

**CITY of ALBUQUERQUE
TWENTY FIFTH COUNCIL**

COUNCIL BILL NO. O-23-72 ENACTMENT NO. O-2023-012

SPONSORED BY: Isaac Benton by request

ORDINANCE

**ADOPTING A TEXT AMENDMENT TO THE INTEGRATED DEVELOPMENT
ORDINANCE FOR THE NORTH 4TH CORRIDOR CHARACTER PROTECTION
OVERLAY ZONE (CPO-9) SMALL MAPPED AREA RELATED TO THE
APPLICABILITY SETBACK AND STEPBACK REQUIREMENTS.**

WHEREAS, the North 4th Corridor Character Protection Overlay Zone (CPO-9) was established in 2020 as a part of the 2019 IDO Annual Update; and

WHEREAS, the intention of CPO-9 is to facilitate and encourage development along 4th Street that has an urban, walkable character; and

WHEREAS, CPO-9 has a building stepback requirement and a building setback requirement that seek to create an adequate pedestrian realm directly along 4th Street; and

WHEREAS, the stepback and setback requirements are only applicable to the “front” of a development, as currently written; and

WHEREAS, the language as written could offer an unintended consequence of not applying the appropriate stepback or setback if a building is being constructed on a corner lot or a full block where the “front” of the structure could be turned to a side-street that is not 4th Street; and

WHEREAS, the proposed text amendment will ensure that the stepback and setback are always appropriately provided along 4th Street; and

WHEREAS, the Environmental Planning Commission considered this request on December 8th, 2022 and forwarded to the City Council a recommendation of approval subject to the findings in the record.

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

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1 SECTION 1. Amend the 3-6(J)(2) and 3-6(J)(3)(b) in the CPO-9 in the IDO as
2 follows:

3 **3-4(J)(2) Site and Setback Standards**

4 Lot size, width, usable open space, and setbacks shall be provided according
5 to the applicable standards in Section 14-16-5-1 (Dimensional Standards), with
6 the exception of the following:

7 3-4(J)(2)(a) Any setback from a lot line abutting 4th Street, minimum: 10 feet.

8 3-4(J)(2)(b) Any setback from a lot line abutting 4th Street, maximum: 15
9 feet.

10 **3-4(J)(3)(b) Building Stepback**

11 Any portion of a building over 30 feet tall shall incorporate a minimum
12 stepback of 6 feet from any façade facing 4th street, a public street.

13 SECTION 2. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
14 clause, word or phrase of this ordinance is for any reason held to be invalid or
15 unenforceable by any court of competent jurisdiction, such decision shall not
16 affect the validity of the remaining provisions of this ordinance. The Council
17 hereby declares that it would have passed this ordinance and each section,
18 paragraph, sentence, clause, word or phrase thereof irrespective of any
19 provision being declared unconstitutional or otherwise invalid.

20 SECTION 3. COMPILATION. Sections 1 of this ordinance shall be
21 incorporated in and made part of the Revised Ordinances of Albuquerque,
22 New Mexico, 1994.

23 SECTION 4. EFFECTIVE DATE. This ordinance shall take effect after
24 publication by title and general summary upon the sooner of the effective date
25 of the 2022 IDO Annual Update or January 31st, 2024.
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1 PASSED AND ADOPTED THIS 3rd DAY OF April, 2023
2 BY A VOTE OF: 9 FOR 0 AGAINST.



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9 Pat Davis, President
10 City Council

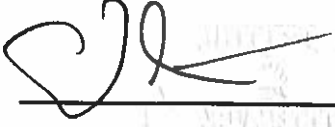
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14 APPROVED THIS 17 DAY OF April, 2023

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18 Bill No. O-23-72



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23 Timothy M. Keller, Mayor
24 City of Albuquerque

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27 ATTEST:



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30 Ethan Watson, City Clerk

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