



Legislation Text

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**CITY of ALBUQUERQUE  
TWENTY SECOND COUNCIL**

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COUNCIL BILL NO. C/S O-17-49 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Trudy E. Jones and Isaac Benton

ORDINANCE

C/S Adopting The Integrated Development Ordinance (IDO) And IDO Zoning Conversion Map And Repealing The Comprehensive City Zoning Code (§14-16 et seq.) And Existing Zoning Map; Repealing The Landmarks And Urban Conservation Ordinance (§14-12 et seq.), The Subdivision Ordinance (§14-14 et seq.), And The Airport Zoning Ordinance (§14-15 et seq.), Whose Regulatory Purposes And Content Have Been Incorporated Into The IDO; Replacing References To The Repealed Ordinances In Various Locations Of Revised Ordinances Of Albuquerque, New Mexico, 1994 (ROA 1994) With References To The IDO In Order To Maintain Internal Consistency In ROA 1994; And Amending Various Ordinances To Compile Relevant Sections Of The Code Of Ordinances And To Maintain Internal Consistency With The IDO (Jones, Benton)

ADOPTING THE INTEGRATED DEVELOPMENT ORDINANCE (IDO) AND IDO ZONING CONVERSION MAP AND REPEALING THE COMPREHENSIVE CITY ZONING CODE (§14-16 ET SEQ.) AND EXISTING ZONING MAP; REPEALING THE LANDMARKS AND URBAN CONSERVATION ORDINANCE (§14-12 ET SEQ.), THE SUBDIVISION ORDINANCE (§14-14 ET SEQ.), AND THE AIRPORT ZONING ORDINANCE (§14-15 ET SEQ.), WHOSE REGULATORY PURPOSES AND CONTENT HAVE BEEN INCORPORATED INTO THE IDO; REPLACING

REFERENCES TO THE REPEALED ORDINANCES IN VARIOUS LOCATIONS OF REVISED ORDINANCES OF ALBUQUERQUE, NEW MEXICO, 1994 (ROA 1994) WITH REFERENCES TO THE IDO IN ORDER TO MAINTAIN INTERNAL CONSISTENCY IN ROA 1994 INCLUDING PART §5-1-4, PART §6-9-1(A), PART §7-5-2, PART §7-5-3, SECTION §8-2-2-15(D), SECTION §9-2-1-4, SECTION §9-2-3-3(E), SECTION §9-6-3-4(A), PART §9-9-2, SECTION §9-10-1-7(B)(3)(c), SECTION §9-10-1-9(E)(1), PART §10-9-8, SECTION §11-1-1-11(C)(2), PART §13-1-9(A), PART §13-2-6(C), SECTION §13-5-1-13(D), PART §13-15-2(B), PART §14-4-4(F), PART §14-6-1, PART §14-6-2(A)(5), PART §14-8-2-3(B), PART §14-11-7(C)(3), AND PART §14-17-5(A); AND AMENDING VARIOUS ORDINANCES TO COMPILE RELEVANT SECTIONS OF THE CODE OF ORDINANCES AND TO MAINTAIN INTERNAL CONSISTENCY WITH THE IDO INCLUDING PART §4-10-3(D), SECTION §6-1-1-12(D), SECTION §6-1-1-99(C), PART §6-5-5 ET SEQ., ARTICLE §6-6 ET SEQ., PART §6-7-2(B), SECTION §8-5-1-42(H), SECTION §9-2-1-4, PART §9-9-2, SECTION §9-10-1-7(B)(3)(e), PART §11-2-3, SECTION §12-2-28, SECTION §14-5-2-10(B), SECTION §14-8-2-3(A), SECTION §14-8-2-4(D), SECTION §14-8-2-5 ET SEQ., SECTION §14-8-2-6 ET SEQ., SECTION §14-8-2-7(A), SECTION §14-8-2-7(B), PART §14-8-7, PART §14-9-3, PART §14-11-3(A), SECTION §14-13-1-4(E), SECTION §14-13-2-2, SECTION §14-13-2-3, SECTION §14-13-2-4(B), SECTION §14-13-2-5, SECTION §14-13-2-6, SECTION §14-13-3, PART §14-17-5 ET SEQ., AND PART §14-19-15.

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 adopted a Planning Ordinance (§14-13-2) that established a ranked system of plans, with the jointly adopted Comp Plan as the Rank 1 plan that provides a vision, goals, and policies for the Albuquerque metropolitan area, including the entire area within the

city's municipal boundaries, Rank 2 plans that provide more detailed policies for a particular type of facility or a sub-area of the city in order to implement the Comp Plan, and Rank 3 plans that provide an even greater level of detail about an even smaller sub-area; and

WHEREAS, the City amended the Comp Plan in 2001 via R-01-344 (Enactment No. 172-2001) to include a Centers and Corridors vision for future growth and development as recommended by the City's Planned Growth Strategy (§14-13-1) in order to maintain a sustainable urban footprint and service boundary for infrastructure; 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's Comprehensive Zoning Code ("Zoning Code"), which is the primary implementation tool for the Comp Plan, has been amended piecemeal hundreds of times but has not been comprehensively updated since 1975; and

WHEREAS, the Zoning Code has not been comprehensively updated to implement the Comp Plan's Centers and Corridors approach to growth and development or community identity goals and policies for Community Planning Areas; and

WHEREAS, zoning codes typically have a lifespan of 20 years before a comprehensive update is needed; and

WHEREAS, the Zoning Code does not include integrated tools to address the unique needs of sub-areas or establish regulations to protect the character of built environments in particular sub-areas; and

WHEREAS, lower-ranked plans are intended to implement the Rank 1 Comp Plan and supplement the Zoning Code by providing a greater level of detailed planning policy and/or land use and zoning regulations for sub-areas of the city; and

WHEREAS, the City has adopted six Rank 2 Facility Plans - for Arroyos (adopted 1986), for the Bosque (adopted 1993), for Major Public Open Space (adopted 1999), for the Electric System: Transmission & Generation (last amended in 2012), for Route 66 (adopted 2014), and for Bikeways & Trails (last amended in 2015) - to provide policy guidance and implementation actions for implementing departments; and

WHEREAS, Rank 2 Area Plans and Rank 3 Sector Development Plans have been created and adopted over the last 40 years for approximately half the area of the city; and

WHEREAS, the City has adopted five Rank 2 Area Plans - the Sandia Foothills Area Plan in

1983 (never amended), the Southwest Area Plan in 1988, (last amended in 2002), the East Mountain Area Plan in 1992 (never amended), the North Valley Area Plan in 1993 (never amended), and the West Side Strategic Plan in 1997 (last amended in 2014) - that provide policy guidance about sub-areas to help implement the Comp Plan, yet three have not been amended since 2001, when the Comp Plan was amended to adopt a Centers and Corridors vision for future growth and development; and

WHEREAS, the Southwest Area Plan and East Mountain Area Plan were jointly adopted with Bernalillo County, as the plan areas include land that is predominantly within the unincorporated County area; and

WHEREAS, the City has adopted over 50 Sector Development Plans - some of which include policies and some of which include tailored zoning, regulations, and approval processes for properties within the plan boundary; and

WHEREAS, approximately 51% of the adopted Rank 3 Sector Development Plans were adopted or amended after 2001, when the Comp Plan was amended to adopt a Centers and Corridors vision for future growth and development; and

WHEREAS, the City intended to update each Sector Development Plan every 10 years, but some have never been amended, some have been amended multiple times, and over half are now more than 10 years old; and

WHEREAS, the Code of Resolutions indicates that the City has adopted plans that the Planning Department cannot find, which may have been repealed or replaced in whole or in part, and there may be other adopted ranked plans that the Planning Department is no longer aware of and have not been listed on the Planning Department's publication list; and

WHEREAS, approximately half the properties in the city have not had the benefit of long-range planning for specific sub-areas with trend analysis by staff or engagement by area stakeholders, which is an inequitable and untenable existing condition; and

WHEREAS, City staff and the budget have been restructured and allocated over the years in such a way as to no longer be adequate to maintain and update over 50 standalone Sector Development Plans, three Area Plans, and three Arroyo Corridor Plans, much less the additional plans that would be needed to provide an equal level of policy guidance and tailored regulations for the half of the city not currently covered by Rank 2 Area Plans or Rank 3 Sector Development Plans; and

WHEREAS, the mix of policy and regulations in Rank 3 Plans has sometimes created

confusion as to whether language is narrative, policy, and/or regulatory; and

WHEREAS, the adopted Rank 3 Sector Development Plans have created over 235 unique SU-2 zones outside of the Zoning Code, many of which establish zone abbreviations unique to each plan; and

WHEREAS, there are enumerable SU-1 zones adopted for individual properties throughout the city totaling over 28,500 acres (almost 25% of the city's total acreage); and

WHEREAS, the Zoning Code has 24 base zone districts, not including SU-1, SU-2, and SU-3 zones or overlay zones; and

WHEREAS, the City has struggled to administer and enforce all of these unique zones consistently over time; and

WHEREAS, the separation of land use and zoning regulation from the Zoning Code into multiple standalone plans has sometimes resulted in conflicting language and/or regulations being lost or overlooked by staff and decision-makers in the review/approval and enforcement processes, which are the primary responsibility of the Planning Department and the City Council as the ultimate land use and zoning authority; and

