



Legislation Details (With Text)

File #: R-21-139
Type: Resolution **Status:** Enacted and Published
File created: 3/15/2021 **In control:** City Council
Final action: 3/15/2021
Enactment date: 3/29/2021 **Enactment #:** R-2021-016
Title: Declaring A Moratorium Of Up To Six Months Or Until The 2020 Integrated Development Ordinance (IDO) Annual Update Is Finally Acted Upon By The City Council, Whichever First Occurs, On Walls And Fences Sections 5-7(D)(3)(F) And 5-7(D)(3)(G) Of The IDO (Benton)
Sponsors: Isaac Benton
Indexes:
Code sections:
Attachments: 1. R-139, 2. R-139Enacted

Date	Ver.	Action By	Action	Result
3/29/2021	2	City Clerk	Published	
3/22/2021	2	Mayor	Not Signed by the Mayor	
3/18/2021	2	City Council	Sent to Mayor for Signature	
3/15/2021	1	President	Immediate Action Requested	
3/15/2021	2	City Council	Introduced (Immediate Action Requested)	
3/15/2021	1	City Council	Passed	Pass

CITY of ALBUQUERQUE
TWENTY FOURTH COUNCIL

COUNCIL BILL NO. R-21-139 ENACTMENT NO. _____

SPONSORED BY: Isaac Benton

RESOLUTION

Declaring A Moratorium Of Up To Six Months Or Until The 2020 Integrated Development Ordinance (IDO) Annual Update Is Finally Acted Upon By The City Council, Whichever First Occurs, On Walls And Fences Sections 5-7(D)(3)(F) And 5-7(D)(3)(G) Of The IDO (Benton)
DECLARING A MORATORIUM OF UP TO SIX MONTHS OR UNTIL THE 2020 INTEGRATED DEVELOPMENT ORDINANCE (IDO) ANNUAL UPDATE IS FINALLY ACTED UPON BY THE

CITY COUNCIL, WHICHEVER FIRST OCCURS, ON WALLS AND FENCES SECTIONS 5-7(D)(3)(F) AND 5-7(D)(3)(G) OF THE IDO.

WHEREAS, the City adopted the Integrated Development Ordinance (IDO) in November 2017; and

WHEREAS, the 2020 IDO Annual Update is currently underway; and

WHEREAS, Section 5-7(D)(3)(f) provides the Zoning Enforcement Officer the authority to approve taller walls or fences for security reasons in any portion of the City, except where a taller wall or fence is prohibited or a Permit - Wall or Fence - Major is required and that such authority could result in the approval of taller walls and fences in areas that are not appropriate; and

WHEREAS, Section 5-7(D)(3)(g) refers to “low density development” which is not a defined term, but an error that should read “low density residential development”; and

WHEREAS, there is the potential for the approval of walls or fences that don’t further the intent of the IDO; and

WHEREAS, it is expected that the City Council will consider adoption of the 2020 IDO Annual Update within the next six months; and

WHEREAS, amendments as part of the 2020 IDO Annual Update are anticipated to evaluate and address Section 5-7(D)(3)(f) and 5-7(D)(3)(g); and

WHEREAS, the Council determines that a short moratorium on these two sections of the IDO will result in minimal inconvenience while protecting the IDO’s intent; and

WHEREAS, the intended purpose of this Resolution is to advance the health, safety and welfare of the public and to further goals and policies adopted by the Council.

BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

SECTION 1. Upon the effective date of this Resolution and for a period of six months thereafter, or until the 2020 Integrated Development Ordinance Annual Update is finally acted upon by the City Council, whichever first occurs, the City shall not act upon or issue any approval under Section 5-7(D)(3)(f), which reads:

Except where a Permit - Wall or Fence - Major is required pursuant to Subsection (g) below or where prohibited pursuant to Subsection (h) below, the Zoning Enforcement Officer (ZEO) may make an exception to the height standards in Table 5-7-1 for security reasons due to specific site conditions or the nature of the

land use or related materials and facilities on the site, pursuant to Subsection 14-16-6-5(F) (Permit - Wall or Fence - Minor).

SECTION 2. Upon the effective date of this Resolution and for a period of six months thereafter, or until the 2020 Integrated Development Ordinance Annual Update is finally acted upon by the City Council, whichever first occurs, the City shall not act upon or issue any approval under Section 5-7(D)(3)(g) unless the request is for low density residential development as defined by the IDO. Section 5-7(D)(3)(g) reads:

For low-density development in or abutting a Residential zone district where wall height in any front or street side yard is restricted to 3 feet by Table 5-7-1, a request for a taller wall that meets the height and location standards in Table 5-7-2 shall require Permit - Wall or Fence - Major pursuant to Subsection 14-16-6-6(H), except where a taller wall is prohibited pursuant to Subsection (h) below.

SECTION 3. This Resolution does not apply to any permits that have been 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.

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