

B1 Alleyway Lighting

THIS AMENDMENT PASSED ON A 9-0 VOTE.

**CITY COUNCIL
of the
CITY OF ALBUQUERQUE**

June 17rd, 2024

FLOOR AMENDMENT NO. 1 TO Exhibit 1, O-24-13

AMENDMENT SPONSORED BY COUNCILOR: Brook Bassan, by request

1. On page 342 of the IDO EPC Redline of the IDO Annual Update 2023, in §14-16-5-8, add a new Subsection with text as follows, renumbering subsequent sections accordingly:

[5-8 REQUIRED LIGHTING

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).]

Explanation: This amendment proposes to require that commercial development, industrial development, and multi-family development provide lighting if they are abutting to an alley.

B2 Duplexes

THIS AMENDMENT FAILED ON A 3-6 VOTE.

For: Baca, Fiebelkorn, Rogers

Against: Bassan, Champine, Grout, Lewis, Peña, Sanchez

**CITY COUNCIL
of the
CITY OF ALBUQUERQUE**

June 17, 2024

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

AMENDMENT SPONSORED BY COUNCILOR Nichole Rogers & Tammy Fiebelkorn

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

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

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

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

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

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

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

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

B2 Duplexes

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

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

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

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

B3 Energy Storage Systems

THIS AMENDMENT PASSED ON A 9-0 VOTE.

**CITY COUNCIL
of the
CITY OF ALBUQUERQUE**

June 17, 2024

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

AMENDMENT SPONSORED BY COUNCILOR Joaquin Baca, by request

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

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

2. On page 199 of the IDO EPC Redline of the IDO Annual Update 2023, in §14-16-4-3(E)(8), revise the text as follows:

4-3(E)(8) Electric Utility

4-3(E)(8)(a) ~~[A s]~~~~[S]~~ubstation ~~[shall be surrounded by perimeter]~~ walls ~~[a minimum of 12 feet high]~~ ~~[shall be]~~ set back a minimum of 10 feet from all property lines to allow for perimeter landscape. ~~[Such walls shall be a combination of split face and smooth face blocks, cast-in-place walls with a discernable pattern, and/or shall provide pilasters along the wall every 20 feet.]~~

4-3(E)(8)(b) ~~[Outside of the perimeter wall, a s]~~ ~~[S]~~ubstation ~~[facilities]~~ shall be surrounded by a minimum 10-foot landscaped buffer area consisting of shrubs and other vegetation that complies with the safety and maintenance requirements for substations.

~~[4-3(E)(8)(c)—Substations shall be surrounded by a wall a minimum of 12 feet high wall.]~~

4-3(E)(8)(~~[d]~~~~[c]~~) All existing substations that undergo expansion shall meet the design standards for new substations.

4-3(E)(8)(~~[e]~~~~[d]~~) All uses and associated facilities shall be subject to the terms and conditions in the Facility Plan for Electric System Transmission and Generation, as amended, ~~[except that battery storage facilities are not considered electric generation facilities and may be a primary activity in association with the electric utility use in the NR-BP, NRLM, and NR-GM zone districts]~~ [unless specified

B3 Energy Storage Systems

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

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

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

- 4-3(E)(#)(a) This use shall be surrounded by an opaque wall or fence at least 8 feet and not more than 12 feet high that is a combination of split face and smooth face blocks, cast-in-place walls with a discernable pattern, and/or pilasters along the wall every 20 feet.
- 4-3(E)(#)(b) Except where abutting industrial development, a landscaped buffer area shall be provided that is at least 10 feet wide.
- i. In residential zone districts, the perimeter wall shall be located 20 feet from the front lot line or be located per the Contextual standards of 14-16-5-1(C)(2)(c) and the required landscaped buffer shall contain at least 1 tree for every 25 feet along the lot line that complies with the safety and maintenance requirements for an ESS, in addition to all applicable standards in Section 14-16-5-6 (Landscaping, Buffering, and Screening), including but not limited to Subsection 14-16-5-6(C)(10) Planting near Utilities.
- ii. In Non-residential and Mixed-use zone districts, landscaped buffers shall contain at least 1 tree for every 25 feet along the lot line that complies with the safety and maintenance requirements for an ESS, in addition to all applicable standards in Section 14-16-5-6 (Landscaping, Buffering, and Screening), including but not limited to Subsection 14-16-5-6(C)(10) Planting near Utilities.
- 4-3(E)(#)(c) All onsite utility lines and associated equipment shall be placed underground or pad mounted, unless soil conditions, shape, or topography of the site as verified by the City Engineer dictate above-ground installation, with the exception of the main service connection at the utility right-of-way and any new interconnection

B3 Energy Storage Systems

equipment, including without limitation any poles, as permitted by the electric utility.

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

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

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

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

Electric Utility

A facility used or designed to provide electricity services to the city or part of the city that is regulated as a public utility by the New Mexico Public Regulation Commission [but not including an Energy Storage System, which is regulated as a separate use for the purposes of this IDO]. Back-up generators and [back-up] battery storage are incidental to this use. See also [Energy Storage System,] *Geothermal Energy Generation, Major Utility, Solar Energy Generation, [Utility-scale Electric Facility] and Wind Energy Generation.*

[Energy Storage System (ESS)]

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

[Utility-Scale Electric Facility]

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

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

[ESS: Energy Storage System]

[MW: Megawatt]

[kV: Kilovolt]

Explanation: This amendment creates a new use for energy storage systems with related standards, including required landscape buffers and size limitation in Residential zone districts. The new use will apply to both PNM and privately-developed and operated facilities, and changes to the existing electric utility use reflect this.