WHEREAS, some Rank 3 Sector Development Plans establish separate decision-making processes and/or criteria, which introduces an uneven playing field for development and inconsistent protections for neighborhoods and natural/cultural resources from area to area; and

WHEREAS, the City Council directed the City in April 2014 via R-14-46 (Enactment No. R-2014-022) to update the Comp Plan *and the land development regulations intended to implement it*; and

WHEREAS, the City Planning Department and Council Services initiated a project in February 2015 called "ABC-Z" to update the Albuquerque-Bernalillo County Comprehensive Plan and develop an Integrated Development Ordinance ("IDO") to help implement it in the city; and

WHEREAS, the public engagement process for ABC-Z offered a range of opportunities for input, discussion, and consensus-building with over 130 workshops and public meetings, including daytime focus groups organized by topic, evening meetings with a more traditional presentation and question and answer session, "Comp Plan 101" and "Zoning 101" meetings, and periodic "Ask an Expert" zoning clinics; and

WHEREAS, the project team spoke at over 100 meetings and local conferences by invitation of various stakeholders; and

WHEREAS, the project team staffed booths and passed out promotional material at

community events and farmers markets to reach more people and a broader cross-section of the community and met with individuals and small groups during weekly office hours; and

WHEREAS, articles about the ABC-Z project appeared monthly in the City's Neighborhood News, ads specifically for the proposed IDO were placed in print and social media, as well as on local radio stations, and the project team maintained a project webpage and a social media page on Facebook for the ABC-Z project; and

WHEREAS, the Planning Department has expended additional funds from its general operating budget, and the City Council also provided supplementary funds as part of a budget amendment in November 2015 (R-15-266, Floor Amendment 2, Enactment No. R-2015-113) that were subsequently used for additional paid advertising in print, radio, and social media, including Spanish-language media outlets, to reach a broader and more diverse audience; and

WHEREAS, the City Council adopted an updated Albuquerque-Bernalillo County Comprehensive Plan ("ABC Comp Plan") on March 20, 2017 via R-16-108 (Enactment No. R-2017-026), including an updated community vision that is still based on a Centers and Corridors approach to growth; and

WHEREAS, the 2017 ABC Comp Plan adopted an updated Centers and Corridors map that establishes boundaries for the Centers; designates priority for transportation modes on certain Corridors; and identifies Downtown, Urban Centers, Activity Centers, Premium Transit Corridors, Major Transit Corridors, and Main Street Corridors as the Centers and Corridors that are intended to be walkable, with a mix of residential and non-residential land uses, and with higher-density and higher-intensity uses; and

WHEREAS, the 2017 ABC Comp Plan established 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, mixed-use, and dense; and

WHEREAS, the IDO, as a regulatory document that applies citywide, is the primary mechanism to implement the 2017 ABC Comp Plan for land within the municipal boundaries of the City of Albuquerque; and

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

WHEREAS, the IDO's stated purpose is to implement the 2017 ABC Comp Plan; ensure that all development in the City is consistent with the spirit and 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 2017 ABC Comp Plan updated the Centers and Corridors map with a new Downtown Center designation as the most urban, walkable, dense, intense, and mixed-use Center in Albuquerque, with the same boundary as the adopted Rank 3 Downtown 2025 Sector Development Plan; and

WHEREAS, the IDO helps to implement the Downtown Center by carrying over and updating zoning regulations and design standards from the adopted Rank 3 Downtown 2025 Sector Development Plan as a mixed-use, form-based zone district (MX-FB-DT); and

WHEREAS, the 2017 ABC Comp Plan updated the Centers and Corridors map with a new Center designation of Urban Centers - intended to be highly walkable, with mixed-use development and high-density, high-intensity uses - for Volcano Heights and Uptown, with the same boundaries as identified in the 2013 Comp Plan, which followed boundaries established by SU-2 zoning in the adopted Rank 3 Volcano Heights and Uptown Sector Development Plans; and

WHEREAS, the IDO helps implement these Urban Centers by allowing additional building height and reducing parking requirements in these Centers; and

WHEREAS, the 2017 ABC Comp Plan updated the Centers and Corridors map with a new Corridor designation of Premium Transit Corridors in order to prioritize transit service in the public right-of-way and encourage higher-density and mixed-use transit-oriented development that can support and be supported by transit service; and

WHEREAS, the IDO helps implement Premium Transit Corridors for which funding has been secured and transit station locations have been identified by allowing additional building height and reducing parking requirements within 660 feet (one-eighth of a mile, a distance of two typical city blocks, considered a 5-minute walk) of Premium Transit stations; and

WHEREAS, the 2017 ABC Comp Plan updated the Centers and Corridors map with a new Corridor designation of Main Streets, intended to be pedestrian-oriented and encourage mixed-use and high-density residential development along them; and

WHEREAS, the IDO helps implement Main Street Corridors by allowing additional building height and reducing parking requirements on parcels within 660 feet (one-eighth of a mile, a distance of two typical city blocks, considered a 5-minute walk) of the centerline of Main Street Corridors; and

WHEREAS, the 2017 ABC Comp Plan updated the Centers and Corridors map with a new Center designation of Activity Centers, intended to serve surrounding neighborhoods, be more walkable and allow higher-density and higher-intensity uses than non-Center areas; and

WHEREAS, the IDO helps implement Activity Centers by requiring enhanced building façade design and site design for drive-throughs that results in more pedestrian-oriented layouts within the boundary of these Centers; and

WHEREAS, the IDO helps implement the Centers and Corridors vision by converting existing mixed-use and non-residential zoning in Centers and Corridors intended to be walkable, mixed-use, and dense to IDO zone districts with the closest matching set of permissive uses, as described in more detail below; and

WHEREAS, the IDO helps implement the Centers and Corridors vision by providing different dimensional standards for density, height, and setbacks, lower parking standards, additional building design and site layout standards, and reduced buffering and landscaping requirements that will allow more urban development forms as relevant for walkable, mixed-use, dense Centers and Corridors (excluding Old Town, Employment Centers, and Commuter Corridors); and

WHEREAS, the 2017 ABC Comp Plan included an updated map of City Development Areas Map that replaced the 1975 Development Areas with one of two new Development Area designations: Areas of Change, including all Centers but Old Town and all Corridors but Commuter Corridors, or Areas of Consistency, including single-family neighborhoods, parks, Major Public Open Space, golf courses, airport runway zones, and many arroyos, acequias, and; and

WHEREAS, the 2017 ABC Comp Plan includes policies to encourage growth and development in Areas of Change and policies to protect the character and built environment in Areas of Consistency from new development or redevelopment; and

WHEREAS, the IDO helps implement the Comp Plan by providing Neighborhood Edge



regulations (§14-16-5-9) that require a transition and buffering between Areas of Change and Residential zones, as well as other design requirements for development in Areas of Change to minimize negative impacts on Areas of Consistency; and

WHEREAS, the IDO helps implement the Comp Plan by including regulations (§14-16-5-2) to avoid sensitive lands such as flood plains, steep slopes, unstable soils, wetlands, escarpments, rock outcroppings, large stands of mature trees, archaeological sites; and

WHEREAS, the IDO helps implement the Comp Plan by including specific regulations (§14-16-5-2(C)) to ensure that development near sensitive lands, including archaeological sites (§14-16-5-2(D)), arroyos (§14-16-5-2(E)), and acequias (§14-16-5-2(F)), is context-sensitive; and

WHEREAS, the IDO helps implement the Comp Plan by incorporating and updating regulations from adopted Rank 3 Arroyo Corridor Plans as general regulations for private property abutting any arroyo identified in the Rank 2 Facility Plan for Arroyos in order to ensure context-sensitive development next to these natural resources, which function as drainage facilities as well as providing open space and, in some cases, recreational opportunities through multi-use trails or parks; and

WHEREAS, the IDO helps implement the Comp Plan by including specific use restrictions and design standards (§14-16-5-2(H)) to ensure that development adjacent to or within 330 feet (one-sixteenth of a mile, a distance of one typical city block) of Major Public Open Space is context-sensitive; and

WHEREAS, the 2017 ABC Comp Plan includes goals and policies to protect historic assets and cultural resources, and the IDO implements these goals and policies by incorporating Historic Protection Overlay zones (§14-16-3-3) with design standards to ensure compatible new development and redevelopment in historic districts and View Protection Overlay zones (§14-16-3-4), and regulations for development next to sensitive lands (§14-16-5-2); and

WHEREAS, the 2017 ABC Comp Plan includes goals and policies to protect community health and maintain safe and healthy environments where people can thrive; 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 IDO helps implement these goals and policies by providing use-specific standards (§14-16-4-3) that require a distance separation for certain nuisance uses - such as alcohol sales and heavy manufacturing - from residential areas, schools, and churches to mitigate

the potential negative impact on quality of life; and

WHEREAS, the IDO helps implement these goals and policies by providing use-specific standards (§14-16-4-3) that require distance separations between uses that pose potential negative impacts on nearby properties - such as pawn shops, bail bonds, small loan businesses, and liquor retail - to prevent clustering of such uses; and

WHEREAS, the 2017 ABC Comp Plan recommends a transition from long-range planning with communities on an as-needed basis to create standalone Rank 2 and 3 plans to a 5-year cycle of planning with each of 12 Community Planning Areas in order to provide opportunities for all areas of the city to benefit from area-specific long-range planning, including regular and ongoing opportunities for stakeholder engagement and analysis by staff of trends, performance measures, and progress toward implementation actions in the Comp Plan; and

