

Part 14-16-1 General Provisions

1-1 SHORT TITLE

This Article, the "Integrated Development Ordinance," may be cited as the "IDO" and is referred to as either this "Article" or this "Ordinance."

1-2 AUTHORITY

This Article is created pursuant to authority granted in Article I of the Charter of the City of Albuquerque, which was originally adopted at a special election on June 29, 1971 pursuant to Article X, Section 6 of the Constitution of the State of New Mexico. In enacting this IDO, the City intends to comply with the provisions of existing state law on the same subject, and the provisions of this IDO should be interpreted to achieve that goal.

1-3 PURPOSE

The purpose of this IDO is to:

- 1-3(A) Implement the adopted Albuquerque/Bernalillo County Comprehensive Plan (ABC Comp Plan), as amended.
- 1-3(B) Ensure that all development in the City is consistent with the spirit and intent of any other plans and policies adopted by City Council.
- 1-3(C) Ensure the provision of adequate public facilities and services for new development.
- 1-3(D) Protect the quality and character of residential neighborhoods.
- 1-3(E) Promote the economic development and fiscal sustainability of the City.
- 1-3(F) Provide for the efficient administration of City land use and development regulations.
- 1-3(G) Protect the health, safety, and general welfare of the public.
- 1-3(H) Provide for orderly and coordinated development patterns.
- 1-3(I) Encourage the conservation and efficient use of water and other natural resources.
- 1-3(J) Implement a connected system of parks, trails, and open spaces to promote improved outdoor activity and public health.
- 1-3(K) Provide reasonable protection from possible nuisances and hazards and to otherwise protect and improve public health.
- 1-3(L) Encourage efficient and connected transportation and circulation systems for motor vehicles, bicycles, and pedestrians.

1-4 APPLICABILITY

- 1-4(A) This IDO applies to all private land in the City, and the owners and occupants of all land in the City are required to comply with the regulations of this IDO applicable to the zone district in which the property is located, except as noted in Subsection 14-16-1-4.

1-4(A)(1) Development after the Effective Date of this IDO

All development after the effective date of this IDO is subject to IDO standards.

1-4(A)(2) Development prior to the Effective Date of this IDO

Development that existed prior to the IDO is subject to timeframes established for compliance with IDO standards, including but not limited to standards for nonconformance in Section 14-16-6-8 (Nonconformities), to be calculated from the effective date of this IDO.

1-4(A)(3) Approvals Granted prior to the IDO

See Section 14-16-1-10 (Transitions from Previous Regulations).

- 1-4(B) This IDO is not applicable to federal activities or development on federally-owned lands where either the federal government has retained from the time of statehood or subsequently obtained the right to legislate in relation to such lands or the State of New Mexico has ceded jurisdiction to legislate back to the United States in relation to such lands. Private activities or development for private purposes on such lands shall be subject to this IDO.
- 1-4(C) This IDO is applicable to City activities or development on properties owned or leased by the City.
- 1-4(D) This IDO may not be applicable to state or governmental activities or development on lands owned by a state or governmental or quasi-governmental entity, to the extent the state of New Mexico has explicitly exempted them from the operation of local land use regulations.

1-5 EFFECTIVE DATE

The effective date of this IDO shall be May 17, 2018.

1-6 OFFICIAL ZONING MAP

- 1-6(A) The standards and regulations in this IDO applicable to specific zone districts or Overlay zones apply to the areas of the city shown with those zone districts or Overlay zones on the Official Zoning Map.
- 1-6(B) The Official Zoning Map is the latest version of the zoning map as approved or amended by City Council and maintained in electronic form by the City Planning Department.

