



**Environmental
Planning
Commission**

*Agenda Number: 5
Project Number: 1001620
Case #: 12EPC 40055
October 11, 2012*

Staff Report

Agent	City of Albuquerque Planning Dept.
Applicant	City of Albuquerque
Request	Text Amendment to the City Zoning Code, Section 14-16-3-19 (Wall Regulations), Section 14-16-2-6, 8 & 9 (R-1, R-LT & R-T zones), and Section 14-16-3-4 (Nonconformance Regulations)
Location	City-Wide
Existing Zoning	N/A
Proposed Zoning	N/A

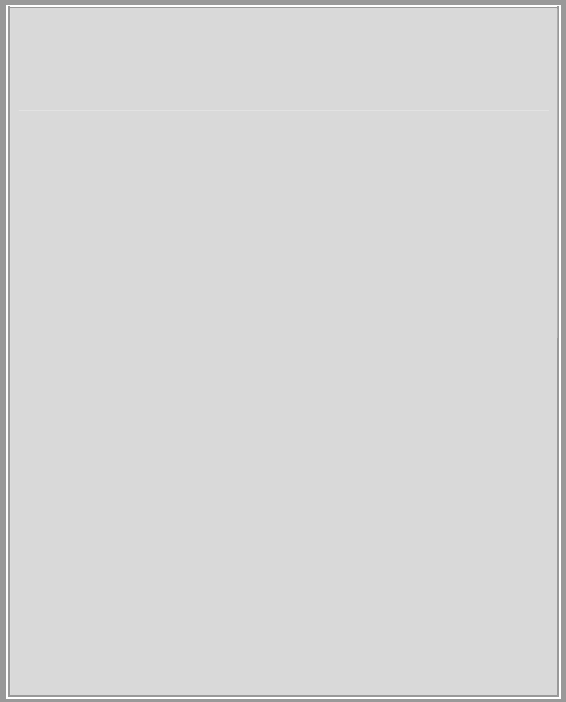
Staff Recommendation
That a recommendation of APPROVAL of 12EPC 40055 be forwarded to the City Council, based on the Findings beginning on Page 9, and subject to the Conditions of Approval beginning on Page 10.

Staff Planner
Randall Falkner, Planner

Summary of Analysis
 This is a request to amend the text in the Comprehensive City Zoning Code, including the following Sections: §14-16-3-19 (General Height and Design Regulations for Walls, Fences and Retaining Walls) to clarify that razor ribbon, barbed wire or similar materials are prohibited in and abutting residential zones; §14-16-2 parts 6, 8, and 9 to prohibit the use of razor ribbon, barbed wire or similar materials in the R-1, R-LT and R-T zones; and §14-16-3-4 (Nonconformance Regulations) to require that walls or fences constructed of razor ribbon, barbed wire or similar materials shall be removed within six months of the adoption of this amendment.

Staff believes that public utility structures and APD facilities should be exempted from the request due to security concerns and community safety.

There is no known neighborhood opposition to the request. The request meets the intent of the City Charter and the City Zoning Code, while furthering applicable Comprehensive Plan goals and policies. Planning Staff recommends that EPC forward a recommendation of approval of this request to the City Council.



City Departments and other interested agencies reviewed this application from 9/4/2012 to 9/14/2012
 Agency comments used in the preparation of this report begin on Page 13.

I. INTRODUCTION

Request

This is a request to amend the text in the Comprehensive City Zoning Code, including the following Sections: §14-16-3-19 (General Height and Design Regulations for Walls, Fences and Retaining Walls) to clarify that razor ribbon, barbed wire or similar materials are prohibited in and abutting residential zones; §14-16-2 parts 6, 8, and 9 to prohibit the use of razor ribbon, barbed wire or similar materials in the R-1, R-LT and R-T zones; and §14-16-3-4 (Nonconformance Regulations) to require that walls or fences constructed of razor ribbon, barbed wire or similar materials shall be removed within six months of the adoption of this amendment.

