

5-5(C) OFF-STREET VEHICLE PARKING

5-5(C)(5) Parking Reductions

The minimum amounts of off-street automobile parking required by Table 5-5-1 and Table 5-5-2 above shall be adjusted by the factors shown in this Subsection 14-16-5-5(C)(5). These factors may be applied individually or in combination, but the cumulative reduction in off-street spaces shall not exceed 50 percent of the parking spaces required by Table 5-5-1 and Table 5-5-2 unless the applicant satisfies the requirements of Subsections 14-16-5-5(C)(6)(d) (Public Parking Reduction) or 14-16-5-5(C)(6)(e) (Parking Study Reduction).

5-5(C)(5)(a) General Reductions for Urban Centers and Main Street Areas

Where Table 5-5-1 and Table 5-5-2 do not indicate a different parking requirement for UC or MS areas, a 10 percent reduction in required off-street parking requirements shall apply to properties in those Center and Corridor areas.

5-5(C)(5)(b) Shared Parking Reduction

1. Two (2) or more uses listed in Table 4-2-1 may share one or more parking structures or parking lots located pursuant to Subsection 14-16-5-5(F)(1)(a)11. The sharing of any required parking shall be guaranteed by a legally binding agreement between the owner of the parking area and the owner of the building or use that is located on a different lot and served by the parking area. Such agreement shall address the issue of how parking will be shared if the parties change their operating hours and peak business periods.
2. The total off-street parking requirement for those uses may be reduced by the factors shown in Table 5-5-3. Off-street parking required shall be the sum of the 2 parking requirements for the 2 uses divided by the factors for that combination of uses. If more than 2 uses share a parking lot or structure, the required parking shall be calculated by applying Table 5-5-3 to the 2 uses with the largest parking requirements and then adding the required parking for the additional uses.

Example:

Proposed project in a Main Street area includes 40 2 bedroom residential dwelling units and 15,000 square feet of gross floor area for retail and a child care center designed for 50 children.

Step 1: Identify basic parking requirements from Table 5-5-1.

40 units times 1 space per dwelling unit = 40 spaces.

15,000 sq. ft. times 2.5 spaces per 1,000 sq. ft. = 37.5 space; rounded to 37.

50 child capacity times 1 space per 15 persons capacity = 3.33 spaces; rounded to 3 spaces.

Step 2: Add up the 2 largest parking requirements: $40+38 = 78$ spaces.

Step 3: Divide by the factor in Table 5-5-3.

For multi-family residential and retail the factor is 1.2.

$78 \text{ divided by } 1.2 = 65 \text{ spaces.}$

Step 4: Add the third (smallest) parking requirement without adjustment:

$65+3 = 68 \text{ spaces} = \text{final adjusted parking requirement.}$

Table 5-5-3: Shared Parking Reduction Factors					
Property Use	Multi-family Residential	Civic or Institutional	Food, Beverage, and Indoor Entertainment or Lodging	Retail	Other Non-residential
Multi-family Residential	1.0				
Civic or Institutional	1.1	1.0			
Food, Beverage, and Indoor Entertainment or Lodging	1.1	1.2	1.0		
Retail	1.2	1.3	1.3	1.0	
Other Non-residential	1.3	1.5	1.7	1.2	1.0

5-5(C)(5)(c) Reduction for Proximity to Transit

1. The minimum number of off-street parking spaces required may be reduced by 30 percent if the proposed development is located within 1,320 feet of any transit stop or transit station with a peak service frequency of 15 minutes or better.
2. The minimum number of off-street parking spaces required may be reduced by 50 percent if the proposed development is located within a Premium Transit Area.
3. The minimum number of off-street parking spaces required for new development or redevelopment may be reduced by 5 percent for projects that include, at the applicant's expense, transit rider shelters of a type and location acceptable to the City, regardless of service frequency.
4. No development approved with any of these parking reductions shall be considered nonconforming if the transit line, station, or stop is later relocated or if peak service frequency decreases, resulting in a number of parking spaces that does not meet the minimum requirements that would apply without the Proximity to Transit reduction.

5-5(C)(5)(d) Public Parking Reduction

The Planning Director may approve a reduction or elimination of parking requirements if any of the following conditions applies:

1. The development is within and participates in a public parking district in which individual property owners jointly provide shared parking for an area of the city exceeding 5 acres in size.
2. The applicant can demonstrate that adequate spaces are available in a nearby public parking lot or structure, and that the reduction or elimination of parking requirements will not result in traffic congestion or on-street parking in any nearby Residential zone district. For the purposes of this provision, on-street parking spaces shall be considered nearby public parking spaces.

5-5(C)(5)(e) Parking Study Reduction

The Planning Director may approve a reduction of parking requirements if the applicant provides a parking needs study, prepared by a consultant with expertise in that area recognized by the City, and using parking generation assumptions acceptable to the City, demonstrates that off-street parking at a rate lower than that otherwise required by this Section 14-16-5-5, will adequately accommodate all anticipated demand for off-street parking and will not result in either traffic congestion or parking congestion in surrounding neighborhoods, and the Planning Director determines that the parking study provides a more accurate measure of parking needs for the site than application of the standards in this Section 14-16-5-5 that would otherwise apply.

