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1 development of areas within the planning and platting jurisdiction of the
2 City authorized by statute, Section 3-19-3, NMSA 1978, and by its home rule
3 powers; and

4 WHEREAS, the City's zoning powers are established by the City charter,
5 in which: Article I, Incorporation and Powers, allows the City to adopt new
6 regulatory structures and processes to implement the Albuquerque-
7 Bernalillo County Comprehensive Plan ("Comp Plan") and help guide future
8 legislation; Article IX, Environmental Protection, empowers the City to adopt
9 regulations and procedures to provide for orderly and coordinated
10 development patterns and encourage conservation and efficient use of
11 water and other natural resources; and Article XVII, Planning, establishes
12 the City Council as the City's ultimate planning and zoning authority; and

13 WHEREAS, the City adopted a Planning Ordinance (§14-13-2) that
14 established a ranked system of plans, with the jointly adopted Comp Plan as
15 the Rank 1 plan that provides a vision, goals, and policies for the
16 Albuquerque metropolitan area, including the entire area within the city's
17 municipal boundaries, Rank 2 plans that provide more detailed policies for a
18 particular type of facility or a sub-area of the city in order to implement the
19 Comp Plan, and Rank 3 plans that provide an even greater level of detail
20 about an even smaller sub-area; and

21 WHEREAS, the City amended the Comp Plan in 2001 via R-01-344
22 (Enactment No. 172-2001) to include a Centers and Corridors vision for
23 future growth and development as recommended by the City's Planned
24 Growth Strategy (§14-13-1) in order to maintain a sustainable urban
25 footprint and service boundary for infrastructure; and

26 WHEREAS, the City amended the Comp Plan in 2001 via R-01-343
27 (Enactment No. 171-2001) to identify Community Planning Areas and
28 provide goals and policies to protect and enhance distinct community
29 identity in each area; and

30 WHEREAS, the City's Comprehensive Zoning Code ("Zoning Code"),
31 which is the primary implementation tool for the Comp Plan, has been
32 amended piecemeal hundreds of times but has not been comprehensively
33 updated since 1975; and

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

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

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

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

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

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

23 WHEREAS, the City has adopted five Rank 2 Area Plans – the Sandia
24 Foothills Area Plan in 1983 (never amended), the Southwest Area Plan in
25 1988, (last amended in 2002), the East Mountain Area Plan in 1992 (never
26 amended), the North Valley Area Plan in 1993 (never amended), and the
27 West Side Strategic Plan in 1997 (last amended in 2014) – that provide
28 policy guidance about sub-areas to help implement the Comp Plan, yet
29 three have not been amended since 2001, when the Comp Plan was
30 amended to adopt a Centers and Corridors vision for future growth and
31 development; and

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

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

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

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

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

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

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

31 WHEREAS, the mix of policy and regulations in Rank 3 Plans has
32 sometimes created confusion as to whether language is narrative, policy,
33 and/or regulatory; and

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

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

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

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

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

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

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

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

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

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

3 WHEREAS, the project team staffed booths and passed out promotional
4 material at community events and farmers markets to reach more people
5 and a broader cross-section of the community and met with individuals and
6 small groups during weekly office hours; and

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

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

19 WHEREAS, the City Council adopted an updated Albuquerque-Bernalillo
20 County Comprehensive Plan (“ABC Comp Plan”) on March 20, 2017 via R-
21 16-108 (Enactment No. R-2017-026), including an updated community vision
22 that is still based on a Centers and Corridors approach to growth; and

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

31 WHEREAS, the 2017 ABC Comp Plan established a hierarchy of Centers
32 and Corridors from the most to the least walkable, mixed-use, and dense,

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1 with Downtown, Urban Centers, Premium Transit Corridors , and Main Street
2 Corridors all intended to be highly walkable, mixed-use, and dense; and

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

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

8 WHEREAS, the IDO's stated purpose is to implement the 2017 ABC
9 Comp Plan; ensure that all development in the City is consistent with the
10 spirit and intent of other plans and policies adopted by City Council; ensure
11 provision of adequate public facilities and services for new development;
12 protect quality and character of residential neighborhoods; promote
13 economic development and fiscal sustainability of the City; provide efficient
14 administration of City land use and development regulations; protect health,
15 safety, and general welfare of the public; provide for orderly and
16 coordinated development patterns; encourage conservation and efficient
17 use of water and other natural resources; implement a connected system of
18 parks, trails, and open spaces to promote improved outdoor activity and
19 public health; provide reasonable protection from possible nuisances and
20 hazards and to otherwise protect and improve public health; and encourage
21 efficient and connected transportation and circulation systems for motor
22 vehicles, bicycles, and pedestrians; and

23 WHEREAS, the 2017 ABC Comp Plan updated the Centers and Corridors
24 map with a new Downtown Center designation as the most urban, walkable,
25 dense, intense, and mixed-use Center in Albuquerque, with the same
26 boundary as the adopted Rank 3 Downtown 2025 Sector Development Plan;
27 and

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

32 WHEREAS, the 2017 ABC Comp Plan updated the Centers and Corridors
33 map with a new Center designation of Urban Centers – intended to be highly

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1 walkable, with mixed-use development and high-density, high-intensity uses
2 – for Volcano Heights and Uptown, with the same boundaries as identified
3 in the 2013 Comp Plan, which followed boundaries established by SU-2
4 zoning in the adopted Rank 3 Volcano Heights and Uptown Sector
5 Development Plans; and

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

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

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

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

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

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

31 WHEREAS, the IDO helps implement Activity Centers by requiring
32 enhanced building façade design and site design for drive-throughs that

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1 results in more pedestrian-oriented layouts within the boundary of these
2 Centers; and

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

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

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

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

26 WHEREAS, the IDO helps implement the Comp Plan by providing
27 Neighborhood Edge regulations (§14-16-4-8) that require a transition and
28 buffering between Areas of Change and Residential zones, as well as other
29 design requirements for development in Areas of Change to minimize
30 negative impacts on Areas of Consistency; and

31 WHEREAS, the IDO helps implement the Comp Plan by including
32 regulations (§14-16-4-2.3) to avoid sensitive lands such as flood plains,

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1 steep slopes, unstable soils, wetlands, escarpments, rock outcroppings,
2 large stands of mature trees, archaeological sites; and

3 WHEREAS, the IDO helps implement the Comp Plan by including specific
4 regulations (§14-16-2.4) to ensure that development near sensitive lands,
5 including archaeological sites (§14-16-2.4), arroyos (§14-16-2.5), and
6 acequias (§14-16-2.6), is context-sensitive; and

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

14 WHEREAS, the IDO helps implement the Comp Plan by including
15 specific use restrictions and design standards (§14-16-2.8) to ensure that
16 development adjacent to or within 330 feet (one-sixteenth of a mile, a
17 distance of one typical city block) of Major Public Open Space is context-
18 sensitive; and