EPC Role

The EPC is a recommending body with review authority. The EPC's task is to make a recommendation to the City Council regarding the proposed text amendments. The City Council is the City's Zoning Authority and will make the final decision. This is a legislative matter.

Background

The text amendment (Bill No. O-12-25) was introduced by the City Council on August 14, 2012 by Councilor Benton. Razor ribbon and barbed wire provide physical protection and psychological deterrence for commercial, industrial and residential security applications. Razor ribbon is actually a type of barbed tape or razor wire, and is a registered trademark.

There are many different kinds of barbed tape or razor wire available (see attachment). "Barbed tape or razor wire is a mesh of metal strips with sharp edges whose purpose is to prevent passage by humans. . . The multiple blades of a razor wire fence are designed to inflict serious cuts on anyone attempting to climb through and therefore have a strong psychological deterrent effect" (Wikipedia.org/wiki/Razorwire). Beginning in the 1960s barbed tape was typically found in prisons and long-term mental hospitals. It has also been used by military forces for some time because it is lighter and takes up very little space when compared to barbed wire. More recently barbed tape has been used in more commercial (including utility facilities) and residential security applications.

Purpose/Intent

The intent of this request is to present an attractive, inviting and safe public streetscape by prohibiting the use of barbed tape, razor wire (referred to as razor ribbon in the Zoning Code), barbed wire or similar materials in and abutting residential zones. Residentially zoned areas of the City should appear pleasant, appealing and safe. These materials act as a deterrent to criminal activity, but can also detract from the appearance of a neighborhood. As a result, views and safety can be impacted throughout the City by these materials, especially in residential areas.

Currently the Zoning Code prohibits razor ribbon (which will be referred to as barbed tape or razor wire in the proposed amendment), barbed wire or similar materials in the General Height and Design Regulations for Walls, Fences and Retaining Walls (§14-16-3-19 (B)(2)(c)(2)) and in the Form Based Zones (§14-16-3-22 (C)(8)(a)(1)). In the General Height and Design Regulations

for Walls, Fences and Retaining Walls (§14-16-3-19 (B)(2)(c)(2)) these materials are “prohibited in and abutting residential zones, and shall not be visible from a public street right-of-way in non-residential zones except in C-3, IP, M-1, M-2 or corresponding zones.” The request would give barbed tape, razor wire (razor ribbon), barbed wire or similar materials its own subsection (B) in the General Height and Design Regulations for Walls, Fences and Retaining Walls (Section 14-16-3-19) and take it out of the Design Regulations subsection (currently subsection B and be changed to C).

The request would add a new “Materials” subsection that prohibits barbed tape, razor wire, barbed wire or similar materials in R-1, R-LT, and R-T zones. In addition, walls or fences that are partially or wholly constructed of these materials would be found legally nonconforming to the Zoning Code (§14-16-3-4), and would have to be removed within six months of the adoption of this amendment. In addition, § 14-16-3-22 (Form Based Zones, which is not part of the request) would need to be amended in order to clarify barbed tape and razor wire from razor ribbon and to be consistent with the rest of the proposed changes.

Definitions (Section 14-16-1-5)

Public Utility Structure: A structure, owned by a unit of government or by a public utility company, which is an electric switching station; electric substation operating at voltages greater than 50 kilovolts (kV); gas transfer station or border station; city-owned lift station, odor control (or chlorine) station, water well or pump station, or water reservoir; or any other public utility structure controlled by a rank two facility plan.

II. ANALYSIS OF PROPOSED TEXT AMENDMENT

Policy Citations are in Regular Text; Additions are [+ underlined +]; Deletions are [- ~~stricken~~ -]; ***Staff Analysis in Bold Italics.***

City Council suggests that the request be amended as follows:

Section 14-16-3-19: General Height and Design Regulations for walls, fences and retaining walls. Is amended by adding a new section B, which shall read as follows:

(B) [+Razor ribbon, barbed wire or similar materials.