5-5(C)(6) Parking Credits

5-5(C)(6)(a) Electric Vehicle Charging Station Credit

1. Each off-street electric vehicle charging station with a rating of 240 volts or higher shall count as 2 vehicle parking spaces toward satisfaction of minimum off-street parking requirements.
2. When a new parking lot containing more than 200 off-street spaces is constructed, at least 2 percent of the vehicle parking spaces shall include electric vehicle charging stations with a rating of 240 volts or higher.

5-5(C)(6)(b) Van and Car Pool Parking Credit

1. Each off-street parking space designated and signed for the exclusive use of a shared carpool vehicle shall count as 4 spaces toward the satisfaction of a minimum off-street parking requirements.
2. Each off-street parking space designated and signed for the exclusive use of a shared vanpool vehicle shall count as 7 spaces toward the satisfaction of a minimum off-street parking requirements.

5-5(C)(6)(c) On-street Parking Credit

1. Any on-street parking space abutting the subject property may be counted as 1 required off-street parking space if the street does not have residential parking permit restrictions.
2. Each on-street parking space may only be counted once toward the parking requirements of the abutting lot, regardless of the number of individual buildings or tenants on the lot.
3. No development or use approved with an on-street parking credit shall be considered nonconforming if the on-street parking is later removed by City action and the remaining off-street parking does not meet the minimum off-street parking requirements of this Section 14-16-5-5.
4. On-street parking spaces credited for a specific use shall not be reserved for the exclusive use by customers, employees, or occupants of that use, but shall be available for general public use at all times. No signage or actions limiting general public use of on-street spaces shall be allowed.

5-5(C)(6)(d) Off-site Parking Credit

1. The provision of required parking at an off-site parking area may be counted toward required off-street parking spaces on a 1-for-1 basis and is allowed for 100 percent of the required parking spaces, except that those required to satisfy the Americans with Disabilities Act must be provided on the site of the building or use.
2. Off-site parking must meet the location standards in Subsection 14-16-5-5(F)(1)(a)11 and shall be guaranteed by a legally binding agreement between the owner of the parking area and the owner of the building or use that is located on a different lot and served by the parking area.

6-5(F) LANDFILL GAS MITIGATION APPROVAL

All applicable provisions of Section 14-16-6-4 (General Procedures) apply unless specifically modified by the provisions of this Subsection 14-16-6-5(F) or the DPM. However, standards and procedures for obtaining Landfill Gas Mitigation Approval are generally governed by the City Environmental Health Department, whose applicable standards and procedures prevail over the IDO or DPM. In case of a conflict between the provisions of this Subsection 14-16-6-5(F) and the standards and procedures of the DPM, the DPM shall prevail.

6-5(F)(1) Applicability

This Subsection 14-16-6-5(F) shall require landfill gas mitigation approval for the following types of applications on a property within a landfill gas buffer area pursuant to Subsection 14-16-5-2(G), in addition to any other review and approval requirements specific to the following applications:

- (a) Grading, Drainage, or Paving approval.
- (b) Sign permit for new freestanding sign.
- (c) Surface Disturbance Permit.
- (d) Wall or Fence Permit.
- (e) Site Plan – Administrative.
- (f) Site Plan – DRB.
- (g) Site Plan – EPC.
- (h) Master Development Plan.
- (i) Wireless Telecommunications Facility for new freestanding facility.
- (j) Subdivision of Land.

The provisions of this section are not intended to affect planning or administrative processes that are not associated with physical changes to the lot other than to raise the awareness of procedures related to landfill gases that must be undertaken prior to development.

6-5(F)(2) Procedure

6- 5(F)(2)(a) The applicant shall provide an assessment and report performed and certified by a professional engineer with expertise in landfills and landfill gas to determine if landfill gases exist on the lot and whether there is a potential for the migration of landfill gases to impact the lot or other lots in the future.

6- 5(F)(2)(b) If the assessment determines that landfill gases exist on the lot or there is a potential for the migration of landfill gases to impact the lot or other lots in the future, the report shall identify landfill gas mitigation measures (known as a landfill gas mitigation plan) that are adequate to address any existing or future risk. See additional requirements in 6- 5(F)(2)(e) below.

6- 5(F)(2)(c) If the assessment and report indicate that there is no landfill gas at the property and there is no future risk from the migration of landfill gases, the

assessment and report shall state how such a determination was made. See additional requirements in 6- 5(F)(2)(f) below.

6- 5(F)(2)(d) The Environmental Services Division of the City Environmental Health Department or its consultant shall review the assessment and report, and landfill gas mitigation plan if applicable, and shall approve or reject them in writing within 20 business days of its submission. If the documents are not acceptable, the Environment Health Department shall advise the applicant of the changes needed and the applicant shall submit revised documents for review and approval.

