



Legislation Text

File #: O-24-13, Version: 1

CITY of ALBUQUERQUE
TWENTY SIXTH COUNCIL

COUNCIL BILL NO. O-24-13 ENACTMENT NO. _____

SPONSORED BY: Brook Bassan, by request

ORDINANCE

Adopting Citywide Text Amendments To The Integrated Development Ordinance §14-16 For The 2023 IDO Annual Update (Bassan, by request)

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, as authorized by statute, NMSA 1978 Sections 3-19-5 and 3-21-1, 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 protect and preserve environmental features such as water, air, and other natural endowments, ensure the proper use and development of land, and promote and maintain an aesthetic and humane urban environment; 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); and

WHEREAS, the City Council adopted the Integrated Development Ordinance (IDO) to implement Comp Plan Goals and Policies; 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, IDO §14-16-6-3 requires the City to submit proposed changes on an annual basis to further the implementation of the Comp Plan; and

WHEREAS, Planning staff compiled and submitted a request for Amendment to IDO Text - Citywide with 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 IDO requires an Amendment to IDO Text - Citywide to be reviewed by the Environmental Planning Commission (EPC) and decided as a legislative action by City Council as the City's zoning authority in §14-16-6-7(D)(2)(c) and (d); and

WHEREAS, the EPC found that the proposed amendments are consistent with the spirit and intent of the ABC Comp Plan, including applicable goals and policies relating to community identity, land use, urban design, economic development, housing, and heritage conservation; 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 9,500 subscribers to the ABC-Z project update email list on October 27, 2023; November 3, 2023; November 29, 2023; and January 5, 2024; and

WHEREAS, though a neighborhood meeting is not required for an Amendment to IDO Text - Citywide, Planning staff held two pre-submittal public review meetings in October 2023 and one post-submittal public review meeting in November 2023 on the 2023 IDO Annual Update to present and discuss the proposed changes, respond to questions, and gather feedback; and

WHEREAS, the EPC held a study session for the 2023 IDO Annual Update on December 7,

2023, and considered this request at two public hearings on December 14, 2023 and January 11, 2024, prior to making a recommendation on the proposed text amendments; and

WHEREAS, the EPC, following study and consideration, found that the proposed amendments satisfy the review and decision criteria for an Amendment to IDO Text - Citywide in §14-16-6-7(D) (3) and forwarded to the City Council a recommendation of approval subject to findings and recommended conditions in the record; and

WHEREAS, Planning staff has incorporated the proposed amendments along with the EPC recommended conditions of approval into a 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 (EPC Redline Draft) as recommended by the EPC, except as modified by amendments adopted subsequently in Section 2 and/or Section 3 below.

SECTION 2. The IDO text is amended from Exhibit 1 (EPC Redline Draft) by Committee Amendments approved by the City Council's Land Use, Planning, and Zoning (LUPZ) Committee, as shown in Exhibit 2 (LUPZ Committee Amendments).

SECTION 3. The IDO text is amended from Exhibit 1 (EPC Redline Draft) and/or from Exhibit 2 (LUPZ Committee Amendments), as relevant, by Floor Amendments approved by the City Council, as shown in Exhibit 3 (Council Floor Amendments).

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

SECTION 5. COMPILATION. Sections 1, 2, and 3 of this ordinance shall be incorporated in and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

SECTION 6. EFFECTIVE DATE AND PUBLICATION. This ordinance shall take effect one month after publication by title and general summary.

