

CITY of ALBUQUERQUE

TWENTY SECOND COUNCIL

COUNCIL BILL NO. O-16-27

ENACTMENT NO.

0-2017-008

SPONSORED BY: Trudy E. Jones and Isaac Benton

1 **ORDINANCE**

2 **REVISING ROA 1994 TO CHANGE THE TERMS "DEVELOPING URBAN,"**
3 **"ESTABLISHED URBAN," "REDEVELOPING URBAN," AND "CENTRAL**
4 **URBAN" AREAS THAT REFER TO DESIGNATED COMPREHENSIVE PLAN**
5 **AREAS, WHICH ARE BEING UPDATED TO AREAS OF CHANGE AND AREAS**
6 **OF CONSISTENCY.**

7 **WHEREAS, the Council, the Governing Body of the City of Albuquerque,**
8 **has the authority to amend the Comprehensive Plan as authorized by statute,**
9 **Section 3-19-9, NMSA 1970, and by its home rule powers; and**

10 **WHEREAS, Council Bill No. R-14-46, which became effective on May 7,**
11 **2014, directed the City Planning Department to update the Comprehensive**
12 **Plan and coordinate with all parties to implement the update effort; and**

13 **WHEREAS, on September 1, 2016, the EPC, in its advisory role on land use**
14 **and planning matters, recommended approval to the City Council of the**
15 **updated Comprehensive Plan, based on findings and subject to conditions for**
16 **recommendation of approval; and**

17 **WHEREAS, Finding 14 of the EPC Official Notice of Decision dated**
18 **September 2, 2016 notes that "City language that refers to the Comp Plan is**
19 **found in various locations of ROA 1994. This language will need to be**
20 **correspondingly revised with the adoption of the 2016 Comp Plan in order to**
21 **maintain the intent of the policies and to maintain internal consistency in ROA**
22 **1994."**

23 **BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF**
24 **ALBUQUERQUE:**

25 **SECTION 1. The following locations in the Code of Ordinances (ROA 1994),**
26 **which use language referring to Developing Urban Areas, Redeveloping**

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1 Urban, Established Urban Areas, and/or Central Urban areas, shall be updated
2 as follows:

3 A. Complete Streets Ordinance

4 §6-5-6-2 Intent and Purposes.

5 (A) The intent of Ch. 6, Article 5, Part 6 is as follows:

6 (2) To express the city's commitment to creating and maintaining
7 complete streets within the City of Albuquerque.

8 §6-5-6-4 Applicability.

9 (A) Are located within the City limits and are listed on the Mid
10 Region Council of Governments Current Roadway Functional Classification
11 Map;

12 B. Special Assessment District Policy

13 §6-8-2-2 Preparation of SAD Engineer's Report.

14 (B) Coordination that has occurred with the Department of Finance
15 and Administrative Services, Office of Management and Budget, the Planning
16 Department, and the Municipal Development Department for other applicable
17 requirements such as financing, funding, platting, zoning, street widths, water
18 and sanitary sewer line sizes, storm drainage needs, neighborhood or regional
19 parks, and the like.

20 §6-8-6-2 City Credit Support.

21 (B) The city may pledge supplemental revenues to bonds only for
22 SADs where (a) the city owns the improvements; (b) the SAD is contiguous to
23 existing urban facilities or services (including improvements located in
24 Bernalillo County); and (c) the SAD is for the benefit of areas within the City
25 limits. Notwithstanding the condition set forth in clause (c) of the preceding
26 sentence, the city may pledge supplemental revenues to bonds for an SAD for
27 the benefit of the city, in the instance of an obsolete subdivision as defined in
28 this article and when the SAD will improve transportation, storm drainage,
29 water and sewer system or other infrastructure deficiencies, as certified by the
30 Mayor and recommended by the Environmental Planning Commission. The
31 Environmental Planning Commission review shall occur prior to preparation of
32 Resolution No. 1 and, in reviewing the SAD, the Environmental Planning
33 Commission shall consider the factors set forth in §6-8-2-1. After completing

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1 the review, the Environmental Planning Commission shall prepare and submit
2 a written recommendation to the City Council on whether the SAD should be
3 approved. Bonds for a SAD not meeting the preceding conditions of this
4 subsection will be issued only to the extent that the owner(s) of the
5 improvements to be constructed or the owners of the benefitted property
6 provide credit enhancement for the bonds in an adequate amount to obtain an
7 investment grade bond rating from at least one national rating agency.

8 C. Subdivision Regulations

9 §14-14-4-5 Public Right of Way Standards and Street Characteristics.

