

# **CITY of ALBUQUERQUE**

## **TWENTY THIRD COUNCIL**

**COUNCIL BILL NO.** F/S R-18-29      **ENACTMENT NO.** \_\_\_\_\_

**SPONSORED BY: Trudy E. Jones and Isaac Benton**

1 RESOLUTION

2 REPEALING AND REPLACING C/S R-17-240; ESTABLISHING A PROCESS FOR  
3 IDO-RELATED [ZONE MAP AMENDMENTS ZONING CONVERSIONS] THAT  
4 ARE TO BE PROCESSED BY THE CITY PLANNING DEPARTMENT  
5 COMMENCING ON THE EFFECTIVE DATE OF THE IDO, AND CONCLUDING  
6 WITHIN ONE YEAR THEREFROM

7        WHEREAS, the City Council, the governing body of the City of  
8        Albuquerque, has the authority to adopt and amend plans for the physical  
9        development of areas within the planning and platting jurisdiction of the City  
10      authorized by statute, Section 3-19-3, NMSA 1978, and by its home rule  
11      powers; and

12        WHEREAS, the City's zoning powers are established by the City Charter, in  
13 which Article I, Incorporation and Powers, allows the City to adopt new  
14 regulatory structures and processes to implement the Albuquerque-Bernalillo  
15 County Comprehensive Plan ("Comp Plan") and help guide future legislation;  
16 Article IX, Environmental Protection, empowers the City to adopt regulations  
17 and procedures to provide for orderly and coordinated development patterns  
18 and encourage conservation and efficient use of water and other natural  
19 resources; and Article XVII, Planning, establishes the City Council as the  
20 City's ultimate planning and zoning authority; and

21 WHEREAS, the City amended the Comp Plan in 2001 via R-01-343  
22 (Enactment No. 171-2001) to identify Community Planning Areas and provide  
23 goals and policies to protect and enhance distinct community identity in each  
24 area; and

25 WHEREAS, the City Council adopted an updated Comp Plan on March 20,  
26 2017 via R-16-108 (Enactment No. R-2017-026), including an updated  
27 community vision based on a Centers and Corridors approach to growth.

1 including an updated Centers and Corridors map with boundaries for Centers  
2 and distances from the centerline for Corridors; priority designations for  
3 transportation modes on each Corridor; and  
4        WHEREAS, the Comp Plan establishes a hierarchy of Centers and  
5 Corridors from the most to the least walkable, mixed-use, and dense, with  
6 Downtown, Urban Centers, Premium Transit Corridors, and Main Street  
7 Corridors all intended to be highly walkable, with a mix of residential and non-  
8 residential land uses, and with higher-density and higher-intensity uses; and  
9        WHEREAS, the Comp Plan includes goals and policies to protect  
10 community health and maintain safe and healthy environments where people  
11 can thrive; and  
12        WHEREAS, the Comp Plan establishes a complementary set of  
13 Development Areas – Areas of Change, where growth is encouraged and  
14 higher-density and intensity uses are the most appropriate – and Areas of  
15 Consistency, where the existing pattern of uses, density, and intensity is to be  
16 maintained and reinforced over time; and  
17        WHEREAS, the Integrated Development Ordinance (IDO) was drafted as  
18 part of a citywide effort to update and replace the City's 40-year-old, 1970's-era  
19 Comprehensive Zoning Code, and as the primary regulatory tool to implement  
20 the Comp Plan for land within the municipal boundaries of the City of  
21 Albuquerque; and  
22        WHEREAS, the IDO's stated purpose is to implement the Comp Plan;  
23 ensure that all development in the City is consistent with the intent of other  
24 plans and policies adopted by City Council; ensure provision of adequate  
25 public facilities and services for new development; protect quality and  
26 character of residential neighborhoods; promote economic development and  
27 fiscal sustainability of the City; provide efficient administration of City land  
28 use and development regulations; protect health, safety, and general welfare  
29 of the public; provide for orderly and coordinated development patterns;  
30 encourage conservation and efficient use of water and other natural  
31 resources; implement a connected system of parks, trails, and open spaces to  
32 promote improved outdoor activity and public health; provide reasonable  
33 protection from possible nuisances and hazards and to otherwise protect and