1-7 COMPLIANCE REQUIRED**1-7(A) GENERAL**

- 1-7(A)(1) No person shall develop or use any land, building, or structure within the City in violation of this IDO, regulations authorized under this IDO, including but not limited to those regulations in the Development Process Manual (DPM), or the terms and conditions of permits or approvals issued under this IDO.
- 1-7(A)(2) Indoor uses allowed under this IDO must be located within buildings that meet the standards in Articles 14-1 and 14-3 of ROA 1994 (Uniform Administrative Code and Uniform Housing Code) and other applicable technical codes adopted by the City. Allowable uses conducted in buildings that are not in compliance with this requirement are a violation of this IDO.
- 1-7(A)(3) The Mayor is responsible for the promulgation of rules and technical standards necessary to fulfill the intent of this IDO. Additional rules and technical standards shall be published in the DPM. The terms and provisions of the DPM,

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1-7: Compliance Required

as amended, shall be enforceable to the same extent as if incorporated into the text of this IDO.

1-7(B) DEVELOPMENT ON APPROVED LOT OR PARCEL REQUIRED

A building permit shall not be issued by the City unless the applicant presents the following:

- 1-7(B)(1) Evidence of a proper lot, constituted by 1 of the following:
 - 1-7(B)(1)(a) A print of the final subdivision plat as recorded with the County Clerk and approved as provided for in this IDO, or any predecessor ordinance that applied at the time the parcel was created, showing the parcel for which application for building permit is being made.
 - 1-7(B)(1)(b) Satisfactory evidence that this IDO is not applicable to the parcel upon which the building is to take place, either because the parcel is a lot which existed prior to the enactment of this IDO or any predecessor ordinances or because the parcel is outside the jurisdiction of this IDO. If such evidence is provided, exemption from the IDO regulations shall only apply to the establishment of the lot and not any development on the lot.
- 1-7(B)(2) Approval by the City Engineer that:
 - 1-7(B)(2)(a) The alteration of the natural topography, drainage pattern, and perviousness of any lot resulting from the intended construction and prior or planned site preparation complies with a previously submitted and approved drainage report and/or plan, or that no drainage report or plan is required.
 - 1-7(B)(2)(b) The traffic flow and parking layout complies with a previously submitted and approved Site Plan or Traffic Circulation Layout or that no Site Plan or Traffic Circulation Layout is required.
 - 1-7(B)(2)(c) Adequate provision has been made for connection of the lot to water and sanitary sewer lines if these are necessary for reasonable use of the structure.
 - 1-7(B)(2)(d) Adequate right-of-way is in place for infrastructure improvements required by the City Engineer.
 - 1-7(B)(2)(e) All infrastructure improvements, including but not limited to sidewalks, curb and gutter, pavement, storm drain system, water and sewer, and any other improvements required by the City Engineer have been constructed within the public right-of-way along the property lines of the lot.
- 1-7(B)(3) After approval and recording of a final subdivision plat with the County Clerk and required improvements have been completed and accepted by the City (where the construction of improvements was required), building permits for structures within the subdivision may be issued. The Building Safety Division of the City Planning Department may issue building permits prior to completion of all improvements where sanitary sewer, water, and storm drainage facilities have been completed and other improvements are to be commenced within 6 months, but the City may require financial assurance for the completion of

those improvements pursuant to Subsection 14-16-6-4(Q) (Required Improvements and Financial Assurance).

1-8 RELATIONSHIP TO OTHER REGULATIONS

- 1-8(A) If two or more of the regulations in this IDO conflict with each other, the more restrictive provision shall prevail, unless specified otherwise, except that when the provisions of an Overlay zone conflict with any other regulation in this IDO, the provisions of the Overlay zone shall prevail regardless of whether the Overlay zone provisions are less or more restrictive than the other regulations.
- 1-8(B) If any regulation in this IDO conflicts with other applicable laws or regulations of the City, or conflicts with applicable state or federal law, the more restrictive provision shall prevail, unless the provisions of state or federal law, as interpreted by the courts, prevent that result.