Razor ribbon, barbed wire or similar materials are prohibited in and abutting residential zones, and shall not be visible from a public street right-of-way in non-residential zones except in C-3, IP, M-1, M-2 or corresponding zones.+]]

[+(C)+] Design Regulations

(2)(c)[- ~~2. Razor ribbon, barbed wire or similar materials are prohibited in and abutting residential zones, and shall not be visible from a public street right-of-way in non-residential zones except in C-3, IP, M-1, M-2 or corresponding zones.~~ -]

Section 14-16-2-6: R-1 Residential Zone is amended by adding a new Section G, which shall read as follows:

[(G) Materials.

Razor ribbon, barbed wire or similar materials are prohibited.+]]

Section 14-16-2-8: R-LT Residential Zone is amended by adding a new Section H, which shall read as follows:

[(H) Materials.

Razor ribbon, barbed wire or similar materials are prohibited.+]]

Section 14-16-2-19 is amended by adding a new Section I, which shall read as follows:

[(I) Materials.

Razor ribbon, barbed wire or similar materials are prohibited.+]]

Section 14-16-3-4(A)(1)(e) is amended as follows:

(e) A wall or fence which is legally nonconforming to this Zoning Code because it is not a solid wall or fence shall be made to conform within five years of the effective date of this Zoning Code (January 1, 1981). A wall or fence existent on the effective date of this Zoning Code and nonconforming by virtue of being in the clear sight triangle may remain so as long as the Traffic Engineer gives and does not withdraw a written opinion that the wall or fence is not a traffic hazard. +[A wall or fence which is legally nonconforming to this Zoning Code because it is partially or wholly constructed of razor ribbon, barbed wire or similar materials in a zone where such materials are prohibited shall be removed within six months of the adoption of this provision.+]] Other nonconforming walls and fences may remain for the life of the structure.

Staff is generally in agreement with City Council's recommendations. There are a few minor corrections that staff is proposing. Staff recommends changing the words razor ribbon to barbed tape and razor wire, since barbed tape (and razor wire) is the proper name of all types of metal strips with sharp edges whose purpose is to prevent passage by humans. Razor ribbon is the brand name of a popular type of barbed tape or razor wire and is actually a registered trademark. Another minor modification refers to Section 14-16-2-19 (on page 8 of City Council's recommendation), which is a typo and should be Section 14-16-2-9 (R-T Residential Zone). In addition, the Form Based Zones (Section 14-16-3-22 (8)(a)(1)) state that "Chain link, barbed wire and razor ribbon are prohibited." Razor ribbon in this section of the Zoning Code needs to be changed to barbed tape and razor wire to be consistent with the rest of the proposed changes for the text amendments.

PNM has comments requesting that utility facilities be exempted in order to protect the public from having direct contact with hazardous high voltage equipment, to protect the equipment from vandalism, damage and theft, and to maintain national security. Staff generally agrees with these comments (see pages 14 for Agency Comments), but would slightly change the wording. PNM proposes adding the following at the end of each proposed sentence: "except

in instances that protect the health, safety, and welfare of the public at utility facilities”. Planning staff recommends changing the wording to “except at public utility structures.” Public utility structure is a defined term in the Zoning Code (Section 14-16-1-5) and is shown in the staff report above under “I. Definitions”.

Albuquerque Police Department (APD) has also requested that all APD facilities and properties be exempted due to security concerns and community safety. Staff believes that only public utility structures and APD facilities should be exempted.

The proposed amendment to Section 14-16-3-4(A)(1)(e) requires compliance within six months of the adoption of the amendments. It should also be noted that a separate text amendment to the Nonconformance Regulations of the Zoning Code (Section 14-16-3-4) is currently being proposed. As a result, what is currently Section 14-16-3-4(A)(1)(E), could change if the proposed text amendment for Nonconformance Regulations is approved. Final outcome would be determined by the City Council.