19 WHEREAS, the 2017 ABC Comp Plan includes goals and policies to
20 protect historic assets and cultural resources, and the IDO implements
21 these goals and policies by incorporating Historic Protection Overlay zones
22 (§14-16-2-7.3) with design standards to ensure compatible new development
23 and redevelopment in historic districts and View Protection Overlay zones
24 (§14-16-2-7.4), and regulations for development next to sensitive lands (§14-
25 16-4-2); and

26 WHEREAS, the 2017 ABC Comp Plan includes goals and policies to
27 protect community health and maintain safe and healthy environments
28 where people can thrive; and

29 WHEREAS, the IDO helps to implement these goals and policies by
30 providing a set of zones (§14-16-2) that range from low intensity to high
31 intensity and designating the appropriate mix of land uses in each zone;
32 and

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1 WHEREAS, the IDO helps implement these goals and policies by
2 providing use-specific standards (§14-16-3.3) that require a distance
3 separation for certain nuisance uses – such as alcohol sales and heavy
4 manufacturing – from residential areas, schools, and churches to mitigate
5 the potential negative impact on quality of life; and

6 WHEREAS, the IDO helps implement these goals and policies by
7 providing use-specific standards (§14-16-3.3) that require distance
8 separations between uses that pose potential negative impacts on nearby
9 properties – such as pawn shops, bail bonds, small loan businesses, and
10 liquor retail – to prevent clustering of such uses; and

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

19 WHEREAS, the IDO implements the new proactive approach to long-
20 range planning by committing the City to a proactive, equitable system of
21 assessments (§14-16-5-3.3) done every five years with residents and
22 stakeholders in each of 12 Community Planning Areas established by the
23 ABC Comp Plan; and

24 WHEREAS, the IDO furthers the purpose and intent of the Planning
25 Ordinance (§14-13-2) and the Planned Growth Strategy (§14-13-2-3) by
26 establishing a regulatory framework that ensures that development is
27 consistent with the intent of other plans, policies, and ordinances adopted
28 by the City Council; that updated development standards help ensure
29 provision of adequate light, air, solar access, open spaces, and water; that
30 clarified and streamlined development processes will help ensure the
31 harmonious, orderly, and coordinated development of land in the City, and
32 help create efficiency in governmental operations; that land use is
33 coordinated with transportation corridors to help promote the convenient

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1 circulation of people, goods, and vehicles while minimizing traffic hazards;
2 that subdivision standards and review/approval processes serve as a
3 framework to help Staff and the public ensure the safety and suitability of
4 land for development; and

5 WHEREAS, the IDO (§14-16-5-3) describes a Planning System (§14-16-5-
6 3) that incorporates the ranked system of plans described in the Planning
7 Ordinance (§14-13-2): the Rank 1 plan with which the lower-ranking plans
8 must be consistent and that the lower-ranking plans are intended to help
9 implement, Rank 2 plans for facilities that exist throughout the City in
10 various areas and need to be coordinated and managed with a consistent
11 approach (i.e. Facility Plans), and Rank 3 plans for specific areas that
12 benefit from more detailed guidance related to the area’s unique needs and
13 opportunities (e.g. Metropolitan Redevelopment Plans, Master Plans, and
14 Resource Management Plans); and

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

18 WHEREAS, adopted Rank 2 Facility Plans will remain in effect, to be
19 amended pursuant to the IDO (§14-16-5-5.3.B) or as specified in the adopted
20 plan; and

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

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

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

31 WHEREAS, the IDO is intended to integrate and adopt regulations
32 pertaining to land use and development on private land within the City’s
33 municipal boundaries into one document in order to eliminate duplication,

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1 inconsistencies, and conflicts and to strengthen consistency, coordination,
2 efficiency, effectiveness, and enforcement of these regulations; and

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

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

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

15 WHEREAS, the IDO carries over as Character Protection Overlay zones
16 (§14-16-2-7.2) distinct sets of building and site design standards intended to
17 reinforce the existing character of sub-areas of the city from adopted Rank 3
18 Sector Development Plans, including Coors Corridor Plan (last amended in
19 2013), Downtown Neighborhood Area (adopted 2012), Huning Highland (last
20 amended in 2005), Los Duranes (adopted 2012), Nob Hill Highland (last
21 amended in 2014), Rio Grande Boulevard Corridor (adopted 1989),
22 Sawmill/Wells Park (last amended in 2002), Volcano Cliffs (last amended in
23 2014), Volcano Heights (last amended in 2014), and Volcano Trails (last
24 amended in 2014); and

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

32 WHEREAS, the IDO carries over as Historic Protection Overlay zones
33 (§14-16-2-7.3) historic design standards from the Historic Zone (H-1) and

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1 adopted historic overlay zones, including East Downtown (adopted 2005),
2 Eighth/Forrester (last amended in 1998), Fourth Ward (adopted 2002),
3 Huning Highland (adopted 2010), and Silver Hill (last amended in 2010); and

4 WHEREAS, the IDO carries over and updates view preservation
5 regulations from the Rank 3 Coors Corridor Plan (last amended in 2013) and
6 Rank 3 Northwest Mesa Escarpment Plan (last amended in 2016) as View
7 Protection Overlay zones (§14-16-2-7.4) to protect views from public rights-
8 of-way to cultural landscapes designated by the 2017 ABC Comp Plan; and

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

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

19 WHEREAS, the IDO includes and updates portions of the Development
20 Process Manual (DPM) that pertain to the engineering technical standards
21 for development on private land and these updates have been coordinated
22 with technical subcommittees that are updating relevant portions of the
23 DPM as part of a parallel effort in order to remove conflicts between zoning
24 regulations and technical standards related to street and parking design,
25 drainage, flood control, and sewer service; to ensure an orderly and
26 harmonious process and outcome for coordinating land use, transportation,
27 and infrastructure on private property and within the public right-of-way;
28 and to improve the viability of multiple transportation methods throughout
29 the city; and

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

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

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

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

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

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

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

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

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

29 WHEREAS, properties with SU-1 zoning in an adopted Rank 3 Sector
30 Development Plan that describes the zones by referring to the existing
31 Zoning Code (other than SU-1 for PRD or SU-1 for PDA, whose conversion
32 is described above) have been converted in the conversion zoning map to
33 the IDO zone with the closest matching set of permissive uses; and

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

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

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

18 WHEREAS, the zoning conversion rules for properties with C-3 zoning,
19 or SU-1 and SU-2 zones that reference C-3 zones as the highest uses
20 allowed permissively, were different inside and outside of Centers to help
21 implement the ABC Comp Plan and result in more mixed-use, walkable
22 development within Centers, so that C-3 properties outside of Centers were
23 converted to Non-Residential Commercial (NR-C), while properties east of
24 the river within Urban Centers or Activity Centers or within 660 feet of
25 Premium Transit station areas or 660 feet of the centerline of a Main Street
26 Corridors were converted to MX-H, west of the river only properties within
27 660 feet of Premium Transit station areas were converted to MX-H; and

