

IDO Annual Update 2023

Full Council IDO Amendments

June 17th



Amendments to EPC's Red Line Version

- EPC Dates:
 - O-24-11 (Dec. 14th, 2023, Jan. 11th & Feb. 15th, 2024)
 - O-24-12 (January 18th, 2024)
 - O-24-13 (Dec. 14th, 2023 & Jan. 11th, 2024)
 - O-24-17 (Dec. 14th, 2023, Jan 11th, 2024)
- The Environmental Planning Commission approved **12 city-wide IDO amendments** that came over in their Red-Line version.
- **Land Use Planning and Zoning (LUPZ) 4/10 & 5/15:** Presented on the proposed amendments to EPC's Red-Line Version

LUPZ Action Summary

O-24-13		
Amendment	Topic	Action
A1	Animal Welfare	Pass
A2	Areas of Change and Consistency	Pass
A3	Boat and RV Parking	Pass
A4	Cottage Development Maximum	Pass
A5	Duplexes	Failed
A6	Energy Storage Systems	Withdrawn (To be heard at Full Council)
A7	Front Yard Walls and Fences (Residential)	Failed
A8	Landscaping Applicability	Pass
A9	Overnight Shelters	Withdrawn (To be heard at Full Council)
A10	Pre-Application Facilitated Meetings	Withdrawn (To be heard at Full Council)

B1 Alleyway Lighting

Proposed IDO Language:

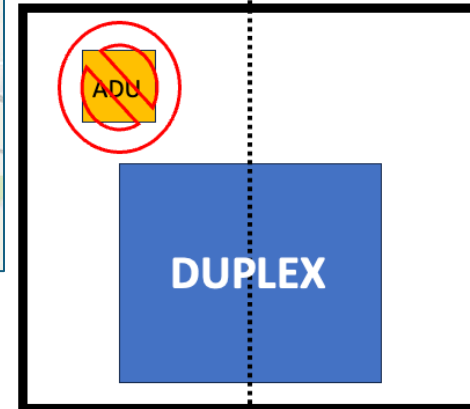
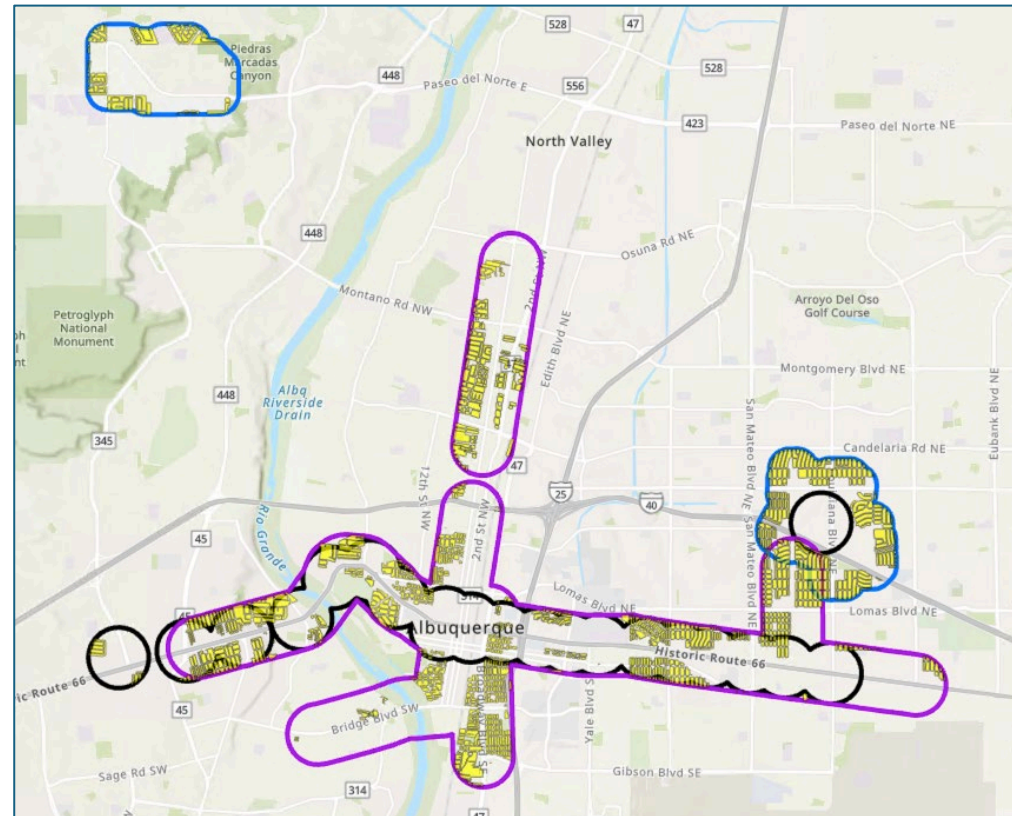
- 5-8 If abutting an alley, non-residential development, multi-family development and mixed-use development shall illuminate the building façade facing the alley, pursuant to IDO Subsection 5-8(D)(4)



