hold to require that such a meeting take place. Because all **pre-application** meetings are proposed to be facilitated by ADR, there will presumably be less need for **post-application** facilitated meetings before an EPC hearing. The EPC could still require a facilitated meeting during the review/decision process and would have the discretion to defer the decision until it happens.
- Fees – ok to remove from [IDO Subsection 6-4\(G\)](#), but add a cross reference to where they can be found on the Planning website.
 - Note: Fees are available online here: <http://www.cabq.gov/planning/i-want-to>
- Public notice for sign permit applications should include a graphic representation of the sign, dimensions, and placement info. (one green dot)

- See IDO [Subsection 6-4\(K\)\(6\)](#).
 - Staff note: Other commenters requested notice of signs that request deviations, but not signs that meet IDO standards.
- Sign permit – notification: Generally just send notice of a proposed sign without additional information; additional information provided upon request – including all information in notice would be a hardship for sign companies. City staff is competent to review applications and ensure that all zoning requirements are met.
 - See IDO [Subsection 6-4\(K\)\(6\)](#).
 - Staff note: Other commenters requested notice of signs that request deviations, but not signs that meet IDO standards.
- Remove this language from [Subsection 6-4\(L\)](#): “it shall be up to the discretion of the reviewing body whether public questions, statements, or discussion on the application shall be allowed.” These are to be public meetings, but the decision-making body can decide not to hear from the public about topics and issues meaningful to them? If the Public is not to be heard from at such a meeting, then call the meetings “Unpublic” or “Not-for-the-public”.
 - Staff response: Public meetings allow the public to be in the room as decision-makers do their work. The decision-making body decides the rules and procedures of how their work is done. The chair of the decision-making body sets the agenda and runs the meetings. It seems the commenter would like the City to make sure that the rules for each decision-making body ensure at least 1 opportunity at each meeting for public comment to be taken.
- Require or at least have the option for amendments that propose development that is significantly different than what would have been allowed under the old code/SDP to be remanded to EPC (ex. Markana II which got an amendment to building height far in excess of what would have been allowed by the North I-25 SDP).
 - See [IDO Subsection 6-4\(Y\)\(1\)\(b\)](#).
 - Staff response:
 - Amendments within the thresholds in Table 6-4-5 are considered minor and can be made administratively by staff. Amendments that are above those thresholds are required to go back to the original decision-making body. In the case of building height, administrative amendments can only be granted for changes within 10% of what was *approved on the site plan*. Otherwise, if the site plan was first approved by the EPC, it would go back to EPC for a major amendment.
 - The IDO has replaced the Zoning Code and SDPs. If standards need to be carried forward from the old system, the annual update is one opportunity to do that. The Community Planning Area (CPA) assessment process is another.
- Proposed edits in Subsections [6-4\(X\)\(2\)\(b\)](#) [new] and [6-4\(Y\)\(1\)\(a\)](#) insert the Planning Director into decisions regarding potential “major” amendments and replaces the ZEO with the Planning Director for “minor amendments”. How would the public be able to tell when & how the Planning Director made any such decisions?
 - Staff response: The Planning Director can delegate to any qualified staff member, as can the ZEO. In current practice, the Current Planning Manager decides Minor Amendments (referred to as “administrative amendments” in the old system). There is no notification for minor amendments under the IDO, nor was there under the old system. [Table 6-4-5](#)

establishes thresholds for what decisions are minor enough that staff can make them outside of a public meeting or hearing. Those thresholds could be adjusted. If the proposed change is above that threshold, the amendment is considered major and goes back to the original decision-making body. Eventually, the online case tracking system POSSE/MESA will make it easier to see what approvals have been made administratively.

- Zone map amendment criteria for Area of Consistency in [Subsection 6-7\(F\)\(3\)\(b\)3](#) should include language that the proposed zone district is more advantageous because it [existing development on the subject site?] complies with all dimensional standards of the zone.
 - Staff note: It seems that the intent of this comment is for circumstances when existing development will be re-purposed for a use that requires a zone change. The commenter is requesting that a zone change decision should consider the dimensional standards of the requested zone district versus the existing development. Note that the same provision would need to be added to [Subsection 6-7\(F\)\(3\)\(c\)3](#).