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

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1 WHEREAS, the City has approved two Planned Communities – Mesa del
2 Sol and Westland – with Level A “Master Plans,” which will be called
3 Framework Plans in the IDO, and Level B “Master Plans,” which will be
4 called Site Plans or Master Development Plans, based on the zoning
5 designation; and

6 WHEREAS, properties within a Planned Community have been converted
7 to the IDO’s Planned Community (PC) zone, which will still be regulated
8 pursuant to the relevant approved “Master Plan” as an approved Site Plan –
9 EPC, with uses regulated pursuant to the matching IDO conversion zone for
10 any named zone out of the existing Zoning Code; and

11 WHEREAS, the IDO includes a Use Table (§14-16-3-2) that clearly
12 indicates land uses that are permitted, conditional, accessory, conditional
13 accessory, conditional vacant, or temporary in each zone district; and

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

20 WHEREAS, the IDO includes general development standards (§14-16-4)
21 related to site design and sensitive lands; access and connectivity; parking
22 and loading; landscaping, buffering, and screening; walls; outdoor lighting;
23 neighborhood edges; solar access; building design; signs; and operation
24 and maintenance; and

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

31 WHEREAS, the IDO establishes review and approval processes (§14-16-
32 5) appropriate for each type of land development application in order to

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1 clearly establish notice requirements, decision-making bodies, and criteria
2 for decision-making bodies; and

3 WHEREAS, the IDO establishes thresholds and criteria for administrative
4 review and decision by staff (§14-16-5-5.1) for minor projects based on
5 objective standards for high-quality, context-sensitive development
6 established by the IDO; and

7 WHEREAS, the IDO establishes thresholds, criteria, and the appropriate
8 decision-making body for major projects (§14-16-5-5.2) that require a public
9 meeting and/or hearing and whose approval should be based on
10 consideration of objective standards for high-quality, context-sensitive land
11 use and development established by the IDO; and

12 WHEREAS, the IDO requires review and decision by the Environmental
13 Planning Commission for a zone change (§14-16-5-5.3.E) and site plan
14 approval (§14-16-5-5.2.F) based on consideration of policy as well as
15 objective standards for high-quality, context-sensitive development
16 established by the IDO in Planned Development (PD), Non-residential
17 Sensitive Use (NR-SU) zone districts, and new Master Development Plans in
18 Non-residential Business Park (NR-BP) zone districts; and

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

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

29 WHEREAS, the IDO requires review and decision by the Environmental
30 Planning Commission (§14-16-5-5.3.E) based on consideration of policy as
31 well as objective standards for high-quality, context-sensitive development
32 established by the IDO for amendments to the zoning map up to 10 acres in

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1 Areas of Consistency and up to 20 acres in Areas of Change, above which
2 Council has authority; and

3 WHEREAS, the IDO requires review and recommendation by the
4 Environmental Planning Commission and review and final decision by the
5 City Council for amendment of a Rank 1 Plan (§14-16-5-5.3.A), adoption or
6 amendment of a Rank 2 Facility Plan (§14-16-5-5.3.B), text amendments to
7 the IDO (§14-16-5-5.3.C), or annexations (§14-16-5-5.3.G) based on
8 consideration of policy as well as objective standards for high-quality,
9 context-sensitive development established by the IDO for zone changes of
10 10 acres or more in Areas of Consistency and 20 acres or more in Areas of
11 Change; and

12 WHEREAS, the IDO establishes procedures and criteria for alterations
13 and demolition within and outside Historic Protection Overlay zones and for
14 amending existing and designating new Historic Protection Overlay zones
15 and landmarks (§14-16-5-3.D); and

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

19 WHEREAS, the IDO establishes criteria and thresholds appropriate for
20 staff review and decision of minor deviations from zoning dimensional
21 standards (§14-16-5-4.15); and

22 WHEREAS, the IDO establishes procedures and criteria for the Zoning
23 Hearing Examiner to decide on requests for conditional uses (§14-16-5-2.B)
24 or for variances from dimensional zoning standards (§14-16-5-2.K); and

25 WHEREAS, the IDO establishes procedures for the Development Review
26 Board (§14-16-5-2.L) to grant variances to sidewalks, public right-of-way
27 standards, and subdivision standards, based on criteria established in the
28 Development Process Manual; and

29 WHEREAS, the IDO establishes procedures and criteria for the
30 Environmental Planning Commission to grant exceptions to zoning
31 dimensional standards that provide civic benefits or that benefit the natural
32 environment (§14-16-5-2.F); and

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1 WHEREAS, the IDO establishes notice and meeting requirements (§14-
2 16-5-5) that provide public awareness of development projects and input
3 opportunities appropriate to the scale of the development project – minor
4 projects that are administratively decided requiring notice but no meetings
5 or hearings, major projects that require notice and either a meeting or
6 hearing, and projects requiring discretionary decision-making based on
7 consideration of policy in addition to IDO regulations that are heard and
8 decided at public hearings; and

9 WHEREAS, approved site plans and permits shall remain valid (as
10 described in §14-16-1-10) unless they expire (as described in §14-16-5-4.23)
11 or are amended (as described in §14-16-5-4.24); and

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

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

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

19 WHEREAS, all existing development that conforms to the Zoning Code
20 on the date the IDO becomes effective but that does not comply with the
21 IDO shall be considered nonconforming and allowed to continue, subject to
22 limits on expansion and thresholds after which the property must be
23 brought into compliance with the IDO as specified in §14-16-5-6; and

24 WHEREAS, the IDO establishes adequate provisions for the continuation
25 and expansion of nonconforming uses, structures, lots, signs, and site
26 features (§14-16-5-6), as well as appropriate thresholds or timeframes for
27 when nonconformities must come into compliance with the IDO; and

28 WHEREAS, the IDO establishes appropriate standards and procedures
29 for enforcing violations and assessing penalties (§14-16-5-7); and

30 WHEREAS, any violation of the City zoning, subdivision, or land
31 development regulations in effect prior to the effective date of this IDO will
32 continue to be a violation under this IDO and subject to enforcement
33 actions, unless the development or other activity that was a violation of the

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1 previous regulations is consistent with the requirements and regulations of
2 this IDO; and

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

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

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

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

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

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

31 WHEREAS, staff prepared summary handouts for each adopted Sector
32 Development Plan to explain how Sector Development Plan policies were
33 incorporated into the 2017 ABC Comp Plan, how regulations from Sector

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1 Development Plan regulations were incorporated into the Integrated
2 Development Ordinance as either a best practice approach to land-use
3 regulation and zoning that was extended citywide or as a regulation that
4 was mapped to apply to the same area as specified in the Sector
5 Development Plan, either as a zone district (§14-16-4.5.C), a Character
6 Protection Overlay zone (§14-16-2-7), a Historic Protection Overlay zone
7 (§14-16-2-7.3), a View Protection Overlay zone (§14-16-2-7.4), a use-specific
8 standard (§14-16-3.3), a development standard (§14-16-4), or an
9 administrative procedure (§14-16-5-5.2); and

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

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

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

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

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

26 Section 1. The City hereby repeals the existing Zoning Code (§14-16-1 et
27 seq.) and adopts the Integrated Development Ordinance, attached to O-17-
28 49 and made a part hereof, as the new §14-16-1 et seq.

