CITY of ALBUQUERQUE TWENTY FOURTH COUNCIL

COUNCIL BILL NO. R-21-139 ENACTMENT NO. _____ SPONSORED BY: Isaac Benton 1 RESOLUTION 2 DECLARING A MORATORIUM OF UP TO SIX MONTHS OR UNTIL THE 2020 3 INTEGRATED DEVELOPMENT ORDINANCE (IDO) ANNUAL UPDATE IS FINALLY ACTED UPON BY THE CITY COUNCIL, WHICHEVER FIRST OCCURS, 4 ON WALLS AND FENCES SECTIONS 5-7(D)(3)(F) AND 5-7(D)(3)(G) OF THE 5 6 IDO. 7 WHEREAS, the City adopted the Integrated Development Ordinance (IDO) 8 in November 2017; and 9 WHEREAS, the 2020 IDO Annual Update is currently underway; and 10 WHEREAS, Section 5-7(D)(3)(f) provides the Zoning Enforcement Officer 11 the authority to approve taller walls or fences for security reasons in any 12 portion of the City, except where a taller wall or fence is prohibited or a Permit 13 - Wall or Fence - Major is required and that such authority could result in the 14 approval of taller walls and fences in areas that are not appropriate; and 15 WHEREAS, Section 5-7(D)(3)(q) refers to "low density development" which 16 is not a defined term, but an error that should read "low density residential 17 development"; and 18 WHEREAS, there is the potential for the approval of walls or fences that 19 don't further the intent of the IDO; and 20 WHEREAS, it is expected that the City Council will consider adoption of the 21 2020 IDO Annual Update within the next six months; and 22 WHEREAS, amendments as part of the 2020 IDO Annual Update are 23 anticipated to evaluate and address Section 5-7(D)(3)(f) and 5-7(D)(3)(g); and 24 WHEREAS, the Council determines that a short moratorium on these two 25 sections of the IDO will result in minimal inconvenience while protecting the

26

IDO's intent: and

- 1 WHEREAS, the intended purpose of this Resolution is to advance the 2 health, safety and welfare of the public and to further goals and policies 3 adopted by the Council. 4 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF 5 **ALBUQUERQUE:** 6 SECTION 1. Upon the effective date of this Resolution and for a period of 7 six months thereafter, or until the 2020 Integrated Development Ordinance 8 Annual Update is finally acted upon by the City Council, whichever first 9 occurs, the City shall not act upon or issue any approval under Section 5-10 7(D)(3)(f), which reads: 11 Except where a Permit – Wall or Fence – Major is required 12 pursuant to Subsection (g) below or where prohibited pursuant to 13 Subsection (h) below, the Zoning Enforcement Officer (ZEO) may 14 make an exception to the height standards in Table 5-7-1 for 15 security reasons due to specific site conditions or the nature of the 16 land use or related materials and facilities on the site, pursuant to 17 Subsection 14-16-6-5(F) (Permit – Wall or Fence – Minor). 18 SECTION 2. Upon the effective date of this Resolution and for a period of 19 six months thereafter, or until the 2020 Integrated Development Ordinance 20 Annual Update is finally acted upon by the City Council, whichever first 21 occurs, the City shall not act upon or issue any approval under Section 5-22 7(D)(3)(q) unless the request is for low density residential development as 23 defined by the IDO. Section 5-7(D)(3)(g) reads: 24 For low-density development in or abutting a Residential zone 25 district where wall height in any front or street side yard is 26 restricted to 3 feet by Table 5-7-1, a request for a taller wall that 27 meets the height and location standards in Table 5-7-2 shall 28 require Permit – Wall or Fence – Major pursuant to Subsection 14-29 16-6-6(H), except where a taller wall is prohibited pursuant to 30 Subsection (h) below.
- 31 SECTION 3. This Resolution does not apply to any permits that have been 32 applied for prior to adoption of this Resolution by the Council.

SECTION 4. SEVERABILITY CLAUSE. If any section, paragraph, sentence, clause, word or phrase of this resolution 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 resolution. The Council hereby declares that it would have passed this resolution and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.