



City of Albuquerque

Planning Department

Timothy M. Keller, Mayor

Interoffice Memorandum

May 2, 2018

To: Petra Morris, Planning Manager, Council Services

From: Jacobo Martinez, Zoning Enforcement Officer, Planning Department JM

Subject: Transition to the Integrated Development Ordinance

Several questions have come up about how existing requests and existing approvals will be treated once the Integrated Development Ordinance (IDO) becomes effective on May 17, 2018.

The IDO has language in the following sections that is relevant to answer these questions.

1. Pursuant to Subsection 14-16-1-10 Transitions from Previous Regulations, any approvals that have been granted for applications such as, but not limited to, Plats, Site Plans for Subdivision, and Site Plans for Building Permit shall remain valid subject to expiration per Subsection 14-16-6-4(W).

Subsection 14-16-1-10 Transitions from Previous Regulations

Subsection 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."

Preliminary Plats are part of an application to plat a proposed subdivision prepared in accordance with zoning regulations for lot size and width that culminates in a Final Plat. Any approved Preliminary Plat is necessarily part of an application for plat that has been accepted by the City of Albuquerque Planning Department as complete. The purpose of a Preliminary Plat is to accurately document the boundaries of each lot or parcel and is not considered a Site Plan that defines land use and development standards. See the language below for the standards that apply to plat applications accepted as complete prior to the effective date of the IDO.

2. Pursuant to Subsection 14-16-1-10(B) Complete Applications, all complete applications submitted by May 16, 2018 (i.e. prior to the effective date of the IDO) shall be reviewed and decided based on the standards and criteria in effect when the application was accepted as complete.

Subsection 14-16-1-10(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.”

Subsection 14-16-1-10(B) Complete Applications provides that a Preliminary Plat that is part of a complete application for a platting request will be reviewed and decided based on the standards and criteria in effect when the application for a platting request was accepted as complete.

Through the administrative processes established by the City of Albuquerque, a Preliminary Plat may be extended until a Final Plat is approved. Pursuant to Subsection 14-16-1-10(B) Complete Applications, Preliminary Plats will reviewed and decided based on the standards and criteria in effect when the application was accepted as complete until a Final Plat is approved through the review/approval process no matter how many times or how long the Preliminary Plat has been extended.

It is important to note that this language also makes clear that such a Preliminary Plat would not be able to selectively ask for IDO standards to apply. The application does not have access to the new standards but must be reviewed and decided through Final Plat against the rules in place at the time the application was accepted as complete.

3. Subsection 14-16-6-4(Y) Amendments of Prior Approvals describes the procedure for amendments requested for approved Site Development Plans for Subdivision or Site Development Plans for Building Permit granted prior to the effective date of the IDO.

Subsection 14-16-6-4(Y) Amendments of Prior Approvals

“Approval granted prior to the effected date of this IDO may be amended as described in this Subsection 14-16-6-4-(Y)”

Subsection 14-16-6-4(Y)(1)(a) provides for minor amendments to be decided administratively for requests within the thresholds established by Table 6-4-4.

Subsection 14-16-6-4(Y)(1)(b) provides that beyond those thresholds, the amendment would be considered a major amendment that shall be processed per the procedures in the IDO for the equivalent request.

Note that this section does not include Final Plats, as amendments to Final Plats would be processed as a new plat application, which would be under the IDO rules.

As noted above, pursuant to Subsection 14-16-1-10(B), approved Preliminary Plats will be reviewed against the rules in place when the application was accepted as complete, including any amendments required to the Preliminary Plat.

4. Pursuant to Subsection 14-16-6-8(E) Nonconforming Lots, lots that do not meet the minimum lot size or width requirements of the IDO may be used without a Variance if the

lot was legally created and placed on record as a permissive use and has an approved conditional use or is legally nonconforming.

Subsection 14-16-6-8(E) Nonconforming Lots

Subsection 6-8(E)(1): "A lot that does not meet minimum lot size or width requirements for the zone district where it is located, particularly Subsection 14-16-5-1(C)(2) (Contextual Residential Development in Areas of Consistency), may be used without a Variance if the lot was legally created and placed on the records of the County and the use of the property is permissive, has an approved conditional use, or is legally nonconforming."

Subsection 14-16-6-8(E) Nonconforming Lots applies to lots platted under rules prior to the IDO becoming effective that may not meet the IDO standards for lot size and lot width. New construction on these lots would need to meet the relevant development standards of the IDO (i.e. those that apply to buildings, not lot size or width).

In the case of R-1 zoning, the zoning conversions generally tracked with platted lot size to establish the "flavor" of R-1 (R-1A, R-1B, R-1C, or R-1D), so this nonconforming lot provision may not be needed much, if at all, but it is here to clearly state that lots platted prior to the IDO can be developed without needing a Variance.

As an example, if a lot less than 5,000 s.f. was converted to R-1B because many of the lots in the same area met the minimum lot size of R-1B (i.e. 5,000 s.f.), it would be considered a nonconforming lot and still allowed to develop without a Variance.

- If the block was vacant, the house on that lot would need to meet the setbacks of R-1B per the IDO.
- If the block was in an Area of Consistency and had existing houses, the house on that lot would need to meet the Contextual Residential Standards in Subsection 14-16-5-1(C)(2) and have a setback that matches the houses on adjacent lots (i.e. no closer to the street or further back than the adjacent houses).

