



Legislation Text

File #: O-19-52, Version: 2

**CITY of ALBUQUERQUE
TWENTY THIRD COUNCIL**

COUNCIL BILL NO. O-19-52 ENACTMENT NO. _____

SPONSORED BY: Isaac Benton

ORDINANCE

Amending The Integrated Development Ordinance (IDO) Section §14-16-3-5(J)(3) Old Town HPO 5, And Other Development Standards To Allow Increased Types And Amount Of Signage In Old Town And To Incorporate Outdoor Display And Demonstration Into Old Town HPO 5; And Amending The IDO Section §14-16-4-3(D)(8)(e)3. To Make Tap Room Or Tasting Room A Conditional Use In The Old Town HPO-5; And Amending Section §13-3-2-1 Old Town Solicitations Ordinance To Replace All References To The H1 Historic Old Town Zone With Old Town HPO 5 (Benton)

AMENDING THE INTEGRATED DEVELOPMENT ORDINANCE (IDO) SECTION §14-16-3-5(J) (3) OLD TOWN HPO 5, AND OTHER DEVELOPMENT STANDARDS TO ALLOW INCREASED TYPES AND AMOUNT OF SIGNAGE IN OLD TOWN AND TO INCORPORATE OUTDOOR DISPLAY AND DEMONSTRATION INTO OLD TOWN HPO 5; AND AMENDING THE IDO SECTION §14-16-4-3(D)(8)(e)3. TO MAKE TAP ROOM OR TASTING ROOM A CONDITIONAL USE IN THE OLD TOWN HPO-5; AND AMENDING SECTION §13-3-2-1 OLD TOWN SOLICITATIONS ORDINANCE TO REPLACE ALL REFERENCES TO THE H1 HISTORIC OLD TOWN ZONE WITH OLD TOWN HPO 5.

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

SECTION 1. FINDINGS

(A) In 2010, the City Council amended (F/S O-10-34) the H-1 Historic Old Town to allow

limited outdoor demonstrations and displays in Old Town, and sought to strike a balance between the need to increase visibility of retail shops in Old Town and the interest in maintaining the historic nature and integrity of Old Town.

(B) In 2018, an online Task Force was convened of Old Town property owners, residents, and business owners to review the sign regulations that apply to Old Town.

(C) The Task Force recommended that:

a. More types of signage be allowed in Old Town HPO 5, particularly Portable signs, commonly known as sandwich boards;

b. More signage be allowed in terms of size and number;

c. Outdoor Display language in the IDO be clarified to allow for the display of retail goods; and

d. Outdoor Demonstration provisions be carried over from the H-1 zone to the IDO Old Town HPO 5.

(D) In addition to the concerns of the Task Force, the members of the public requested that consideration be given to making a Tap Room or Tasting Room, as defined by the IDO, a Conditional Use in Old Town when not associated with a restaurant. This use supports local breweries, wine growers, and craft distillers which are a growing part of the Albuquerque's tourism industry and is supportive of small, local businesses.

(E) The following amendments seek to continue to balance the need to increase visibility of retail shops in Old Town and the interest in maintaining the historic nature and integrity of Old Town, while also ensuring that the language is clear and enforceable.

(F) The request furthers the following applicable Goal and Policy in the Albuquerque/ Bernalillo County Comprehensive Plan (ABC Comp Plan), Chapter 4: Community Identity:

Goal 4.1 Character: Enhance, protect, and preserve distinct communities.

Policy 4.1.3 Placemaking: Protect and enhance special places in the built environment that contribute to distinct identity and sense of place.

These revisions are intended to enhance, protect, and preserve the distinctive Old Town community. The proposed revisions are in keeping with protecting the special qualities of Old Town.

(G) The request furthers the following applicable Goal and Policy in the ABC Comp Plan, Chapter 5: Land Use:

Goal 5.1 Centers & Corridors: Grow as a community of strong Centers connected by a multi-modal network of Corridors.

Policy 5.1.6 Activity Centers: Foster mixed-use centers of activity with a range of services and amenities that support healthy lifestyles and meet the needs of nearby residents and businesses.

- a) Incorporate a compatible mix of commercial and residential uses with a range of higher-density housing types.**
- b) Provide neighborhood-oriented commercial, retail, institutional, and public services.**
- c) Encourage gathering spaces for festivals, markets, and street fairs.**
- d) Ensure that Activity Centers are pedestrian-friendly and provide convenient pedestrian connections to nearby residential areas.**
- e) Provide good connectivity via bicycle between Activity Centers and nearby residential areas and multi-use trails.**

Old Town has long been an Activity Center of Albuquerque. It is unique because it is an Area of Consistency whereas most Activity centers are Areas of Change. The proposed revisions are ultimately intended to encourage the stability of this special Activity Center by supporting the needs of businesses, while recognizing the special character of Old Town. The changes to the sign regulations allow for slightly larger signage, and for the use of portable signs, while limiting placement and design of the sign. Making a Tap Room or Tasting Room, as defined by the IDO, a Conditional use helps to support growing local businesses and an important aspect of Albuquerque's tourism industry.

Policy 5.6.3 Areas of Consistency: Protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space. Ensure that development reinforces the scale, intensity, and setbacks of the immediately surrounding context.

Old Town is an Area of Consistency. Its nature as an Activity Center, its predominantly commercial character, and the historic nature of Old Town requires consideration of the balance between the necessary signage for commercial establishments and the clutter of excessive signage and display.