WHEREAS, the IDO implements the new proactive approach to long-range planning by committing the City to a proactive, equitable system of assessments (§14-16-6-3(D)) done every five years with residents and stakeholders in each of 12 Community Planning Areas established by the ABC Comp Plan; and

WHEREAS, the IDO furthers the purpose and intent of the Planning Ordinance (§14-13-2) and the Planned Growth Strategy (§14-13-2-3) by establishing a regulatory framework that ensures that development is consistent with the intent of other plans, policies, and ordinances adopted by the City Council; that updated development standards help ensure provision of adequate light, air, solar access, open spaces, and water; that clarified and streamlined development processes will help ensure the harmonious, orderly, and coordinated development of land in the City, and help create efficiency in governmental operations; that land use is coordinated with transportation corridors to help promote the convenient circulation of people, goods, and vehicles while minimizing traffic hazards; that subdivision standards and review/approval processes serve as a framework to help Staff and the public ensure the safety and suitability of land for development; and

WHEREAS, the IDO (§14-16-6-3) describes a Planning System (§14-16-6-3) that incorporates the ranked system of plans described in the Planning Ordinance (§14-13-2): the Rank 1 plan with which the lower-ranking plans must be consistent and that the lower-ranking plans are intended to help implement, Rank 2 plans for facilities that exist throughout the City in various areas and need to be coordinated and managed with a consistent approach (i.e. Facility Plans), and Rank 3 plans for specific areas that benefit from more detailed guidance related to the area's unique needs and

opportunities (e.g. Metropolitan Redevelopment Plans, Master Plans, and Resource Management Plans); and

WHEREAS, the Planning Ordinance (§14-13-2) is being amended to clarify that Ranked plans will hereby include narrative and policies but not regulations; and

WHEREAS, adopted Rank 2 Facility Plans will remain in effect, to be amended pursuant to the IDO (§14-16-6-3(B)) or as specified in the adopted plan; and

WHEREAS, the 2017 ABC Comp Plan included and updated policies from adopted Rank 2 Area Plans and Rank 3 Sector Development Plans; and

WHEREAS, the 2017 ABC Comp Plan included Sector Development Plans adopted as of March 2017 in the Appendix so that they can be used as informational, reference documents for relevant sub-areas, especially in creating and/or amending Community Planning Area assessments in the future; and

WHEREAS, the IDO is intended to contain all the zoning and land use laws of the City, superseding any and all other zoning and land use laws whether written or based on prior practice; and

WHEREAS, the IDO is intended to integrate and adopt regulations pertaining to land use and development on private land within the City's municipal boundaries into one document in order to eliminate duplication, inconsistencies, and conflicts and to strengthen consistency, coordination, efficiency, effectiveness, and enforcement of these regulations; and

WHEREAS, the IDO does not apply to properties within other jurisdictions, such as the State of New Mexico, Federal lands, and lands in unincorporated Bernalillo County or other municipalities; and

WHEREAS, the IDO includes the flexibility to tailor uses, overlay zones, development standards, and review/approval processes for specific sub-areas to protect character, enhance neighborhood vitality, and respect historic and natural resources; and

WHEREAS, regulations from the adopted Rank 3 Sector Development Plans and Rank 3 Arroyo Corridor Plans have been coordinated, updated, and included in the IDO either as citywide regulations or as regulations applying to a mapped area consistent with the applicable area identified in the relevant adopted Sector Development Plan; and

WHEREAS, the IDO carries over as Character Protection Overlay zones (§14-16-3-2) distinct sets of building and site design standards intended to reinforce the existing character of sub-

areas of the city from adopted Rank 3 Sector Development Plans, including Coors Corridor Plan (last amended in 2013), Downtown Neighborhood Area (adopted 2012), Huning Highland (last amended in 2005), Los Duranes (adopted 2012), Nob Hill Highland (last amended in 2014), Rio Grande Boulevard Corridor (adopted 1989), Sawmill/Wells Park (last amended in 2002), Volcano Cliffs (last amended in 2014), Volcano Heights (last amended in 2014), and Volcano Trails (last amended in 2014); and

WHEREAS, within the Nob Hill Character Protection Overlay zone, the IDO tailors the dimensional standards associated with Premium Transit stations and Main Street Corridors, as well as the building height bonus associated with Workforce Housing, to recognize the lower building heights that contribute to the distinctive character of “Lower Nob Hill” between Girard Blvd. and Aliso Dr., consistent with the intent of the adopted Rank 3 Nob Hill Highland Sector Development Plan; and

WHEREAS, the IDO carries over as Historic Protection Overlay zones (§14-16-3-3) historic design standards from the Historic Zone (H-1) and adopted historic overlay zones, including East Downtown (adopted 2005), Eighth/Forrester (last amended in 1998), Fourth Ward (adopted 2002), Huning Highland (adopted 2010), and Silver Hill (last amended in 2010); and

WHEREAS, the IDO carries over and updates view preservation regulations from the Rank 3 Coors Corridor Plan (last amended in 2013) and Rank 3 Northwest Mesa Escarpment Plan (last amended in 2016) as View Protection Overlay zones (§14-16-3-4) to protect views from public rights-of-way to cultural landscapes designated by the 2017 ABC Comp Plan; and

WHEREAS, the IDO includes and updates the content of the existing Airport Zoning Ordinance (§14-15-1 et seq.) and the Airport Design Overlay Zone regulations (§14-16-2-28(E)) in a manner that is clearer and easier to apply and enforce than the existing article of ROA 1994, which is separate from other zoning regulations; and

WHEREAS, the IDO includes and updates standards and review/approval procedures for development from the existing Landmarks and Urban Conservation Ordinance (§14-12-1 et seq.) in order to protect structures and areas of historical, cultural, architectural, engineering, archeological, or geographic significance; and

WHEREAS, the IDO includes and updates portions of the Development Process Manual (DPM) that pertain to the engineering technical standards for development on private land and these updates have been coordinated with technical subcommittees that are updating relevant portions of the DPM as part of a parallel effort in order to remove conflicts between zoning

regulations and technical standards related to street and parking design, drainage, flood control, and sewer service; to ensure an orderly and harmonious process and outcome for coordinating land use, transportation, and infrastructure on private property and within the public right-of-way; and to improve the viability of multiple transportation methods throughout the city; and

WHEREAS, the IDO references, and as appropriate, defers to the Humane and Ethical Animal Rules and Treatment (HEART) Ordinance (Article 9-2-1 et seq., Enactment O-2006-029), which was adopted to regulate animal-keeping within city municipal boundaries; and

WHEREAS, companion legislation (R-17-213) will revise Resolutions that are incorporated or that need to be amended for consistency with the IDO; and

WHEREAS, the IDO incorporates the purpose and updates the content of the existing Zoning Code (§14-16 et seq.); and

WHEREAS, the IDO includes three categories of uses - Residential, Mixed-use, and Non-residential - with zones in each category that range from the least to the most intense that are appropriate to a mid-size, Southwestern, 21st century city; and

WHEREAS, the existing Official Zoning Map is included by reference in the Zoning Code (§14-16-4-9); and

WHEREAS, the IDO adopts an Official Zoning Map (§14-16-1-6) with zones converted from existing zone districts pursuant to the zoning conversion rules described below; and

WHEREAS, properties with zoning from the Zoning Code have been converted on the zoning conversion map to the IDO zone district with the closest matching set of permissive uses on a conversion map that has been available to the public for review and comment since April 2016; and

WHEREAS, properties with SU-2 or SU-3 zoning from adopted Rank 3 Sector Development Plans have been converted on the zoning conversion map to the IDO zone district with the closest matching set of permissive uses; and

WHEREAS, properties with Residential and Related Uses - Developing Area (RD) zoning, Planned Residential Development (PRD) zoning, or Planned Development Area (PDA) zoning have been converted on the zoning conversion map to the Planned Development (PD) zone district in the IDO, which is site-plan controlled and allows uses as specified on the approved site plan; and

WHEREAS, properties with SU-1 zoning in an adopted Rank 3 Sector Development Plan that describes the zones by referring to the existing Zoning Code (other than SU-1 for PRD or SU-1

for PDA, whose conversion is described above) have been converted in the conversion zoning map to the IDO zone with the closest matching set of permissive uses; and

WHEREAS, properties with SU-1 zoning whose zone descriptions refer to zones from the existing Zoning Code have been converted on the zoning conversion map to the IDO zone with the closest matching set of permissive uses; and

WHEREAS, properties with SU-1 zoning with zoning descriptions that refer to permitted uses but do not refer to zones from the existing Zoning Code have been converted on the conversion zoning map to the IDO zone district that is site plan controlled - Planned Development (PD); and

WHEREAS, the zoning conversion rules for properties with C-2 zoning, or SU-1, SU-2, or SU-3 zones that reference C-2 zones as the highest uses allowed permissively, were different for the east and west sides of the Rio Grande in order to address the imbalance of jobs and housing on the West Side, so that C-2 properties on the East Side were converted to MX-M to encourage an ongoing mix of residential and commercial uses, while properties on the West Side were converted to Non-Residential Commercial (NR-C) to ensure the addition of retail and services that are currently lacking; and

