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Title: F/S Repealing And Replacing C/S R-17-240; Establishing A Process For IDO-Related Zoning Conversions That Are To Be Processed By The City Planning Department Commencing On The Effective Date Of The IDO, And Concluding Within One Year Therefrom (Jones, Benton)
Sponsors: Isaac Benton, Trudy E. Jones
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5/7/2018	1	City Council	Substituted	Pass
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5/7/2018	1	City Council	Passed as Substituted	Pass
4/16/2018	1	City Council	Introduced	
4/16/2018	1	President	To be heard at the Council Meeting	

CITY of ALBUQUERQUE TWENTY THIRD COUNCIL

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

SPONSORED BY: Trudy E. Jones and Isaac Benton

RESOLUTION

F/S Repealing And Replacing C/S R-17-240; Establishing A Process For IDO-Related Zoning Conversions That Are To Be Processed By The City Planning Department Commencing On The Effective Date Of The IDO, And Concluding Within One Year Therefrom (Jones, Benton)

REPEALING AND REPLACING C/S R-17-240; ESTABLISHING A PROCESS FOR IDO-RELATED ZONING CONVERSIONS THAT ARE TO BE PROCESSED BY THE CITY PLANNING DEPARTMENT COMMENCING ON THE EFFECTIVE DATE OF THE IDO, AND CONCLUDING WITHIN ONE YEAR THEREFROM.

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

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

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

WHEREAS, the City Council adopted an updated Comp Plan on March 20, 2017 via R-16-108 (Enactment No. R-2017-026), including an updated community vision based on a Centers and Corridors approach to growth, including an updated Centers and Corridors map with boundaries for Centers and distances from the centerline for Corridors; priority designations for transportation modes on each Corridor; and

WHEREAS, the Comp Plan establishes a hierarchy of Centers and Corridors from the most to the least walkable, mixed-use, and dense, with Downtown, Urban Centers, Premium Transit Corridors, and Main Street Corridors all intended to be highly walkable, with a mix of residential and non-residential land uses, and with higher-density and higher-intensity uses; and

WHEREAS, the Comp Plan includes goals and policies to protect community health and maintain safe and healthy environments where people can thrive; and

WHEREAS, the Comp Plan establishes a complementary set of Development Areas -

Areas of Change, where growth is encouraged and higher-density and intensity uses are the most appropriate - and Areas of Consistency, where the existing pattern of uses, density, and intensity is to be maintained and reinforced over time; and

WHEREAS, the Integrated Development Ordinance (IDO) was drafted as part of a citywide effort to update and replace the City's 40-year-old, 1970's-era Comprehensive Zoning Code, and as the primary regulatory tool to implement the Comp Plan for land within the municipal boundaries of the City of Albuquerque; and

WHEREAS, the IDO's stated purpose is to implement the Comp Plan; ensure that all development in the City is consistent with the intent of other plans and policies adopted by City Council; ensure provision of adequate public facilities and services for new development; protect quality and character of residential neighborhoods; promote economic development and fiscal sustainability of the City; provide efficient administration of City land use and development regulations; protect health, safety, and general welfare of the public; provide for orderly and coordinated development patterns; encourage conservation and efficient use of water and other natural resources; implement a connected system of parks, trails, and open spaces to promote improved outdoor activity and public health; provide reasonable protection from possible nuisances and hazards and to otherwise protect and improve public health; and encourage efficient and connected transportation and circulation systems for motor vehicles, bicycles, and pedestrians; and

WHEREAS, the IDO was drafted to be consistent with and implement Comp Plan goals and policies; and

WHEREAS, the IDO helps to implement these goals and policies by providing a set of zones (§14-16-2) that range from low intensity to high intensity and designating the appropriate mix of land uses in each zone; and

WHEREAS, the City Council adopted an Official Zoning Map (§14-16-1-6) that converted pre-existing zone districts from the City Comprehensive Zoning Code to base zone districts in the IDO according to a set of zoning conversion rules for base zones and Special Use zones (SU-1, SU-2, and SU-3) that matched as closely as possible the permissive uses in each zone; and

WHEREAS, this conversion from approximately 1,200 zones to a set of 19 zones necessarily involved changes to individual allowable uses in many zones; and

WHEREAS, as a result of the conversions some uses that were allowed in the prior zone designations were changed to correspond with the Use Table in the IDO (§14-16-4-2) that indicates land uses as permissive, conditional, accessory, conditional accessory, conditional vacant, or temporary in each zone district of the IDO; and

WHEREAS, the Community Planning Area assessment process is intended to provide opportunities on a 5-year cycle to analyze and recommend zone map amendments in specific geographic areas to better implement the Comp Plan, particularly encouraging walkable, higher-density and higher-intensity development in Centers and Corridors; and

WHEREAS, the intent of the IDO was to update the City's land use and zoning framework for future development without eliminating or limiting the ability of lawful, existing land uses to continue after the IDO's adoption; and

WHEREAS, the City understands that predictability of zoning and compatibility of land use and zoning are essential in order to maintain and strengthen economic value and viability for property owners and businesses, and to ensure appropriate and adequate protections for neighboring properties; and

WHEREAS, the Planning Department has committed to a phase II of the City's comprehensive zoning conversion process, where such amendments fall within the criteria outlined by this resolution, are accompanied by written participation requests and agreement from property owners, and satisfy conversion rules consistent with the Comprehensive Plan and the IDO implementation goals; and

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

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

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

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

SECTION II. The City Planning Department shall administer a zoning conversion process beginning on the effective date of the IDO pursuant to the following:

Section 1. Outreach. The City Planning Department shall do outreach and advertising citywide to alert property

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

Section 2. Eligible Properties. The City Planning Department shall evaluate, analyze, process and recommend a phase II zoning conversion per zoning conversion rules consistent with the Comprehensive Plan and the IDO implementation goals, city-wide, for properties that fall within at least one of the following categories:

A. Nonconforming Use. The zoning conversion could remedy a nonconforming use of the property;

B. Voluntary Downzone. The zoning conversion would result in a less intense or less dense IDO zone district in an Area of Consistency that is compatible in scale and intensity with the existing land use at the site and surrounding development patterns;

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

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

E. Size Thresholds. The zoning conversion is for property converted to PD or NR-BP zone districts that does not meet size thresholds set by the IDO for those zone districts.

Section 3. Process.

A. Request Form; Participation Agreement. The Planning Department shall create a participation request and agreement form that must be completed by the owner(s) or agent representing the owners of any premises that may be eligible for inclusion in this phase II zoning conversion process;

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

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

D. Final Decision Making Authority. The Phase II zoning conversion called for by this resolution is part of the comprehensive, City-wide rezoning associated with the IDO, and becomes effective only upon a final legislative action by the City Council. Property owners that are not eligible for the process outlined by this resolution, or that are otherwise unsatisfied with the zoning on their respective properties notwithstanding the results of this phase II

process, may seek an individual zone map amendment through the relevant IDO zone map amendment process outlined in Section 14-16-6-7.

Section 4. Stay of Enforcement Pending Completion. The Planning Department shall not enforce the provisions related to nonconforming uses in Subsection 14-16-6-8 of the IDO for premises that are eligible for and participating in the zoning conversion process established by this resolution unless and until the final action on the relevant zoning conversion fails to cure the nonconformity.

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

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

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