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1      improve public health; and encourage efficient and connected transportation  
2      and circulation systems for motor vehicles, bicycles, and pedestrians; and  
3      WHEREAS, the IDO was drafted to be consistent with and implement Comp  
4      Plan goals and policies; and  
5      WHEREAS, the IDO helps to implement these goals and policies by  
6      providing a set of zones (§14-16-2) that range from low intensity to high  
7      intensity and designating the appropriate mix of land uses in each zone; and  
8      WHEREAS, the City Council adopted an Official Zoning Map (§14-16-1-6)  
9      that converted pre-existing zone districts from the City Comprehensive Zoning  
10     Code to base zone districts in the IDO according to a set of zoning conversion  
11     rules for base zones and Special Use zones (SU-1, SU-2, and SU-3) that  
12     matched as closely as possible the permissive uses in each zone; and  
13     WHEREAS, this conversion from approximately 1,200 zones to a set of 19  
14     zones necessarily involved changes to individual [allowable] uses allowed in  
15     many zones; and  
16     WHEREAS, as a result of the conversions some uses that were allowed in  
17     the prior zone designations were changed to correspond with the Use Table in  
18     the IDO (§14-16-4-2) that indicates land uses as permissive, conditional,  
19     accessory, conditional accessory, conditional vacant, or temporary in each  
20     zone district of the IDO; and  
21     WHEREAS, the Community Planning Area assessment process is intended  
22     to provide opportunities on a 5-year cycle to analyze and recommend zone  
23     map amendments in specific geographic areas to better implement the Comp  
24     Plan, particularly encouraging walkable, higher-density and higher-intensity  
25     development in Centers and Corridors; and  
26     WHEREAS, the intent of the IDO was to update the City's land use and  
27     zoning framework for future development without eliminating or limiting the  
28     ability of lawful, existing land uses to continue after the IDO's adoption; and  
29     WHEREAS, the City understands that predictability of zoning and  
30     compatibility of land use and zoning are essential in order to maintain and  
31     strengthen economic value and viability for property owners and businesses,  
32     and to ensure appropriate and adequate protections for neighboring  
33     properties; and

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1        WHEREAS, the Planning Department has committed to [submitting a series  
2        of zone map amendments as part of] a phase II of the City's [comprehensive]  
3        zoning conversion process, where such amendments fall within the criteria  
4        outlined by this resolution[, and] are accompanied by written participation  
5        requests [and agreement] from property owners[, and satisfy conversion rules  
6        consistent with the Comprehensive Plan and the IDO implementation goals];  
7        and

8        [WHEREAS, the IDO incorporates and updates criteria for zone map  
9        amendments (i.e. zone changes) previously set forth by R-270-1980, and  
10        differentiates between criteria for Areas of Change and Areas of Consistency  
11        to help implement the Comp Plan; and

12        WHEREAS, the IDO requires applicants requesting amendments of the  
13        zoning map on properties wholly or partially within Areas of Consistency to  
14        demonstrate that the new zone would clearly reinforce or strengthen the  
15        established character of the surrounding Area of Consistency and would not  
16        permit development that is significantly different from that character

17        WHEREAS, C/S R-17-240 was adopted by the City Council on November 13,  
18        2017 and established the process for zoning conversions related to the phase  
19        II IDO conversion; and

20        WHEREAS, C/S R-17-240 erroneously designated the EPC as the final  
21        decision maker on zoning conversions under the phase II process where the  
22        City Council is required to be the final decision maker in this process, and  
23        thus needs to be repealed and replaced to make this correction and related  
24        changes].

25        BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF  
26        ALBUQUERQUE:

27        [SECTION I. C/S R-17-240 is hereby repealed in its entirety, and replaced  
28        WITH this resolution.

29        SECTION II.] The City Planning Department shall administer a [zone map  
30        amendment zoning conversion] process beginning on the effective date of the  
31        IDO pursuant to the following:

32        Section 1. Outreach. The City Planning Department shall do outreach and  
33        advertising citywide to alert property owners of the opportunity to participate

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1 in the zone map amendment process pursuant to this resolution. Outreach  
2 efforts shall include coordination with Neighborhood Associations and other  
3 relevant organizations to share information about the potential opportunities  
4 and implications of zone changes.

5 **Section 2. Eligible Properties.** The City Planning Department shall evaluate,  
6 analyze, process and recommend ~~[zone map amendments a phase II zoning~~  
~~conversion]~~ per ~~[the review and decision criteria for amendments to the~~  
~~Official Zoning Map in the Integrated Development Ordinance (IDO) [zoning~~  
~~conversion rules consistent with the Comprehensive Plan and the IDO~~  
~~implementation goals, city-wide,]~~ for ~~[individual]~~ properties that fall within at  
11 least one of the following categories:

12       A. **Nonconforming Use.** The ~~[zone map amendment request zoning~~  
13 ~~conversion]~~ could remedy a nonconforming use ~~[that became nonconforming~~  
14 ~~as a result of the IDO zone conversion process of the property]~~;