B2 Duplexes

- Duplexes would be permissive within R-1 zone districts that fall within 1,320 of Urban Centers (UC), Main Street (MS) Corridors and Premium Transit (PT) station areas.
 - Only permissive if attached to an existing structure
 - Duplex is conditional in R-1 if it's new construction
- A Duplex is not allowed if an ADU is already present and vice versa.
- A design requirement for one window and one entrance to be street facing as part of the amendment.

1,320 ft. of UC-MS-PT



B3 Energy Storage Systems

- **Purpose:** To create an electric grid throughout the City
- Energy Storage System (ESS) is required to have a minimum of 8 ft. tall wall or fence, with a max. of 12 ft.
- Substation and ESS will have a 10 ft. landscaping buffer with varying requirements
- In Residential zone districts, ESS's are limited to **1 acre** in size.
- ESS is permissive in the following zone districts: R-A, R-1, R-MC, R-T, R-ML, R-MH, MX-T, MX-L, MX-M, MX-H, NR-C, NR-BP, NR-LM, NR-GM
- ESS is accessory in NR-SU and NR-PO



Scale: 1 megawatt of storage is the physical size of a shipping container

B3 Energy Storage Systems

Added Aesthetic language

- Only in residential districts
- Looks to mimic surrounding architectural styles

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

4-3(E)(#)(a) Where allowed in a Residential zone district, this use shall be concealed to be the least visually and physically intrusive as possible and to have the least adverse visual effect on the environment and its character and nearby residences by meeting all of the following requirements.

- (I). This use shall be aesthetically integrated with the existing buildings, structures and landscaping to blend in with the nature and character of the built and natural environment in terms of height, color, architectural style, massing, and materials.
- (II). This use shall be located to avoid a dominant silhouette on escarpments and next to Major Public Open Space.
- (III). The required perimeter wall shall use the same architectural materials (e.g., stucco, brick, concrete) as properties within 330 feet of the subject property.
- (IV). No horizontal length of the required perimeter wall shall extend longer than 20 feet without the inclusion of architectural elements such as decorative grillwork, projection of lintels, portals, windows or doors, awning, or other external features to avoid visual monotony. A change in color alone does not satisfy this requirement.

B3 Energy Storage Systems – Follow-up

- Homeland Security Design Requirements:
 - 8 – 12 ft. perimeter security walls
 - Motion activated interior lighting
 - 24/7 video surveillance
 - Locks on all battery compartments and control equipment
- Electric Current Distance:
 - Electric current is similar to a water hose, the farther it has to travel, the weaker the current gets. (Please see PNM's letter for a more detailed response)
- Distance of ESS to neighborhoods to be beneficial:
 - To answer fully, a model would have to be created. It is best to put the ESS as close as possible to both the load and distributed generation in order to avoid loss and maintain adequate voltage.
- How many batteries can fit on 1 acre?
 - Considering the wall and other limiting factors, one could fit 3 to 4 shipping container sized batteries on an acre.



Typical Substation Wall

B3 Energy Storage Systems – Follow-up

- Are ESSs needed more in residential or commercial areas:
 - ESS are needed everywhere to ensure no feeder line is congested. In Residential areas, ESSs can help accommodate rooftop solar panels and EV charging stations.
- Ability to “disguise” ESS as a residential structure:
 - This may be cost-prohibitive due to the varying styles of architecture around the City. This also raises concerns about equity and standard of the wall when building in different parts of the City.
 - PNM also wants to avoid designs that may attract unwanted attention or squatters.