6- 5(F)(2)(e) If a landfill gas mitigation plan is needed, the following requirements apply:

1. The applicant shall submit copies of the assessment and report, including the landfill gas mitigation plan, approved by the Environmental Health Department with any application(s) listed in Subsection 14-16-6-5(F))1) that relate to the property.
2. The applicant shall commit in writing to the landfill gas mitigation plan as a condition of approval on official documents filed at the Planning Department in relation to development of the property such as plats, plans, or permits. In the case of a large corporation, this letter of commitment shall be signed by a representative with the authority to commit the corporation to implementing the landfill gas mitigation plan.
3. The Environmental Health Department shall acknowledge receipt of the letter of commitment to the applicant and copy the Planning Department for filing.
4. The applicant shall include the following disclosure statement on any official documents filed at the Planning Department in relation to development of the property such as plats, plans, or permits:

“The subject property is located (near, on) a (closed, operating) landfill. Due to the subject property being (near, on) a (closed, operating) landfill, certain precautionary measures may need to be taken to ensure the health and safety of the public. Recommendations made by a professional engineer with expertise in landfills and landfill gas issues (as required by the most current version of the Interim Guidelines for Development within City Designated Landfill Buffer Zones of the City Environmental Health Department) shall be consulted prior to development of the site.”

5. The Environmental Health Department shall refer any development that appears to require regulation under the State due to removal of landfill materials, such as for grading or required off-site infrastructure, to the New Mexico Environment Department – Solid Waste Bureau.

6-5(F)(2)(f) The Environmental Health Department’s approval of an assessment and report pursuant to Subsection 6- 5(F)(2)(c) constitutes a “no risk” landfill gas mitigation approval. The applicant shall meet the following requirements:

1. Submit copies of the assessment and report approved by the Environmental Health Department with any application(s) listed in Subsection 14-16-6-5(F)(1) that relate to the property.
2. Include the disclosure statement in Subsection 6- 5(F)(2)(e)4 above on any official documents filed at the Planning Department in relation to the development such as plats, plans, or permits.

6- 5(F)(2)(g) The Planning Department shall maintain records of lots that have landfill gas mitigation approval.

6- 5(F)(3) Review and Decision Criteria

The City Environmental Health Department shall review and approve the assessment and report, including any landfill gas mitigation plan, per applicable federal, state, and local laws, regulations, and policies, including but not limited to 20.6.2.4103 A. of the NM Administration Code.

Exhibit – Notice

6-4(C) NEIGHBORHOOD MEETING

- 6-4(C)(3) A meeting request shall be sent to the 2 representatives on file at the Office of Neighborhood Coordination (ONC) for all applicable Neighborhood Associations via certified letter, return receipt requested, or via email ~~[with timestamp, read receipt requested]~~. Either method constitutes a reasonable attempt to notify a Neighborhood Association of a meeting request. The requirements of Subsection 14-16-6-4(K)(7) (Documentation of Good Faith Effort Required) also apply.
- 6-4(C)(3)(a) Each meeting request 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.
- 6-4(C)(3)(b) At a minimum, the meeting request shall include required items in IDO Subsection 14-16-6-4(K)(6) (Content of Notice), with the exception that information provided in the meeting request is conceptual and constitutes a draft intended to provide sufficient information for discussion of concerns and opportunities.
1. If the meeting request is associated with an eventual site plan application:
 - a. The conceptual site plan must show, at a minimum, proposed building locations, parking, landscape areas, and access and circulation for vehicles and pedestrians.
 - b. Conceptual elevations of any proposed new building(s) must be included.

6-4(K) PUBLIC NOTICE

6-4(K)(6) Content of the Notice

- 6-4(K)(6)(a) Each notice required by this Section 14-16-6-4(K) shall include, at a minimum, all of the following information:
1. The address of the property listed in the application.
 2. The name of the property owner.
 3. The name of the applicant (if different from the property owner).
 4. A short summary of the approval being requested (e.g. Conditional Use Approval to allow a particular use, Zone Map Amendment from an existing zone district to a specified zone district, a Site Plan – DRB Approval for a particular project ~~the maximum height of proposed structures, the maximum number of proposed dwelling units, and the approximate gross square footage of any proposed nonresidential uses,~~ etc.).
 5. Whether a public meeting or hearing will be required, and if so the date, time, and place of the public meeting or hearing.

Exhibit – Notice

6. An address, telephone number, or website where additional information about the application can be obtained.
- 6-4(K)(6)(b) For notice required by mail or email, the following additional information, at a minimum, shall be included. Information included as an attachment or as a link to a website where such information is available is also acceptable.
1. A Zone Atlas page indicating the project location.
 2. Architectural drawings, elevations of the proposed building(s), or other illustrations of the proposed application, as relevant.
 3. An explanation of any deviations, variances, or waivers being requested, if any.
 4. The summary of the Pre-submittal Neighborhood Meeting, if one occurred.
- 6-4(K)(6)(c) For notice associated with a site plan application, the following additional information, at a minimum, shall be included:
1. The maximum height of any proposed structures.
 2. For residential development: The maximum number of proposed dwelling units (if applicable).
 3. For non-residential development: The total gross floor area and gross floor area (sq. ft.) for each proposed use.
 4. A site plan.

