



Legislation Text

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CITY of ALBUQUERQUE
TWENTY SECOND COUNCIL

COUNCIL BILL NO. O-16-27 ENACTMENT NO. _____

SPONSORED BY: Trudy E. Jones and Isaac Benton

ORDINANCE

Revising ROA 1994 To Change The Terms “Developing Urban,” “Established Urban,” “Redeveloping Urban,” And “Central Urban” Areas That Refer To Designated Comprehensive Plan Areas, Which Are Being Updated To Areas Of Change And Areas Of Consistency (Jones, Benton)
REVISING ROA 1994 TO CHANGE THE TERMS “DEVELOPING URBAN,” “ESTABLISHED URBAN,” “REDEVELOPING URBAN,” AND “CENTRAL URBAN” AREAS THAT REFER TO DESIGNATED COMPREHENSIVE PLAN AREAS, WHICH ARE BEING UPDATED TO AREAS OF CHANGE AND AREAS OF CONSISTENCY.

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

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

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

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

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

SECTION 1. The following locations in the Code of Ordinances (ROA 1994), which use language referring to Developing Urban Areas, Redeveloping Urban, Established Urban Areas, and/or Central Urban areas, shall be updated as follows:

A. Complete Streets Ordinance

§6-5-6-2 Intent and Purposes.

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

(2) To express the city's commitment to creating and maintaining complete streets within the ~~[-Central and Established Urban Areas specified by the Albuquerque/Bernalillo County Comprehensive Plan-]~~~~+~~ City of Albuquerque~~+~~.

§6-5-6-4 Applicability.

(A) Are located within the [-Central and Established Urban areas specified by the Albuquerque/Bernalillo Comprehensive Plan-] [+City limits+] and are listed on the Mid Region Council of Governments Current Roadway Functional Classification Map;

B. Special Assessment District Policy

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

(B) Coordination that has occurred with the Department of Finance and Administrative Services, Office of Management and Budget, the Planning Department, ~~[-within-]~~~~[+and+]~~ the ~~[-Public Works-]~~ ~~[+Municipal Development+]~~ Department ~~[-and, if the proposed SAD is in a Developing Urban area as defined in the City/County Comprehensive Plan and supplemental revenues will be pledged to the bonds, with the Environmental Planning Commission,-]~~ for other applicable requirements such as financing, funding, platting, zoning, street widths, water and sanitary sewer line sizes, storm drainage needs, neighborhood or regional parks, and the like.

§6-8-6-2 City Credit Support.

(B) The city may pledge supplemental revenues to bonds only for SADs where (a) the city owns the improvements; (b) the SAD is contiguous to existing urban facilities or services (including improvements located in Bernalillo County); and (c) the SAD is for the benefit of ~~[-the central urban or established urban-]~~ areas ~~[-of-]~~ ~~[-city-]~~ ~~[-as defined in the City/County Comprehensive Plan.-]~~ ~~[-developing urban area of the -]~~ ~~[-city-]~~ ~~[-as defined in the City/County~~ [+within+] the [+City limits,+].

~~Comprehensive Plan-~~], in the instance of an obsolete subdivision as defined in this article and when the SAD will improve transportation, storm drainage, water and sewer system or other infrastructure deficiencies, as certified by the Mayor and recommended by the Environmental Planning Commission. The Environmental Planning Commission review shall occur prior to preparation of Resolution No. 1 and, in reviewing the SAD, the Environmental Planning Commission shall consider the factors set forth in §6-8-2-1. After completing the review, the Environmental Planning Commission shall prepare and submit a written recommendation to the City Council on whether the SAD should be approved. Bonds for a SAD not meeting the preceding conditions of this subsection will be issued only to the extent that the owner(s) of the improvements to be constructed or the owners of the benefitted property provide credit enhancement for the bonds in an adequate amount to obtain an investment grade bond rating from at least one national rating agency.

C. Subdivision Regulations

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

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

(1) Principal Arterial Streets, Right of Way Width. As established in the adopted Long Range Major Street Plan or if not established therein, ~~[+ as specified in the Development Process Manual. +]~~ ~~[-124 feet in the Established and Redeveloping Urban Areas (as defined in the Albuquerque/Bernalillo County Comprehensive Plan) and 156 feet elsewhere.-]~~

§14-14-5-1 Improvements Required.

(B) Roadway improvements that will be constructed within the ~~[+city boundary+]~~ ~~[Central and Established Urban Areas]~~ and are listed on the Mid-Region Council of Governments

Current Roadway Functional Classification Map or are designated Complete Streets by Resolution of the City Council or action of the Mayor shall be subject to the provisions set forth in § 6-5-6 or any successor documents or standards that may result from their amendment or replacement.

D. Zoning Code

§14-16-1-5 Definitions.

[+AREAS OF CHANGE.+] [~~CENTRAL URBAN AREA.~~] An area designated [+"Areas of Change"+][~~Central Urban~~-] by the Albuquerque/Bernalillo County Comprehensive Plan; generally, [development+], redevelopment, or rehabilitation is appropriate.

[~~DEVELOPING AREA.~~ The area designated "Developing Urban" on the Metropolitan Areas map of the Albuquerque/Bernalillo County Comprehensive Plan; generally it was not developed, subdivided for urban-size lots, or in an area where the city has approved a subdivision plat as of January, 1975.-]

[~~ESTABLISHED AREA.~~ The area designated "Established Urban" on the Metropolitan Areas map of the Albuquerque/Bernalillo County Comprehensive Plan; generally it is stable and developed in urban uses or a subdivision plat for such use was approved as of January, 1975.-]

[+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+] [~~the Established and Developing Urban areas~~-] by permanent open space. Such a community includes [~~the Reserve Area or the Rural~~-] 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.

[~~REDEVELOPING AREA.~~ An area designated "Redeveloping Urban" by the Metropolitan Areas Map of the Albuquerque/Bernalillo County Comprehensive Plan; generally, redevelopment or rehabilitation is appropriate.-]

§ 14-16-2-6 R-1 RESIDENTIAL ZONE.

This zone provides suitable sites for houses and uses incidental thereto in the [-

~~Established and Central Urban areas~~] [+ 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. ~~[- in the Established and Central Urban areas -].~~

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

This zone provides suitable sites for houses, townhouses, and low density apartments ~~[- in the Established and Central Urban areas -].~~

§ 14-16-2-11 R-2 RESIDENTIAL ZONE.

This zone provides suitable sites for houses, townhouses, and medium density apartments, and uses incidental thereto ~~[- in the Established and Central Urban areas -].~~

§ 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. ~~[- The R-3 zone may be mapped in the Established and Central Urban areas, where appropriate. -]~~

§ 14-16-2-22 SU-1 SPECIAL USE ZONE.

(E) Open Space. If the SU-1 zone is mapped in an area ~~[- not -]~~ designated by the master plan as ~~[- Redeveloping or Established Urban -]~~ [+ Area of Consistency +], 2,400 or more square feet of open space per dwelling shall be preserved.

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

(D) Open Space. The amount of open space required per dwelling and the alternatives for satisfying the requirement shall be stated in the Sector Development Plan for each SU-3 zone mapped in an area ~~[- not -]~~ designated by the master plan as ~~[- Redeveloping or Established Urban -]~~ [+ an Area of Consistency +].

§14-16-2-1 Establishment of Zones.

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

(L) R-D Residential and Related Uses Zone ~~[- ,Developing Area -];;~~

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

SECTION 3. EFFECTIVE DATE AND PUBLICATION. This legislation shall take effect five

days after publication by title and general summary.

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

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