WHEREAS, the zoning conversion rules for properties with C-3 zoning, or SU-1 and SU-2 zones that reference C-3 zones as the highest uses allowed permissively, were different inside and outside of Centers to help implement the ABC Comp Plan and result in more mixed-use, walkable development within Centers, so that C-3 properties outside of Centers were converted to Non-Residential Commercial (NR-C), while properties east of the river within Urban Centers or Activity Centers or within 660 feet of Premium Transit station areas or 660 feet of the centerline of a Main Street Corridors were converted to MX-H, west of the river only properties within 660 feet of Premium Transit station areas were converted to MX-H; and

WHEREAS, the City and Bernalillo County jointly adopted the Planned Communities Criteria (Code of Resolutions §1-1-10) that establish a procedure for planning large areas that are intended to function self-sufficiently within their jurisdictions, with development and services that have no net cost to the local jurisdiction and that implement the Comp Plan; and

WHEREAS, the City has approved two Planned Communities - Mesa del Sol and Westland - with Level A "Master Plans," which will be called Framework Plans in the IDO, and Level B "Master Plans," which will be called Site Plans or Master Development Plans, based on the zoning designation; and

WHEREAS, properties within a Planned Community have been converted to the IDO's

Planned Community (PC) zone, which will still be regulated pursuant to the relevant approved “Master Plan” as an approved Site Plan - EPC, with uses regulated pursuant to the matching IDO conversion zone for any named zone out of the existing Zoning Code; and

WHEREAS, the IDO includes a Use Table (§14-16-4-2) that clearly indicates land uses that are permitted, conditional, accessory, conditional accessory, conditional vacant, or temporary in each zone district; and

WHEREAS, the IDO includes use-specific standards (§14-16-4-3) to establish use regulations, further design requirements, allowances, area-specific regulations, and/or processes to avoid or mitigate off-site impacts and ensure high-quality development, including those carried over from adopted Rank 3 Sector Development Plans and generalized to apply citywide or mapped to continue to apply to a small area; and

WHEREAS, the IDO includes general development standards (§14-16-5) related to site design and sensitive lands; access and connectivity; parking and loading; landscaping, buffering, and screening; walls; outdoor lighting; neighborhood edges; solar access; building design; signs; and operation and maintenance; and

WHEREAS, the IDO includes and updates standards for the subdivision of land (§14-16-5-4) and associated administrative and enforcement procedures (§14-16-6) in the existing Subdivision Ordinance (§14-14-1 et seq.) in order to ensure that land suitable for development is served by the necessary public services and infrastructure, including a multi-modal transportation network, and platted accordingly; and

WHEREAS, the IDO establishes review and approval processes (§14-16-6) appropriate for each type of land development application in order to clearly establish notice requirements, decision-making bodies, and criteria for decision-making bodies; and

WHEREAS, the IDO establishes thresholds and criteria for administrative review and decision by staff (§14-16-6-5) for minor projects based on objective standards for high-quality, context-sensitive development established by the IDO; and

WHEREAS, the IDO establishes thresholds, criteria, and the appropriate decision-making body for major projects (§14-16-6-6) that require a public meeting and/or hearing and whose approval should be based on consideration of objective standards for high-quality, context-sensitive land use and development established by the IDO; and

WHEREAS, the IDO requires review and decision by the Environmental Planning Commission for a zone change (§14-16-6-7(E)) and site plan approval (§14-16-6-6(F)) based on consideration

of policy as well as objective standards for high-quality, context-sensitive development established by the IDO in Planned Development (PD), Non-residential Sensitive Use (NR-SU) zone districts, and new Master Development Plans in Non-residential Business Park (NR-BP) zone districts; and

WHEREAS, the IDO incorporates and updates criteria for amendments of the zoning map (i.e. zone changes) adopted by R-270-1980 and differentiates between criteria for Areas of Change and Areas of Consistency to help implement the 2017 ABC Comp Plan; and

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

WHEREAS, the IDO requires review and decision by the Environmental Planning Commission (§14-16-6-7(E)) based on consideration of policy as well as objective standards for high-quality, context-sensitive development established by the IDO for amendments to the zoning map up to 10 acres in Areas of Consistency and up to 20 acres in Areas of Change, above which Council has authority; and

WHEREAS, the IDO requires review and recommendation by the Environmental Planning Commission and review and final decision by the City Council for amendment of a Rank 1 Plan (§14-16-6-7(A)), adoption or amendment of a Rank 2 Facility Plan (§14-16-6-7(B)), text amendments to the IDO (§14-16-6-7(D)), or annexations (§14-16-6-7(G)) based on consideration of policy as well as objective standards for high-quality, context-sensitive development established by the IDO for zone changes of 10 acres or more in Areas of Consistency and 20 acres or more in Areas of Change; and

WHEREAS, the IDO establishes procedures and criteria for alterations and demolition within and outside Historic Protection Overlay zones and for amending existing and designating new Historic Protection Overlay zones and landmarks (§14-16-6-7(C)); and

WHEREAS, the IDO requires appeals of all decisions to be reviewed and recommended by the Land Use Hearing Officer and reviewed and decided by the City Council as the City's ultimate land use and zoning authority; and

WHEREAS, the IDO establishes criteria and thresholds appropriate for staff review and decision of minor deviations from zoning dimensional standards (§14-16-6-4(X)(2)); and

WHEREAS, the IDO establishes procedures and criteria for the Zoning Hearing Examiner to



decide on requests for conditional uses (§14-16-6-6(A)) or for variances from dimensional zoning standards (§14-16-6-6(L)); and

WHEREAS, the IDO establishes procedures for the Development Review Board (§14-16-6-6 (J)) to grant variances to sidewalks, public right-of-way standards, and subdivision standards, based on criteria established in the Development Process Manual; and

WHEREAS, the IDO establishes procedures and criteria for the Environmental Planning Commission to grant exceptions to zoning dimensional standards that provide civic benefits or that benefit the natural environment (§14-16-6-6(K)); and

WHEREAS, the IDO establishes notice and meeting requirements (§14-16-6-4) that provide public awareness of development projects and input opportunities appropriate to the scale of the development project - minor projects that are administratively decided requiring notice but no meetings or hearings, major projects that require notice and either a meeting or hearing, and projects requiring discretionary decision-making based on consideration of policy in addition to IDO regulations that are heard and decided at public hearings; and

WHEREAS, approved site plans and permits shall remain valid (as described in §14-16-6-4 (W)) unless they expire (as described in §14-16-6-4(W)(2)) or are amended (as described in §14-16-6-4(W)(3)); and

WHEREAS, the IDO establishes the period of validity for development approvals that are subject to expiration; and

WHEREAS, the expiration of approvals granted prior to the effective date of the IDO shall be calculated from the effective date of the IDO; and

WHEREAS, any compliance periods specified in the Zoning Code that are carried over or replaced with new time periods for compliance in the IDO are to be calculated from the effective date of the IDO; and

WHEREAS, all existing development that conforms to the Zoning Code on the date the IDO becomes effective but that does not comply with the IDO shall be considered nonconforming and allowed to continue, subject to limits on expansion and thresholds after which the property must be brought into compliance with the IDO as specified in §14-16-6-8; and

WHEREAS, the IDO establishes adequate provisions for the continuation and expansion of nonconforming uses, structures, lots, signs, and site features (§14-16-6-8), as well as appropriate thresholds or timeframes for when nonconformities must come into compliance with the IDO; and

WHEREAS, the IDO establishes appropriate standards and procedures for enforcing

violations and assessing penalties (§14-16-6-9); and

WHEREAS, any violation of the City zoning, subdivision, or land development regulations in effect prior to the effective date of this IDO will continue to be a violation under this IDO and subject to enforcement actions, unless the development or other activity that was a violation of the previous regulations is consistent with the requirements and regulations of this IDO; and

WHEREAS, the City and private property owners will need time to transition from processes related to the existing zoning code to the new IDO, and the IDO is therefore intended to become effective six months from its adoption date; and

WHEREAS, the Planning Department intends to submit and sponsor a series of zone change requests for review/approval within a year of the IDO effective date to address mismatches of land use and zoning that pre-existed the IDO adoption, to address properties with uses that become nonconforming upon the IDO becoming effective, and to consider requests from property owners desiring to downzone their existing zoning to a less intense, less dense zone district in Areas of Consistency; and

WHEREAS, the Planning Department intends to initiate the Community Planning Areas assessments within two years after the effective date of the IDO to assess current and anticipated trends and conditions, to understand planning issues and develop solutions to address them, and to track progress on performance measures identified in the ABC Comp Plan over time; and

WHEREAS, the IDO requires the City to create an update process and annual schedule for updates to the IDO; and

WHEREAS, the Office of Neighborhood Coordination sent e-mail notification to neighborhood representatives on December 29, 2016, as required, as part of the Environmental Planning Commission (EPC) application process, and Planning Staff sent a re-notification reminder and Notice of Decision for each hearing to neighborhood representatives on March 21, April 11, April 25, and May 5, 2017; and

WHEREAS, the proposed IDO was announced in the *Albuquerque Journal*, the *Neighborhood News* and on the Planning Department's webpage in January 2017; and

WHEREAS, staff prepared summary handouts for each adopted Sector Development Plan to explain how Sector Development Plan policies were incorporated into the 2017 ABC Comp Plan, how regulations from Sector Development Plan regulations were incorporated into the Integrated Development Ordinance as either a best practice approach to land-use regulation and zoning that was extended citywide or as a regulation that was mapped to apply to the same area as specified

in the Sector Development Plan, either as a zone district (§14-16-2-3), a Character Protection Overlay zone (§14-16-3-2), a Historic Protection Overlay zone (§14-16-3-3), a View Protection Overlay zone (§14-16-3-4), a use-specific standard (§14-16-4-3), a development standard (§14-16-5), or an administrative procedure (§14-16-6); and

WHEREAS, the public and staff from City departments and outside agencies had opportunities to make written and verbal comments prior to and during the EPC's review of the IDO, and the IDO was revised to reflect Conditions of Approval recommended by the EPC; and

WHEREAS, the EPC voted on May 15, 2017 after five hearings to recommend approval of the IDO with a vote of 6-1 (with one Commissioner absent and one Commissioner's position vacant); and

WHEREAS, the public and staff had opportunities to make written and verbal comments prior to and during the Land Use, Planning, and Zoning Committee's review of the IDO, and the IDO was revised to reflect changes recommended by the LUPZ Committee; and

WHEREAS, the public and staff had an opportunity to make written and verbal comments prior to and during the full Council's review of the IDO, and the Council adopted Floor Amendments to change the IDO in response.

