

CITY of ALBUQUERQUE

TWENTY FIFTH COUNCIL

COUNCIL BILL NO. O-23-77 ENACTMENT NO. O-2023-023

SPONSORED BY: Isaac Benton and Trudy Jones by request

1 **ORDINANCE**

2 **ADOPTING CITYWIDE TEXT AMENDMENTS TO THE INTEGRATED**
3 **DEVELOPMENT ORDINANCE §14-16 FOR THE 2022 IDO ANNUAL UPDATE.**

4 **WHEREAS, the City Council, the Governing Body of the City of**
5 **Albuquerque, has the authority to adopt and amend plans for the physical**
6 **development of areas within the planning and platting jurisdiction of the City**
7 **authorized by statute, Sections 3-19-5 and 3-21-1, NMSA 1978, and by its home**
8 **rule powers; and**

9 **WHEREAS, the City’s zoning powers are established by the City Charter, in**
10 **which: Article I, Incorporation and Powers, allows the City to adopt new**
11 **regulatory structures and processes to implement the Albuquerque-Bernalillo**
12 **County Comprehensive Plan (“Comp Plan”) and help guide future legislation;**
13 **Article IX, Environmental Protection, empowers the City to adopt regulations**
14 **and procedures to protect and preserve environmental features such as water,**
15 **air and other natural endowments, ensure the proper use and development of**
16 **land, and promote and maintain an aesthetic and humane urban environment;**
17 **and Article XVII, Planning, establishes the City Council as the City’s ultimate**
18 **planning and zoning authority; and**

19 **WHEREAS, the City Council adopted an updated Albuquerque-Bernalillo**
20 **County Comprehensive Plan (“ABC Comp Plan”) in 2017 via R-16-108**
21 **(Enactment No. R-2017-026); and**

22 **WHEREAS, the City Council adopted the Integrated Development**
23 **Ordinance (IDO) to implement Comp Plan Goals and policies; and**

24 **WHEREAS, the IDO establishes zone districts, overlay zones, allowable**
25 **uses, use-specific standards, and general regulations in Parts 1 through 5 that**
26 **set the bar for high-quality development that is compatible with surrounding**

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1 land uses and provides appropriate transitions and buffers to lower-intensity
2 uses nearby; procedures for review and decision of applications related to
3 land use and development in Part 6; and definitions and acronyms in Part 7;
4 and

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

8 WHEREAS, Planning staff compiled and submitted a request for
9 Amendment to IDO Text – Citywide with proposed amendments that would
10 improve the clarity and implementation of the IDO based on challenges in
11 applying regulations and neighborhood protections in real-world contexts with
12 real-world projects; and

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

16 WHEREAS, the IDO requires an Amendment to IDO Text – Citywide to be
17 reviewed by the Environmental Planning Commission (EPC) and decided as a
18 legislative action by City Council as the City’s zoning authority in §14-16-6-
19 7(D)(2)(c); and

20 WHEREAS, the EPC found that the proposed amendments are consistent
21 with the spirit and intent of the ABC Comp Plan, including applicable goals
22 and policies relating to land use, economic development, heritage
23 conservation, and resilience and sustainability; and

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

29 WHEREAS, the City provided additional notice with announcements on the
30 Planning Department webpage, and email notice sent to approximately 9,300
31 subscribers to the ABC-Z project update email list on October 11, 2022;
32 December 2, 2022; January 4, 2023; and January 6, 2023; and

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1 **WHEREAS, though a neighborhood meeting is not required for an**
2 **Amendment to IDO Text – Citywide, Planning staff held two pre-submittal**
3 **public review meetings in October 2022 and one post-submittal public review**
4 **meeting in November 2022 on the 2022 IDO Annual Update to present and**
5 **discuss the proposed changes, respond to questions, and gather feedback;**
6 **and**

7 **WHEREAS, the EPC held a study session for the 2022 IDO Annual Update**
8 **on December 1, 2022, and considered this request at two public hearings on**
9 **December 8, 2022 and January 19, 2023, prior to making a recommendation on**
10 **the proposed text amendments; and**

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

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

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

21 **SECTION 1. The IDO text is amended as shown in Exhibit 1 (EPC Redline**
22 **Draft) as recommended by the EPC, except as modified by amendments**
23 **adopted subsequently in Section 2 and/or Section 3 below.**

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

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

32 **SECTION 4. SEVERABILITY CLAUSE. If any section, paragraph, sentence,**
33 **clause, word or phrase of this ordinance is for any reason held to be invalid or**

1 unenforceable by any court of competent jurisdiction, such decision shall not
2 affect the validity of the remaining provisions of this ordinance and each
3 section, paragraph, sentence, clause, word, or phrase thereof irrespective of
4 any provision being declared unconstitutional or otherwise invalid.

5 SECTION 5. COMPILATION. This ordinance shall be incorporated in and
6 made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

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

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1 PASSED AND ADOPTED THIS 5th DAY OF June, 2023
2 BY A VOTE OF: 7 FOR 2 AGAINST.

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4 For: Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña
5 Against: Bassan, Sanchez
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10 _____
11 Pat Davis, President
12 City Council
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16 APPROVED THIS _____ DAY OF _____, 2023
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19 Bill No. O-23-77
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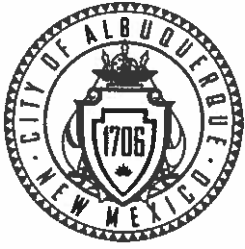
27 _____
28 Timothy M. Keller, Mayor
29 City of Albuquerque
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33 ATTEST:



Ethan Watson, City Clerk

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City of Albuquerque

Office of the City Clerk

Timothy M. Keller, Mayor

Ethan Watson, City Clerk

Interoffice Memorandum

June 23, 2023

To: CITY COUNCIL

From: Camille Chavez, Assistant City Clerk *cc*

Subject: BILL NO. O-23-77; ENACTMENT NO. O-2023-023

I hereby certify that on June 23, 2023, the Office of the City Clerk received Bill No. O-23-77 as signed by the president of the City Council, Pat Davis. Enactment No. O-2023-023 was passed at the June 5, 2023 City Council meeting. Mayor Keller did not sign the approved Ordinance within the 10 days allowed for his signature and did not exercise his veto power. Pursuant to the Albuquerque City Charter Article XI, Section 3, this Ordinance is in full effect without Mayor's approval or signature. This memorandum shall be placed in the permanent file for Bill No. O-23-77.

Sincerely,

Ethan Watson
City Clerk