

CITY of ALBUQUERQUE
TWENTY FIFTH COUNCIL

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

SPONSORED BY: Isaac Benton by request

1 ORDINANCE

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

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

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

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

13 WHEREAS, the setback and setback requirements are only applicable to
14 the "front" of a development, as currently written; and

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

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

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

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

[Bracketed/Under scored Material] - New
[Bracketed/Strikethrough Material] - Deletion

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

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.
26
27
28
29
30

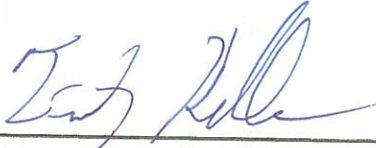
1 PASSED AND ADOPTED THIS 3rd DAY OF April, 2023
2 BY A VOTE OF: 9 FOR 0 AGAINST.

3
4
5
6 

7
8
9
10 Pat Davis, President
11 City Council

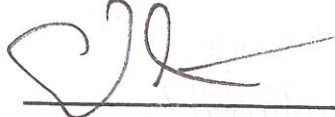
12
13
14 APPROVED THIS 17 DAY OF April, 2023

15
16
17
18
19 Bill No. O-23-72

20
21 

22
23 Timothy M. Keller, Mayor
24 City of Albuquerque

25
26
27 ATTEST:

28 

29
30 Ethan Watson, City Clerk

[+Bracketed/Underscored Material+] - New
[-Bracketed/Strikethrough Material-] - Deletion