III. ANALYSIS OF APPLICABLE ORDINANCES, PLANS AND POLICIES

Note: Policy citations are in regular text; *Staff analysis is in bold italics.*

Charter of the City of Albuquerque

The Citizens of Albuquerque adopted the City Charter in 1971. Applicable articles include:

Article I, Incorporation and Powers

“The municipal corporation now existing and known as the City of Albuquerque shall remain and continue to be a body corporate and may exercise all legislative powers and perform all functions not expressly denied by general law or charter. Unless otherwise provided in this Charter, the power of the city to legislate is permissive and not mandatory. If the city does not legislate, it may nevertheless act in the manner provided by law. *The purpose of this Charter is to provide for maximum local self government.* A liberal construction shall be given to the powers granted by this Charter.” (emphasis added)

Article IX, Environmental Protection

“The Council (City Commission) in the interest of the public in general shall protect and preserve environmental features such as water, air and other natural endowments, ensure the proper use and development of land, and promote and maintain an aesthetic and humane urban environment. To affect these ends the Council shall take whatever action is necessary and shall enact ordinances and shall establish appropriate Commissions, Boards or Committees with jurisdiction, authority and staff sufficient to effectively administer city policy in this area.”

The proposed text amendment will ensure the proper use and development of land, and promote and maintain an aesthetic and humane urban environment. Amending the text of the City Zoning Code falls within the City’s powers (Article 1). The request meets the intent of the City Charter.

Albuquerque Comprehensive Zoning Code

Authority and Purpose (summarized): The Zoning Code is Article 16 within Chapter 14 of the Revised Code of Ordinances of Albuquerque, New Mexico, 1994 (often cited as ROA 1994). The administration and enforcement of the Zoning Code is within the City's general police power authority for the purposes of promoting the health, safety, and general welfare of the public. As such, the Zoning Code is a regulatory instrument for controlling land use activities for general public benefit.

Amendment Process (summarized): The City Council is the zoning authority for the City of Albuquerque and has sole authority to amend the Zoning Code. Through the City Charter, the City Council has delegated broad planning and zoning authorities to the Environmental Planning Commission (EPC). The EPC is advisory to the City Council regarding proposed text amendments to the Zoning Code.

Zoning Code Section 14-16-1-3, Intent states:

(A) This article is intended to help achieve Article IX of the Charter of the City of Albuquerque and the city's master plan; in particular the master plan documents which comprise the Albuquerque/Bernalillo County Comprehensive Plan. This article is intended to create orderly, harmonious, and economically sound development in order to promote the health, safety, convenience, and general welfare of the citizens of the city. These regulations are necessary to provide adequate open spaces for light and air including solar access; to avoid undue concentration of population, to secure safety from fire, panic, and other dangers; to help control congestion in the streets and public ways; to control and abate unsightly use of buildings or land; to facilitate adequate provisions for community utilities and facilities such as transportation, water, sewer, schools, and parks; to encourage the most appropriate use of land; to properly channel flood water runoff; to conserve and stabilize the value of property; and to enhance the appearance of the landscape.

The proposed text amendment meets the intent of the Zoning Code (Section 14-16-1-3) by creating orderly, harmonious, and economically sound development while promoting the health, safety, convenience, and general welfare of the citizens of the City. The request will help to abate the unsightly use of buildings and land, conserve and stabilize the value of property, and enhance the appearance of the landscape. The request will also improve the public streetscape and residentially zoned areas. Barbed tape, razor wire, barbed wire or similar materials present an uninviting image and create safety hazards. The request furthers the intent of the Zoning Code.

Albuquerque / Bernalillo County Comprehensive Plan

Policy Citations are in Regular Text; ***Staff Analysis is in Bold Italics***

Developing and Established Urban Areas

The Goal is to create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment. Applicable policies include:

Policy II.B.5d: The location, intensity and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, or recreational concern.

The request will respect existing neighborhood values, natural environmental conditions, scenic resources, and resources of other social, cultural, and recreational concern. Eliminating barbed tape, razor wire, barbed wire and similar materials in and abutting residential zones will present a more inviting image and eliminate safety hazards in the City. The request furthers Policy II.B.5d.

Policy II.B.5m: Urban and site design which maintains and enhances unique vistas and improves the quality of the visual environment shall be encouraged.

The request will improve the quality of the visual environment. Fences, walls or structures constructed of or topped with barbed tape, razor wire, barbed wire or similar materials present an uninviting image and create safety hazards. The request furthers Policy II.B.5m.

