

# CITY of ALBUQUERQUE

## TWENTY SIXTH COUNCIL

COUNCIL BILL NO. O-24-13 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Brook Bassan, by request

1 **ORDINANCE**

2 **ADOPTING CITYWIDE TEXT AMENDMENTS TO THE INTEGRATED**  
3 **DEVELOPMENT ORDINANCE §14-16 FOR THE 2023 IDO ANNUAL UPDATE.**

4 **WHEREAS, the City Council, the governing body of the City of**  
5 **Albuquerque, has the authority to adopt and amend plans for the physical**  
6 **development of areas within the planning and platting jurisdiction of the City,**  
7 **as authorized by statute, NMSA 1978 Sections 3-19-5 and 3-21-1, and by its**  
8 **home rule powers; and**

9 **WHEREAS, the City's zoning powers are established by the City Charter, in**  
10 **which Article I, Incorporation and Powers, allows the City to adopt new**  
11 **regulatory structures and processes to implement the Albuquerque-Bernalillo**  
12 **County Comprehensive Plan ("Comp Plan") and help guide future legislation;**  
13 **Article IX, Environmental Protection, empowers the City to adopt regulations**  
14 **and procedures to protect and preserve environmental features such as water,**  
15 **air, and other natural endowments, ensure the proper use and development of**  
16 **land, and promote and maintain an aesthetic and humane urban environment;**  
17 **and Article XVII, Planning, establishes the City Council as the City's ultimate**  
18 **planning and zoning authority; and**

19 **WHEREAS, the City Council adopted an updated Albuquerque-Bernalillo**  
20 **County Comprehensive Plan ("ABC Comp Plan") in 2017 via R-16-108**  
21 **(Enactment No. R-2017-026); and**

22 **WHEREAS, the City Council adopted the Integrated Development**  
23 **Ordinance (IDO) to implement Comp Plan Goals and Policies; and**

24 **WHEREAS, the IDO establishes zone districts, overlay zones, allowable**  
25 **uses, use-specific standards, and general regulations in Parts 1 through 5 that**  
26 **set the bar for high-quality development that is compatible with surrounding**

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1 land uses and provides appropriate transitions and buffers to lower-intensity  
2 uses nearby; procedures for review and decision of applications related to  
3 land use and development in Part 6; and definitions and acronyms in Part 7;  
4 and

5 WHEREAS, IDO §14-16-6-3 requires the City to submit proposed changes  
6 on an annual basis to further the implementation of the Comp Plan; and

7 WHEREAS, Planning staff compiled and submitted a request for  
8 Amendment to IDO Text – Citywide with proposed amendments that would  
9 improve the clarity and implementation of the IDO based on challenges in  
10 applying regulations and neighborhood protections in real-world contexts with  
11 real-world projects; and

12 WHEREAS, other proposed amendments to IDO text would establish a new  
13 regulatory intent responding to changes in demands for housing and business  
14 needs as well as other current trends; and

15 WHEREAS, the IDO requires an Amendment to IDO Text – Citywide to be  
16 reviewed by the Environmental Planning Commission (EPC) and decided as a  
17 legislative action by City Council as the City’s zoning authority in §14-16-6-  
18 7(D)(2)(c) and (d); and

19 WHEREAS, the EPC found that the proposed amendments are consistent  
20 with the spirit and intent of the ABC Comp Plan, including applicable goals  
21 and policies relating to community identity, land use, urban design, economic  
22 development, housing, and heritage conservation; and

23 WHEREAS, the City provided all required notice for an Amendment to IDO  
24 Text – Citywide, including publishing a legal ad in the Albuquerque Journal,  
25 emailing two representatives of each neighborhood organization registered  
26 with the Office of Neighborhood Coordination (ONC), and posting notice on  
27 the Planning Department website and on the project website; and

28 WHEREAS, the City provided additional notice with announcements on the  
29 Planning Department webpage, and email notice sent to approximately 9,500  
30 subscribers to the ABC-Z project update email list on October 27, 2023;  
31 November 3, 2023; November 29, 2023; and January 5, 2024; and

32 WHEREAS, though a neighborhood meeting is not required for an  
33 Amendment to IDO Text – Citywide, Planning staff held two pre-submittal

1 public review meetings in October 2023 and one post-submittal public review  
2 meeting in November 2023 on the 2023 IDO Annual Update to present and  
3 discuss the proposed changes, respond to questions, and gather feedback;  
4 and

5 WHEREAS, the EPC held a study session for the 2023 IDO Annual Update  
6 on December 7, 2023, and considered this request at two public hearings on  
7 December 14, 2023 and January 11, 2024, prior to making a recommendation  
8 on the proposed text amendments; and

9 WHEREAS, the EPC, following study and consideration, found that the  
10 proposed amendments satisfy the review and decision criteria for an  
11 Amendment to IDO Text – Citywide in §14-16-6-7(D)(3) and forwarded to the  
12 City Council a recommendation of approval subject to findings and  
13 recommended conditions in the record; and

14 WHEREAS, Planning staff has incorporated the proposed amendments  
15 along with the EPC recommended conditions of approval into a redline draft  
16 for review by City Council.