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

31 Section 3. The City hereby repeals the existing Articles of the City Code
32 of Ordinances: Landmarks and Urban Conservation Ordinance (§14-12-1 et
33 seq.), the Subdivision Ordinance (§14-14-1 et seq.), and the Airport Zoning

1 Ordinance (§14-15-1 et seq.), which are incorporated and updated in the
2 Integrated Development Ordinance.

3 Section 4. The City hereby invalidates any other regulation related to
4 zoning and land use within existing Ordinances not otherwise listed above,
5 which have been replaced by the Integrated Development Ordinance,
6 intended to be the City’s sole document regulating zoning and land use
7 within the city’s municipal boundaries.

8 Section 5. The City hereby amends existing ordinances to ensure
9 consistency with Integrated Development Ordinance by replacing the words
10 “Zoning Code,” “Comprehensive City Zoning Code,” or “city’s
11 Comprehensive Zoning Code” with the words “Integrated Development
12 Ordinance” in the following Parts and Sections of the City Code of
13 Ordinances:

- 14 • Part 5-1-4, Other Provisions Effect.
- 15 • Part 6-9-1(A), General Policies.
- 16 • Part 7-5-2, Findings.
- 17 • Part 7-5-3, Display and Sale of Motor Vehicles.
- 18 • Section 8-2-2-15(D), Clear Sight Triangle.
- 19 • Section 9-2-1-4, Definitions, Commercial Property.
- 20 • Section 9-2-3-3(E), Permit Holders: General Duties and Requirements.
- 21 • Section 9-6-3-4(A), Operational Requirements.
- 22 • Section 9-9-2, Definitions, Residential, Office/Commercial,
23 Industrial/Manufacturing.
- 24 • Section 9-10-1-7(B)(3)(c), Storage of Solid Waste for Commercial and
25 Multi-Family Dwelling Collection.
- 26 • Section 9-10-1-9(E)(1), Dumping, Accumulating, and Scattering of
27 Refuse.
- 28 • Part 10-9-8, Delegation of Authority.
- 29 • Section 11-1-1-11(C)(2), Penalties for Public Nuisance Violations.
- 30 • Part 13-1-9(A), Zoning Notification.
- 31 • Part 13-2-6(C), Special Dispenser’s Permits.
- 32 • Section 13-5-1-13(D), Exercise of Rights under a Franchise – Minimum
33 Conditions on Use of Property; Construction.

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- 1 • Part 13-15-2(B), Purpose and Intent.
- 2 • Part 14-4-4(F), Size and Types of Numbers.
- 3 • Part 14-6-1, Prohibited in Residential Zones.
- 4 • Part 14-6-2(A)(5), Regulated in Nonresidential Zones.
- 5 • Section 14-8-2-3(B), Definitions.
- 6 • Section 14-11-7(C)(3), Permits for Solar Rights.
- 7 • Part 14-17-5(A), Establishment of a Family Housing Development.

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

21 Section 7. City Code of Ordinances Section 6-1-1-12(D), Variances and
22 Appeals, is amended as follows: “Variances to §§ 6-1-1-8 through 6-1-1-10
23 requirements. A variance to the regulations in §§ 6-1-1-8 through 6-1-1-10
24 may be issued by the Mayor, through the ~~Zoning Hearing Examiner~~
25 Development Review Board, provided that the general intent of this article
26 has been met and compliance with this article is proven to cause practical
27 difficulties and unnecessary hardship. The variance procedure for this
28 article will comply with the variance procedure in the ~~Zoning Code~~
29 Integrated Development Ordinance as currently adopted or subsequently
30 amended. (This procedure is described in ~~§14-16-4-2, 14-16-5-5.2.K)~~
31 Appeals of decisions of the ~~Zoning Hearing Examiner~~ Development Review
32 Board are to the ~~Environmental Planning Commission. Appeals of decisions~~
33 ~~of the Environmental Planning Commission are to the City Council. Appeal~~

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1 is made by filing written notice with the Planning Department within 15 days
2 after the request for variance has been denied. Appeal procedures will
3 comply with those in the Zoning Code, ~~§ 14-16-4-4.~~ Integrated Development
4 Ordinance. §14-16-5-4.21.

5 Section 8. City Code of Ordinances Section 6-1-1-99(C), Penalty, is
6 amended as follows: “Any responsible party who violates any provision of
7 §§ 6-1-1-8 through 6-1-1-10 shall be deemed guilty of a misdemeanor, and
8 upon conviction thereof, shall be punished by a fine not to exceed \$500
9 and/or imprisonment for a period not to exceed 90 days. Application of
10 fines for violations of the regulations in §§ 6-1-1-8 through 6-1-1-10 will
11 comply with the Zoning Code Integrated Development Ordinance as
12 currently adopted or subsequently amended. (See ~~§§ 14-16-4-1 through 14-~~
13 ~~16-4-12, and 14-16-4-99).~~ §14-16-5).

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

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1 date of the city's ~~present~~ Subdivision Ordinance, [set forth in ~~Chapter 14,~~
2 ~~Article 14~~] §14-16-4-4).

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

17 Section 11. City Code of Ordinances Section 6-5-5-12, Setback Use, is
18 amended as follows: “~~SETBACK LANDSCAPE/BUFFER AREA USE. The~~
19 ~~setback landscape/buffer area may be used for the following public~~
20 ~~purposes so long as such uses are not in conflict with the provisions of §§~~
21 ~~6-5-5-1 et seq. or any other applicable provision of this code or any other~~
22 ~~ordinance of the city.”~~

23 Section 12. City Code of Ordinances Section 6-5-5-14(B)(1)(d), Design
24 and Construction Standards and Procedures, is amended as follows: “2.
25 ~~Land zoned SU-3; or 3- 2.~~ 2. Land zoned for a greater residential density
26 greater than allowed in the R-T (Residential Townhouse homes) zone
27 district.”

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

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1 Section 14. City Code of Ordinances Section 6-5-5-15, Development
2 Review Board, is amended as follows: “The DRB as established by Chapter
3 ~~14, Article 14, Subdivision Regulations, §14-16-5-2.4 Development Review~~
4 Board, will have responsibilities which that may include, but not be limited
5 to, the following:”

6 Section 15. City Code of Ordinances Sections §6-5-5-16, Variances, and
7 §6-5-5-17, Appeals, are deleted and the subsequent sections are
8 renumbered to reflect the deletion.