Community Identity and Urban Design

The Goal is to preserve and enhance the natural and built characteristics, social, cultural and historical features that identify Albuquerque and Bernalillo County sub-areas as distinct communities and collections of neighborhoods.

Policy II.C.9b: In each Community Area, strategic planning, neighborhood planning, development and redevelopment shall be evaluated in light of its relationship to and effect upon the following:

- 1) The natural environment
 - Views
- 2) Built environment
 - Walls and fences

The request will improve both the natural environment and the built environment. Views will be protected and walls and fences in and abutting residential zones would be more attractive and inviting. The request furthers Policy II.C.9b.

Public Safety

The Goal is to develop a safe and secure community in cooperation with the public and other governmental agencies.

The request will further the Public Safety goal of the Comprehensive Plan by developing a safe and secure community. The request will create both a safe environment as well as a visually pleasing built environment. The request also includes an exemption for public utility structures (as well as APD facilities), which will protect the public from having direct contact

with hazardous high-voltage equipment, protect the equipment from vandalism, damage and theft, and help to maintain Homeland Security. The request furthers the Public Safety Goal.

IV. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies/Pre-Hearing Discussion

The Public Service Company of New Mexico has significant comments concerning the request. PNM electric facilities are enclosed and protected by walls and fences with barbed tape, razor wire, barbed wire and other materials for safety and security reasons, which include protecting the public from direct contact with hazardous high-voltage equipment, to protect equipment from vandalism, damage and theft, and to provide Homeland Security. PNM states that they have recently experienced numerous thefts of copper materials at substations and switching stations in Albuquerque, which is putting the safety of both the individuals who are stealing the materials and PNM employees who respond to the hazard at risk. PNM believes razor wire, barbed wire and other materials on top of walls and fences are necessary in order to prevent unauthorized access to avoid accident, injury or death and to safely ensure the security of the facility.

APD also submitted comments that APD facilities and properties be exempted from this request due to security concerns and community safety. Comments from APD, PNM and other public agencies can be found beginning on page 13.

Neighborhood/Public

A newsletter article in the September/October issue of the "Neighborhood News" newsletter was provided both in print and online to all NA/HOA/Coalitions on the Office of Neighborhood Coordination's list and to the public. There is no known opposition.

V. CONCLUSION

This is a request to amend the text in the Comprehensive City Zoning Code, including the following Sections: §14-16-3-19 (General Height and Design Regulations for Walls, Fences and Retaining Walls) to clarify that razor ribbon, barbed wire or similar materials are prohibited in and abutting residential zones; §14-16-2 parts 6, 8, and 9 to prohibit the use of razor ribbon, barbed wire or similar materials in the R-1, R-LT and R-T zones; and §14-16-3-4 (Nonconformance Regulations) to require that walls or fences constructed of razor ribbon, barbed wire or similar materials shall be removed within six months of the adoption of this amendment. Staff is recommending that the words razor ribbon be replaced with the words barbed tape and razor wire throughout the text amendment and that § 14-16-3-22 (Form Based Zones) be amended as well to clarify barbed tape and razor wire from razor ribbon and to be consistent with the rest of the proposed changes.

Staff believes that public utility structures and APD facilities should be exempted from the request due to security concerns and community safety. There is no known neighborhood opposition to the request. The request meets the intent of the City Charter and the City Zoning Code, while furthering a preponderance of applicable Comprehensive Plan goals and policies.

Planning Staff recommends that EPC forward a recommendation of approval of this request to the City Council.