Other Administrative Suggestions

- Coors provision in [IDO Subsection 3-4\(C\)\(5\)\(b\)](#) – no grading without approved site plan – does not appear to be enforced consistently.
- Neighborhood Meeting becoming facilitated by ADR – Make sure ADR is trained to understand what will need to be a private agreement to accommodate a Neighborhood request vs. what the City can require under the IDO.
- Change the rules for ZHE to accept comments up to 48 hours in advance. Six days ahead of the ZHE hearing for comments is burdensome for Neighborhood Associations given when notice is received and monthly meeting schedules.
 - EPC can receive some comments 48 hours in advance – Why is that more lenient? (one green dot)
 - Staff response: Each decision-making body sets its own rules and procedures for running its meetings/hearings. Either Council can add a standard in the Boards and Commissions section of the Code of Ordinance, or each decision-making body can be lobbied to change its rules.
- Notice of permit applications should mean that Neighborhood Associations also get notification of the decision.
 - Staff response: Notices of decision are sent to anyone who has sent in written comments or signed up to speak at a meeting/hearing.
- Monitoring whether rules are upheld by staff falls to Neighborhood Associations and is burdensome.
- It would be nice to be able to easily look up applications/permits, as well as records for Code Enforcement violations. (one green dot)
 - Staff response: The Planning Department is working on an online system called POSSE/MESA that would allow easy look up of planning applications. Building permits and code enforcement violations are already available for look-up here: <http://posse.cabq.gov>
- Send hearing date information for ZHE, EPC, etc. to Neighborhood Associations.

- Staff response: Each board or commission has a calendar posted online of due dates for notice, comments, and hearings based on the hearing cycles for that particular board or commission. Not every Neighborhood Association has agenda items that would be relevant, and there are many meetings that happen weekly and monthly. The Planning Department relies on Neighborhood Associations to go to the webpage to look up the information when they get notice of a project that they want to follow through the review/decision process. See the Boards and Commissions pages on the Planning Department webpage: <http://www.cabq.gov/planning/boards-commissions>
- Check in with front counter staff about notice requirements for walls. (Applicant for 306 Lewis SE needed help from Neighborhood Association to send a letter.)
 - Staff response: [Table 6-1-1](#) only requires an email to the Neighborhood Association for a wall/fence. Walls were allowed to be 8 ft. in the rear. It is unclear what process this comment is referring to that would have required a letter to be sent regarding a wall/fence.

Review of Technical Edits in Part 6 Administration and Enforcement

- Participants at the meeting put blue dots on Technical Edits that they either had questions about or wanted to discuss.
- Participants put red dots on Technical Edits that they did not agree with.
- Participants put green dots on Technical Edits that they support.

Page	Section	Proposed Change	Red Dot	Blue Dot	Green Dot
Part 6 - Administration & Enforcement <i>See also Civil Enforcement Procedures Amendment and Procedures Amendment</i>					
multiple	6	Proposed edits pending to DRB - Variance procedure, including Table 6-1-1 and specific procedure 6-6(L), based on review with City Legal.			1 Dot
327	Table 6-1-1	Add a new row for Landfill Gas Mitigation Approval as follows and renumber subsequent subsections accordingly: No notice or meeting required. D in City Staff and add new specific procedure 6-2(F).		1 Dot	1 Dot

Page	Section	Proposed Change	Red Dot	Blue Dot	Green Dot
Part 6 - Administration & Enforcement <i>See also Civil Enforcement Procedures Amendment and Procedures Amendment</i>			Red Dot	Blue Dot	Green Dot
327	Table 6-1-1	In Administrative Decisions, delete the rows and procedure subsections for the following: "Grading, Drainage, or Paving Approval" [6-5(C)] "Impact Fee Assessment" [6-5(E)] "Fugitive Dust Permit" [6-5(H)] - see PL item for name change consistent w/ EH Create a new Subsection "Building and Construction Permits and Related Decisions" in General Procedures and move relevant language from the procedure subsections. Remove unnecessary overlapping of information with the DPM or ordinances establishing these processes. Remove these decisions from Table 6-4-3 and Table 6-4-4.		1 Dot	1 Dot
327	Table 6-1-1	Site Plan - Admin: add requirement for web posting.			1 Dot
327	Table 6-1-1	Historic Design Standards and Guidelines: Add X to Neighborhood column. Revise 6-6(E) accordingly.			2 Dots
328	Table 6-1-1	Revise decision as follows: Vacation of Easement or Public Right-of-way - Council and "Vacation of Public Easement or Right-of-way - DRB" and add a new line for "Vacation of Private Easement" with a note or definition that says this is for easements on a plat only. Required notice would be web posting. Review by City Staff. Decision by DRB. Same appeal as DRB vacation of Public Easement or Right-of-Way.			2 Dots
328	Table 6-1-1	Add email notice to Comp Plan updates and Text Amendments.			3 Dots
328	Table 6-1-1	Delete published notice requirement for Subdivision of Land - Major, Final Plat.	1 Dot		1 Dot