Exhibit – Facilitated Meeting

6-4(D) POST-SUBMITTAL FACILITATED MEETINGS

6-4(D)(1) Requesting a Post-submittal Facilitated Meeting

- 6-4(D)(1)(a) Once an application for any decision listed in Table 6-1-1 other than an appeal is accepted as complete by the Planning Department, any party who would have standing to appeal a final decision pursuant to Subsection 6-4(U)(2)(a) may request a facilitated meeting.
- 6-4(D)(1)(b) Requests for a facilitated meeting shall be submitted to the Planning Director in writing and must include, at a minimum, the following:
1. Why a facilitated meeting is being requested.
 2. What specific items are requested to be discussed.
 3. What outcomes are wanted from the discussion.
- 6-4(D)(1)(c) The Planning Director shall notify the applicant of a request for a facilitated meeting, if requested by a party other than the applicant, within 2 business days.
- 6-4(D)(1)(d) The City will require such a facilitated meeting and delay the decision on the application as follows:
1. Administrative Decisions
 - a. If the request is associated with an administrative decision in Table 6-1-1, and the applicant agrees to the facilitated meeting, a final decision by City staff will not be made until after the facilitated meeting has taken place and the meeting summary has been received and reviewed by City staff.
 - b. The final decision can be further delayed by request from the applicant if the applicant agrees to additional facilitated meetings.
 2. Decision Requiring a Public Meeting or Hearing

The following apply to all requests for a facilitated meeting associated with a Decision Requiring a Public Meeting or Hearing in Table 6-1-1.

 - a. If the request is made at least 15 days prior to the scheduled meeting or hearing, the facilitated meeting shall be completed before the application can be heard by the decision-making body. The decision-making body shall defer the case at the public meeting or hearing until the facilitated meeting has taken place and the meeting summary has been received and reviewed by the decision-making body. No deferral fee is required.
 - b. If the request is made less than 15 days before the scheduled meeting or hearing, or at such a meeting or hearing, the decision-making body shall decide whether to require the facilitated meeting.

Exhibit – Facilitated Meeting

- i. The decision-making body shall consider the following criteria in whether to require the facilitated meeting:
 - a. Whether the complexity and potential impacts of a proposed project warrant facilitation.
 - b. Whether the decision-making body has the authority to implement the results of a negotiated agreement about the issue or opportunity described in writing by the requestor of the facilitated meeting.
 - c. Whether there are changed conditions, new information, or new points of discussion not covered in a Neighborhood Meeting or previous public meeting or hearing that indicate that a facilitated meeting may be useful or lead to productive negotiation.
 - ii. If a facilitated meeting is required, the decision-making body shall defer or continue the case until the facilitated meeting takes place and the meeting summary has been received and reviewed by the decision-making body. No deferral fee is required.
 - c. If a request for a facilitated meeting is made after a required facilitated meeting has taken place, the decision-making body shall decide whether to require an additional facilitated meeting. If a facilitated meeting is required, the decision-making body shall defer or continue the case until the facilitated meeting takes place and the meeting summary has been received and reviewed by the decision-making body. No deferral fee is required.
 - d. The applicant can agree to a facilitated meeting and ask for a deferral or continuance of the case at any time. A deferral fee will be charged.
3. Policy Decisions

If the request for a facilitated meeting is associated with a Policy Decision in Table 6-1-1, the City shall require a facilitated meeting pursuant to Subsection 2 above, with the exception that if a decision requires a hearing before two decision-making bodies (e.g. the Landmarks Commission and City Council or the Environmental Planning Commission and City Council), a facilitated meeting can be requested and required for the hearing before each decision-maker.

6-4(D)(2) TIMING OF A POST-SUBMITTAL FACILITATED MEETING

- 6-4(D)(2)(a) Once notified by the Planning Director about the request for a facilitated meeting, the applicant shall contact the City's Alternative Dispute Resolution (ADR) office to request the

Exhibit – Facilitated Meeting

facilitated meeting within 2 business days. The City shall assign a facilitator, who shall schedule the facilitated meeting to take place within 15 calendar days of the request to ADR. The facilitator shall attempt to contact all Neighborhood Associations whose boundaries include or are adjacent to the subject project site.

- 6-4(D)(2)(b) If reasonable attempts have been made to accommodate the schedules of the applicant, the Neighborhood Associations, and the requester (if different), and no facilitated meeting has occurred, the application shall proceed in the relevant review/decision process. If no facilitated meeting occurs, the facilitator shall provide documentation of the attempt to schedule the facilitated meeting and that no facilitated meeting was scheduled within the time allotted.
- 6-4(D)(2)(c) If a facilitated meeting occurs, the facilitator shall submit a facilitated meeting report, including but not limited to the meeting location, date, and time; attendees; and a summary of the discussion, to the Planning Department within 7 calendar days of the facilitated meeting.

Exhibit – Bulk Land Subdivision

Table 6-1-1: Summary of Development Review Procedures																
X = Required R = Review and/or Recommend D = Review and Decide AR = Appeal Review and Recommend AD = Appeal Review and Decision [] = Public Meeting < > = Public Hearing																
Section	Public Notice					Mtgs.		Review and Decision-making Bodies							Specific Procedures	
	6-4(K)					6-4(B)	6-4(C)	6-2								
	Published	Mailed	Posted Sign	Electronic Mail	Web Posting	Pre-application	Neighborhood	City Staff ^[1]	ZHE	DRB	LC	EPC	LUHO	City Council ^[2]		
Application Type																
Policy Decisions																
Subdivision of Land – Major																
<u>Bulk Land Subdivision</u>	X	X	X	X	X	X		R		[D]			<AR>	<AD>		6-6(J)
Preliminary Plat	X	X	X	X	X	X		R		[D]			<AR>	<AD>		6-6(J)
Final Plat	X				X			R		[D]			<AR>	<AD>		6-6(J)

6-6(J) SUBDIVISION OF LAND – MAJOR

All applicable provisions of Section 14-16-6-4 (General Procedures) apply unless specifically modified by the provisions of this Subsection 14-16-6-6(J) or the DPM.