RECOMMENDED FINDINGS – 12EPC 40055, 10/11/2012, TEXT AMENDMENT TO THE ZONING CODE

1. The City of Albuquerque City Council proposes to amend the text in the Comprehensive City Zoning Code, including the following Sections: §14-16-3-19 (General Height and Design Regulations for Walls, Fences and Retaining Walls) to clarify that razor ribbon, barbed wire or similar materials are prohibited in and abutting residential zones; §14-16-2 parts 6, 8, and 9 to prohibit the use of razor ribbon, barbed wire or similar materials in the R-1, R-LT and R-T zones; and §14-16-3-4 (Nonconformance Regulations) to require that walls or fences constructed of razor ribbon, barbed wire or similar materials shall be removed within six months of the adoption of this amendment. Staff is recommending that the words razor ribbon be replaced with the words barbed tape and razor wire throughout the text amendment and that § 14-16-3-22 (Form Based Zones) be amended as well to clarify barbed tape and razor wire from razor ribbon and to be consistent with the rest of the proposed changes.
2. The request was submitted by the City Council on August 14, 2012 as Bill No. O-12-25.
3. The EPC is charged with reviewing the request and forwarding a recommendation to the City Council. This is a legislative matter.
4. The Charter of the City of Albuquerque, the Albuquerque/Bernalillo County Comprehensive Plan, and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The request meets the intent of the City Charter. The proposed text amendment will ensure the proper use and development of land, and promote and maintain an aesthetic and humane urban environment. Amending the text of the City Zoning Code falls within the City's powers (Article 1).
6. The proposed text amendment meets the intent of the Zoning Code (Section 14-16-1-3) by creating orderly, harmonious, and economically sound development while promoting the health, safety, convenience, and general welfare of the citizens of the City. The request will help to abate the unsightly use of buildings and land, conserve and stabilize the value of property, and enhance the appearance of the landscape.
7. The request furthers the following goals and policies of the Comprehensive Plan:
 - a. Developing and Established Urban Policy II.B.5d – The request will respect existing neighborhood values, natural environmental conditions, scenic resources,

and resources of other social, cultural, and recreational concern. Eliminating barbed tape, razor wire, barbed wire and similar materials in and abutting residential zones will present a more inviting image and eliminate safety hazards in the City.

- b. Developing and Established Urban Policy II.B.5m – The request will improve the quality of the visual environment. Fences, walls or structures constructed of or topped with barbed tape, razor wire, barbed wire or similar materials present an uninviting image and create safety hazards.
- c. Community Identity and Urban Design Policy II.C.9b – The request will improve both the natural environment and the built environment. Views will be protected and walls and fences in and abutting residential zones will be more attractive and inviting.
- d. Public Safety Goal – The request will create both a safe environment as well as a visually pleasing built environment. An exemption for public utility structures would help to protect the public from having direct contact with hazardous high-voltage equipment, protect the equipment from vandalism, damage and theft, and help to maintain Homeland Security.

8. There is no known opposition to the request.

RECOMMENDATION - 12EPC 40055, 10/11/2012, TEXT AMENDMENT TO THE ZONING CODE

That a recommendation of APPROVAL of 12EPC 40055, a Text Amendment to Sections 14-16-3-19, 14-16-2-6, 8 and 9, 14-16-3-4, and 14-16-3-22 of the Zoning Code, be forwarded to the City Council, based on the preceding Findings (and subject to the following Conditions of Approval.)

CONDITIONS OF APPROVAL - 12EPC 40055, 10/11/2012, TEXT AMENDMENT TO THE ZONING CODE

1. Staff recommends amending the proposed text from City Council as follows:

Section 14-16-3-19: General Height and Design Regulations for walls, fences and retaining walls.

- (B) [-Razor ribbon,-] [+Barbed tape, razor wire,+] barbed wire or similar materials.
[-Razor ribbon,-] [+Barbed tape, razor wire,+] barbed wire or similar materials are prohibited in and abutting residential zones, and shall not be visible from a

public street right-of-way in non-residential zones except in C-3, IP, M-1, M-2 or corresponding zones. [+Public utility structures and APD facilities are exempt from the prohibition of placing barbed tape, razor wire, barbed wire or similar materials.+]

Section 14-16-2-6: R-1 Residential Zone.

[(G) Materials.

[-Razor ribbon,-] [+Barbed tape, razor wire,+] barbed wire or similar materials are prohibited [+, except at public utility structures and APD facilities.+]

Section 14-16-2-8: R-LT Residential Zone.