Page	Section	Proposed Change			
		Part 6 - Administration & Enforcement <i>See also Civil Enforcement Procedures Amendment and Procedures Amendment</i>	Red Dot	Blue Dot	Green Dot
335	6-2(J)	Add new language as follows: "The ZHE shall have professional experience in both land use and law."			2 Dots
339	6-4(C)(2)	Revise as follows: "If the project is not located within or adjacent to the boundaries of any Neighborhood Association, the applicant shall have offer at least 1 meeting with a Neighborhood Association to all Neighborhood Associations whose boundaries include land within 1,320 feet of the project site...."			3 Dots
339	6-4(C)(3)	Remove language about read receipt emails as unpractical. Replace with proof of sent email.			1 Dot
339	6-4(C)(3)	Revise as follows: "The applicant shall make available at the time of the meeting request relevant information and materials to explain the proposed project."	1 Dot	1 Dot	2 Dots
339	6-4(C)(4)	Revise as follows: " within 30 consecutive calendar days of the meeting request being accepted by the Neighborhood Association but no fewer than 5 calendar days after the Neighborhood Association accepts the meeting request, unless an earlier date is agreed upon."		1 Dot	2 Dots
340	6-4(C)(5) [new]	Add a new first sentence as follows: "The Pre-Application Neighborhood Meeting shall be facilitated by the City's Alternative Dispute Resolution (ADR) Office. If an ADR facilitator is not available within the required timeframe, the applicant can facilitate the meeting or arrange for another facilitator. All other requirements in Subsection 6-4(C) shall be met."	1 Dot Comment: An applicant-led meeting is not an adequate replacement for a facilitated meeting if this meeting is required to be facilitated. Only if the NA waives the right to have the meeting be facilitated should such a meeting proceed.		2 Dots

Page	Section	Proposed Change	Red Dot	Blue Dot	Green Dot
		Part 6 - Administration & Enforcement <i>See also Civil Enforcement Procedures Amendment and Procedures Amendment</i>			
340	6-4(C)(6)	Add a requirement that proof of the request for the pre-application neighborhood meeting has to be included in application materials.			3 Dots
340	6-4(C)(6) [new]	Add a new subsection as follows: "A summary of the meeting shall be prepared and emailed to the representatives of the NA that requested the meeting and any other meeting participants who signed in and provided an email address."		1 Dot	1 Dot
340	6-4(D)(1)	Add new subsections as follows: "(a) If a request for facilitated meeting is sent to Planning Dept, the Planning Director will decide within 3 business days whether the facilitated meeting will be required. (b) If a facilitated meeting is requested at a public meeting or hearing, the decision-making body shall decide at the same meeting or hearing whether to require the facilitated meeting. (c) A facilitated meeting shall be required if all of the following criteria are met: 1. The complexity and potential impacts of a proposed project warrant facilitation. 2. The requester has described the issue or opportunity to be discussed or negotiated at the facilitated meeting, and the decision-making body has the authority to implement the results of a negotiated agreement about that issue or opportunity. 3. There are changed conditions, new information, or new points of discussion not covered in a Neighborhood Meeting or public meeting or hearing that indicate that a facilitated meeting may be useful or lead to productive negotiation.	Comment: This change would remove from NAs, HOAs & Coalitions the ability to hold developers/agents accountable during a critical phase of the IDO process.	2 Dots	4 Dots

Page	Section	Proposed Change	Red Dot	Blue Dot	Green Dot
Part 6 - Administration & Enforcement <i>See also Civil Enforcement Procedures Amendment and Procedures Amendment</i>					
340	6-4(D)(2)(a) [new]	Add a new subsection as follows: "If a post-application facilitated meeting is required by the City, the decision-making body shall not make a decision or recommendation until after the facilitated meeting takes place or the deadline for the facilitated meeting passes, whichever comes first. If the scheduling of a required facilitated meeting results in a request for deferral from the applicant, no deferral fee shall apply."		1 Dot	3 Dots Comment: This seems much more reasonable and accommodating than the "shall proceed" in the next section. It allows for the sanity check that a post-app. facilitated meeting can provide for all involved. Use this new section but not 6-4(D)(2)(b)(1) proposed below.
340	6-4(D)(2)	Make the existing language a new subsection and revise as follows: "(b) If a facilitated meeting is required by the City, the City shall assign a facilitator <u>from the Alternative Dispute Resolution (ADR) Office.</u> The facilitator shall attempt to schedule the facilitated meeting <u>to take place</u> within 15 consecutive calendar days after the City notifies the applicant, the Neighborhood Associations, and the requester (if different) that the City is requiring the meeting. The meeting shall occur within a period of 7 consecutive days prior to the next scheduled hearing or meeting of the decision-making body. <u>1.</u> If reasonable attempts have been made to accommodate the schedules of both the applicant, and the Neighborhood Associations, and the requester (if different), and no meeting has occurred, the application may move forward <u>shall proceed</u> in the relevant review/decision process."	Comment: "I am familiar with the effort/intent of the entire Comp. Plan and the IDO to streamline the processes of development projects, but this example of that is unseemly and rather ham-fisted in its approach and results. It would seem much more appropriate for ADR & the Planning Director to sit and determine a more appropriate path. Once again, there smacks the illogic of holding a competency hearing AFTER the execution in this "shall proceed"... as if the developer is on a racing train that can't halted for a safety or sanity check."		1 Dot