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

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

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

29 Section 19. City Code of Ordinances Section §6-6-2-3, Definitions, is
30 amended as follows: “DEVELOPMENT REVIEW BOARD. An administrative
31 board, consisting of six members representing major city departments and
32 other agencies. Membership consists of the Planning Director as
33 Chairperson, Zoning Enforcement Officer, City Engineer (who may also

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1 function as the AMAFCA designee), Traffic Engineer, Parks and Recreation
2 Director, and Albuquerque-Bernalillo County Water Utility Authority Water
3 Resources Engineer, Environmental Health Director and Parks and
4 Recreation Director.” [...] “LANDSCAPE/BUFFER AREA. The part of the
5 public right-of-way that is not occupied or planned to be occupied by street,
6 curb, gutter, or sidewalk; that may be used for street furniture, street trees
7 and vegetation, and utilities; and that is typically located between the back
8 of curb and adjacent property line.” [...] “PARKWAY. Arable land located
9 behind the back of the street curb and in front of the sidewalk.”

10 Section 20. City Code of Ordinances Section §6-6-2-4(A), Required Street
11 Trees, is amended as follows: “(1) All applicants for building permits for
12 construction of a new building or building addition of ~~over~~ 200 square feet
13 or more shall submit a street tree plan for those parts of the lot abutting a
14 major street, a major local street, or another street where street trees are
15 required. (2) Any person who constructs a new building addition of ~~over~~ 200
16 square feet or more or who paves a parking lot or required off-street parking
17 area for apartments and/or non-residential development on a lot abutting a
18 major street, a major local street, or another street where street trees are
19 required shall plant street trees according to a street tree plan approved by
20 the Mayor. Such planting shall occur no later than ~~30~~ 60 calendar days after
21 the completion of construction and shall occur before final inspection as
22 required in the Building Code. (3) Street trees shown on an approved street
23 tree plan and required to meet the requirements of ~~§ 14-16-3-10(H)~~ §14-16-4-
24 6 shall be maintained alive and healthy. Maintenance and trimming of street
25 trees and replacement of dead trees are the responsibility of the owner of
26 the lot abutting or on which the tree is located. (4) The ~~Parks and Recreation~~
27 ~~Department~~ City shall maintain a list of trees, as part of the Official
28 Albuquerque Plant Palette and Sizing List, generally suitable for use as
29 street trees in Albuquerque. This ~~Street Tree List~~ list shall include a
30 description of the physical characteristics and cultural requirements of each
31 species. (5) City staff, in coordination with appropriate private sector input,
32 shall develop and make available information regarding the required soil
33 volume for trees of a given mature size, and the Planning Director shall

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1 make this information available in the Development Process Manual. This
2 soil volume consists of un-compacted and irrigated soil. The root space
3 may be long and linear, to match a parkway landscape/buffer area size,
4 and/or the space may be created through mechanical de-compaction, or the
5 use of either structural soils under pavements, or soil vault systems under
6 pavements.”

7 Section 21. City Code of Ordinances Section §6-6-2-5, Street Tree
8 Policies, is amended as follows: “(A)(1) Adequate room and spacing for
9 Street Trees ~~(subsection citation)~~ shall be accommodated/provided:
10 ~~minimum 80 sq. ft. planting area for each tree; and maximum of 25 feet~~
11 ~~spacing on-center. For planting areas with over 800 CF of un-compacted~~
12 ~~soil, tree spacing may be increased to up to 35 feet on-center. (2)The~~
13 ~~planting hole shall be twice as wide as the root ball of the tree being~~
14 ~~planted, but only as deep as the distance from the bottom of the root ball to~~
15 ~~the top of the highest first-order root in the root ball. pursuant to the details~~
16 ~~and specifications developed by the City in the Development Process~~
17 Manual, ~~Details and specifications for planting holes shall be developed by~~
18 ~~the City Forester. [...]~~ (B) Street trees shall be placed between the curb and
19 the public sidewalk and in the parkway landscape/buffer area, unless traffic
20 safety requires different locations of trees, as specified in division (2) of this
21 division (B). [...] (B)(1)(b) Where less than three feet of space exists, street
22 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
23 genus; (b) Plantings of ~~six to~~ more than ten trees must use at least two
24 different genera, with roughly equal numbers of each; (c) ~~Plantings of more~~
25 ~~than ten trees shall use no more than 30% of trees in any one genus. [...]~~
26 (C)(7) One of every three street trees planted may be an accent tree per the
27 Official Albuquerque Plant Palette and Sizing List, provided the guidelines
28 in ~~§ 14-16-3-10(G)(1)~~ §14-16-4-6.4 are met.
29

30 Section 21. City Code of Ordinances Section §6-6-2-7, More Detailed
31 Regulations, is amended as follows: “Regulations detailing the provisions
32 of §§ 6-6-2-1 et seq. should be enacted in coordination with and through the
33 ~~Parks and Recreation Department~~ Departments with installation and

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1 maintenance responsibilities, and be amended by the Environmental
2 Planning Commission for regulations in the Integrated Development
3 Ordinance and by the DPM Executive Committee for technical standards in
4 the Development Process Manual at an advertised public hearing.”

5 Section 22. City Code of Ordinances Section §6-6-2-9, Appeals, is
6 amended as follows: “Appeals from the decision of the Mayor on requests
7 for waivers or variances may be taken to the Environmental Planning
8 Commission City Council, through the Land Use Hearing Officer, by filing
9 written notice with the Planning Division within 15 days after the request for
10 variance has been ~~denied~~ decided.”

11 Section 23. City Code of Ordinances Part 6-7-2(B), Definitions, is
12 amended as follows: “Words not defined herein, but which are defined in §
13 ~~14-16-1-5~~ §14-16-6-1 of the ~~Zoning Code~~ Integrated Development Ordinance,
14 are to be construed as defined therein.”

15 Section 24. City Code of Ordinances Section 8-5-1-42(H), Mobile Food
16 Units on Public Streets, is amended as follows: “This section establishes
17 traffic code regulations pertaining to Mobile Food Units. Other aspects of
18 Mobile Food Units are regulated in other parts of the Municipal Code. Please
19 refer to ~~Zoning Code §14-16-3-25~~ Integrated Development Ordinance §14-16
20 and Health, Safety & Sanitation Code §9-6-5.”

21 Section 25. City Code of Ordinances Part 9-2-1-4, Definitions, is amended
22 as follows: “RESIDENTIAL ZONE. “Zone District, Residential” as defined in
23 the city's ~~Comprehensive Zoning Code~~ Integrated Development Ordinance.”

24 Section 26. City Code of Ordinances Part 9-9-2, Definitions, is amended
25 as follows: “DOWNTOWN ARTS AND ENTERTAINMENT FOCUS AREA. The
26 area designated as the Downtown Arts and Entertainment Focus Area in the
27 ~~Downtown 2025 Sector Development Plan~~ Integrated Development
28 Ordinance.”

29 Section 27. City Code of Ordinances Section 9-10-1-7(B)(3)(e), Storage of
30 Solid Waste for Commercial and Multi-Family Dwelling Collection, is
31 amended as follows: “Commercial collection sites shall be paved with a
32 concrete apron meeting City of Albuquerque Solid Waste specifications for
33 the designated container. However, commercial collection sites approved

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1 prior to October 1, 1985, which sites were paved in a way which that met the
2 off-street parking requirements of the Zoning Code (§ 14-16-3-1(E)(1) in
3 effect at the time of the issuance of building permit are exempt from the
4 concrete-paving requirement if the owner of the property agrees in writing
5 to maintain the paving and hold the city harmless for any damage to the
6 pavement resulting from solid waste collection.”