6-6(J)(1) Applicability

6-6(J)(1)(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).

6-6(J)(1)(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.

- Subdivision of land 5 acres or greater adjacent to Major Public Open Space requires a Site Plan – EPC.
- Subdivision of land that is zoned NR-SU or PD requires a Site Plan – EPC.
- Subdivision of land that is zoned NR-BP requires a Master Development Plan.
- Subdivision of land that is zoned PC requires a Framework Plan.

6-6(J)(1)(c) A bulk land subdivision for either of the following:

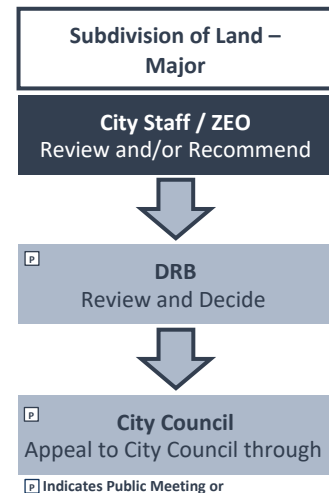


Exhibit – Bulk Land Subdivision

1. Property that is at least 5 acres and zoned R-A, R-1, R-MC, R-T, or PC designated for residential development.
2. Property that is at least 20 acres and zoned R-ML, R-MH, any MX zone, any NR zone, or PC designated for mixed-use or non-residential development.

6-6(J)(2) Procedure

6-6(J)(2)(a) Deviations and ~~Variations~~ Waivers

1. The DRB may grant a Deviation to a development standard in the IDO as part of this approval per the thresholds in Section 14-16-6-4(O) (Deviations).
2. The DRB may grant a ~~Variance~~ Waiver to standards in Section 14-16-5-3 (Access and Connectivity), Section 14-16-5-4 (Subdivision of Land), Section 14-16-6-5 (Parking and Loading), or the DPM per Subsection 14-16-6-6(L) (Waiver – DRB).

6-6(J)(2)(b) Pre-Application Meeting

In addition to those provisions in Section 14-16-6-4(B) (Pre-application Meeting), the following provisions apply to Subdivisions of Land – Major:

1. The applicant shall file a sketch plat that indicates the basic layout of the proposed subdivision, including general layouts of streets, drainage areas, open spaces, and buildable lots within the subdivision, and other technical standards specified in the DPM.
2. The DRB shall review the sketch plat, conduct a public meeting, and provide a Letter of Advice outlining the requirements and recommendations of the meeting, which will address the suitability of the proposal for development and for infrastructure improvements based on the intent of this IDO and the DPM.
3. The approved sketch plat shall not be recorded but shall be retained by the City Planning Department, and the Preliminary and Final Plat are required to be generally consistent with the Sketch Plat Letter of Advice.

6-6(J)(2)(c) Bulk Land Subdivision

1. In addition to the procedures above, the bulk land subdivision will require further review during the Subdivision or Site Plan approval process in order to use the land for development and/or building purposes. Approval of a bulk land subdivision does not indicate that land within that subdivision complies with applicable IDO Subdivision or Site Plan standards.
2. The plat shall reflect the applicant's agreement that building permits shall not be issued for any area within the bulk land subdivision before a Preliminary Plat and Final Plat have been approved and the Final Plat for the subject area has been recorded.

Exhibit – Bulk Land Subdivision

6-6(J)(2)(d) Preliminary Plat

1. ~~Within one year after DRB issuance of a Letter of Advice on a Sketch Plat, the applicant shall file a Preliminary Plat that meets all standards and requirements of this IDO and the DPM. 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.~~
2. Any request for a ~~Variance~~ Waiver from the development standards applicable to the subdivision in Section 14-16-5-3 (Access and Connectivity), Section 14-16-5-4 (Subdivision of Land), Section 14-16-5-5 (Parking and Loading), or the DPM shall be reviewed and decided per Subsection 14-16-6-6(L) (~~Waiver - DRB~~), shown on the Preliminary Plat, and considered simultaneously with the review and approval of the Preliminary Plat.
3. The City Planning Department staff shall review the application and forward a recommendation to the DRB pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).
4. The DRB shall conduct a public ~~hearing meeting~~ and make a decision on the application pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).

6-6(J)(2)(e) Construction Plans

After approval of the Preliminary Plat, the applicant shall present construction plans and specifications for all improvements (which shall conform to the approved Preliminary Plat) to the City Engineer for approval, together with a proposed infrastructure improvements agreement between the subdivider and the City specifying all infrastructure proposed for construction. Construction plans and specifications shall meet all applicable requirements of the DPM or other technical standards adopted by the City.