Page	Section	Proposed Change	Red Dot	Blue Dot	Green Dot
Part 6 - Administration & Enforcement <i>See also Civil Enforcement Procedures Amendment and Procedures Amendment</i>					
340	6-4(D)(2) (cont'd)	(cont'd) "2. If a <u>facilitated meeting does take place</u> , the meeting summary <u>shall be submitted to the City no fewer than 7 calendar days before any hearing/meeting where a decision is made on the application.</u> (c) <u>If a facilitated meeting is not required, but the applicant and the Neighborhood Association(s) agree to a facilitated meeting, ADR shall assign a facilitator, and the meeting shall take place at a time convenient to both parties.</u> <u>1. The timing of the meeting and the delivery of the meeting summary shall follow ADR procedures.</u> <u>2. The application may proceed in the review/decision process, or the applicant may request a deferral. A deferral fee will be charged."</u>	1 Dot		1 Dot
342	6-4(F)(3) [new]	Add: "The applicant bears the burden of showing compliance with required standards through analysis, illustrations, or other exhibits as necessary."			3 Dots
342	Table 6-4-1	Delete table of fees from IDO.		1 Dot	1 Dot
343	6-4(F)	Add a new Subsection at the end: "After an application has been submitted, the Planning Director may request additional materials, including but not limited to exhibits, as needed to determine whether the proposed project meets IDO requirements. The applicant must provide any such materials within administrative deadlines for the relevant review and decision process, or a deferral may be needed."			3 Dots
345	6-4(K)(2)(a)	Add a new Subsection 4 as follows: "For applications where electronic mail notice is required, mailed notice to Neighborhood Association representatives is only required if there is no e-mail address on file for that representative."	1 Dot		1 Dot

Page	Section	Proposed Change	Red Dot	Blue Dot	Green Dot
Part 6 - Administration & Enforcement <i>See also Civil Enforcement Procedures Amendment and Procedures Amendment</i>			Red Dot	Blue Dot	Green Dot
345	6-4(K)(2)(b) 2	Revise as follows: "All owners, as listed in the records of the County Assessor, of property located partially or completely within 100 feet (excluding public rights-of-way) of the property listed in the application or adjacent properties, if the public right-of-way is greater than the specified distance."			1 Dot
346	6-4(K)(3)	Add option for development that will affect multiple lots, instead of posting individual signs on each lot, an applicant can provide kiosks with weather protection where signs can be posted for as long as construction is active. The kiosks must be located on private property at all entrances to the subdivision where XX or more homes are to be built (tie to subdivision major/minor). The same sign content required per (posted sign requirement) must be shown but can be consolidated if applicable to multiple lots. A map should clearly identify the lots with applications for Site Plan - Admin. A sign fee for each lot under construction will be charged.			1 Dot
346	6-4(K)(3)	Add requirement for posted signs to remain up through the 15 days appeal period following a decision.			2 Dots
346	6-4(K)(4)	Break paragraph into subsections and add a new Subsection (b) as follows: "For applications where mailed notice is also required, electronic mail notice fulfills the mailed notice requirement to Neighborhood Association representatives in Subsection 14-16-6-4(K)(2)(a), except for representatives with no e-mail address on file, at which point mailed notice to those representatives is required."	1 Dot		1 Dot

Page	Section	Proposed Change			
		Part 6 - Administration & Enforcement <i>See also Civil Enforcement Procedures Amendment and Procedures Amendment</i>	Red Dot	Blue Dot	Green Dot
346	6-4(K)(6)	Move this subsection up to be (1). Create a new subsection (a) as follows: "Each notice shall include all information required by the City for that type of application, as set forth in the DPM, applicable Facility Plan, or on the City's website." Create a new subsection (b) with existing language, revised to start with "At a minimum..."		1 Dot	3 Dots
346	6-4(K)(6)	Add a subsection that requires the following items for emailed and mailed notice: a zone map showing the project location, a site plan, architectural drawings, elevations of the proposed building(s), or other illustrations of the proposed application, as relevant.	Comment: Use language consistent with other section: "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."		2 Dots
347	6-4(L)	Add to the first sentence "and is not quasi-judicial."			1 Dot
352	6-4(P)(1)	Add "If Table 6-1-1 or IDO Section 14-16-6-4(X)(Amendments of Approvals) or 6-4(Y)(Amendments of Prior Approvals) authorizes the City staff to make a decision on an application,"			1 Dot
352	6-4(P)(3) [new]	Add a new subsection and renumber subsequent sections accordingly: "Any conditions shall be met within 6 months of the approval, unless stated otherwise in the approval. If any conditions are not met within that time, the approval is void. The Planning Director may extend the time limit up to an additional 6 months."			1 Dot

Page		Section		Proposed Change		
		Part 6 - Administration & Enforcement <i>See also Civil Enforcement Procedures Amendment and Procedures Amendment</i>		Red Dot	Blue Dot	Green Dot
353	6-4(S)	Retitle heading to "Timing of Decisions" Add a section as follows: "If the case is not heard by the relevant decision-making body within 6 months of the acceptance of the complete application, the application is considered abandoned, and a new application must be submitted meeting all standards and procedure requirements."		1 Dot Comment: Make clear that the applicant is the one requesting the deferrals.		1 Dot
353	6-4(S)(3) [new]	Add a new subsection as follows and renumber accordingly: "In the case of an application where the City Council is the decision-making body except for Annexation of Land, once the appropriate board or commission has made a recommendation on the application, the Planning Director shall prepare and transmit the full record of the application to the Clerk of the City Council within 60 calendar days of the board or commission's recommendation. The Clerk of the City Council shall place it on the Letter of Introduction for the next regularly scheduled City Council meeting, provided there are at least 3 business days between when it was received and the next regular meeting."				1 Dot