7 Section 28. City Code of Ordinances Part 11-2-3, Definitions, is amended
8 as follows: “ADULT AMUSEMENT ENTERTAINMENT ESTABLISHMENT. The
9 entity by this name An establishment that meets the definition defined
10 provided by § 14-16-1-5 §14-16-6-1 of the Zoning Code Integrated
11 Development Ordinance.”

12 Section 29. City Code of Ordinances Part 12-2-28, Safety in Public
13 Places, is amended as follows: “ARTS AND ENTERTAINMENT DISTRICT.
14 ~~The Arts and Entertainment District is the district within the Downtown Core~~
15 ~~as designated in the Downtown 2010 Plan as adopted in Resolution R-21,~~
16 ~~Enactment Number 50-2000.~~ The Arts and Entertainment District as shown
17 in the District's map in the Downtown 2010 Plan, is roughly bordered by
18 Copper Avenue on the north, 8th Street on the west, the alley between Gold
19 and Silver Avenues to the south, and First Street to the East.” [...] “NOB
20 HILL DISTRICT. ~~The Nob Hill District is a portion of the district approved in~~
21 ~~the Nob Hill Sector Development Plan as adopted in Resolution R-362,~~
22 ~~Enactment Number 12-1988 and R-51, Enactment Number 79-1992.~~ For
23 purposes of this section, the Nob Hill District is the area within the following
24 streets: beginning at the intersection of Girard and Silver, then to Monte
25 Vista to Campus to Copper to Washington to Silver to Carlisle to Silver to
26 Girard.”

27 Section 30. City Code of Ordinances Section 14-5-2-10(B), Multiple Use of
28 Rights-of-way and Easements, is amended as follows: “Certain drainage
29 rights-of-way in ~~Sector Development Plans~~ may be credited Zoning Code
30 toward requirements for detached open space in the Integrated
31 Development Ordinance, except for any area which is exclusively used for
32 the drainage control, flood control, stormwater control, or erosion control
33 function.”

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1 Section 31. City Code of Ordinances Section 14-8-2-3(A), Definitions, is
2 amended as follows: “~~NON-RECOGNIZED~~ REGISTERED NEIGHBORHOOD
3 OR HOMEOWNER ASSOCIATION. A neighborhood association other than
4 the Recognized neighborhood association for an area, ~~or homeowners~~
5 ~~association,~~ or other association that has notified the City Office of
6 Neighborhood Coordination of two persons' addresses where it wishes
7 notice to be sent pursuant to § 14-8-2-1 et seq.; ~~and that such designation~~
8 ~~shall be changed by the neighborhood association when appropriate.~~

9 Section 32. City Code of Ordinances Section 14-8-2-4(D), Criteria for
10 Recognition of Neighborhood Associations, is amended as follows: “The
11 appropriate district City Councillor Councilor and the City Office of
12 Neighborhood Coordination shall be furnished with names, addresses,
13 email addresses, and available phone numbers of current neighborhood
14 association officers and/or board members.”

15 Section 33. City Code of Ordinances Section 14-8-2-5, Responsibilities of
16 Recognized and Non-Recognized Neighborhood or Homeowner
17 Associations, is amended as follows: The word “non-recognized” is
18 replaced with “registered” throughout this section, including the title; the
19 word “Councillor” is replaced with “Councilor.”

20 Section 34. City Code of Ordinances Section 14-8-2-6, Responsibilities of
21 the City, is amended as follows: “(A) The Mayor shall make reasonable
22 attempts to provide electronic or give mailed notice of City-initiated
23 amendments of Rank 1, Rank 2, or Rank 3 plans or new Rank 2 or Rank 3
24 plans to recognized and ~~non-recognized~~ registered neighborhood or
25 homeowner associations of located partially or completely within or
26 adjacent to the relevant plan ~~rank one, two, and three plan area,~~
27 ~~applications, which plans would cover areas within or contiguous to the~~
28 ~~recognized and non-recognized neighborhood or homeowner association’s~~
29 ~~boundaries~~ Notice is required at the initiation of the planning effort and at
30 the application for approval; proof of both notification notices shall be
31 required when the application is filed. ~~Recognized and non-recognized~~
32 ~~neighborhood or homeowner associations shall be notified of new plans~~
33 ~~and plan amendments upon initiation of such a project by city departments~~

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1 ~~and within five days of application filing by others.~~ The Mayor shall make
2 reasonable attempts to ~~mail~~ provide notice to such associations ~~notice~~
3 concerning all subsequent public hearings of city boards, commissions,
4 and task forces concerning such plan proposals, except hearings which
5 have been deferred or continued to a specific time announced at the prior
6 hearing. (B) The Mayor shall make reasonable attempts to give directly
7 affected recognized and ~~non-recognized~~ registered neighborhood or
8 homeowner associations prior mailed ~~notification~~ or electronic notice of
9 pending major city development and redevelopment projects and changes
10 in services by the city ~~which~~ that will have a direct, significant impact on
11 ~~that neighborhood;~~ neighborhoods adjacent to, for example, permanent and
12 ~~temporary street construction and major repair, total closing of streets,~~
13 projects that would changes ~~the~~ in size or type of city parks, building of new
14 city facilities, relocation or reconstruction of privately owned utilities ~~which~~
15 that require a permit, or rerouting of bus service ~~are examples.~~ With regard
16 ~~to permanent and temporary street construction and major repair, the.~~ The
17 Mayor shall ~~give mailed~~ provide prior electronic or mailed ~~notification~~ notice
18 to the recognized and ~~non-recognized~~ registered neighborhood or
19 homeowner associations within one mile of the street construction, closure,
20 and/or major repair. (C) The Mayor shall require ~~written affirmation~~
21 documentation of prior notice to recognized and ~~non-recognized~~ registered
22 neighborhood or homeowner associations for development projects located
23 within or adjacent to the association boundary at the time of filing
24 applications, as specified in ~~§ 14-8-2-7~~ §14-16-5.1, Table 5-1-1. ~~Not less than~~
25 ~~15 days prior to the first public hearing on applications specified in § 14-8-2-~~
26 ~~7, the Mayor shall mail notices of the hearing to such recognized and non-~~
27 ~~recognized neighborhood or homeowner associations.~~ The Mayor shall
28 send electronic or mailed notices of the hearing to recognized and
29 registered associations for applications specified in §14-16-5-1, Table 5-1-1,
30 as specified in the relevant sub-section. (D) For the purpose of divisions (A),
31 (B), and (C) of this section, ~~first class letters~~ email or mailed notice to two
32 contact addresses ~~submitted by a neighborhood association~~ of recognized
33 or registered association representatives on file with the Office of