Substation near Crestview Park

B3 Energy Storage Systems – LUPZ

- The committee decided to withdraw the amendment at LUPZ to be heard at Full Council.
 - This was to allow AFR to be present at the meeting to speak to fire code concerns and fire risk.
 - Also, to allow energy providers the chance to answer other Councilor's questions.

B4(a) Pre-Application Facilitated Meeting - Option 1

- Replaces the pre-submittal neighborhood meeting with a post-submittal facilitated meeting.
- Neighborhoods can still request, through the planning director, a post-submittal meeting, **except site plan administrative**, and must meet one of the following criteria's:
 1. Why a post-submittal facilitated meeting is being requested.
 2. What specific items are requested to be discussed.
 3. What outcomes are wanted from the discussion.
 4. **[A commitment to negotiating with the applicant in good faith about how the proposed development could be changed to lessen anticipated negative impacts on the surrounding area in ways that can reasonably be accommodated by the proposed development.]**
- As part of the amendment, the decision-making body can require a post-submittal meeting with the neighbors and developers via the same criteria above

B4(a) Pre-Application Facilitated Meeting - Option 1

- Language has also been added to clarify the ability of ADR to use a neutral 3rd Party as a facilitator:

...the City shall assign a [neutral third party to facilitate land use discussions and document the discussion in a meeting report.] [A different facilitator may be used if agreed to by the applicant and the requestor.]

[Discussion in these meetings and the meeting report have no legal binding.]

B4(b) Facilitated Meetings – Option 2

- This amendment keeps the pre-submittal meeting, but decreases the number of days the Neighborhood Association must respond from 15 to 7.
- It also brings in the same committing language:
 - [By accepting the meeting request, the Neighborhood Association is agreeing to negotiate with the applicant in good faith about how the proposed development could be changed to lessen any anticipated negative impacts on the surrounding area in ways that can reasonably be accommodated by the proposed development.]

B5 – Tribal Meeting Facilitation

(If a version of B4 passes)

- This amendment brings in language that mirrors the other pre-submittal and post-submittal meeting language in the IDO:

6-4(C)(4) The pre-submittal tribal meeting shall be facilitated by [a neutral third party designated by the City to facilitate land use discussions and document the discussion in a meeting report] ~~[the City's Alternative Dispute Resolution (ADR) Office]~~. If [a City-designated] ~~[an ADR]~~ facilitator is not available within the required timeframe, the applicant can facilitate the meeting or arrange for another facilitator[. A different facilitator may be used if agreed to by the applicant and the tribal representative. Discussions in these meetings and the meeting report have no legal binding.] ~~[;-all]~~ [All] other requirements in this Subsection shall be met.

B6 Front Yard Walls and Fences

- Create a maximum fence height of **5 feet** for **low-density residential**
 - Must be **see-through** fencing above 3 feet
 - Wall must be setback 5 feet and the 5 feet of buffer space must be landscaped



B6 Front Yard Walls and Fences Follow-up

- Currently, 3 ft. maximum wall height in front yards and must get a building permit
- If you want to go over 3 feet, you have to get a wall permit major that must go through the Zoning Hearing Examiner (ZHE)
- Wall Statistics from Zoning Hearing Examiner (ZHE) Cases:
 - 2021: 45% (159) wall cases – 91% (144) were approved
 - 2022: 36% (104) wall cases – 75% (78) were approved
 - 2023: 32% (100) wall cases – 90% (90) were approved