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

Section 1. The City hereby repeals the existing Zoning Code (§14-16-1 et seq.) and adopts the Integrated Development Ordinance, attached to O-17-49 and made a part hereof, as the new §14-16-1 et seq.

Section 2. The City hereby repeals the existing zoning map and replaces it with the Integrated Development Ordinance zoning conversion map.

Section 3. The City hereby repeals the existing Articles of the City Code of Ordinances: Landmarks and Urban Conservation Ordinance (§14-12-1 et seq.), the Subdivision Ordinance (§14-14-1 et seq.), and the Airport Zoning Ordinance (§14-15-1 et seq.), which are incorporated and updated in the Integrated Development Ordinance.

Section 4. Upon its adoption this IDO is the City's sole document regulating land use within the municipal boundaries. In the event of any conflicts, the terms, requirements and obligations established by this IDO shall prevail over any other ordinance not specifically repealed herein or otherwise remaining after its adoption.

Section 5. The City hereby amends existing ordinances to ensure consistency with Integrated Development Ordinance by replacing the words "Zoning Code," "Comprehensive City Zoning Code," or "city's Comprehensive Zoning Code" with the words "Integrated Development Ordinance" in the following Parts and Sections of the City Code of Ordinances:

- Part 5-1-4, Other Provisions Effect.
- Part 6-9-1(A), General Policies.

- Part 7-5-2, Findings.
- Part 7-5-3, Display and Sale of Motor Vehicles.
- Section 8-2-2-15(D), Clear Sight Triangle.
- Section 9-2-1-4, Definitions, Commercial Property.
- Section 9-2-3-3(E), Permit Holders: General Duties and Requirements.
- Section 9-6-3-4(A), Operational Requirements.
- Section 9-9-2, Definitions, Residential, Office/Commercial, Industrial/Manufacturing.
- Section 9-10-1-7(B)(3)(c), Storage of Solid Waste for Commercial and Multi-Family Dwelling Collection.
- Section 9-10-1-9(E)(1), Dumping, Accumulating, and Scattering of Refuse.
- Part 10-9-8, Delegation of Authority.
- Section 11-1-1-11(C)(2), Penalties for Public Nuisance Violations.
- Part 13-1-9(A), Zoning Notification.
- Part 13-2-6(C), Special Dispenser's Permits.
- Section 13-5-1-13(D), Exercise of Rights under a Franchise - Minimum Conditions on Use of Property; Construction.
- Part 13-15-2(B), Purpose and Intent.
- Part 14-4-4(F), Size and Types of Numbers.
- Part 14-6-1, Prohibited in Residential Zones.
- Part 14-6-2(A)(5), Regulated in Nonresidential Zones.
- Section 14-8-2-3(B), Definitions.
- Section 14-11-7(C)(3), Permits for Solar Rights.
- Part 14-17-5(A), Establishment of a Family Housing Development.

Section 6. City Code of Ordinances Part 4-10-3(D), General Policies, is amended as follows: "(D) Public improvements financed by a TIDD should be in conformance with applicable long-range city policies for development, including, but not limited to, the Albuquerque/Bernalillo County Comprehensive Plan, ~~[applicable Rank 2 and Rank 3 Plans, the Subdivision Ordinance, the Zoning Code, § 14-13-2-3 ROA 1994, and §§ 14-13-1-1 et seq., ROA 1994,] [the Integrated Development Ordinance,]~~ the Ordinance adopting elements of a Planned Growth Strategy; the current city enactment relating to the Capital Implementation Program; the Impact Fee Component Capital Improvement Program; other ordinances applicable to the affected land including annexation ordinances and any related annexation agreements, if any; and all supplements and subsequent enactments relating to these measures."

Section 7. City Code of Ordinances Section 6-1-1-12(D), Variances and Appeals, is amended as follows: "Variances to §§ 6-1-1-8 through 6-1-1-10 requirements. A variance to the regulations in §§ 6-1-1-8 through 6-1-1-10 may be issued by the Mayor, through the ~~[Zoning Hearing Examiner]~~ [Development Review Board], provided that the general intent of this article has been met and compliance with this article is proven to cause practical difficulties and unnecessary hardship. The variance procedure for this article will comply with the variance procedure in the ~~[Zoning Code]~~ [Integrated Development Ordinance] as currently adopted or subsequently amended. (This procedure is described in ~~§ [§ 14-16-4-2.][14-16-5-5.2.K]~~). Appeals of decisions of the ~~[Zoning Hearing Examiner]~~ [Development

Review Board] are to [the City Council](#). ~~[the Environmental Planning Commission. Appeals of decisions of the Environmental Planning Commission are to the City Council. Appeal is made by filing written notice with the Planning Department within 15 days after the request for variance has been denied.]~~ Appeal procedures will comply with those in the ~~[Zoning Code, § 14-16-4-4.] [Integrated Development Ordinance, §14-16-6-4(U)."]~~

Section 8. City Code of Ordinances Section 6-1-1-99(C), Penalty, is amended as follows: "Any responsible party who violates any provision of §§ 6-1-1-8 through 6-1-1-10 shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not to exceed \$500 and/or imprisonment for a period not to exceed 90 days. Application of fines for violations of the regulations in §§ 6-1-1-8 through 6-1-1-10 will comply with the ~~[Zoning Code] [Integrated Development Ordinance]~~ as currently adopted or subsequently amended. (See ~~[§§ 14-16-4-1 through 14-16-4-12, and 14-16-4-99].~~)[§14-16-6)]."

Section 9. City Code of Ordinances Section 6-5-5-3, Pedestrian Sidewalk, Drive Pad, and Curb and Gutter Required, is amended as follows: "All properties within the city shall have sidewalk, drive pad, curb ramps, curb and gutter in accordance with the standards set forth by § 6-5-5-1 et seq., unless a variance from these standards is allowed through the procedures established by § 6-5-5-1 et seq. or unless such sidewalks, curb ramps, drive pads, curbs and gutters were constructed under standards previously in force. Such previously constructed improvements shall be considered non-conforming and as such may be repaired and maintained but if and when replacement becomes necessary shall be replaced according to the current standards or variance procedures of § 6-5-5-1 et seq. Compliance with the provisions of § 6-5-5-1 et seq. shall be the responsibility of the property owner. The cost of installing sidewalk shall be borne by the abutting property. On property in residential zones where only houses and townhouses are allowed, and where the lot abuts public streets at both its front and the rear lot lines, the property does not bear the cost of constructing missing sidewalk abutting the rear lot line where the property does not have the legal right to vehicular access from that street; this exception applies only to lots platted before June 29, 1983 (the effective date of the city's present Subdivision Ordinance[, ]set forth in ~~[Chapter 14, Article 14]] [§14-16-5-4])."~~

Section 10. City Code of Ordinances Section 6-5-5-4, Definitions, is amended as follows: "DRB. The Development Review Board, ~~[a five-member administrative board, representing major city agencies which meets for purposes including subdivision review and approval.]~~ [an administrative board consisting of six representatives of city departments and other agencies, including the Planning Director as Chairperson, Zoning Enforcement Officer, City Engineer (who may also function as the AMAFCA designee), Traffic Engineer, Parks and Recreation Director, and Albuquerque-Bernalillo County Water Utility Authority Water Resources Engineer." ] [...] "[~~SETBACK~~] [LANDSCAPE/BUFFER] AREA. The part of the public right-of-way ~~which~~ that is not occupied or planned to be occupied by street, curb, gutter, or sidewalk[; that may be used for street furniture, street trees and vegetation, and utilities; and that is typically located between the back of curb and adjacent property line]."

Section 11. City Code of Ordinances Section 6-5-5-12, Setback Use, is amended as follows: "[~~SETBACK~~] [LANDSCAPE/BUFFER AREA] USE. The ~~[setback] [landscape/buffer area]~~ may be used for the following public purposes so long as such uses are not in conflict with the provisions of §§ 6-5-5-1 et seq. or any other applicable provision of this code or any other ordinance of the city."