Page	Section	Proposed Change	Red Dot	Blue Dot	Green Dot
Part 6 - Administration & Enforcement <i>See also Civil Enforcement Procedures Amendment and Procedures Amendment</i>			Red Dot	Blue Dot	Green Dot
354	6-4(S)(5) [new]	Add a new subsection as follows: "If any application accepted as complete prior to May 17, 2018, when the IDO first became effective, has not been reviewed and decided within 3 years of the effective date of the IDO, a new application must be submitted and processed in compliance with the requirements of this IDO."	1 Dot Comment: Make clear that the applicant is the one requesting the deferrals.		2 Dots
362	6-4(W)(2)(c) [new]	Add a new subsection as follows: "On properties that have not been developed pursuant to thresholds established in Subsection 6-4(W)(3)(b), the applicant, property owner, or an agent of the applicant or property owner has applied to the decision-making body that originally approved the site plan to accelerate the expiration and the decision-making body has agreed to set an accelerated expiration date."		1 Dot	1 Dot
362	Table 6-4-4	Change expiration for Site Plan - DRB to 7 years.			1 Dot
362	Table 6-4-4	Remove Infrastructure Improvements Agreement from the expiration table, as this is set by DPM.			
363	6-4(W)(4)(a) 1.b	Revise as follows: "The extension is considered and a decision made via the same procedure required for the <u>by the same decision-maker</u> as the initial approval, except that no public hearing shall be required, if one would have been required for the initial approval."			1 Dot

Page	Section	Proposed Change	Red Dot	Blue Dot	Green Dot
Part 6 - Administration & Enforcement <i>See also Civil Enforcement Procedures Amendment and Procedures Amendment</i>					
364	6-4(W)(4)	Create a new Subsection (b) as follows: "Additional Provisions for Extensions of Preliminary Plats In addition to the general provisions in Subsection (a) above, additional extensions for Preliminary Plats may be granted by DRB for good cause, but the plat may be required to come into compliance with any applicable standards adopted since the application was submitted." Renumber subsequent subsections accordingly.		1 Dot	1 Dot
366	6-4(X)(2)(a) 9 [new]	Add a new subsection as follows: "The amendment does not require major public infrastructure or significant changes to access or circulation patterns on the site."			1 Dot
366	6-4(X)(2)(b) [new]	Add a new subsection as follows: "The Planning Director determines that the amendment warrants review by the original decision-maker."			1 Dot
367	Table 6-4-5	Building height, maximum Replace Maximum Threshold as follows: "Increase: 10% Decrease: Any amount"		1 Dot	1 Dot
368	6-4(Y)(1)(a)	Revise as follows: "Minor amendments may be granted by the <u>ZEO Planning Director</u> that meet the following requirements..." Add a new subsection (3) as follows: " <u>The requested change does not require major public infrastructure or significant changes to access or circulation patterns on the site, which would warrant additional review by the original decision-making body.</u> "			1 Dot

Page	Section	Proposed Change	Red Dot	Blue Dot	Green Dot
Part 6 - Administration & Enforcement <i>See also Civil Enforcement Procedures Amendment and Procedures Amendment</i>					
368	6-4(Y)(1)(c) [new]	Add a new subsection as follows: "No Deviations or Variances shall be granted for Minor or Major Amendments."		2 Dots – Comment: It would be clearer to the reader to say, "any major or minor amendments must meet the standards of the IDO"	1 Dot
372	6-5(B)	Add the following: "If the ZEO determines that the request for a declaratory ruling is not applicable to a proposed development or activity, the ZEO is not required to issue a declaratory ruling."		1 Dot	1 Dot
374	6-5(D)(1)	Add new applicability language for historic signs anywhere in the City that need to be restored on-site or taken off site for restoration, repair, or maintenance.			1 Dot
376	6-5	Add a new subsection (F) for Landfill Gas Mitigation Approval per attached Exhibit-Section 6-5F. Renumber subsequent subsections accordingly.			1 Dot
378	6-5(G)(1)(c) 1.d	Revise as follows: "...with the exception of <u>development that includes a</u> grocery stores, which may be approved administratively with no more than <u>a total of 70,000</u> square feet of gross floor area.			1 Dot
378	6-5(G)(1)(c) 2. ab	Add NR-BP and PC to the list of zone districts that can be reviewed/decided per Site Plan - Admin thresholds with an approved Master Development Plan or Framework Plan, respectively.		1 Dot	1 Dot
378	6-5(G)(1)(c) 2.g [new]	Add NR-PO-C property of any size not part of a proposed development that would meet the applicability of a Site Plan - DRB or Site Plan - EPC.			1 Dot