6-6(J)(2)(f) Infrastructure Improvements Agreement

After approval of the Preliminary Plat, the applicant shall provide to the City an Infrastructure Improvements Agreement (IIA) that complies with the following standards and all applicable standards in the DPM.

1. The IIA shall specify the time period within which the improvements necessary to provide required access, public services, and public amenities required of the applicant are to be completed, which time period will end not later than 2 years after execution of the IIA.
2. An IIA for sidewalks that have received an adjustment for temporary deferral of installation shall have a time period that

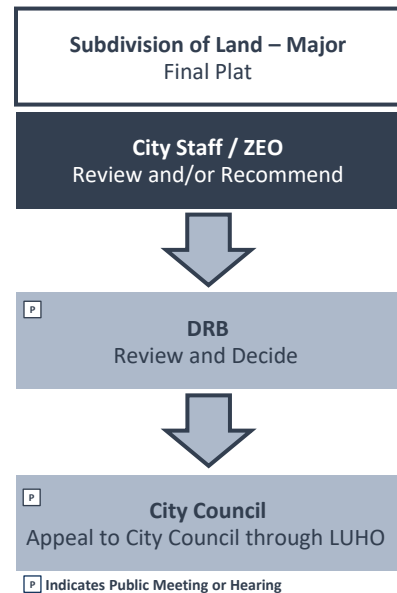
Exhibit – Bulk Land Subdivision

will end 4 years after execution of the IIA, unless extended by the DRB for good cause, as described in the DPM.

3. The DRB may extend the time periods listed in Subsections 1 and 2 above for a period of less than 12 months for good cause shown.
4. If a Preliminary Plat approval should expire under the terms of this IDO without a Final Plat having been approved, the IIA automatically lapses, and no further improvements are required or approved.
5. After execution of an IIA approved by the City, the applicant may proceed with the construction of all required improvements.

6-6(J)(2)(g) Final Plat

1. Within one year after DRB approval, or approval with conditions, of a Preliminary Plat, the applicant shall file a Final Plat that meets all standards and requirements in the DPM.
2. The City Planning Department staff shall review the application and forward a recommendation to the DRB pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).
3. The DRB shall conduct a public meeting and make a decision on the application pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).
4. When all conditions of approval are satisfied, the DRB shall accept the revised Final Plat and record it with the Bernalillo County Clerk as soon as possible, but in no case more than 5 business days from date of DRB signature.



6-6(J)(2)(h) Dedications

1. Dedication of public areas, as required by Subsection 14-16-5-4 (K), or by other City policy requirements shall be free and clear of any liens or encumbrances and be in fee simple unless one of the following applies:
 - a. The applicant demonstrates that fee simple dedication is legally infeasible.

Exhibit – Bulk Land Subdivision

- b. The DRB and the City Attorney find that a different type of dedication better accomplishes City policy or is provided for by specific ordinance.
2. If dedication in other than fee simple is approved, the nature of the property interest dedicated shall be clearly indicated on the plat.
3. When parks are dedicated, a deed to the land shall be delivered to the governmental body with jurisdiction over that type of park, as determined by the City.

6-6(J)(3) Review and Decision Criteria

6-6(J)(3)(a) An application for a Bulk Land Subdivision shall be approved if it meets the applicability criteria in Subsection 6-6(J)(1)(b) above, and the plat meets the requirements in Subsection 6-6(J)(2)(c) above.

~~6-6(J)(3)(b)~~ An application for a Preliminary Plat shall be approved if it ~~meets all of the following criteria:~~

~~1. —Is consistent with the ABC Comp Plan, as amended.~~

€ complies with all applicable provisions of this IDO, the DPM, other adopted City regulations, and any conditions specifically applied to development of the property in a prior permit or approval affecting the property.

6-6(J)(3)(c) An application for a Final Plat shall be approved if it includes all changes, conditions, and requirements contained in the Preliminary Plat approval.

Exhibit A-1 to R-19-150

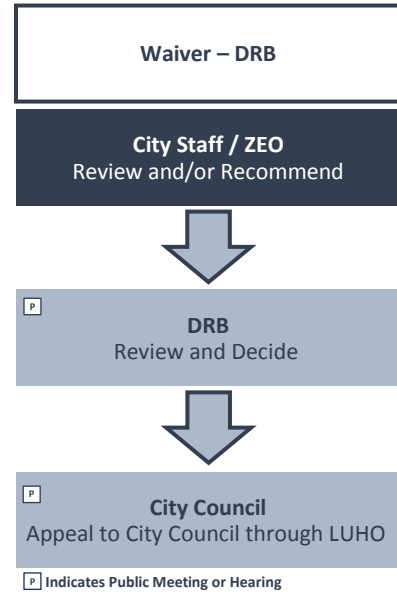
6-6(L) WAIVER – DRB

All applicable provisions of Section 14-16-6-4 (General Procedures) apply unless specifically modified by the provisions of this Subsection 14-16-6-6(L).