Section 12. City Code of Ordinances Section 6-5-5-14(B)(1)(d), Design and Construction Standards and Procedures, is amended as follows: "2. ~~[Land zoned SU-3;] or [3.]~~[ 2.] Land zoned for a ~~[greater]~~ residential density [

greater ] than [allowed in the R-T] (Residential Town[house] [ homes]) [zone district].”

Section 13. City Code of Ordinances Section 6-5-5-14(E), Design and Construction Standards and Procedures, is amended as follows: “Transverse Slope. The transverse slope of the sidewalk and [setback] [landscape/buffer] area shall be no greater than a ratio of 1:50 or 2%, sloping toward the street.”

Section 14. City Code of Ordinances Section 6-5-5-15, Development Review Board, is amended as follows: “The DRB as established by [~~Chapter 14, Article 14, Subdivision Regulations,~~][ §14-16-2(D) Development Review Board,] will have responsibilities which that may include[,] but not be limited to, the following:”

Section 15. City Code of Ordinances Sections §6-5-5-16, Variances, and §6-5-5-17, Appeals, are deleted and the subsequent sections are renumbered to reflect the deletion.

Section 16. City Code of Ordinances Section § 6-5-5-18, Sidewalks, Drive Pad, and Curb Ramp Repair and Maintenance; Permitting Commercial Advertising on Transit Shelters, is amended as follows: “(A)(4) The lot was platted before June 29, 1983, the effective date of the city's [~~present~~] Subdivision Ordinance, set forth in [~~Chapter 14, Article 14~~] [§14-16-5-4].” and sub-sections (D) and (F) are amended to replace the words “sidewalk setback” with “[landscape/buffer].”

Section 17. City Code of Ordinances Section 6-6-1-2, Definitions, is amended as follows: “[~~PARKING STRIP~~][ LANDSCAPE/BUFFER AREA]. [~~That portion of any lot or lots situated between the street curb line and property line along all the public highways within the city.~~][The part of the public right-of-way that is not occupied or planned to be occupied by street, curb, gutter, or sidewalk; that may be used for street furniture, street trees and vegetation, and utilities; and that is typically located between the back of curb and adjacent property line.]”

Section 18. City Code of Ordinances Section §6-6-2-2, Intent, is amended as follows: “Sections 6-6-2-1 et seq. are intended to secure the following objectives, in accordance with Policy [~~A.2.n~~][ 5.1.9, Policy 7.1.3, Policy 7.2.1, Policy 7.6.2], and other policies of the Albuquerque/Bernalillo County Comprehensive Plan.”

Section 19. City Code of Ordinances Section §6-6-2-3, Definitions, is amended as follows: “DEVELOPMENT REVIEW BOARD. An administrative board, consisting of six [~~members representing major~~] city [departments and other] agencies. Membership consists of the Planning Director as Chairperson, [Zoning Enforcement Officer], City Engineer [(who may also function as the AMAFCA designee)], Traffic Engineer,[ Parks and Recreation Director, and Albuquerque-Bernalillo County Water Utility Authority ] Water Resources Engineer [~~, Environmental Health Director and Parks and Recreation Director.~~]” [...] “[LANDSCAPE/BUFFER AREA. The part of the public right-of-way that is not occupied or planned to be occupied by street, curb, gutter, or sidewalk; that may be used for street furniture, street trees and vegetation, and utilities; and that is typically located between the back of curb and adjacent property line.]” [...] “[~~PARKWAY. Arable land located behind the back of the street curb and in front of the sidewalk.~~].”

Section 20. City Code of Ordinances Section §6-6-2-4(A), Required Street Trees, is amended as follows: “(1) All applicants for building permits for construction of a new building or building addition of [~~over~~] 200 square feet [or more] shall submit a street tree plan for those parts of the lot abutting a major street, a major local street, or another street where street trees are required. (2) Any person who constructs a new building addition of [~~over~~] 200 square feet [or more] or who paves a parking lot or required off-street parking area for apartments and/or non-residential development on a lot abutting a major street, a major local street, or another street where street trees are required shall plant street trees according to a street tree plan approved by the Mayor. Such planting shall occur no later than [

30] [60 calendar] days after the completion of construction and shall occur before final inspection as required in the Building Code. (3) Street trees shown on an approved street tree plan and required to meet the requirements of [~~§ 14-16-3-10(H)~~] [§14-16-5-6] shall be maintained alive and healthy. Maintenance and trimming of street trees and replacement of dead trees are the responsibility of the owner of the lot abutting or on which the tree is located. (4) The [~~Parks and Recreation Department~~] [City] shall maintain a list of trees, as part of the Official Albuquerque Plant Palette and Sizing List, generally suitable for use as street trees in Albuquerque. This [~~Street Tree List~~] [list] shall include a description of the physical characteristics and cultural requirements of each species. (5) City staff, in coordination with appropriate private sector input, shall develop and make available information regarding the required soil volume for trees of a given mature size, [and] the Planning Director shall make this [information ] available [in the Development Process Manual]. This soil volume consists of un-compacted and irrigated soil. The root space may be long and linear, to match a [~~parkway~~]-[ landscape/buffer area] size, and/or the space may be created through mechanical de-compaction, or the use of either structural soils under pavements, or soil vault systems under pavements.”

Section 21. City Code of Ordinances Section §6-6-2-5, Street Tree Policies, is amended as follows: “(A)(1) Adequate room and spacing for Street Trees [~~(subsection citation)~~] shall be accommodated/ provided[~~: minimum 80 sq. ft. planting area for each tree; and maximum of 25 feet spacing on-center. For planting areas with over 800 CF of un-compacted soil, tree spacing may be increased to up to 35 feet on-center.~~] (2) The planting hole shall be twice as wide as the root ball of the tree being planted, but only as deep as the distance from the bottom of the root ball to the top of the highest first-order root in the root ball.] [ pursuant to the details and specifications developed by the City in the Development Process Manual.] [~~Details and specifications for planting holes shall be developed by the City Forester.~~] [...] (B) Street trees shall be placed between the curb and the public sidewalk and in the [~~parkway~~] [ landscape/buffer area,] unless traffic safety requires different locations of trees, as specified in division (2) of this division (B). [...] (B)(1)(b) Where less than three feet of space exists, street trees shall not be planted into the [ ~~parkway strip~~] [landscape/buffer area]. [...] (C)(6)(a) Plantings of [~~five (5)~~] [ten (10)] or fewer trees may all be of the same genus; (b) Plantings of [~~six to~~] [more than] ten trees must use at least two different genera, with roughly equal numbers of each; [~~(c) Plantings of more than ten trees shall use no more than 30% of trees in any one genus.~~] [...] (C)(7) One of every three street trees planted may be an accent tree per the Official Albuquerque Plant Palette and Sizing List, provided the guidelines in [~~§ 14-16-3-10(G)(1)~~] [§14-16-5-6(D)] are met.”

Section 22. City Code of Ordinances Section §6-6-2-7, More Detailed Regulations, is amended as follows: “Regulations detailing the provisions of §§ 6-6-2-1 et seq. should be enacted in coordination with and through the [ ~~Parks and Recreation Department~~] [Departments with installation and maintenance responsibilities], and be amended by the Environmental Planning Commission [for regulations in the Integrated Development Ordinance and by the DPM Executive Committee for technical standards in the Development Process Manual] at an advertised public hearing.”

Section 23. City Code of Ordinances Section §6-6-2-9, Appeals, is amended as follows: “Appeals from the decision of the Mayor on requests for waivers or variances may be taken to the [~~Environmental Planning Commission~~] [City Council, through the Land Use Hearing Officer], by filing written notice with the Planning Division within 15 days after the request for variance has been [~~denied~~] [decided].”

Section 24. City Code of Ordinances Part 6-7-2(B), Definitions, is amended as follows: “Words not defined herein, but which are defined in § ~~[14-16-1-5]~~ [§14-16-7-1] of the ~~[Zoning Code]~~ [Integrated Development Ordinance], are to be construed as defined therein.”

Section 25. City Code of Ordinances Section 8-5-1-42(H), Mobile Food Units on Public Streets, is amended as follows: “This section establishes traffic code regulations pertaining to Mobile Food Units. Other aspects of Mobile Food Units are regulated in other parts of the Municipal Code. Please refer to ~~[Zoning Code §14-16-3-25]~~ [Integrated Development Ordinance §14-16] and Health, Safety & Sanitation Code §9-6-5.”

Section 26. City Code of Ordinances Part 9-2-1-4, Definitions, is amended as follows: “RESIDENTIAL ZONE. “Zone [District], Residential” as defined in the ~~[city’s Comprehensive Zoning Code]~~ [Integrated Development Ordinance].”

Section 27. City Code of Ordinances Part 9-9-2, Definitions, is amended as follows: “DOWNTOWN ARTS AND ENTERTAINMENT FOCUS AREA. The area designated as the Downtown Arts and Entertainment Focus Area in the ~~[Downtown 2025 Sector Development Plan]~~ [Integrated Development Ordinance].”

