## **CITY of ALBUQUERQUE TWENTY FIFTH COUNCIL**

COUNC	BILL NO. O-23-73 ENACTMENT NO.				
SPONSORED BY: Dan Lewis by request					
1	ORDINANCE				
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8	rescinded with the adoption of the Integrated Development Ordinance (IDO);				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				
Deletion 12	(NWMEP) were incorporated into the IDO as the Northwest Mesa Escarpment				
Deletic	View Protection Overlay Zone (VPO-2); and				
<b>⊒ ' 13</b>	WHEREAS, one purpose of VPO-2 is to protect views looking to and from				
14 <del>(Li</del>	the Petroglyph National Monument; and				
Bracketed/Underscored Material   Bracketed/Strikethrough Material    Bracketed/Strikethrough Material    12	WHEREAS, the NWMEP established a "Conservation Area" boundary that				
16 16	represented the area of the monument to be protected; and				
∑SI	WHEREAS, the NWMEP established an "Impact Area" boundary in which	a			
90 <del>10</del> 18	15-foot height restriction was imposed. That boundary extended 350 feet out				
<u>∓</u> 19	from the Conservation Area; and				
20 get	WHEREAS, VPO-2 contains the height restriction of 15 feet applicable to a	all			
Bracketed/ racketed/St	properties within a sub-area of VPO-2 known as the "height restrictions sub-				
의 <mark>학</mark> 22	area", which was derived from the "Impact Area" boundary; and				
23	WHEREAS, the definition of "Small Area" in the IDO specifies that "where	ļ			
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				
26	6 WHEREAS,				

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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 nea
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 8 <sup>th</sup> , 2022 and forwarded to the City Council a
24	recommendation of denial subject to the findings in the record.
25	BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
26	ALBUQUERQUE:
27	SECTION 1. Amend the 3-6(D)(1) and 3-6(E)(3) in the VPO-2 in the IDO as
28	follows:
29	3-6(D)(1) Applicability
30	The VPO-2 standards apply to all development in the following mapped area.
31	Where the VPO-2 boundary crosses a lot line, the entire lot is subject to these
32	standards [unless otherwise specified].
33	3-6(E)(3) Building and Structure Height

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1	The following standards apply in the Height Restrictions Sub-area shown in
2	the map above. [In mixed-use and non-residential zone districts, where the
3	height-restriction sub-area crosses a lot line, only the portion of the lot within
4	the sub-area boundary is subject to these standards.]
5	SECTION 2. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
6	clause, word or phrase of this ordinance is for any reason held to be invalid or
7	unenforceable by any court of competent jurisdiction, such decision shall not
8	affect the validity of the remaining provisions of this ordinance. The Council
9	hereby declares that it would have passed this ordinance and each section,
10	paragraph, sentence, clause, word or phrase thereof irrespective of any
11	provision being declared unconstitutional or otherwise invalid.
12	SECTION 3. COMPILATION. Sections 1 of this ordinance shall be
13	incorporated in and made part of the Revised Ordinances of Albuquerque,
14	New Mexico, 1994.
15	SECTION 4. EFFECTIVE DATE. This ordinance takes shall take effect after
16	publication by title and general summary upon the sooner of the effective date
17	of the 2022 IDO Annual Update or January 31st, 2023.
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