[(H) Materials.

[-Razor ribbon,-] [+Barbed tape, razor wire,+] barbed wire or similar materials are prohibited [+,except at public utility structures and APD facilities.+]

Section 14-16-2-9: R-T Residential Zone

[(I) Materials.

[-Razor ribbon,-] [+Barbed tape, razor wire,+] barbed wire or similar materials are prohibited [+, except at public utility structures and APD facilities.+]

Section 14-16-3-4(A)(1)(e): Nonconformance Regulations

(e) A wall or fence which is legally nonconforming to this Zoning Code because it is not a solid wall or fence shall be made to conform within five years of the effective date of this Zoning Code (January 1, 1981). A wall or fence existent on the effective date of this Zoning Code and nonconforming by virtue of being in the clear sight triangle may remain so as long as the Traffic Engineer gives and does not withdraw a written opinion that the wall or fence is not a traffic hazard. A wall or fence which is legally nonconforming to this Zoning Code because it is partially or wholly constructed of [-razor ribbon,-] [+barbed tape, razor wire,+] barbed wire or similar materials in a zone where such materials are prohibited shall be removed within six months of the adoption of this provision, [+except at public utility structures and APD facilities.+] Other nonconforming walls and fences may remain for the life of the structure.

[+Section 14-16-3-22 (C)(8)(a)(1): Form Based Zones.

(1) Prohibited materials. Chain link, barbed wire [- and razor ribbon -] [+, barbed tape and razor wire +] are prohibited [+, except at public utility structures and APD facilities. +] Temporary construction fences are permitted pursuant to City Zoning Code §14-16-3-19.+]

***Randall Falkner
Planner***

Notice of Decision cc list:

City of Albuquerque/City Council, P.O. Box 1293, Albuquerque, NM 87103
City of Albuquerque/Planning Department, 600 2nd St. NW, 3rd Floor, Albuquerque, NM 87102

Attachments

Council Bill O-12-25
Zoning Code Section 14-16-3-19 General Height and Design Regulations for Walls, Fences and Retaining Walls
Zoning Code Section 14-16-2-6 Residential Zone
Zoning Code Section 14-16-2-8 R-LT Residential Zone
Zoning Code Section 14-16-2-9 R-T Residential Zone
Zoning Code Section 14-16-3-4 Nonconformance Regulations
Zoning Code Section 14-16-3-22 Form Based Zones
Notice of Public Hearing
Neighborhood News
City Website Notice
Razor Ribbon Barbed Tape Obstacles (types of barbed tape and razor wire)

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

The proposed language of the text amendment is enforceable

Office of Neighborhood Coordination

City-wide

9/11/12 – Newsletter Article in the September/October issue of the “Neighborhood News” newsletter both in print and online to all NA/HOA/Coalitions on ONC’s list and to the public - siw

Long Range Planning

Metropolitan Redevelopment Agency

The subject ordinances do not directly affect a Redevelopment Area, and therefore Metropolitan Redevelopment Section staff have no comments on these applications.

Transportation Development (City Engineer/Planning Department):

Text Amendment to Zoning Code:

- Reviewed, no comment.

Hydrology Development (City Engineer/Planning Department):

- Hydrology has no objection to the request.

Transportation Planning (Department of Municipal Development):

- No comments received.

Traffic Engineering Operations (Department of Municipal Development):

- Reviewed, and no comments regarding on-street bikeways or roadway system facilities.

Street Maintenance (Department of Municipal Development):

- No comments received.

New Mexico Department of Transportation (NMDOT):

- No comments received.

RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT and NMDOT:

Conditions of approval for the proposed Text Amendment to Zoning Code (Wall regulations) shall include: None.

WATER UTILITY AUTHORITY

Utility Services

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

Environmental Services Division

PARKS AND RECREATION

Planning and Design

Reviewed, no objection.

Open Space Division

City Forester

POLICE DEPARTMENT/Planning

- The Albuquerque Police Department is requesting to be exempt from this legislation for all APD facilities and property due to security concerns and community safety.