Page	Section	Proposed Change	Red Dot	Blue Dot	Green Dot
Part 6 - Administration & Enforcement <i>See also Civil Enforcement Procedures Amendment and Procedures Amendment</i>			Red Dot	Blue Dot	Green Dot
379	6-5(G)(2)(a)	Revise as follows: <u>The Site Plan – Administrative is submitted with an application for a building permit.</u> The ZEO shall review the application and make a decision on the Site Plan – Administrative <u>as part of the zone check during Building Permit review.</u> An initial review with comments shall be completed within 10 business days of the receipt of a complete application.		1 Dot	1 Dot
381	6-5(l)(2)(b)	Replace language as follows: "Supply proof of notification of abutting property owners of the use and intended duration of the use (e.g. number of days and/or hours of operation), if determined necessary by the ZEO on a case-by-case basis."			1 Dot
381	6-5(l)(2)(b)[new]	Add a new subsection as follows and renumber subsequent subsections accordingly:"Provide written permission from the property owner (if different) for the temporary use for the requested duration (e.g. number of days and/or hours of operation).			1 Dot
386	6-6(A)(3)(e)	Revise as follows: " <u>On a project site with existing uses,</u> it will not increase non-residential activity within 300 feet of a lot in any Residential zone district between the hours of 8:00 P.M. and 6:00 A.M.			1 Dot

Page	Section	Proposed Change	Red Dot	Blue Dot	Green Dot
Part 6 - Administration & Enforcement <i>See also Civil Enforcement Procedures Amendment and Procedures Amendment</i>			Red Dot	Blue Dot	Green Dot
386	6-6(B)(1)	Revise as follows: "This Subsection 14-16-6-6(B) applies to demolition of structures that are at least 50 years old located within the following mapped <u>small</u> areas, regardless of whether they are registered on a state or national historic register or are eligible for listing. Add a new (a) and renumber subsequent subsections accordingly: "Neon signs along Central Avenue in locations pursuant to Subsection 14-16-5-12(F)(4)(a) (Neon Signs along Central Avenue)." 	1 Dot – Needs to be required [not just encouraged]	1 Dot	1 Dot
395	6-6(G)(1)(a)	Add NR-BP and PC to the list of zone districts that can be reviewed/decided per Site Plan - DRB thresholds with an approved Master Development Plan or Framework Plan, respectively.			1 Dot
395	6-6(G)(1)(a)	Create a new subsection for exceptions to (1)(a) as follows: "1. Any application that requires major public infrastructure or complex circulation patterns on the site. 2. Any application that warrants additional staff collaboration at a DRB meeting as determined by the Planning Director." 		1 Dot	1 Dot
397	6-6(H)(1)(b) 3	Revise as follows: "Any application for development on a <u>lot</u> 5 acres or greater adjacent to Major Public Open Space." 	1 Dot – It should be revised by EPC		1 Dot
400	6-6(I)(2)(f)	Revise as follows: "The applicant shall record the plat with the Bernalillo County Clerk within 5 business days <u>6 months</u> after DRB signatures...." 			1 Dot

Page	Section	Proposed Change	Red Dot	Blue Dot	Green Dot
Part 6 - Administration & Enforcement <i>See also Civil Enforcement Procedures Amendment and Procedures Amendment</i>					
401	6-6(J)(1)	Revise as follows: <u>"(a) This Section 14-16-6-6(J) 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 pursuant to Subsection 14-16-6-6(I). (b) The following applications for a subdivision of land require a prior approval and can then be processed as a Subdivision of Land - Minor; an application for Subdivision of Land - Major is not a substitute for the prior approval.</u> <u>1. Subdivision of land 5 acres or greater adjacent to Major Public Open Space requires a Site Plan – EPC.</u> <u>2. Subdivision of land that is zoned NR-SU or PD requires a Site Plan – EPC.</u> <u>3. Subdivision of land that is zoned NR-BP requires a Master Development Plan.</u> <u>4. Subdivision of land that is zoned PC requires a Framework Plan."</u>		1 Dot	1 Dot
402	6-6(J)(2)(c)(1)	Revise as follows: "The letter of advice on a Sketch Plat expires after one year. If a Preliminary Plat that meets all standards and requirements of this IDO and the DPM is not filed within one year of the letter of advice, the applicant must re-submit an application for Sketch Plat."			1 - Dot
405	6-6(K)(2)(g) [new]	Add a new subsection as follows: "Upon approval of the vacation, the applicant must plat the right-of-way within one year or the decision to vacate is voided. If the vacation created any floating zone lines, the plat shall establish lot lines that coincide with zone boundaries to the extent practicable."			1 Dot