6-6(L)(1) Applicability

This Subsection 14-16-6-6(L) applies to application for a deviation from standards in Sections 14-16-5-3 (Access and Connectivity), 14-16-5-4 (Subdivision of Land), or 14-16-5-5 (Parking and Loading) beyond the thresholds established by Table 6-4-2 in Subsection 14-16-6-4(O), except the following:

- 6-6(L)(1)(a) Standards in Subsection 5-5(F)(2)(a)2, which require a Permit - Carport in Front or Side Setbacks pursuant to Subsection 6-6[new].
- 6-6(L)(1)(b) Standards related to front yard parking in Subsection 5-5(F)(2)(a), Subsection 5-5(F)(1)(a)6, and Table 5-5-6 , which require a Variance - ZHE pursuant to Subsection 14-16-6-6(N).



6-6(L)(2) Procedure

6-6(L)(2)(a) General

1. The City Planning Department staff shall review the application and forward a recommendation to the DRB pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).
2. The DRB shall conduct a public meeting and make a decision on the application pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).
3. A Waiver – DRB may not be granted until after any necessary Conditional Use Approvals are obtained pursuant to Subsection 14-16-6-6(A).
4. A notice of any Variances, Waivers, or Deviations granted associated with a subdivision shall be placed on the final plat and on a separately recorded document, and any Variances, Waivers, or Deviations granted associated with a Site Plan shall be noted on the approved Site Plan.

6-6(L)(2)(b) Bulk Land Subdivision

Where a Waiver is requested based on a bulk land subdivision, all of the following procedures shall be followed in addition to the procedures in Subsection (a) above:

Exhibit A-1 to R-19-150

1. The use of the land for development and/or building purposes shall require review during the Subdivision or Site Plan approval process. Approval of a Waiver for a bulk land transfer does not indicate that land within that transfer complies with applicable Subdivision or Site Plan standards.
2. The plat shall reflect the applicant's agreement that building permits shall not be issued for any area where the Waivers apply before further subdivision and that recording of a final subdivision plat for the subject area has been completed.

6-6(L)(3) Review and Decision Criteria

An application for a Waiver – DRB shall be approved if it complies with the following criteria:

6-6(L)(3)(a) Any of the following applies:

1. There are pre-existing obstructions that cannot be easily or economically relocated or should not be altered, such as grades, fills, water courses, natural topographic features, man-made obstructions, or utility lines.
2. The area or site has been recognized as having historical, archeological, and/or architectural significance by the City, state, or federal government, and a Waiver is needed and appropriate to maintain such historical, archeological, and/or architectural significance.
3. The established neighborhood character or landscaping on the site would be damaged to a degree that outweighs the public interest in the City's normal technical standards in that location.
4. Varying from the normal requirements and standards will encourage flexibility, economy, effective use of open space, or ingenuity in design of a subdivision, in accordance with accepted principles of site planning.

Exhibit A-1 to R-19-150

- 6-6(L)(3)(b)** The Waiver will not be materially contrary to the public safety, health, or welfare.
- 6-6(L)(3)(c)** The Waiver does not cause significant material adverse impacts on surrounding properties.
- 6-6(L)(3)(d)** The Waiver will not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure improvements.
- 6-6(L)(3)(e)** The Waiver will not conflict significantly with provisions of any city, county, or AMAFCA adopted plan, this IDO, or any other City code or ordinance.
- 6-6(L)(3)(f)** The Waiver will not allow, encourage, or make possible undesired development in the 100-year Floodplain.
- 6-6(L)(3)(g)** The Waiver will not materially undermine the intent and purpose of this IDO or the applicable zone district.
- 6-6(L)(3)(h)** The Waiver does not allow a lot or type of development that does not meet the applicable size, area, and development standards applicable in the zone district where the lot is located, unless a Deviation to such standards is within the thresholds established by Subsection 14-16-6-4(O) (Deviations) and is granted by the DRB as part of this approval.
- 6-6(L)(3)(i)** The Waiver approved is the minimum necessary to provide redress without being inconsistent with the provisions of this Section.

Quasi-judicial Decision for Small Area Regulations

- On page 328, create a new decision for “Amendment to IDO Text for a Small Area” in Table 6-1-1 as shown in red below.
- Create a new procedure for “Amendment to IDO Text for a Small Area” as shown below as a new Subsection 6-7(E) and renumber subsequent subsections accordingly.

Table 6-1-1: Summary of Development Review Procedures															
X = Required R = Review and/or Recommend D = Review and Decide AR = Appeal Review and Recommend AD = Appeal Review and Decision [] = Public Meeting < > = Public Hearing															
Section	Public Notice					Mtgs.		Review and Decision-making Bodies							Specific Procedures
	6-4(K)					6-4(B)	6-4(C)	6-2							
	Published	Mailed	Posted Sign	Electronic Mail	Web Posting	Pre-application	Neighborhood	City Staff ^[1]	ZHE	DRB	LC	EPC	LUHO	City Council ^[2]	
Application Type															
Policy Decisions															
Amendment to IDO Text <u>Citywide</u>	X	X			X	X		R				<R>		<D>	6-7(D)
<u>Amendment to IDO Text for a Small Area</u>	X	X		X	X	X	X	R				<R>		<D>	6-7(E) [new]
Zoning Map Amendment – Council ^[5]	X	X	X	X	X	X	X	R				<R>		<D>	6-7(G)

TECHNICAL EDITS – ATTACHMENT: AMENDMENT TO IDO TEXT FOR OVERLAY ZONES AND SMALL AREAS

6-4(E) WHO CAN FILE AN APPLICATION

- 1-1(B)(1)(d) The property owners in a proposed CPO zone or a Small Area. Applications to create or amend a CPO zone shall only be accepted if they provide proof in writing that at least 51 percent of the property owners in the proposed CPO area agree.