10 (A) Public streets and alleys, if needed, shall be provided in
11 accordance with the minimum standards and requirements in the
12 Development Process Manual and as described below, except roadways that
13 will be constructed within the city boundary and are listed on the Mid-Region
14 Council of Governments Current Roadway Functional Classification Map or
15 are designated Complete Streets by Resolution of the City Council or action of
16 the Mayor shall be subject to the provisions set forth in §6-5-6 or any
17 successor documents or standards that may result from their amendment or
18 replacement. In areas covered by sector development plans or site
19 development plans duly approved under the terms of the Zoning Code, which
20 plans specify different right of way widths as appropriate, those plans shall
21 control.

22 (1) Principal Arterial Streets, Right of Way Width. As established in
23 the adopted Long Range Major Street Plan or if not established therein, as
24 specified in the Development Process Manual.

25 §14-14-5-1 Improvements Required.

26 (B) Roadway improvements that will be constructed within the city
27 boundary and are listed on the Mid-Region Council of Governments Current
28 Roadway Functional Classification Map or are designated Complete Streets by
29 Resolution of the City Council or action of the Mayor shall be subject to the
30 provisions set forth in § 6-5-6 or any successor documents or standards that
31 may result from their amendment or replacement.

32 D. Zoning Code

33 §14-16-1-5 Definitions.

AREAS OF CHANGE. An area designated "Areas of Change" by the Albuquerque/Bernalillo County Comprehensive Plan; generally, development+, redevelopment, or rehabilitation is appropriate.

AREAS OF CONSISTENCY. The areas designated "Areas of Consistency" by the Albuquerque/Bernalillo County Comprehensive Plan; are generally stable and developed, and new development, redevelopment, or rehabilitation is to reinforce the pattern, intensity, and character of the existing built environment.

PLANNED COMMUNITY. A substantially self-sufficient urban development separated from existing development within the city boundary by permanent open space. Such a community includes Areas of Change and may include Areas of Consistency, as designated by the Albuquerque/Bernalillo County Comprehensive Plan; the community's development is guided by a series of plans.

§14-16-2-6 R-1 RESIDENTIAL ZONE.

This zone provides suitable sites for houses and uses incidental thereto in the Comprehensive Plan designated Areas of Consistency.

§14-16-2-9 R-T RESIDENTIAL ZONE.

This zone provides suitable sites for houses, townhouses, and uses incidental thereto.

§14-16-2-10 R-G RESIDENTIAL GARDEN APARTMENT ZONE.

This zone provides suitable sites for houses, townhouses, and low density apartments.

§14-16-2-11 R-2 RESIDENTIAL ZONE.

This zone provides suitable sites for houses, townhouses, and medium density apartments, and uses incidental thereto.

§14-16-2-12 R-3 RESIDENTIAL ZONE.

This zone provides suitable sites for the highest density housing outside of urban centers. It is most appropriately mapped adjacent to commercial, office, or employment centers, where primary access to a major street is available.

§14-16-2-22 SU-1 SPECIAL USE ZONE.

1 (E) Open Space. If the SU-1 zone is mapped in an area designated by
2 the master plan as Area of Consistency, 2,400 or more square feet of open
3 space per dwelling shall be preserved.

4 §14-16-2-24 SU-3 SPECIAL CENTER ZONE.

5 (D) Open Space. The amount of open space required per dwelling
6 and the alternatives for satisfying the requirement shall be stated in the Sector
7 Development Plan for each SU-3 zone mapped in an area designated by the
8 master plan as an Area of Consistency.

9 §14-16-2-1 Establishment of Zones.

10 The area within the boundaries of the city is divided into the following
11 basic zones and overlay zones:

12 (L) R-D Residential and Related Uses Zone;

13 SECTION 2. COMPILATION. Section 1 shall amend, be incorporated in
14 and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

15 SECTION 3. EFFECTIVE DATE AND PUBLICATION. This legislation shall
16 take effect five days after publication by title and general summary.

17 SECTION 4. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
18 clause, word, or phrase of this ordinance is for any reason held to be invalid
19 or unenforceable by any court of competent jurisdiction, such decision shall
20 not affect the validity of the remaining provisions of this ordinance. The
21 Council hereby declares that it would have passed this ordinance and each
22 section, paragraph, sentence, clause, word, or phrase thereof irrespective of
23 any provisions being declared unconstitutional or otherwise invalid.

1 PASSED AND ADOPTED THIS 20th DAY OF March, 2017
2 BY A VOTE OF: 6 FOR 2 AGAINST.

3
4 Against: Peña, Sanchez

5 Excused: Winter
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8 
9 Isaac Benton, President
10 City Council
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14 APPROVED THIS 7th DAY OF April, 2017
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18 Bill No. O-16-27
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21 
22 Richard J. Berry, Mayor
23 City of Albuquerque
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26 ATTEST:

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29 Natalie Y. Howard, City Clerk
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