



Legislation Text

File #: O-22-10, Version: 2

CITY of ALBUQUERQUE
TWENTY FIFTH COUNCIL

COUNCIL BILL NO. O-22-10 ENACTMENT NO. _____

SPONSORED BY: Isaac Benton and Trudy Jones, by request

ORDINANCE

Adopting Citywide Text Amendments To The Integrated Development Ordinance §14-16 For The 2021 IDO Annual Update; And Adopting Text Amendments For A Small Mapped Area, The Old Town Historic Protection Overlay Zone (HPO-5) (Benton and Jones, by request)

ADOPTING CITYWIDE TEXT AMENDMENTS TO THE INTEGRATED DEVELOPMENT ORDINANCE §14-16 FOR THE 2021 IDO ANNUAL UPDATE; AND ADOPTING TEXT AMENDMENTS FOR A SMALL MAPPED AREA, THE OLD TOWN HISTORIC PROTECTION OVERLAY ZONE (HPO-5).

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 Council adopted an updated Albuquerque-Bernalillo County

Comprehensive Plan (“ABC Comp Plan”) in 2017 via R-16-108 (Enactment No. R-2017-026), including an updated community vision that is 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 City Council adopted the Integrated Development Ordinance (IDO) to implement Comp Plan Goals and policies; and

WHEREAS, the IDO implements the ABC Comp Plan by establishing building design standards specific to Urban Centers (UC), Main Streets (MS), and Premium Transit (PT) areas; and

WHEREAS, the IDO establishes zone districts, overlay zones, allowable uses, use-specific standards, and general regulations in Parts 1 through 5 that set the bar for high-quality development that is compatible with surrounding land uses and provides appropriate transitions and buffers to lower-intensity uses nearby; procedures for review and decision of applications related to land use and development in Part 6; and definitions and acronyms in Part 7; and

WHEREAS, the IDO requires the City to submit proposed changes on an annual basis to further the implementation of the Comp Plan (§14-16-6-3); and

WHEREAS, Planning staff compiled proposed amendments that would improve the clarity and implementation of the IDO based on challenges in applying regulations and neighborhood protections in real-world contexts with real-world projects; and

WHEREAS, other proposed amendments to IDO text would establish a new regulatory intent responding to changes in demands for housing and business needs as well as other current trends; and

WHEREAS, the City understands that predictability of zoning and compatibility of land use and

zoning are essential in order to maintain and strengthen economic value and viability for property owners and businesses, and to ensure appropriate and adequate protections for neighboring properties; and

WHEREAS, the IDO establishes procedures for adopting and amending small area regulations in areas where different regulations are needed to support and achieve a character of development that differs from results intended from general regulations that apply citywide; and

WHEREAS, the Planning Department submitted two applications for Amendment to IDO Text - one for citywide amendments and one for small area amendments - that met all application requirements; and

WHEREAS, the IDO requires Amendments to IDO Text to be reviewed by the Environmental Planning Commission (EPC) and decided by City Council as the City's zoning authority §14-16-6-7(D)(2)(c) and (E)(2)(c); and

WHEREAS, the City provided all required notice for an Amendment to IDO Text - Citywide, including publishing a legal ad in the Albuquerque Journal, emailing two representatives of each neighborhood organization registered with the Office of Neighborhood Coordination (ONC), and posting notice on the Planning Department website and on the project website; and

WHEREAS, the City provided additional notice with announcements on the Planning Department webpage, and email notice sent to approximately 10,000 subscribers to the ABC-Z project update email list on October 29, 2021; and

WHEREAS, the Amendment to IDO Text - Citywide is to be reviewed and decided as a legislative action; and

WHEREAS, though a neighborhood meeting is not required for an Amendment to IDO Text - Citywide, Planning staff held two public study sessions and three open houses on the proposed IDO Annual Update text amendments in 2021 to present and discuss the proposed changes, respond to questions, and gather feedback; and

WHEREAS, the EPC found that the proposed amendments would further a preponderance of adopted City goals and policies, particularly those that pertain to land use and implementation processes; and

WHEREAS, the City provided all required notice for an Amendment to IDO Text - Small Area, including publishing a legal ad in the Albuquerque Journal, emailing two representatives of each affected neighborhood organization registered with the Office of Neighborhood Coordination (ONC), posting notice on the Planning Department website and on the project website, and

mailing individual property owners within the small mapped area; and

WHEREAS, the Amendment to IDO Text - Small Area is to be reviewed and decided as a quasi-judicial action; and

WHEREAS, offer of a neighborhood meeting is required for an Amendment to IDO Text - Small Area, and Planning staff held a neighborhood meeting on October 6, 2021 on the proposed IDO text amendments to the Old Town Historic Protection Overlay Zone (HPO-5) to present proposed changes, respond to questions, and gather feedback; and

WHEREAS, the EPC voted to forward a recommendation of APPROVAL for both the Text Amendment - Citywide and Text Amendment - Small Area applications to the City Council with findings and recommended conditions that are in the official record; and

WHEREAS, Planning staff has incorporated the proposed amendments along with the EPC recommended conditions of approval for both applications into a single redline draft for review by City Council.

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

SECTION 1. The IDO text is amended as shown in Exhibit 1 (Redline Draft).

SECTION 2. 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 and each section, paragraph, sentence, clause, word, or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

SECTION 3. EFFECTIVE DATE AND PUBLICATION. This ordinance shall take effect one month after publication by title and general summary

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