Section 28. City Code of Ordinances Section 9-10-1-7(B)(3)(e), Storage of Solid Waste for Commercial and Multi-Family Dwelling Collection, is amended as follows: “Commercial collection sites shall be paved with a concrete apron meeting City of Albuquerque Solid Waste specifications for the designated container. However, commercial collection sites approved prior to October 1, 1985, which sites were paved in a way ~~[which]~~ [that] met the off-street parking requirements of the Zoning Code (§ 14-16-3-1(E)(1)) [in effect at the time of the issuance of building permit] are exempt from the concrete-paving requirement if the owner of the property agrees in writing to maintain the paving and hold the city harmless for any damage to the pavement resulting from solid waste collection.”

Section 29. City Code of Ordinances Part 11-2-3, Definitions, is amended as follows: “ADULT ~~[AMUSEMENT]~~ [ENTERTAINMENT] ESTABLISHMENT. ~~[The entity by this name]~~ [An establishment that meets the definition ] [defined] [provided] by ~~[§ 14-16-1-5]~~ [§14-16-7-1] of the ~~[Zoning Code]~~ [Integrated Development Ordinance].”

Section 30. City Code of Ordinances Part 12-2-28, Safety in Public Places, is amended as follows: “ARTS AND ENTERTAINMENT DISTRICT. ~~[The Arts and Entertainment District is the district within the Downtown Core as designated in the Downtown 2010 Plan as adopted in Resolution R-21, Enactment Number 50-2000.]~~ The Arts and Entertainment District ~~[as shown in the District’s map in the Downtown 2010 Plan,]~~ is roughly bordered by Copper Avenue on the north, 8th Street on the west, the alley between Gold and Silver Avenues to the south, and First Street to the East.” [...] “NOB HILL DISTRICT. ~~[The Nob Hill District is a portion of the district approved in the Nob Hill Sector Development Plan as adopted in Resolution R-362, Enactment Number 12-1988 and R-51, Enactment Number 79-1992.]~~ For purposes of this section, the Nob Hill District is the area within the following streets: beginning at the intersection of Girard and Silver, then to Monte Vista to Campus to Copper to Washington to Silver to Carlisle to Silver to Girard.”

Section 31. City Code of Ordinances Section 14-5-2-10(B), Multiple Use of Rights-of-way and Easements, is amended as follows: “Certain drainage rights-of-way ~~[in Sector Development Plans]~~ may be credited ~~[Zoning Code]~~ [ toward requirements for] detached open space[ in the Integrated Development Ordinance], except for any area which is exclusively used for the drainage control, flood control, stormwater control, or erosion control function.”

Section 32. City Code of Ordinances Section 14-8-2-3(A), Definitions, is amended as follows: “[



~~NON-RECOGNIZED~~ [REGISTERED] NEIGHBORHOOD OR HOMEOWNER ASSOCIATION. A neighborhood association [other than the Recognized neighborhood association for an area,] [~~or~~] homeowners association[, or other association] that has notified the City Office of Neighborhood Coordination of two persons' addresses where it wishes notice to be sent pursuant to § 14-8-2-1 et seq[.]; and that such designation shall be changed by the neighborhood association when appropriate.]”

Section 33. City Code of Ordinances Section 14-8-2-4(D), Criteria for Recognition of Neighborhood Associations, is amended as follows: “The appropriate district City [~~Councillor~~] [Councilor] and the City Office of Neighborhood Coordination shall be furnished with names, addresses, [email addresses,] and available phone numbers of current neighborhood association officers and/or board members.”

Section 34. City Code of Ordinances Section 14-8-2-5, Responsibilities of Recognized and Non-Recognized Neighborhood or Homeowner Associations, is amended as follows: The word “non-recognized” is replaced with “registered” throughout this section, including the title; the word “Councillor” is replaced with “Councilor.”

Section 35. City Code of Ordinances Section 14-8-2-6, Responsibilities of the City, is amended as follows: “(A) The Mayor shall make reasonable attempts to [provide electronic or] [~~give~~] mailed notice [of City-initiated amendments of Rank 1, Rank 2, or Rank 3 plans or new Rank 2 or Rank 3 plans] to recognized and [~~non-recognized~~] [registered] neighborhood or homeowner associations [~~or~~] located partially or completely within or adjacent to the relevant plan] [~~rank one, two, and three plan~~] [area.] [~~applications, which plans would cover areas within or contiguous to the recognized and non-recognized neighborhood or homeowner association’s boundaries~~] [Notice is required at the initiation of the planning effort and at the application for approval; proof of both] [~~notification~~] [notices] shall be [required] when the application is filed. [~~Recognized and non-recognized neighborhood or homeowner associations shall be notified of new plans and plan amendments upon initiation of such a project by city departments and within five days of application filing by others.~~] The Mayor shall make reasonable attempts to [mail] [provide notice to] such associations [~~notice~~] concerning all subsequent public hearings of city boards, commissions, and task forces concerning such plan proposals, except hearings which have been deferred [or continued] to a specific time announced at the prior hearing. (B) The Mayor shall make reasonable attempts to give directly affected recognized and [~~non-recognized~~] [registered] neighborhood or homeowner associations prior mailed [~~notification~~] [or electronic notice] of pending major city development and redevelopment projects and changes in services by the city [which] [that] will have a direct, significant impact on [~~that neighborhood;~~] [neighborhoods adjacent to, for example,] [~~permanent and temporary street construction and major repair, total closing of streets,~~] [projects that would] changes [the] [~~in~~] size or type of city parks, building of new city facilities, relocation or reconstruction of privately owned utilities [which] [that] require a permit, or rerouting of bus service. [~~are examples. With regard to permanent and temporary street construction and major repair, the.~~] [The] Mayor shall [~~give mailed~~] [provide] prior [electronic or mailed] [~~notification~~] [notice] to [~~the~~] recognized and [~~non-recognized~~] [registered] neighborhood or homeowner associations within one mile of [~~the~~] street construction[, closure,] and/or major repair. (C) The Mayor shall require [~~written affirmation~~] [documentation] of prior notice to recognized and [~~non-recognized~~] [registered] neighborhood or homeowner associations [for development projects located within or adjacent to the association boundary] at the time of filing applications, as specified in [~~§ 14-8-2-7~~] [§14-16-6-1, Table 6-1-1]. [~~Not less than 15 days prior to the first public hearing on applications specified in § 14-8-2-7, the Mayor shall mail notices of the hearing to such recognized~~

~~and non-recognized neighborhood or homeowner associations.][The Mayor shall send electronic or mailed notices of the hearing to recognized and registered associations for applications specified in §14-16-6-1, Table 6-1-1, as specified in the relevant sub-section. ](D) For the purpose of divisions (A), (B), and (C) of this section, [first-class letters] [email or] mailed [notice ]to two contact addresses [submitted by a neighborhood association] [ of recognized or registered association representatives on file with the Office of Neighborhood Coordination] shall constitute reasonable attempt to notify. (E) The city shall [mail] [send an] initial response [electronically or by mail] within seven days of receipt of any correspondence received from any recognized and [non-recognized neighborhood or homeowner] [registered] association that requests an answer, definition, or status of any city project within their boundaries.” [...]“(F)(8) Along with the district [Councillor] [Councilor], serve when appropriate as a liaison between a recognized neighborhood association and city agencies;” [...]“(F)(12) Upon request, assist the district [Councillor] [ Councilor] and/or neighborhood associations in the formation of alliances of neighborhood associations; and” [...]“(I) [ The Mayor shall make reasonable attempts to give directly affected recognized and non-recognized neighborhood or homeowner associations prior mailed notification of pending major city development and redevelopment projects and changes in services by the city which will have a direct, significant impact on neighborhoods within one mile of, for example, the permanent and temporary street construction and major repair, total closing of streets, changes in size or type in city parks, building of new city facilities, relocation or reconstruction of privately owned utilities which require a permit, or rerouting of bus service.”]~~

Section 36. City Code of Ordinances Section 14-8-2-7, Responsibilities of Applicants and Developers, is amended as follows: “(A) [Notification of land use and development applications, shall be provided as required by §14-16-6-1 of the Integrated Development Ordinance, which specifies requirements for mailed or electronic notice, posted signs, web postings, and/or published notice.] [Applicants for approval of amendments of the zone map, site development plans (except houses and accessory buildings), major subdivisions, vacations of public right-of-way, mapping historic districts, landmarking sites, and] (B) [Notification of applications for] issuance or transfer of liquor licenses shall [~~prior to filing the application, make a reasonable attempt to give written notification~~] [provide notice] of their proposal to any recognized and [non-recognized] [registered] neighborhood or homeowner association [which covers, abuts, or is across public right of way from the subject site][that includes or is adjacent to the subject property.] Certified letters, return receipt requested, mailed to the two designated [neighborhood ] association representatives on file at the City Office of Neighborhood Coordination constitutes a reasonable attempt to notify an association. Failure by an applicant to show proof of either notification in person or a reasonable attempt to give written notification of its proposal to such designated association representatives shall be grounds for a neighborhood association to request deferral of a hearing. The application for such hearing shall include a signed statement that such notification has been sent.”

Section 37. City Code of Ordinances Section 14-8-2-7(B), Responsibilities of Applicants and Developers, is deleted in whole and replaced with the following: “[C) Pre-Application meetings with City staff for land development applications shall be held as outlined in §14-16-6-1 of the Integrated Development Ordinance. The purpose and requirements for a Pre-Application Meeting are provided in §14-16-6-4(B). (D) Neighborhood meetings for land development applications shall be held as outlined in §14-16-6-1 of the Integrated Development Ordinance. The purpose and requirements for a Neighborhood Meeting are provided in §14-16-6-4(C).. These meetings may be

recommended for Facilitation, as provided in §14-16-6-4(D).]"