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1 Neighborhood Coordination shall constitute reasonable attempt to notify.
2 (E) The city shall ~~mail~~ send an initial response electronically or by mail
3 within seven days of receipt of any correspondence received from any
4 recognized and ~~non-recognized neighborhood or homeowner~~ registered
5 association that requests an answer, definition, or status of any city project
6 within their boundaries.” [...] “(F)(8) Along with the district ~~Councillor~~
7 Councilor, serve when appropriate as a liaison between a recognized
8 neighborhood association and city agencies;” [...] “(F)(12) Upon request,
9 assist the district ~~Councillor~~ Councilor and/or neighborhood associations in
10 the formation of alliances of neighborhood associations; and” [...] “(I) ~~The~~
11 ~~Mayor shall make reasonable attempts to give directly affected recognized~~
12 ~~and non-recognized neighborhood or homeowner associations prior mailed~~
13 ~~notification of pending major city development and redevelopment projects~~
14 ~~and changes in services by the city which will have a direct, significant~~
15 ~~impact on neighborhoods within one mile of, for example, the permanent~~
16 ~~and temporary street construction and major repair, total closing of streets,~~
17 ~~changes in size or type in city parks, building of new city facilities,~~
18 ~~relocation or reconstruction of privately owned utilities which require a~~
19 ~~permit, or rerouting of bus service.”~~

20 **Section 35. City Code of Ordinances Section 14-8-2-7, Responsibilities of**
21 **Applicants and Developers, is amended as follows: “(A) Notification of land**
22 **use and development applications, shall be provided as required by §14-16-**
23 **5-1 of the Integrated Development Ordinance, which specifies requirements**
24 **for mailed or electronic notice, posted signs, web postings, and/or**
25 **published notice.** Applicants for approval of amendments of the zone map,
26 site development plans (except houses and accessory buildings), major
27 subdivisions, vacations of public right-of-way, mapping historic districts,
28 landmarking sites, and (B) **Notification of applications for issuance or**
29 **transfer of liquor licenses shall, prior to filing the application, make a**
30 **reasonable attempt to give written notification provide notice of their**
31 **proposal to any recognized and non-recognized registered neighborhood or**
32 **homeowner association which covers, abuts, or is across public right of**
33 **way from the subject site that includes or is adjacent to the subject**

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1 property. Certified letters, return receipt requested, mailed to the two
2 designated neighborhood association representatives on file at the City
3 Office of Neighborhood Coordination constitutes a reasonable attempt to
4 notify an association. Failure by an applicant to show proof of either
5 notification in person or a reasonable attempt to give written notification of
6 its proposal to such designated association representatives shall be
7 grounds for a neighborhood association to request deferral of a hearing.
8 The application for such hearing shall include a signed statement that such
9 notification has been sent.”

10 Section 36. City Code of Ordinances Section 14-8-2-7(B), Responsibilities
11 of Applicants and Developers, is deleted in whole and replaced with the
12 following: “(C) Pre-Application meetings with City staff for land
13 development applications shall be held as outlined in §14-16-5-1 of the
14 Integrated Development Ordinance. The purpose and requirements for a
15 Pre-Application Meeting are provided in §14-16-5-4.2. (D) Neighborhood
16 meetings for land development applications shall be held as outlined in §14-
17 16-5-1 of the Integrated Development Ordinance. The purpose and
18 requirements for a Neighborhood Meeting are provided in §14-16-5-4.3.
19 These meetings may be recommended for Facilitation, as provided in §14-
20 16-5-4.4.”

21 Section 37. City Code of Ordinances Part 14-8-7, Board of Appeals for
22 Zoning Special Exceptions, is deleted in whole.

23 Section 38. City Code of Ordinances Part 14-9-3, Definitions, is amended
24 as follows: “**WORKFORCE HOUSING.** Dwelling units serving residents and
25 their families whose annualized income is at or below 80% of the Area
26 Median Income for Albuquerque (AMI) as adjusted for household size and
27 determined by the U.S. Department of Housing and Urban Development, and
28 whose monthly housing payment does not exceed 30% of the imputed
29 income limit applicable to such unit or 35% under special conditions to be
30 defined in the Workforce Housing Plan. “Dwelling unit” is used in this article
31 as defined in the ~~Comprehensive City Zoning Code~~ Integrated Development
32 Ordinance (see ~~§ 14-16-1-5~~ §14-16-6-1).

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1 Section 39. City Code of Ordinances Part 14-11-3(A), Intent, is amended
2 as follows: “This article is intended to help achieve Article IX of the Charter
3 of the City of Albuquerque. It is also a means of conforming solar rights to
4 local plans and laws: the Albuquerque/Bernalillo County Comprehensive
5 Plan, ~~the Zoning Code,~~ and the ~~Subdivision Regulations~~ Integrated
6 Development Ordinance of this code of ordinances. It is intended to create
7 orderly, harmonious, and economically sound development in order to
8 promote the health, safety, convenience, and general welfare of the citizens
9 of the city.”

10 Section 40. City Code of Ordinances Section 14-13-1-4(E), Impact Fees;
11 ~~Utility Expansion Charges; Other Development Related Charges,~~ is
12 amended in title and as follows: “Waivers to impact fees are as is provided
13 in §14-19-15 Exemptions.”

14 Section 41. City Code of Ordinances Section 14-13-2-2, Rank Importance
15 of City Plans, is amended as follows: “Adopted ~~city~~ City plans for urban
16 ~~development and conservation~~ to coordinate land use, development,
17 facilities, and resources are of varying rank importance. Lower-ranking
18 plans should be consistent with higher-ranking plans, and when this is
19 indisputably not the case, the conflicting provision of the lower-ranking
20 plan is null and void. Plans should identify how they relate to relevant,
21 higher-ranking plans. Ranked plans shall only contain policy and may not
22 be regulatory. The highest ranks of ~~city~~ City plans are as follows in this
23 section and in § 14-13-2-4” [...] “(B)(2) ~~Area Plans each cover diverse, major~~
24 ~~geographic parts of the metropolitan area, typically 15 or more square~~
25 ~~miles, and specify important development standards. Sites of key land use,~~
26 ~~utility, and public facility development are usually indicated.~~” [...]“(C)(1)
27 ~~Sector Development~~ Metropolitan Redevelopment Plans provide guidance
28 to the Metropolitan Redevelopment Agency on redevelopment efforts,
29 catalytic projects, and public/private partnerships, subject to amendment
30 per the Metropolitan Redevelopment Agency Ordinance (§14-8-4-3(B)), for
31 ~~cover~~ an area with common characteristics, typically one square mile ~~or~~
32 ~~more~~ but occasionally considerably smaller; ~~such an area may be called a~~
33 ~~neighborhood. These plans, which are defined by the Zoning Code create~~