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

Approved as long as they comply with SWMD Ordinance.

FIRE DEPARTMENT/Planning

No Comments

TRANSIT DEPARTMENT

Adjacent and nearby routes	None.
Adjacent bus stops	None.
Site plan requirements	None.
Large site TDM suggestions	None.
Other information	None.

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

ALBUQUERQUE PUBLIC SCHOOLS

APS does not oppose this amendment.

MID-REGION COUNCIL OF GOVERNMENTS

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

PUBLIC SERVICE COMPANY OF NEW MEXICO

Project #1001620 - Amendment to Zone Code regarding wall regulations

PNM has serious safety concerns regarding proposed amendments to the City of Albuquerque Zone Code (Sections 14-16-3-4, 14-16-2-6, 14-16-2-8, and 14-16-2-9) to be heard by the Environmental Planning Commission (EPC) on October 11, 2012 (12EPC-40055, #1001620) prohibiting razor ribbon, barbed wire and other materials.

PNM electric facilities in the City of Albuquerque are enclosed by walls or fences with razor ribbon, barbed wire or other materials for safety and security reasons: 1) to protect the public from having direct contact with hazardous high-voltage equipment, and 2) to protect the equipment from vandalism, damage and theft. This is an issue of national security which involves FBI and Department of Homeland Security as well as local law enforcement.

PNM has experienced numerous thefts of copper materials at substations and switching stations in Albuquerque which are putting the safety of both the individuals who are stealing these materials and PNM employees who respond at risk as well as the equipment at risk. Razor ribbon, barbed wire, and other materials are the most effective way to prevent this risk. In order to ensure the security and safety of PNM electric facilities, PNM must have the ability to continue to utilize barbed wire, razor ribbon, and other materials on top of walls and fences at PNM electric facilities in order to prevent unauthorized access to avoid accident, injury or death and to safely ensure the security of the facility regardless of the location or designated zone. It is critical that language be added to these amendments that allows for exceptions at electric utility facilities.

1. The proposed language in the Zone Code §14-16-3-19, General Height and Design Regulations for Walls, Fences and Retaining Walls, should state:

“(B) Razor Ribbon, barbed wire or similar materials.

Razor ribbon, barbed wire or similar materials are prohibited in and abutting residential zones and shall not be visible from a public street right-of-way in non-residential zones except in C-3, IP, M-1, M-2 or corresponding zones **except in instances that protect the health safety, and welfare of the public at utility facilities.**”

2. The proposed language in the Zone Code §14-16-2-6, R-1 Residential Zone, should state:

“(G) Materials.

Razor ribbon, barbed wire or similar materials are prohibited, **except in instances that protect the health safety, and welfare of the public at utility facilities.**”

3. The proposed language in the Zone Code §14-16-2-8, R-LT Residential Zone, should state:

“(H) Materials.

Razor ribbon, barbed wire or similar materials are prohibited, **except in instances that protect the health safety, and welfare of the public at utility facilities.**”

4. The proposed language in the Zone Code §14-16-2-19, IP Industrial Park Zone, should state:

“(I) Materials.

Razor ribbon, barbed wire or similar materials are prohibited, **except in instances that protect the health safety, and welfare of the public at utility facilities.**”

5. The proposed language in the Zone Code §14-16-3-4 (A)(1)(e), IP Industrial Park Zone, should state:

(e) A wall or fence which is legally nonconforming to this Zoning Code because it is not a solid wall or fence shall be made to conform within five years of the effective date of this Zoning Code (January 1, 1981). A wall or fence existent on effective date of this Zoning Code and nonconforming by virtue of being in the clear sight triangle may remain so as long as the Traffic Engineer give and does not withdraw a written opinion that the wall or fence is not a traffic hazard. **[+A wall or fence which is legally nonconforming to this Zoning Code because it is partially or wholly constructed of razor ribbon, barbed wire or similar materials in a zone where such materials are prohibited shall be removed within six months of the adoption of this provision.+] INSERT: except in instances that protect the health safety, and welfare of the public at utility facilities.**”