1-9 RELATIONSHIP TO PRIVATE AGREEMENTS AND COVENANTS

- 1-9(A) This IDO applies to all land uses and development, regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than a private agreement or restriction, but shall have no impact on the applicability or enforceability of any private agreement or restriction between the parties to that agreement or restriction, except as set forth in Subsection (C) below.
- 1-9(B) The City shall have no obligation to conform the terms or applicability of this IDO to any private agreement or restriction. The City shall have no obligation to enforce any private covenant or agreement unless it is a party to the covenant or agreement; if the City is a party to the covenant or agreement, enforcement shall be at the discretion of the City.
- 1-9(C) The City may not approve any subdivision application for property on which there are any deed restrictions, covenants, or binding agreements prohibiting solar collectors from being installed on buildings or erected on the lots or parcels within the application.

1-10 TRANSITIONS FROM PREVIOUS REGULATIONS

1-10(A) PRIOR APPROVALS

- 1-10(A)(1) Any approvals granted prior to the effective date of this IDO shall remain valid, subject to expiration per Subsection 14-16-6-4(W). Uses and development standards specified in those approvals shall prevail over provisions in the IDO. Where those approvals are silent, provisions in the IDO shall apply, including the following:
 - 1-10(A)(1)(a) Subsection 14-16-4-1(E) (Previously Allowed Uses) for the continuity of conditional uses.
 - 1-10(A)(1)(b) Subsection 14-16-6-4(Y) (Amendments of Prior Approvals) for amending prior approvals.
 - 1-10(A)(1)(c) Section 14-16-6-8 (Nonconformities) for information about expansions when the use or structure is nonconforming under this IDO.
- 1-10(A)(2) For former Special Use zones that were converted to the Planned Development (PD) or Planned Community (PC) zone districts through adoption of this IDO, any

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1-11: Figures and Illustrations

approval associated with the Special Use zone is considered the required Site Plan – EPC or Framework Plan, respectively. Any use standards or development standards associated with prior approvals or prior zoning designations establish the rights and limitations for the PD and PC zone districts and are exclusive of and prevail over any other provision of this IDO.

1-10(B) COMPLETE APPLICATIONS

Any application that has been accepted by the City Planning Department as complete prior to the effective date of this IDO, or any amendment to this IDO, shall be reviewed and a decision made based on the standards and criteria in effect when the application was accepted as complete.

1-10(C) INCOMPLETE AND LATE APPLICATIONS

Any application that has not been accepted by the City Planning Department as complete prior to the effective date of this IDO, or any amendment to this IDO, or that is submitted after that effective date, shall be processed in compliance with the requirements of this IDO.

1-10(D) REFERENCES IN PREVIOUS REGULATIONS AND APPROVALS

Any City regulations or development approvals that refer to zone district designations that existed prior to the effective date of this IDO will be deemed to refer to the IDO zone district associated with the previous zone district as shown in Table 2-2-1.

1-10(E) PREVIOUS VIOLATIONS

Any violation of the City zoning, subdivision, or land development regulations in effect prior to the effective date of this IDO will continue to be a violation under this IDO, unless the development or other activity that was a violation of the previous regulations is consistent with the requirements and regulations of this IDO.

1-11 FIGURES AND ILLUSTRATIONS

Figures and illustrations in this IDO are for illustrative purposes only and may not be to scale. In the event of a conflict between an illustration and the text of this IDO, the text shall prevail.

1-12 DESIGNEES

When this IDO authorizes or requires an official or an appointed or elected body of the City government to perform a task in the administration of this IDO, the named official or appointed or elected body may designate another individual or entity of the City, or an individual employed by the City and under its control, to perform the task, unless the delegation of that task is specifically prohibited by New Mexico law or the City Charter.

1-13 SEVERABILITY

If any section, division, sentence, clause, phrase, or part of this IDO is for any reason declared unconstitutional or invalid, the validity of the remaining portions of this IDO shall not be affected, since it is the express intent of the City Council to pass each section, division, sentence, clause, phrase, and every part of this Ordinance separately and independently of every other part.

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