17 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF  
18 ALBUQUERQUE:

19 SECTION 1. The IDO text is amended as shown in Exhibit 1 (EPC Redline  
20 Draft) as recommended by the EPC, except as modified by amendments  
21 adopted subsequently in Section 2 and/or Section 3 below.

22 SECTION 2. The IDO text is amended from Exhibit 1 (EPC Redline Draft) by  
23 Committee Amendments approved by the City Council's Land Use, Planning,  
24 and Zoning (LUPZ) Committee, as shown in Exhibit 2 (LUPZ Committee  
25 Amendments).

26 SECTION 3. The IDO text is amended from Exhibit 1 (EPC Redline Draft)  
27 and/or from Exhibit 2 (LUPZ Committee Amendments), as relevant, by Floor  
28 Amendments approved by the City Council, as shown in Exhibit 3 (Council  
29 Floor Amendments).

30 SECTION 4. SEVERABILITY CLAUSE. If any section, paragraph, sentence,  
31 clause, word or phrase of this ordinance is for any reason held to be invalid or  
32 unenforceable by any court of competent jurisdiction, such decision shall not  
33 affect the validity of the remaining provisions of this ordinance and each

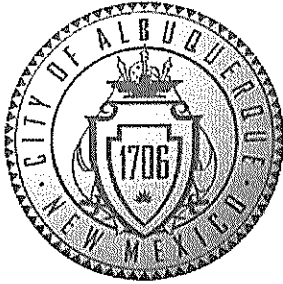
1 section, paragraph, sentence, clause, word, or phrase thereof irrespective of  
2 any provision being declared unconstitutional or otherwise invalid.

3 SECTION 5. COMPILATION. Sections 1, 2, and 3 of this ordinance shall be  
4 incorporated in and made part of the Revised Ordinances of Albuquerque,  
5 New Mexico, 1994.

6 SECTION 6. EFFECTIVE DATE AND PUBLICATION. This ordinance shall  
7 take effect one month after publication by title and general summary.

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**CITY OF ALBUQUERQUE**  
**Albuquerque, New Mexico**  
**Office of the Mayor**

Mayor Timothy M. Keller

**INTER-OFFICE MEMORANDUM**

February 23, 2024

**TO:** Dan Lewis, President, City Council

**FROM:** Timothy M. Keller, Mayor *R*

**SUBJECT: Project# 2018-001843 – RZ-2023-00040 (Amendment to IDO Text – Citywide):** Adopting Citywide Text Amendments to the Integrated Development Ordinance (IDO) for the 2023 Annual Update

The attached, recommended legislation would enact various text amendments to the Integrated Development Ordinance (IDO). These amendments generally apply citywide and constitute the bulk of the 2023 IDO Annual Update.

**BACKGROUND**

IDO §14-16-6-3(D), which requires Annual Updates, establishes a regular cycle of discussion among residents, businesses, City Staff, and decision-makers to consider any suggested changes to the IDO identified over the course of the preceding year.

Portions of these required Annual Updates may take one of two types of text amendments outlined in the IDO: Amendments to IDO Text – Citywide [§14-16-6-7(D)] and Amendments to IDO Text – Small Areas [§14-16-6-7(E)]. Citywide text amendments apply generally throughout the City and are publicly heard using a legislative process. Text amendments to small areas apply only to particular areas within the City and must be publicly heard using a quasi-judicial process.

**REQUEST**

The proposed Citywide amendments in the attached legislation are the bulk of the 2023 IDO Annual Update. Separate legislation has been reviewed and is being transmitted separately for proposed small area amendments relating to design standards along the proposed Rail Trail, drive-throughs in the Volcano Heights Urban Center, and tribal engagement in the Northwest Mesa Escarpment View Protection Overlay zone. All of these bills together are collectively known as the 2023 IDO Annual Update.

Regarding the general amendments, Staff has gathered approximately 60 proposed citywide amendments. The package of proposed IDO amendments consists of clarifications and adjustments requested by neighbors, developers, and staff. One significant change included in the package is a rewrite of IDO §14-16-5-8 Outdoor and Site Lighting, for which the Planning Department hired a consultant to review and recommend the proposed changes. City Council appropriated funding for this purpose.

The requested 2023 IDO Annual Update generally furthers applicable Comprehensive Plan Goals and policies that pertain to community character, land use, implementation processes, urban design, economic development, housing, and heritage conservation as elaborated in the Official Notification of Decision.

#### **NOTIFICATION**

Pursuant to the IDO, the required notice for text amendments must be published, emailed, and posted on the web. The City published the required notice in the newspaper and sent email notice to two representatives of each registered neighborhood organization. Mailed notice was sent to neighborhood representatives without email addresses, as required, and web notice was posted on the Planning Department website and on the IDO update project website: <https://abq-zone.com/ido-annual-update-2023>.

In addition to the required notice, email notice was sent to approximately 9,500 subscribers on the ABC-Z project email list on October 27, 2023; November 3, 2023; November 29, 2023; and January 5, 2024.