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

B3 Energy Storage Systems

This amendment was proposed but withdrawn from consideration at EPC, so City staff could meet with PNM and other stakeholders, which resulted in the changes proposed herein. This amendment was also withdrawn at LUPZ to allow more discussion with PNM and to have someone from the Fire Department present to answer questions and concerns from Councilors.

B4(a) Facilitated Meetings, option 1

THIS AMENDMENT PASSED ON A 5-4 VOTE.

For: Baca, Bassan, Champine, Grout, Lewis

Against: Fiebelkorn, Peña, Rogers, Sanchez

**CITY COUNCIL
of the
CITY OF ALBUQUERQUE**

June 17, 2024

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

AMENDMENT SPONSORED BY COUNCILOR Dan Lewis

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

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

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

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

1. ~~[Except Site Plan – Administrative, Table 6-1-1 indicates that a facilitated meeting is eligible for that application type.]~~
~~[2.]~~ ~~[1. The application is]~~ ~~[For]~~ a Site Plan – Administrative, ~~[the application proposes]~~ ~~[proposing]~~ a new building or multiple new buildings that include a total of any of the following:
 - a. More than 100 multi-family residential dwelling units.

B4(a) Facilitated Meetings, option 1

b. More than 50,000 square feet of non-residential development.

~~[2. The application is in the category “Decision Requiring a Public Hearing” in Table 6-1-1.~~

~~3. The application is in the category “Policy Decision” in Table 6-1-1, and Table 6-1-1 indicates that a Neighborhood Meeting is required for that application type.]~~

6-4(L)(1)(b) Requests for a post-submittal facilitated meeting shall be submitted to the Planning Director in writing and must include, at a minimum, the following:

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.]

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

6-4(L)(3)(a) ~~[After the City has received a] [Once notified by the Planning Director about the]~~ request for a post-submittal facilitated meeting, the ~~[Planning Director shall notify the]~~ applicant ~~[, and] [shall contact the City’s Alternative Dispute Resolution (ADR) office to request the post-submittal facilitated meeting within 2 business days. The]~~ ~~[the]~~ City shall assign a [neutral third party to facilitate land use discussions and document the discussion in a meeting report.] ~~[facilitator, who]~~ [A different facilitator may be used if agreed to by the applicant and the requestor. The facilitator] shall schedule the post-submittal facilitated meeting to take place within 15 calendar days of the [post-submittal facilitated meeting] request ~~[to ADR].”~~

6-4(L)(3)(c) If a post-submittal facilitated meeting occurs, the facilitator shall submit a post-submittal 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 post-submittal facilitated meeting. [Discussions in these meetings and the meeting report have no legal binding.]

Explanation: This amendment replaces the Pre-submittal Neighborhood Meeting with the Post-submittal Facilitated Meeting and requires a commitment to negotiate in good faith.

This amendment responds to a request by the City’s Alternative Dispute Resolution Office to adjust the facilitated meetings to follow the most successful negotiations since the IDO went into effect in 2018. Facilitators have found that consensus is most likely when the application is complete, development details are best known, and the

B4(a) Facilitated Meetings, option 1

interested parties are negotiating in good faith.

B5 Tribal Meeting Facilitation

THIS AMENDMENT PASSED ON A 9-0 VOTE.

**CITY COUNCIL
of the
CITY OF ALBUQUERQUE**

June 17, 2024

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

AMENDMENT SPONSORED BY COUNCILOR Tammy Fiebelkorn

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

1. On page 423, revise §14-16-6-4(C)(4) Pre-submittal Tribal Meeting as follows:

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.] [;-a#] [All] other requirements in this Subsection shall be met.

Explanation: This amendment broadens the possible facilitators that may be utilized for pre-submittal tribal meetings to include any neutral third party designated by the City. This amendment adds language to make clear that these discussions are not legally binding and have no impact on tribal sovereignty.

B6 Front Yard Walls and Fences (Residential)

THIS AMENDMENT FAILED ON A 1-8 VOTE.

For: Peña

**Against: Baca, Bassan, Champine, Grout, Fiebelkorn, Lewis, Rogers,
Sanchez**

**CITY COUNCIL
of the
CITY OF ALBUQUERQUE**

June 17, 2024

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

AMENDMENT SPONSORED BY COUNCILOR Klarissa Peña

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

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

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

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

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

Existing rules limit front yard walls to 3 feet without a Permit – Wall or Fence – Major,

B6 Front Yard Walls and Fences (Residential)

which requires a special hearing by the Zoning Hearing Examiner. This amendment would still require a special hearing for taller walls less than 5 feet from the property line, following existing decision criteria for a Permit – Wall or Fence – Major in Subsection 14-16-6-6(H).

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

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

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

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

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

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

B6 Front Yard Walls and Fences (Residential)

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

THIS AMENDMENT FAILED ON A 3-6 VOTE.
For: Baca, Fiebelkorn, Rogers
Against: Bassan, Champine, Grout, Lewis, Peña, Sanchez

**CITY COUNCIL
of the
CITY OF ALBUQUERQUE**

June 17, 2024

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

AMENDMENT SPONSORED BY COUNCILOR Nichole Rogers & Tammy Fiebelkorn

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

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

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

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

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

~~[(b) Overnight shelters providing 200 or more beds are prohibited.]~~

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

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

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

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

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

- 10 or less = small, permissive in MX-M, MX-H NR-C, NR-BP, NR-LM, NR-GM
- 11- 49 beds = medium, permissive in NR-BP, NR-LM, NR-GM, MX-H, conditional in MX-M and NR-C

- 50+ beds = large, prohibited in all zones

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