B7 Overnight Shelter

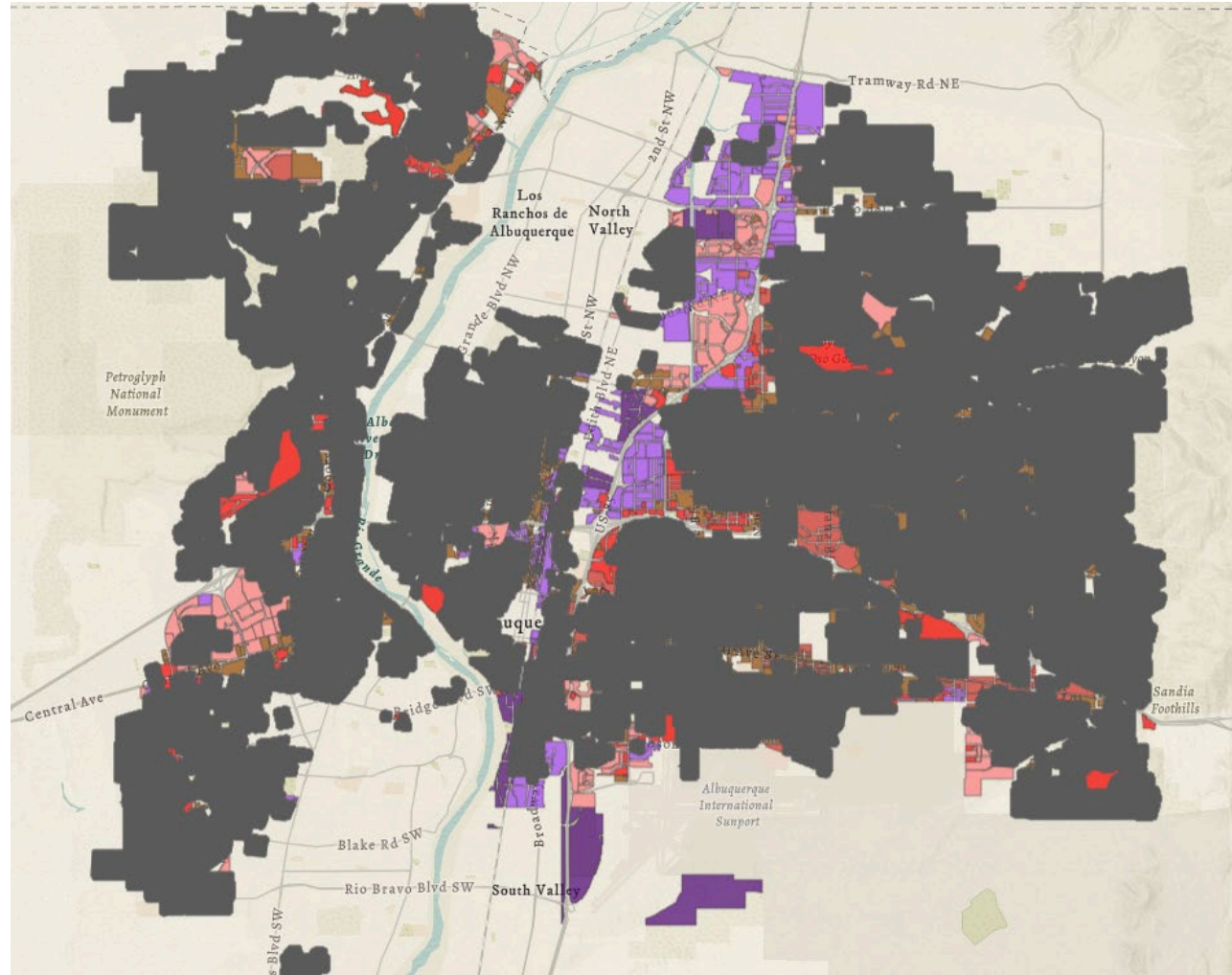
- Makes Overnight shelters permissive within all zone districts where currently conditional if they have **10 or less beds**
- **Prohibits** overnight shelters with **200 or more beds**
- Conditional use in MX-M & NR-C if **10-49 beds**
- Conditional use for all applicable zone districts if within 330 feet of a residential zone district or residential use in a MX zone
- **Current IDO:** This use is prohibited within 1,500 feet in any direction of a lot containing any other overnight shelter.

Table 4-2-1: Allowable Uses
P = Permissive Primary C = Conditional Primary A = Permissive Accessory CA = Conditional Accessory
CV = Conditional if Structure Vacant for 5+ years T = Temporary CT = Conditional Temporary
Blank Cell = Not Allowed

Zone District >>	Residential						Mixed-use				Non-residential				Use-specific Standards				
	R-A	R-1	R-MC	R-T	R-ML	R-MH	MX-T	MX-L	MX-M	MX-H	NR-C	NR-BP	NR-LM	NR-GM		NR-SU	A	B	C
Overnight shelter ¹⁴									C	C	C	C	C	C					4-3(C)(6)

“C” will change to “P”

B7 Overnight Shelter Follow-up



The areas where 10 or less beds are permissive.

Questions?