## CITY of ALBUQUERQUE TWENTY FIFTH COUNCIL

COUNCIL BILL NO. <u>0-23-72</u> ENACTMENT NO.

SPONSORED BY: Isaac Benton by request

1 ORDINANCE 2 ADOPTING A TEXT AMENDMENT TO THE INTEGRATED DEVELOPMENT 3 ORDINANCE FOR THE NORTH 4<sup>TH</sup> CORRIDOR CHARACTER PROTECTION **OVERLAY ZONE (CPO-9) SMALL MAPPED AREA RELATED TO THE** 4 APPLICABILITY SETBACK AND STEPBACK REQUIREMENTS. 5 WHEREAS, the North 4<sup>th</sup> Corridor Character Protection Overlay Zone (CPO-6 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 development along 4<sup>th</sup> Street that has an urban, walkable character; and 9 WHEREAS, CPO-9 has a building stepback requirement and a building 10 setback requirement that seek to create an adequate pedestrian realm directly along 4<sup>th</sup> 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 4<sup>th</sup> Street; and WHEREAS, the proposed text amendment will ensure that the stepback and setback are always appropriately provided along 4<sup>th</sup> Street; and WHEREAS, the Environmental Planning Commission considered this request on December 8<sup>th</sup>, 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:

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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:
- 3-4(J)(2)(a) [Front] [Any] setback [from a lot line abutting 4<sup>th</sup> Street],
  minimum: 10 feet.
- 9 3-4(J)(2)(b) [Front] [Any] setback [from a lot line abutting 4<sup>th</sup> Street],
- 10 maximum: 15 feet.
- 11 3-6(E)(3) Building and Structure Height
- 12 The following standards apply in the Height Restrictions Sub-area shown in
- 13 the map above. [In mixed-use and non-residential zone districts, where the
- 14 <u>height-restriction sub-area crosses a lot line, only the portion of the lot within</u>
- 15 the sub-area boundary is subject to these standards.]
- SECTION 2. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
  clause, word or phrase of this ordinance is for any reason held to be invalid or
  unenforceable by any court of competent jurisdiction, such decision shall not
  affect the validity of the remaining provisions of this ordinance. The Council
  hereby declares that it would have passed this ordinance and each section,
  paragraph, sentence, clause, word or phrase thereof irrespective of any
  provision being declared unconstitutional or otherwise invalid.

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

SECTION 4. EFFECTIVE DATE. This ordinance takes shall take effect after publication by title and general summary upon the sooner of the effective date of the 2022 IDO Annual Update or January 31st, 2024.

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