Staff received many comments expressing support or opposition and recommending changes; however, there is general support for the request as a whole.

#### **EPC PROCESS**

The Environmental Planning Commission (EPC) reviewed the proposed amendments during two properly-noticed public hearings. At its December 14, 2023 hearing, the EPC discussed the proposed changes, heard public testimony, and voted to continue the Citywide updates to a special EPC hearing on January 11, 2024.

On January 11, 2024, the EPC continued its discussion of the Citywide updates, considered recommended conditions, and voted to forward a recommendation of Approval to the City Council. The Official Notification of Decision for the request contains the EPC's findings and recommended conditions, as applicable.

#### **CONCLUSION**

Regarding Project# 2018-001843, RZ-2023-00040, Adopting Citywide Text Amendments to the Integrated Development Ordinance (IDO) for the 2023 Annual Update, the EPC is forwarding a recommendation of Approval, subject to conditions.

A redline draft of the IDO that incorporates the EPC's conditions is included with this

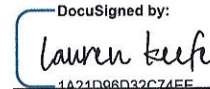
transmittal of the record for the Council's consideration.

**Title/ Subject of Legislation: Project# 2018-001843 – RZ-2023-00040 (Amendment to IDO Text – Citywide):** Adopting Citywide Text Amendments to the Integrated Development Ordinance (IDO) for the 2023 Annual Update.

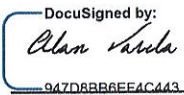
**Approved:**

  
Samantha Sengel      Date  
Chief Administrative Officer

**Approved as to Legal Form:**

 2/26/2024 | 11:50 AM MST  
Lauren Keefe      Date  
City Attorney

**Recommended:**

 2/26/2024 | 9:16 AM MST  
Alan Varela      Date  
Director

## **Cover Analysis**

### **1. What is it?**

This legislation would amend the Integrated Development Ordinance (IDO) with amendments and technical edits vetted through the IDO annual update process for 2023.

### **2. What will this piece of legislation do?**

This legislation would amend zoning regulations, most of which apply Citywide, to help clarify intent, improve implementation, and establish new regulations that reflect new intent. These adjustments were requested by neighbors, developers, and Staff.

### **3. Why is this project needed?**

The changes are needed to address community-wide issues, foster economic development, and clarify regulatory procedures, while balancing these needs with the Comprehensive Plan vision of protecting and enhancing existing neighborhoods.

### **4. How much will it cost and what is the funding source?**

There is no cost to the City.

### **5. Is there a revenue source associated with this contract? If so, what level of income is projected?**

There is no revenue expected from this legislation.

### **6. What will happen if the project is not approved?**

The IDO would remain as-is and not be amended. Without the amendments, additional Staff time would be needed to develop processes and/or guidance materials to explain how Staff would administer and/or interpret regulations that are not clarified.

### **7. Is this service already provided by another entity?**

Not applicable.



**FISCAL IMPACT ANALYSIS**

TITLE: Adopting IDO Citywide Text Amendments for the 2023 Annual Update

R: O:  
FUND: 110

DEPT: 4926000

- ☒ No measurable fiscal impact is anticipated, i.e., no impact on fund balance over and above existing appropriations.
- ☐ (If Applicable) The estimated fiscal impact (defined as impact over and above existing appropriations) of this legislation is as follows:

	2024	Fiscal Years 2025	2026	Total
Base Salary/Wages	-	-	-	-
Fringe Benefits at	-	-	-	-
Subtotal Personnel	-	-	-	-
Operating Expenses	-	-	-	-
Property	-	-	-	-
Indirect Costs	-	-	-	-
Total Expenses	\$ -	\$ -	\$ -	\$ -
<input checked="" type="checkbox"/> Estimated revenues not affected	-	-	-	-
<input type="checkbox"/> Estimated revenue impact	-	-	-	-
Amount of Grant	-	-	-	-
City Cash Match	-	-	-	-
City Inkind Match	-	-	-	-
City IDOH *15.30	-	-	-	-
Total Revenue	\$ -	\$ -	\$ -	\$ -

These estimates do not include any adjustment for inflation.

\* Range if not easily quantifiable.

Number of Positions created 0

**COMMENTS ON NON-MONETARY IMPACTS TO COMMUNITY/CITY GOVERNMENT:**

This legislation would amend the IDO text with citywide amendments vetted during the 2023 annual update process. These amendments would generally make land development and redevelopment more transparent, clarify certain requirements, and help ensure that projects are reviewed using the most appropriate process.

PREPARED BY:

Debbie Dombroski 2.8.2024  
FISCAL MANAGER (date)

APPROVED DocuSigned by:

Alan Smith 2/26/2024 | 9:16 AM MST  
DIRECTOR (date)

REVIEWED BY:

Evelyn Torres 2/26/2024 | 9:19 AM MST  
EXECUTIVE BUDGET ANALYST (date)

DocuSigned by:

Janessa Davis 2/26/2024 | 10:13 AM MST  
BUDGET OFFICER (date)

DocuSigned by:

Christina Brown 2/26/2024 | 10:15 AM MST  
CITY ECONOMIST (date)