15       B. **Voluntary Downzone.** The ~~[zone map amendment request is to~~  
16 ~~change to zoning conversion would result in]~~ a less intense or less dense IDO  
17 zone district in an Area of Consistency that is compatible in scale and  
18 intensity with the existing land use at the site and surrounding development  
19 patterns;

20       C. **Floating Zone Line.** The ~~[zone map amendment request zoning~~  
21 ~~conversion]~~ could remedy a boundary that does not correspond to a lot line in  
22 either the Bernalillo County Assessor's data or Albuquerque Geographic  
23 Information Systems (AGIS) ~~[City parcel]~~ data (i.e. a "floating zone line");

24       D. **Prior Special Use Zoning.** The ~~[zone map amendment request zoning~~  
25 ~~conversion]~~ is for undeveloped property previously regulated by ~~[the~~  
26 ~~Residential and Related Uses Zone, Developing Area (R-D), or by]~~ special use  
27 zoning ~~(SU-1[-or] SU-2)[ or SU-3]~~, and an IDO zone designation other than  
28 what was assigned through the ~~[Phase 1]~~ conversion process would be more  
29 appropriate for the site; or

30       E. **Size Thresholds.** The ~~[zoning conversion]~~ zone map amendment  
31 request is for property converted to PD or NR-BP zone districts that does not  
32 meet size thresholds set by the IDO for those zone districts.

33       **Section 3. Process.**

1       A. Request Form[;Participation Agreement]. The Planning Department  
2 shall create a participation request [and agreement] form that must be  
3 completed by the owner[(s)] or agent representing [the owners of] any  
4 premises that may be eligible [to participate for inclusion] in this [zone map  
5 amendment phase II zoning conversion] process;

6       B. Acceptance. Such [a participation request] forms must be submitted to  
7 and accepted as complete by the Planning Department within one year of the  
8 IDO becoming effective, but will not be accepted prior to the IDO effective  
9 date. For purposes of this section, [a] participation [request forms] will be  
10 deemed complete upon submittal of a signed and fully completed participation  
11 request [and agreement] form together with any supplemental material  
12 required by the Planning Department. Any professional services costs  
13 associated with the preparation of materials required for this submittal shall  
14 be borne by the individual property owners;

15       C. Determination of Eligibility. The Planning Department shall evaluate  
16 each participation request to determine whether it reasonably falls within the  
17 criteria established by Section 2 of this Resolution. In the event that it does  
18 not, the Planning Department shall decline to process the associated [zone  
19 map amendment zoning conversion]. However, nothing shall prevent an  
20 owner so situated from appealing this administrative determination by the  
21 Planning Department through the appeal process established by the IDO, or  
22 from otherwise pursuing a zone map amendment request for the subject  
23 premise through the regular zone map amendment process established by the  
24 IDO;

25       D. Final Decision Making Authority per IDO. Pursuant to the IDO § 14-16-5-  
26 5.3.E, the EPC's decision on [quasi-judicial] zone map amendments for all  
27 individual premises of less than 10 acres within Areas of Consistency, and  
28 less than 20 acres in Areas of Change shall be final unless appealed. [For  
29 premises in excess of these acreage thresholds in the respective Areas of  
30 Change or Consistency, zone map amendments are final only upon approval  
31 of. The Phase II zoning conversion called for by this resolution is part of the  
32 comprehensive, City-wide rezoning associated with the IDO, and becomes  
33 effective only upon a final legislative action by] the City Council. [Property

1    owners that are not eligible for the process outlined by this resolution, or that  
2    are otherwise unsatisfied with the zoning on their respective properties  
3    notwithstanding the results of this phase II process, may seek an individual  
4    zone map amendment through the relevant IDO zone map amendment process  
5    outlined in Section 14-16-6-7.]

6    Section 4. Stay of Enforcement Pending [Zone Change Requests  
7    Completion]. The Planning Department shall not enforce the provisions related  
8    to nonconforming uses in Subsection 14-16-6-8(C) of the IDO for premises  
9    that are eligible for and participating in the [zone map amendment zoning  
10    conversion] process established by this resolution unless and until the final  
11    action on the relevant [zone map amendment zoning conversion] fails to cure  
12    the nonconformity.

13    Section 5. Use of Consultants. The City shall engage consultants as  
14    necessary to complete this project.

15    Section 6. Cooperation with Departments. All relevant City Departments  
16    and Divisions, including but not limited to the Legal Department, Municipal  
17    Development Department, Parks and Recreation Department, Cultural Services  
18    Department, Senior Affairs Department, and the Office of Neighborhood  
19    Coordination, shall work with the Planning Department as necessary to  
20    coordinate and implement this project.

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