Section 38. City Code of Ordinances Part 14-8-7, Board of Appeals for Zoning Special Exceptions, is deleted in whole.

Section 39. City Code of Ordinances Part 14-9-3, Definitions, is amended as follows: "WORKFORCE HOUSING. Dwelling units serving residents and their families whose annualized income is at or below 80% of the Area Median Income for Albuquerque (AMI) as adjusted for household size and determined by the U.S. Department of Housing and Urban Development, and whose monthly housing payment does not exceed 30% of the imputed income limit applicable to such unit or 35% under special conditions to be defined in the Workforce Housing Plan. "Dwelling unit" is used in this article as defined in the [~~Comprehensive City Zoning Code~~] [Integrated Development Ordinance] (see [ ~~§ 14-16-1-5~~] [§14-16-7-1])."

Section 40. City Code of Ordinances Part 14-11-3(A), Intent, is amended as follows: "This article is intended to help achieve Article IX of the Charter of the City of Albuquerque. It is also a means of conforming solar rights to local plans and laws: the Albuquerque/Bernalillo County Comprehensive Plan[~~, the Zoning Code,~~] and the [~~Subdivision Regulations~~] [Integrated Development Ordinance] of this code of ordinances. It is intended to create orderly, harmonious, and economically sound development in order to promote the health, safety, convenience, and general welfare of the citizens of the city."

Section 41. City Code of Ordinances Section 14-13-1-4(E), Impact Fees; [~~Utility Expansion Charges;~~] Other Development Related Charges, is amended in title and as follows: ["Waivers to impact fees are as is provided in §14-19-15 Exemptions."]

Section 42. City Code of Ordinances Section 14-13-2-2, Rank Importance of City Plans, is amended as follows: "Adopted [city] [City] plans [~~for urban development and conservation~~] [to coordinate land use, development, facilities, and resources] are of varying rank importance. Lower[-]ranking plans should be consistent with higher[-]ranking plans, and when this is indisputably not the case, the conflicting provision of the lower [-]ranking plan is null and void. Plans should identify how they relate to relevant, higher[-]ranking plans. [Ranked plans shall only contain policy and may not be regulatory.] The highest ranks of [city] [City] plans are as follows in this section and in § 14-13-2-4" [...] "(B)(2) [~~Area Plans each cover diverse, major geographic parts of the metropolitan area, typically 15 or more square miles, and specify important development standards. Sites of key land use, utility, and public facility development are usually indicated.~~] [...] "(C)(1) [~~Sector Development~~] [Metropolitan Redevelopment] Plans [provide guidance to the Metropolitan Redevelopment Agency on redevelopment efforts, catalytic projects, and public/private partnerships, subject to amendment per the Metropolitan Redevelopment Agency Ordinance (§14-8-4-3(B)), for] [~~cover~~] an area with common characteristics, typically one square mile [~~or more~~] but occasionally considerably smaller[; such an area may be called a neighborhood. These plans, which are defined by the Zoning Code create special zoning regulations for the area covered, and may also specify other fairly detailed development parameters. (2) Neighborhood Development Plans are similar in scope to sector development plans except these plans do not set special zoning regulations. They may, however, propose rezoning.]. (2) [Master Plans provide guidance to the implementing department for the development of a City facility or joint facilities, such as a community center, library, and/or park. Master Plans typically include land uses, site layout, and design standards. (3) Resource Management Plans provide guidance to the Parks and Recreation Department's Open Space Division about how best to manage and protect

natural, historic, or cultural resources on City-owned or City-managed Major Public Open Space (MPOS). Resource Management Plans can also guide the overall planning, visitor uses, budgeting, and decision-making for specific MPOS properties.”]

Section 43. City Code of Ordinances Section 14-13-2-3, Planned Growth Strategy, is amended as follows: “(B)(4) ~~Planned Communities in the [Comprehensive Plan Rural and Reserve Areas] [City of Albuquerque.]~~ ; (B)(5) The current annexation ~~[policy and related provisions in the Development Process Manual] [review and decision criteria in the Integrated Development Ordinance (Section 14-16-6-7(G))],~~ in part, indicate conditions under which an annexation request may be denied by the City[.] (B)(6) ~~[The Water Resources Division of the Public Works Department shall evaluate increasing the water conservation goal of the City to approximately 150 gallons per person per day by the year 2005, and develop a preliminary plan with significant public input. This Plan and recommendation shall be submitted to the Council.] [The City shall request that the Albuquerque/Bernalillo County Water Utility Authority (ABCWUA) continue to establish and update new conservation goals below 135 gallons per person per day beyond 2024. The City shall continue to be involved in the ABCWUA’s implementation of the Water Resources Management Strategy including the updating of building codes, zoning regulations, and technical standards for rainwater harvesting.”]~~

Section 44. City Code of Ordinances Section 14-13-2-4(B), Redevelopment Plans, is amended as follows: ~~[“Plans that cover areas characteristic of sector development plans or neighborhood development plans are rank three plans.”]~~ [“Metropolitan Redevelopment Plans are Rank 3 plans that provide guidance to the Metropolitan Redevelopment Agency on redevelopment efforts, catalytic projects, and public/private partnerships, subject to amendment per the Metropolitan Redevelopment Agency Ordinance (§14-8-4-3(B)), for an area with common characteristics, typically one square mile or more but occasionally considerably smaller.”]

Section 45. City Code of Ordinances Section 14-13-2-5, Procedure for Plan Adoption or Amendment; Fee, is deleted in whole.

Section 46. City Code of Ordinances Section 14-13-2-6, Annually Revised Planning Program, is deleted in whole.

Section 47. The City Council hereby amends Part 14-13-3, et seq., Environmental Planning Commission, is deleted in whole. Sections 14-13-3-5 Beautification Committee, 14-13-3-6 City of Albuquerque’s Greater Albuquerque Bicycling Advisory Committee, 14-13-3-7 Open Space Advisory Board, and 14-13-3-8 City of Albuquerque’s Greater Albuquerque Recreational Trails Committee are moved to become new Part 2-6-14, Part 2-6-15, Part 2-6-16, and Part 2-6-17, respectively.

Section 48. City Code of Ordinances Part 14-17-5, Establishment of a Family Housing Development, is amended as follows: “(C) Financial Guarantee. In exchange for the density bonus, as specified ~~in [in subparagraph E(1) of this section]~~ [the Integrated Development Ordinance Section 14-16-5-1], the developer and/or builder shall provide a financial guarantee in favor of the city that is equal to the appraised value of the increased density. The financial guarantee shall become due and payable to the city, if the developer and/or builder fails to sell a family affordable ownership unit to a qualified home buyer. The value of the increased density shall be determined by a qualified appraiser who shall perform an appraisal of the property. The city shall release the financial guarantee as the developer and/or builder provides documentation to the city that the family affordable ownership units have been sold to qualified home buyers.” [...] “(D)(1) That the proportionate amount [of the value of the density bonus and the fee

rebate, provided for [in the Integrated Development Ordinance Section 14-16-5-1 and] subparagraph[s ~~E(1) and~~] E(2) of this section, for the family housing development that is attributable to each family affordable ownership unit shall be passed on by the developer and/or builder to each qualified home buyer in the form of a deferred loan of a portion of the purchase price of the family affordable ownership unit;" [...] "(E)(1) Density Bonus. Any [family housing development] [Family Housing Development (FHD)] located in the R-1, RA[-1, RA-2,] [or] R-T [or RLT] zones is eligible for a density bonus. In these zones, the FHD may be developed at a density that is at most 20% higher than normally allowed under the [~~Comprehensive City Zoning Code~~] [Integrated Development Ordinance]. All of the controlling setback and open space requirements must be met for the zone in which the FHD is located. (See the [ ~~City of Albuquerque Zoning Code Section 14-16-2-4, Section 14-16-2-5, Section 14-16-2-6, Section 14-16-2-8 and Section 14-16-2-9~~]; [ Integrated Development Ordinance, Section 14-16-2-3(A), Section 14-16-2-3(B), Section 14-16-2-3(D), and Section 14-16-5-1(C).)"]

Section 49. City Code of Ordinances Part 14-19-15(A)(6), Exemptions, is amended as follows: "Full or partial waivers of impact fees shall be provided for projects within metropolitan redevelopment areas that meet the criteria set forth in the Development Process Manual. Notwithstanding the provisions of the Development Process Manual, such waivers shall be provided for both non-residential and residential development within the metropolitan redevelopment area that conforms to the metropolitan redevelopment area [~~and any sector development or area~~] plan [~~and any others applicable~~] within the metropolitan redevelopment area."

Section 50. 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.

Section 51. COMPILATION. Sections 1 through 48 of this ordinance shall amend, be incorporated in and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

Section 52. EFFECTIVE DATE AND PUBLICATION; INTERIM AMENDMENTS. This legislation shall take effect six months after publication by title and general summary. Any amendments to the IDO proposed prior to the effective date shall be introduced through the normal City Council process for direct review by Council or Committee of the Council without any requirement for initial referral to the Environmental Planning Commission or any other review board or body. Section 52. EFFECTIVE DATE AND PUBLICATION. This legislation shall take effect six months after publication by title and general summary.

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