

City of Albuquerque

Office of the City Clerk

Timothy M. Keller, Mayor

Ethan Watson, City Clerk

Interoffice Memorandum

March 29, 2021

To: CITY COUNCIL

From: Camille Cordova, Assistant City Clerk

Subject: BILL NO. R-21-139; ENACTMENT NO. R-2021-016

I hereby certify that on March 24, 2021, the Office of the City Clerk received Bill R-21-139 as signed by the president of the City Council, Cynthia D. Borrego. Enactment No. R-2021-016 was passed at the March 15, 2021 City Council meeting. Mayor Keller did not sign the approved Resolution within the 10 days allowed for his signature and did not exercise his veto power. Pursuant to the Albuquerque City Charter Article XI, Section 3, this Resolution is in full effect without Mayor's approval or signature. This memorandum shall be placed in the permanent file for Bill No. R-21-139.

Sincerely,

Ethan Watson
City Clerk

CITY of ALBUQUERQUE TWENTY FOURTH COUNCIL

COUNCIL BILL NO. R-21-139 ENACTMENT NO. R-2021-016

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
4 FINALLY ACTED UPON BY THE CITY COUNCIL, WHICHEVER FIRST OCCURS,
5 ON WALLS AND FENCES SECTIONS 5-7(D)(3)(F) AND 5-7(D)(3)(G) OF THE
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)(g) 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)(g) 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.**

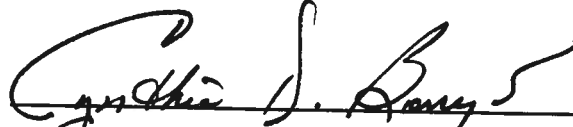
31 **SECTION 3. This Resolution does not apply to any permits that have been**
32 **applied for prior to adoption of this Resolution by the Council.**

1 **SECTION 4. SEVERABILITY CLAUSE.** If any section, paragraph, sentence,
2 clause, word or phrase of this resolution is for any reason held to be invalid or
3 unenforceable by any court of competent jurisdiction, such decision shall not
4 affect the validity of the remaining provisions of this resolution. The Council
5 hereby declares that it would have passed this resolution and each section,
6 paragraph, sentence, clause, word or phrase thereof irrespective of any
7 provision being declared unconstitutional or otherwise invalid.

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1 PASSED AND ADOPTED THIS 15th DAY OF March, 2021
2 BY A VOTE OF: 9 FOR 0 AGAINST.


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8 Cynthia D. Borrego, President
9 City Council

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13 APPROVED THIS _____ DAY OF _____, 2021

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17 Bill No. R-21-139

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21 _____
22 Timothy M. Keller, Mayor
23 City of Albuquerque

24
25 ATTEST:
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28 Ethan Watson, City Clerk
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