Page	Section	Proposed Change	Red Dot	Blue Dot	Green Dot
Part 6 - Administration & Enforcement <i>See also Civil Enforcement Procedures Amendment and Procedures Amendment</i>					
405	6-6(K)(2)(f)	Replace language as follows: "If a street, alley, drainageway, or other public right-of-way is vacated, the abutting zone districts shall be extended automatically to the new property line created by platting the vacated right-of-way into the abutting property."			1 Dot
405	6-6(K)(2)(f) [new]	Add a new subsection as follows: "Within 7 days of the vacation approval, the applicant shall coordinate with the City's Real Property Division and send notice of the approved vacation via a first-class letter to all adjacent property owners. The letter shall include the following information, as well as any other information as directed by the City's Real Property Division: 1. The property owner has 30 days from the receipt of the notice to notify the City's Real Property Division of the intent to purchase the vacated right-of-way, or any portion thereof, or possibly forfeit their right to do so.2. Within 7 days of receipt of the notice of intent to purchase, the City will provide the interested property owner with a purchase price for the desired portion of the vacated right-of-way.3. Contact information for the City's Real Property Division."			1 Dot
405	6-6(K)(2)(i) [new]	Add a new subsection as follows: "The City may retain, use or dispose of the right-of-way in any manner which the City, in its discretion, deems appropriate."			1 Dot

Page	Section	Proposed Change	Red Dot	Blue Dot	Green Dot
Part 6 - Administration & Enforcement <i>See also Civil Enforcement Procedures Amendment and Procedures Amendment</i>					
407	6-6(L)(2)(b)	Add a new subsection 1 as follows, move the existing language to be a new 2 and move the existing 1 and 2 to be subheadings of the new 2: "To qualify for a bulk land subdivision, the following size thresholds apply: 1. Property zoned R-A, R-1, R-MC, or R-T must be at least 5 acres. 2. Property zoned R-ML, R-MH, any MX, or any NR zone must be at least 20 acres."			1 Dot
414	6-6(N)(3)(c)	Revise heading to "Variance for a Taller Wall in Front or <u>Street Side Yard</u> ". Revise 3(c) as follows: "At least 20 percent of the properties within 330 <u>linear</u> feet of the lot where the wall or fence is being requested have a wall or fence over 3 feet in the front yard."			1 Dot
414	6-6(N)(3)(c)	Revise to read: "An application for a Variance for a wall in the front or street side yard of a lot with <u>low-density residential development in or abutting any Residential zone district</u> ..."			1 Dot
414	6-6(N)(3)(c)(3)(c)	Revise to read: "c. At least 20 percent of the properties <u>with low-density residential development</u> within 330 <u>linear</u> feet of the lot where the wall or fence is being requested <u>on both sides of the street</u> have a wall or fence over 3 feet in the front <u>or street side yard facing the same street</u> ."			1 Dot

Page	Section	Proposed Change	Red Dot	Blue Dot	Green Dot
Part 6 - Administration & Enforcement <i>See also Civil Enforcement Procedures Amendment and Procedures Amendment</i>					
426	6-7(F)(2)(c) [new]	Add a new subsection as follows and renumber subsequent subsections: "If the application is for a zone change from to an NR-BP zone district to another zone district, and there is an approved Master Development Plan, the applicant may choose to amend the Master Development Plan concurrently to remove the subject property from the Master Development Plan boundary or add standards relating to the subject property. The City may impose a condition for the applicant to do so. If no amendment to the Master Development Plan is made, the property will continue to be subject to relevant standards in the Master Development Plan."			1 Dot
426	6-7(F)(2)(d)	Revise as follows: "The City shall provide a zoning certificate to the applicant that documents the new zone district designation <u>after any appeal possibilities have been concluded and all conditions of approval have been met.</u> <u>If the Zone Map Amendment results in a floating zone line, the applicant shall be required to re-plat the property to establish lot lines that coincide with the zone boundary before a zoning certificate will be issued.</u> See Subsection 5-4 for subdivision standards and Table 6-1-1 and Subsections 6-6(I) and 6-6(J) for procedures."			1 Dot
426	6-7(F)(2)(f) [new]	Add a new subsection as follows: "If a zone map amendment is approved, the applicant can develop with an approved site plan. See Subsection 14-16-1-10(A) for Prior Approvals or Table 6-1-1 for Site Plan decisions."			1 Dot

Page	Section	Proposed Change	Red Dot	Blue Dot	Green Dot
Part 6 - Administration & Enforcement <i>See also Civil Enforcement Procedures Amendment and Procedures Amendment</i>					
430	6-7(G)(2)(g) [new]	Add a new subsection as follows and renumber subsequent subsections: "If the application is for a zone change from to an NR-BP zone district to another zone district, and there is an approved Master Development Plan, the applicant may choose to amend the Master Development Plan concurrently to remove the subject property from the Master Development Plan boundary or add standards relating to the subject property. The City may impose a condition for the applicant to do so. If no amendment to the Master Development Plan is made, the property will continue to be subject to relevant standards in the Master Development Plan."			1 Dot
430	6-7(G)(2)(g)	Add a second sentence as follows: "If the Zone Map Amendment results in a floating zone line, the applicant shall be required to re-plat the property to establish lot lines that coincide with the zone boundary before a zoning certificate will be issued. See Subsection 5-4 for subdivision standards and Table 6-1-1 and Subsections 6-6(I) and 6-6(J) for procedures."			1 Dot
432	6-8(C)	Add a new subsection (2) as follows: "Repair and Maintenance A structure containing a nonconforming use may be maintained, repaired, or altered, with limits on expansion pursuant to Subsection 14-16-6-8(3) (Expansion of Nonconforming Use)." Renumber subsequent subsections accordingly.			1 Dot
433	6-8(C)(2)(b)	Revise as follows: "... in any <u>Mixed-use or Non-residential</u> zone district..."			1 Dot
433	6-8(C)(6)(b)	Revise from 12 to 24 consecutive months.			