6-4(K)(2) MAILED

- 1-1(H)(2)(c) For Amendment of IDO Text for a Small Area shown in Table 6- 1- 1, the applicant shall mail a notice to all of the following:
1. The owner of the property listed in the application.
 2. 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.
 3. Any Neighborhood Association whose boundaries include or are adjacent to the proposed Small Area.

1-1(I) AMENDMENT OF IDO TEXT FOR A SMALL AREA

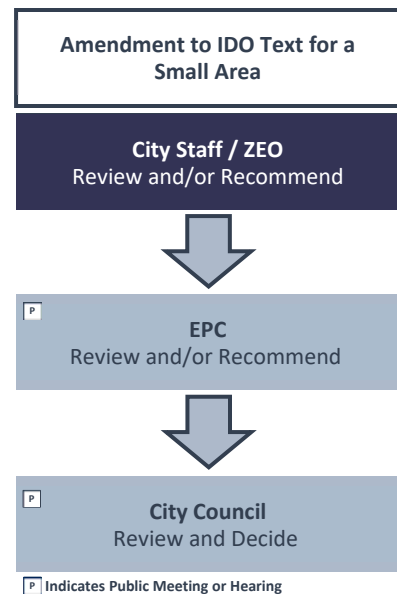
All applicable provisions of Section 14-16-6-4 (General Procedures) apply unless specifically modified by the provisions of this Subsection 14-16-6-7(E).

1-1(I)(1)

Applicability

This Subsection 14-16-6-7(E) applies to all applications to amend the text of this IDO to adopt or amend the boundaries of a small area and adopt or amend specific zoning regulations that will apply in that area, including APOs, CPOs, HPOs, VPOs, or small areas established in Subsection 14-16-4-3 Use-specific Standards, Subsection 14-16-5 Development Standards, or Subsection 14-16-6 Administration and Enforcement, except for the following:

- 1-1(I)(1)(a) Applications to adopt or amend the boundary of a Historic Protection Overlay zone, which are processed pursuant to Subsection 14-16-6-7(C).
- 1-1(I)(1)(b) Applications to change the zoning of properties in a small area, which are processed pursuant to Subsection 14-16-6-7(F) or 14-16-6-7(G), as relevant.



1-1(l)(2) Procedure

- 1-1(l)(2)(a) The City Planning Department staff shall review the application, including any specific regulations applicable to a proposed Overlay zone or small area, and forward a recommendation to the EPC pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).
- 1-1(l)(2)(b) If the proposed amendment includes any change to the IDO text of an HPO zone (as opposed to an amendment to the boundaries or standards applicable in a specific HPO zone), the LC staff planner shall review and submit staff comments to the EPC pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).
- 1-1(l)(2)(c) The EPC shall conduct a public hearing on the application and shall make a recommendation to the City Council pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).
- 1-1(l)(2)(d) The City Council shall conduct a public hearing and shall make a decision on the application pursuant to all applicable provision of Section 14-16-6-4 (General Procedures).
- 1-1(l)(2)(e) The Official Zoning Map shall be updated to reflect any adopted or amended boundaries of a small area.

1-1(l)(3) Review and Decision Criteria

An application for an Amendment of IDO Text for a Small Area shall be approved if it meets all of the following criteria:

- 1-1(l)(3)(a) The proposed small area amendment is consistent with the health, safety, and general welfare of the City as shown by furthering (and not being in conflict with) a preponderance of applicable Goals and Policies in the ABC Comp Plan, as amended, and other applicable plans adopted by the City.
- 1-1(l)(3)(b) If the proposed small area amendment is located wholly or partially in an Area of Consistency (as shown in the ABC Comp Plan, as amended), the applicant has demonstrated that the proposed amendment would clearly reinforce or strengthen the established character of the surrounding Area of Consistency and would not allow development that is significantly different from that character. The applicant must also demonstrate that the existing zoning regulations are inappropriate because they meet any of the following criteria:
 - 1. There has been a significant change in neighborhood or community conditions affecting the small area.
 - 2. The proposed zoning regulations are more advantageous to the community as articulated by the ABC Com Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).
- 1-1(l)(3)(c) If the proposed small area amendment is located wholly in an Area of Change (as shown in the ABC Comp Plan, as amended) and

the applicant has demonstrated that the existing zoning regulations are inappropriate because they meet at least one of the following criteria:

1. There has been a significant change in neighborhood or community conditions affecting the small area that justifies this request.
2. The proposed zoning regulations are more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

1-1(l)(3)(d) If the proposed amendment changes allowable uses, the proposed amendment does not allow permissive uses that would be harmful to adjacent property, the neighborhood, or the community, unless the Use-specific Standards in Section 16-16-4-3 associated with that use will adequately mitigate those harmful impacts.

1-1(l)(3)(e) The applicant's justification is not based completely or predominantly on the cost of land or economic considerations.