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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 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

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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