

CITY of ALBUQUERQUE

TWENTY FIFTH COUNCIL

COUNCIL BILL NO. O-23-73 ENACTMENT NO. 0-2023-013

SPONSORED BY: Dan Lewis by request

ORDINANCE

1
2 **ADOPTING A TEXT AMENDMENT TO THE INTEGRATED DEVELOPMENT**
3 **ORDINANCE FOR THE NORTHWEST MESA ESCARPMENT VIEW**
4 **PROTECTION OVERLAY ZONE (VPO-2) SMALL MAPPED AREA RELATED TO**
5 **THE APPLICABILITY OF HEIGHT RESTRICTIONS APPLIED TO STRUCTURES**
6 **THAT EXIST OUTSIDE OF THE VPO-2 BOUNDARY.**

7 **WHEREAS, in 2017 all of the City's sector development plans were**
8 **rescinded with the adoption of the Integrated Development Ordinance (IDO);**
9 **and**

10 **WHEREAS, the regulations from the Northwest Mesa Escarpment Plan**
11 **(NWMEP) were incorporated into the IDO as the Northwest Mesa Escarpment**
12 **View Protection Overlay Zone (VPO-2); and**

13 **WHEREAS, one purpose of VPO-2 is to protect views looking to and from**
14 **the Petroglyph National Monument; and**

15 **WHEREAS, the NWMEP established a "Conservation Area" boundary that**
16 **represented the area of the monument to be protected; and**

17 **WHEREAS, the NWMEP established an "Impact Area" boundary in which a**
18 **15-foot height restriction was imposed. That boundary extended 350 feet out**
19 **from the Conservation Area; and**

20 **WHEREAS, VPO-2 contains the height restriction of 15 feet applicable to all**
21 **properties within a sub-area of VPO-2 known as the "height restrictions sub-**
22 **area", which was derived from the "Impact Area" boundary; and**

23 **WHEREAS, the definition of "Small Area" in the IDO specifies that "where**
24 **any small area boundary crosses a lot line, the entire lot is subject to**
25 **applicable small area standards unless specified otherwise in this IDO"; and**

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1 **WHEREAS, the pattern of lots suitable for commercial development in and**
2 **around the VPO-2 bounded area contains parcels that are large, some of**
3 **which are 60+ acres; and**

4 **WHEREAS, the definition of “Small Area” in the IDO applies the 15-foot**
5 **height restriction to the entirety of these parcels where the VPO-2 height**
6 **restriction sub-area only crosses a portion of the lot; and**

7 **WHEREAS, desirable commercial uses such as restaurants, grocery stores,**
8 **or gyms, are not feasible to build within a 15-foot building envelope; and**

9 **WHEREAS, extending the 15-foot height restriction beyond the actual VPO-**
10 **2 height restriction sub-area extends the applicability of the VPO-2 far beyond**
11 **its legal boundary; and**

12 **WHEREAS, commercial development is needed in this area due to the vast**
13 **number of dwelling units with a lack of commercial goods and services in near**
14 **proximity; and**

15 **WHEREAS, amending VPO-2 to specify that where the height restriction**
16 **sub-area crosses a lot is the only portion of the lot that will be subject to the**
17 **height restrictions may help facilitate commercial development in the area;**
18 **and**

19 **WHEREAS, the proposed language change for VPO-2 will not change**
20 **entitlements within the VPO-2 boundary itself – this change will only impact**
21 **development outside of the adopted boundary; and**

22 **WHEREAS, the Environmental Planning Commission considered this**
23 **request on December 8th, 2022 and forwarded to the City Council a**
24 **recommendation of denial subject to the findings in the record; and**

25 **WHEREAS, the Environmental Planning Commission is only a**
26 **recommending body in this matter and it is within the City Council’s legislative**
27 **authority to take action that varies from that of the Environmental Planning**
28 **Commission recommendation if the action is adequately justified.**

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

31 **SECTION 1. Amend the 3-6(D)(1) and 3-6(E)(3) in the VPO-2 in the IDO as**
32 **follows:**

33 **3-6(D)(1) Applicability**

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1 The VPO-2 standards apply to all development in the following mapped area.
2 Where the VPO-2 boundary crosses a lot line, the entire lot is subject to these
3 standards unless otherwise specified.

4 **3-6(E)(3) Building and Structure Height**

5 The following standards apply in the Height Restrictions Sub-area shown in
6 the map above. In mixed-use and non-residential zone districts, where the
7 height-restriction sub-area crosses a lot line, only the portion of the lot within
8 the sub-area boundary is subject to these standards.

9 SECTION 2. Exhibit A to this ordinance provides justification for approval
10 of the changes in Section 1 pursuant to IDO requirements.

11 SECTION 3. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
12 clause, word or phrase of this ordinance is for any reason held to be invalid
13 or unenforceable by any court of competent jurisdiction, such decision shall
14 not affect the validity of the remaining provisions of this ordinance. The
15 Council hereby declares that it would have passed this ordinance and each
16 section, paragraph, sentence, clause, word or phrase thereof irrespective of
17 any provision being declared unconstitutional or otherwise invalid.

18 SECTION 4. COMPILATION. Sections 1 of this ordinance shall be
19 incorporated in and made part of the Revised Ordinances of Albuquerque,
20 New Mexico, 1994.

21 SECTION 5. EFFECTIVE DATE. This ordinance shall take effect after
22 publication by title and general summary upon the sooner of the effective date
23 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: 6 FOR 2 AGAINST.

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For: Bassan, Benton, Grout, Jones, Lewis, and Peña
Against: Fiebelkorn, and Davis
Recused: Sanchez

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Pat Davis, President
City Council

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APPROVED THIS _____ DAY OF _____, 2023

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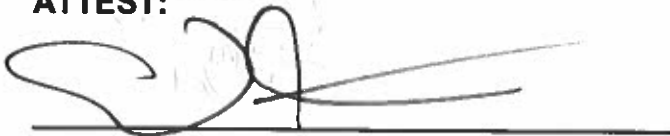
Bill No. O-23-73

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Timothy M. Keller, Mayor
City of Albuquerque

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ATTEST:



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Ethan Watson, City Clerk

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City of Albuquerque

Office of the City Clerk

Timothy M. Keller, Mayor

Ethan Watson, City Clerk

Interoffice Memorandum

April 19, 2023

To: CITY COUNCIL

From: Camille Chavez, Assistant City Clerk

Subject: BILL NO. O-23-73; ENACTMENT NO. O-2023-013

I hereby certify that on April 18, 2023, the Office of the City Clerk received Bill No. O-23-73 as signed by the president of the City Council, Pat Davis. Enactment No. O-2023-013 was passed at the April 3, 2023 City Council meeting. Mayor Keller did not sign the approved Ordinance within the 10 days allowed for his signature and did not exercise his veto power. Pursuant to the Albuquerque City Charter Article XI, Section 3, this Ordinance is in full effect upon the sooner of the effective date of the 2022 IDO Annual Update or January 31st, 2024 without Mayor's approval or signature. This memorandum shall be placed in the permanent file for Bill No. O-23-73.

Sincerely,

Ethan Watson
City Clerk