Policy 5.7.2 Regulatory Alignment: Update regulatory frameworks to support desired growth, high quality development, economic development, housing, a variety of transportation modes, and quality of life priorities.

The proposed text amendment is fundamental to using regulatory framework to support desired growth and economic development. The expanded signage allowances and clarifications of the regulations as they relate to signs will allow for more consistency in enforcement and predictability for businesses, while improving visibility for the businesses.

(H) The request generally furthers the following applicable Goals and Policy in the ABC Comp Plan, Chapter 8: Economic Development:

Goal 8.1 Placemaking: Create places where business and talent will stay and thrive.

Goal 8.2 Entrepreneurship: Foster a culture of creativity and entrepreneurship and encourage private businesses to grow.

Increased signage will encourage businesses to continue in Old Town. Making Tap Room or Tasting Room, as defined by the IDO, a Conditional Use will support an important part of Albuquerque's tourism industry. These revisions will foster growth and entrepreneurship, while protecting the special character of Old Town.

Policy 8.2.1 Local Business: Emphasize local business development.

These revisions are specifically directed towards the unique nature of the businesses in the Old Town HPO, all of which are local businesses.

(I) The request generally furthers the following applicable Goal and Policies in the ABC Comp Plan, Chapter 11: Heritage Conservation

Goal 11.1 Traditional, Rural & Agricultural Heritage: Preserve and enhance farmland, the acequia system, and traditional communities.

Policy 11.2.3 Distinct Built Environments: Preserve and enhance the social, cultural, and historical features that contribute to the identities of distinct communities, neighborhoods, and districts.

a) Consider local history and the visual environment, particularly features unique to Albuquerque, as significant determinants in development and redevelopment decisions in light of their relationship to and effect upon the following:

- i. Architectural styles and traditions;
- ii. Current and historic significance to Albuquerque;
- iii. Historic plazas and Centers;
- iv. Culture, traditions, celebrations, and events

b) Encourage development that strengthens the identity and cohesiveness of the surrounding community and enhances distinct historic and cultural features.

c) Design streets and streetscapes that match the distinctive character of historic areas.

The clarifications in terminology included in these revisions will enhance the distinct built environment of Old Town. The increased size of signage and the addition of portable signs are significant for business owners but will not have an adverse effect on the historic nature of the built environment.

Goal 11.5 Cultural Traditions & the Arts: Emphasize and support cultural traditions and arts as vital components of the community's identities and well-being.

Reinstating the references for outdoor demonstrations encourages cultural traditions and arts.

Policy 11.5.1 Arts Promotion: Coordinate and promote the arts and the cultural sector as key assets in a vital economy; major contributors to quality of life and healthy communities; and the heart of high-quality, special places that contribute to the identity of distinct communities.

The revisions to the signage regulations, and the addition of Tap Room or Tasting Room as a conditional use seek to ensure the economic viability of Old Town. Old Town has an important role in reflecting the history, culture, and arts in Albuquerque.

(J) The request was heard by the Landmarks Commission on April 8th and May 8th 2019, and by the Environmental Planning Commission on May 9th, 2019. Both commissions voted to recommend approval of the proposed changes to Old Town sign regulations, and included recommended conditions for the City Council to consider.

SECTION 2. Section §13-3-2-1 Old Town Solicitations Ordinance, find and replace all references to the "H1 Historic Old Town Zone" with "Old Town HPO 5".

SECTION 3. IDO Section §14-16-7-1. Definitions. Add a definition for "Streamers" in the Sign category as follows: "A strand of pennants, triangular flags, or fringe made of any material other than paper."

SECTION 4. IDO Section §14-16-4-3(D)(34)(a)(2) Outdoor retail sales and display in Old Town, delete this section.

SECTION 5. IDO Section §14-16-5-12(F)(4)(b)(2) Portable Signs. Delete Old Town - HPO 5

from the list of areas where Portable Signs are prohibited.

SECTION 6. IDO Section §14-16-3-5(J)(3)(c) Old Town - HPO 5, Other Development Standards, Signs, replace with the text in the attached Exhibit 1.

SECTION 7. IDO Section §14-16-3-5(J)(3), add a new sub section (d) Outdoor Display, per Exhibit 1.

SECTION 8. IDO Section §14-16-3-5(J)(3), add a new sub section (e) Outdoor Demonstration, per Exhibit 1.

SECTION 9. IDO Section §14-16-4-3(D)(8)(e)3. Strike the existing text and replace with the following: Where allowed, Tap room or tasting room is a conditional use, unless accessory to a restaurant.

SECTION 10. SEVERABILITY CLAUSE. If any section, paragraph, sentence, clause, work 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 and each section, paragraph, sentence, clause, word, or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

SECTION 11. COMPILATION. Section 2 of this ordinance shall be incorporated in and made part of the Revised Ordinance of Albuquerque, New Mexico, 1994. Sections 3 through 8 of this ordinance shall be incorporated in and made part of the Revised Ordinance of Albuquerque, New Mexico, 1994 and shall occur in conjunction with the Effective Date for Sections 3 through 8.

SECTION 12. EFFECTIVE DATE AND PUBLICATION OF SECTION 2. Section 2 of this ordinance shall take effect five days after publication by title and general summary.

SECTION 13. EFFECTIVE DATE AND PUBLICATION OF SECTIONS 3 THROUGH 8. Sections 3 through 8 of this ordinance shall take effect after publication by title and general summary upon the sooner of the effective date of the 2019 IDO Annual Update or January 31st, 2020.