Page	Section	Proposed Change	Red Dot	Blue Dot	Green Dot
Part 6 - Administration & Enforcement <i>See also Civil Enforcement Procedures Amendment and Procedures Amendment</i>			Red Dot	Blue Dot	Green Dot
436	6-8(E)(1)(c)	Revise as follows: "Lots legally nonconforming to minimum lot width <u>or</u> <u>minimum lot size</u> in the R-MH zone district may <u>shall</u> be developed governed by the R-T <u>R-ML</u> zone in all respects..."		1 Dot	1 Dot
436	6-8(G)(1)	Revise as follows: "...a parcel of land that does not comply with the standards of this IDO in Sections <u>14-16-4-3 (Use-specific Standards)</u> , <u>14-16-5-3 (Access and Connectivity)</u> ; <u>14-16-5-5 (Parking and Loading)</u> ; ..."			1 Dot

IDO Annual Update 2019

Public Comment –

Open Houses

June 14 & 15, 2019

Questions

- If a property has an approved Site Plan – DRB or Site Plan – EPC, the building permit application is still being treated as Site Plan – Admin, requiring notice all over again. Is there an administrative solution or would changing this require an IDO amendment?
 - Long Range staff has confirmed with Code Enforcement that notice is to be given with the application for Site Plan – DRB or Site Plan – EPC. When those projects are submitted for building permit, the zoning check that occurs at that time is NOT considered a Site Plan – Admin (which would otherwise require new notice).
- Expansion of nonconforming use criteria – is there a way to have an option that would allow very large sites or something where the setbacks are nonconforming to expand if certain criteria are met (Example: Many hospitals have nonconforming setbacks or nonconforming building height, so they can't expand adequately. If the campus were included in the calculation, they would be under the 25% limit on expansion.)
 - Note: A nonconforming building can still expand up to 25% in size, but not in a way that makes the site more nonconforming (i.e., taller heights than the zone would allow, or an addition that worsens a setback that is already nonconforming). See [Subsection 6-8](#) and [Subsection 6-6\(C\)](#).
- Could the parking exemption in the downtown area be expanded to include the former Warehouse District in the Barelás area?
 - Note: This area currently has a 50% parking reduction, which carries forward the entitlement from the Barelás Sector Plan to encourage more dense development. See [Subsection 5-5\(B\)\(2\)\(c\)](#).

Suggestions for IDO

- City-wide: Add a new Use-Specific standards for self-storage and outdoor storage with distance separations of 1,000 ft. to encourage other allowable uses with more employment opportunities.
 - Self-storage [Subsection 4-3\(D\)\(28\)](#)
 - Outdoor Storage [Subsection 4-3\(E\)\(15\)](#)
- City-wide: Add a new neighborhood edge standard in Subsection 5-12(H)(5) or new Subsection 5-9(G) prohibiting electronic signs within 50 ft. of residential.
 - See original language in [Subsection 5-12\(H\)](#) and/or the following limits to sound/light in the IDO:

- 8:00pm – 6:00am
 - [Subsection 6-6\(A\)\(3\)\(e\)](#)
- 10:00pm – 7:00am
 - [Subsection 4-3\(D\)\(1\)\(d\)](#)
 - [Subsection 4-3\(D\)\(28\)\(d\)](#)
 - [Subsection 4-3\(D\)\(39\)\(c\)](#)
 - [Subsection 4-3\(F\)\(9\)\(k\)](#)
 - [Subsection 4-3\(F\)\(13\)\(c\)](#)
- 7:30 – 10:30
 - [Subsection 4-3\(G\)\(1\)\(c\)](#)

Suggestions for Comp Plan

- Change the Comp Plan designation of Cottonwood from an Employment Center to Urban Center to allow more urban development, including taller buildings, apartments in Cottonwood area – somewhat like Uptown/Winrock.
- Change the Comp Plan designation of Coors Blvd. from a Major Transit Corridor to a Premium Transit Corridor, connecting Downtown/Old Town.

Suggestions for Projects

- Add/improve sidewalks in the Cottonwood area connecting to the apartments north and west of the center.
- Add bike share and scooters in the Cottonwood area and along Coors Blvd. at Rapid Ride stops.