

# CITY of ALBUQUERQUE

## TWENTIETH COUNCIL

COUNCIL BILL NO. O-13-63 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Trudy E. Jones

### ORDINANCE

1 AMENDING CHAPTER 14, ARTICLE 16, PART 4, SECTION 4(A)(2) ROA 1994 TO  
2 REMOVE THE EXCEPTION IN THE APPEALS PROCESS THAT REQUIRES  
3 ZONE MAP AMENDMENTS TO BE HEARD ONLY BY THE CITY COUNCIL AND  
4 NOT BY THE LAND USE HEARING OFFICER.

5 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF  
6 ALBUQUERQUE:

7 SECTION 1. Section 14-16-4-4(A)(2) ROA 1994 is amended as follows:

8 “(2) Appeal of the following actions is to the City Council through  
9 the Land Use Hearing Officer:

10 (a) Any action which is authorized by the Zoning Code and is  
11 made by the Planning Commission [~~except a zone map amendment, the~~  
12 ~~appeal of which shall be heard only by the City Council and not by the Land~~  
13 ~~Use Hearing Officer~~];

14 (b) Denial of an application for the HO Historic Overlay Zone or  
15 UCO Urban Conservation Overlay Zone by the Landmarks and Urban  
16 Conservation Commission;

17 (c) A decision on a special use permit by the Landmarks and  
18 Urban Conservation Commission;

19 (d) Appeals of a decision of the Board of Appeals; and

20 (e) Appeals of a decision of the Development Review Board.”

21 SECTION 2. SEVERABILITY CLAUSE. If any section, paragraph, sentence,  
22 clause, word or phrase of this ordinance is for any reason held to be invalid  
23 or unenforceable by any court of competent jurisdiction, such decision shall  
24 not affect the validity of the remaining provisions of this ordinance. The  
25 Council hereby declares that it would have passed this ordinance and each

1 section, paragraph, sentence, clause, word or phrase thereof irrespective of  
2 any provision being declared unconstitutional or otherwise invalid.”

3 SECTION 3. COMPILATION. The ordinance amendment prescribed by  
4 SECTION 1 shall be incorporated in and made part of the Revised Ordinances  
5 of Albuquerque, New Mexico, 1994.

6 SECTION 4. EFFECTIVE DATE. This ordinance shall take effect five days  
7 after publication by title and general summary.

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