

# CITY of ALBUQUERQUE

## TWENTY THIRD COUNCIL

COUNCIL BILL NO. 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 THAT ARE TO BE PROCESSED BY  
4 THE CITY PLANNING DEPARTMENT COMMENCING ON THE EFFECTIVE DATE  
5 OF THE IDO, AND CONCLUDING WITHIN ONE YEAR THEREFROM

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

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

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

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

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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

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 uses allowed in many zones;  
15 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

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 zoning conversion  
3 process, where such amendments fall within the criteria outlined by this  
4 resolution~~[, and]~~ are accompanied by written participation requests from  
5 property owners~~[, and satisfy conversion rule policies consistent with the~~  
6 Comprehensive Plan and the IDO implementation goals; and

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

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

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

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

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

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

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

31 Section 1. Outreach. The City Planning Department shall do outreach and  
32 advertising citywide to alert property owners of the opportunity to participate  
33 in the zone map amendment process pursuant to this resolution. Outreach

1 efforts shall include coordination with Neighborhood Associations and other  
2 relevant organizations to share information about the potential opportunities  
3 and implications of zone changes.

4 Section 2. Eligible Properties. The City Planning Department shall evaluate,  
5 analyze, process and recommend zone map amendments per the review and  
6 decision criteria for amendments to the Official Zoning Map in the Integrated  
7 Development Ordinance (IDO) for individual properties that fall within at least  
8 one of the following categories:

9 A. Nonconforming Use. The zone map amendment request could  
10 remedy a nonconforming use that became nonconforming as a result of the  
11 IDO zone conversion process;

12 B. Voluntary Downzone. The zone map amendment request is to  
13 change to a less intense or less dense IDO zone district in an Area of  
14 Consistency that is compatible in scale and intensity with the existing land  
15 use at the site and surrounding development patterns;

16 C. Floating Zone Line. The zone map amendment request could remedy  
17 a boundary that does not correspond to a lot line in either the Bernalillo  
18 County Assessor's data or Albuquerque Geographic Information Systems  
19 (AGIS) data (i.e. a "floating zone line");

20 D. Prior Special Use Zoning. The zone map amendment request is for  
21 undeveloped property previously regulated by special use zoning (SU-1 or SU-  
22 2), and an IDO zone designation other than what was assigned through the  
23 conversion process would be more appropriate for the site; or

24 E. Size Thresholds. The zone map amendment request is for property  
25 converted to PD or NR-BP zone districts that does not meet size thresholds  
26 set by the IDO for those zone districts.

27 Section 3. Process.

28 A. Request Form. The Planning Department shall create a participation  
29 request form that must be completed by the owner or agent representing any  
30 premises that may be eligible to participate in this zone map amendment  
31 process;

32 B. Acceptance. Such a participation request forms must be submitted  
33 to and accepted as complete by the Planning Department within one year of

1 the IDO becoming effective, but will not be accepted prior to the IDO effective  
2 date. For purposes of this section, a participation request will be deemed  
3 complete upon submittal of a signed and fully completed participation request  
4 form together with any supplemental material required by the Planning  
5 Department. Any professional services costs associated with the preparation  
6 of materials required for this submittal shall be borne by the individual  
7 property owners;

8 C. Determination of Eligibility. The Planning Department shall evaluate  
9 each participation request to determine whether it reasonably falls within the  
10 criteria established by Section 2 of this Resolution. In the event that it does  
11 not, the Planning Department shall decline to process the associated zone  
12 map amendment. However, nothing shall prevent an owner so situated from  
13 appealing this administrative determination by the Planning Department  
14 through the appeal process established by the IDO, or from otherwise  
15 pursuing a zone map amendment request for the subject premise through the  
16 regular zone map amendment process established by the IDO;

17 D. Final Decision Making Authority per IDO. Pursuant to the IDO § [14-  
18 ~~16-5-5.3.E~~ 14-16-6-7.E], the EPC's decision on [quasi-judicial] zone map  
19 amendments for all individual premises of less than 10 acres within Areas of  
20 Consistency, and less than 20 acres in Areas of Change shall be final unless  
21 appealed. ~~[For premises in excess of these acreage thresholds in the~~  
22 ~~respective Areas of Change or Consistency, zone map amendments are final~~  
23 ~~only upon~~ However, the IDO Conversion phase II zone amendment(s) called  
24 for by this resolution are final only upon] approval of the City Council.  
25 [Property owners that are not eligible for the process outlined by this  
26 resolution, or that are otherwise unsatisfied with the zoning on their  
27 respective properties notwithstanding the results of this process, may seek an  
28 individual zone map amendment through the IDO zone map amendment  
29 process outlined in Section 14-16-6-7E.]

30 Section 4. Stay of Enforcement Pending Zone Change Requests. The  
31 Planning Department shall not enforce the provisions related to  
32 nonconforming uses in Subsection 14-16-6-8(C) of the IDO for premises that  
33 are eligible for and participating in the zone map amendment process

1 established by this resolution unless and until the final action on the relevant  
2 zone map amendment fails to cure the nonconformity.

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

5 Section 6. Cooperation with Departments. All relevant City Departments  
6 and Divisions, including but not limited to the Legal Department, Municipal  
7 Development Department, Parks and Recreation Department, Cultural Services  
8 Department, Senior Affairs Department, and the Office of Neighborhood  
9 Coordination, shall work with the Planning Department as necessary to  
10 coordinate and implement this project.

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