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1 ~~special zoning regulations for the area covered, and may also specify other~~
2 ~~fairly detailed development parameters. (2) Neighborhood Development~~
3 ~~Plans are similar in scope to sector development plans except these plans~~
4 ~~do not set special zoning regulations. They may, however, propose~~
5 ~~rezoning. (2) Master Plans provide guidance to the implementing~~
6 ~~department for the development of a City facility or joint facilities, such as a~~
7 ~~community center, library, and/or park. Master Plans typically include land~~
8 ~~uses, site layout, and design standards. (3) Resource Management Plans~~
9 ~~provide guidance to the Parks and Recreation Department’s Open Space~~
10 ~~Division about how best to manage and protect natural, historic, or cultural~~
11 ~~resources on City-owned or City-managed Major Public Open Space~~
12 ~~(MPOS). Resource Management Plans can also guide the overall planning,~~
13 ~~visitor uses, budgeting, and decision-making for specific MPOS properties.~~

14 Section 42. City Code of Ordinances Section 14-13-2-3, Planned Growth
15 Strategy, is amended as follows: (B)(4) *Planned Communities in the*
16 ~~*Comprehensive Plan Rural and Reserve Areas*~~ *City of Albuquerque.* ;(B)(5)
17 The current annexation policy and related provisions in the Development
18 Process Manual ~~review and decision criteria in the Integrated Development~~
19 ~~Ordinance (Section 14-16-5-5.3F)~~, in part, indicate conditions under which
20 an annexation request may be denied by the City; (B)(6) ~~The Water~~
21 ~~Resources Division of the Pubic Works Department shall evaluate~~
22 ~~increasing the water conservation goal of the City to approximately 150~~
23 ~~gallons per person per day by the year 2005, and develop a preliminary plan~~
24 ~~with significant public input. This Plan and recommendation shall be~~
25 ~~submitted to the Council. The City shall request that the~~
26 ~~Albuquerque/Bernalillo County Water Utility Authority (ABCWUA) continue~~
27 ~~to establish and update new conservation goals below 135 gallons per~~
28 ~~person per day beyond 2024. The City shall continue to be involved in the~~
29 ~~ABCWUA’s implementation of the Water Resources Management Strategy~~
30 ~~including the updating of building codes, zoning regulations, and technical~~
31 ~~standards for rainwater harvesting.~~

32 Section 43. City Code of Ordinances Section 14-13-2-4(B),
33 Redevelopment Plans, is amended as follows: “Plans that cover areas

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1 ~~characteristic of sector development plans or neighborhood development~~
2 ~~plans are rank three plans. “Metropolitan Redevelopment Plans are Rank 3~~
3 ~~plans that provide guidance to the Metropolitan Redevelopment Agency on~~
4 ~~redevelopment efforts, catalytic projects, and public/private partnerships,~~
5 ~~subject to amendment per the Metropolitan Redevelopment Agency~~
6 ~~Ordinance (§14-8-4-3(B)), for an area with common characteristics, typically~~
7 ~~one square mile or more but occasionally considerably smaller.”~~

8 Section 44. City Code of Ordinances Section 14-13-2-5, Procedure for
9 Plan Adoption or Amendment; Fee, is deleted in whole.

10 Section 45. City Code of Ordinances Section 14-13-2-6, Annually Revised
11 Planning Program, is deleted in whole.

12 Section 46. The City Council hereby amends Part 14-13-3, et seq.,
13 Environmental Planning Commission, is deleted in whole. Sections 14-13-3-
14 5 Beautification Committee, 14-13-3-6 City of Albuquerque’s Greater
15 Albuquerque Bicycling Advisory Committee, 14-13-3-7 Open Space
16 Advisory Board, and 14-13-3-8 City of Albuquerque’s Greater Albuquerque
17 Recreational Trails Committee are moved to become new Part 2-6-14, Part 2-
18 6-15, Part 2-6-16, and Part 2-6-17, respectively.

19 Section 47. City Code of Ordinances Part 14-17-5, Establishment of a
20 Family Housing Development, is amended as follows: “(C) Financial
21 Guarantee. In exchange for the density bonus, as specified ~~in subparagraph~~
22 ~~E(1) of this section~~ the Integrated Development Ordinance Section 14-16-4-
23 1.3, the developer and/or builder shall provide a financial guarantee in favor
24 of the city that is equal to the appraised value of the increased density. The
25 financial guarantee shall become due and payable to the city, if the
26 developer and/or builder fails to sell a family affordable ownership unit to a
27 qualified home buyer. The value of the increased density shall be
28 determined by a qualified appraiser who shall perform an appraisal of the
29 property. The city shall release the financial guarantee as the developer
30 and/or builder provides documentation to the city that the family affordable
31 ownership units have been sold to qualified home buyers.” [...] “(D)(1) That
32 the proportionate amount of the value of the density bonus and the fee
33 rebate, provided for in the Integrated Development Ordinance Section 14-16-

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1 ~~4-1.3 and~~ subparagraphs ~~E(1) and E(2)~~ of this section, for the family housing
2 development that is attributable to each family affordable ownership unit
3 shall be passed on by the developer and/or builder to each qualified home
4 buyer in the form of a deferred loan of a portion of the purchase price of the
5 family affordable ownership unit;” [...] “(E)(1) Density Bonus. Any family
6 housing development Family Housing Development (FHD) located in the R-
7 1, RA-1, RA-2, ~~or~~ R-T ~~or~~ RLT zones is eligible for a density bonus. In these
8 zones, the FHD may be developed at a density that is at most 20% higher
9 than normally allowed under the ~~Comprehensive City Zoning Code~~
10 Integrated Development Ordinance. All of the controlling setback and open
11 space requirements must be met for the zone in which the FHD is located.
12 (See the ~~City of Albuquerque Zoning Code Section 14-16-2-4, Section 14-16-~~
13 ~~2-5, Section 14-16-2-6, Section 14-16-2-8 and Section 14-16-2-9).~~ Integrated
14 Development Ordinance, Section 14-16-2-3.1, Section 14-16-2-3.2, Section
15 14-16-2-3.4, and Section 14-16-4-1.3.)”

16 Section 48. City Code of Ordinances Part 14-19-15(A)(6), Exemptions, is
17 amended as follows: “Full or partial waivers of impact fees shall be
18 provided for projects within metropolitan redevelopment areas that meet the
19 criteria set forth in the Development Process Manual. Notwithstanding the
20 provisions of the Development Process Manual, such waivers shall be
21 provided for both non-residential and residential development within the
22 metropolitan redevelopment area that conforms to the metropolitan
23 redevelopment area ~~and any sector development or area plan~~ and any
24 others applicable within the metropolitan redevelopment area.”

25 Section 49. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
26 clause, word or phrase of this ordinance is for any reason held to be invalid
27 or unenforceable by any court of competent jurisdiction, such decision shall
28 not affect the validity of the remaining provisions of this ordinance. The
29 Council hereby declares that it would have passed this ordinance and each
30 section, paragraph, sentence, clause, word or phrase thereof irrespective of
31 any provisions being declared unconstitutional or otherwise invalid.

1 **Section 50. COMPILATION.** Sections 1 through 48 of this ordinance shall
2 amend, be incorporated in and made part of the Revised Ordinances of
3 Albuquerque, New Mexico, 1994.

4 **Section 51. EFFECTIVE DATE AND PUBLICATION.** This legislation shall
5 take effect six months after publication by title and general summary.

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