



Legislation Details (With Text)

**File #:** O-23-72  
**Type:** Ordinance      **Status:** Enacted  
**File created:** 2/22/2023      **In control:** Land Use, Planning, and Zoning Committee  
**Final action:** 4/3/2023  
**Enactment date:** 4/18/2023      **Enactment #:** O-2023-012  
**Title:** Adopting A Text Amendment To The Integrated Development Ordinance For The North 4th Corridor Character Protection Overlay Zone (CPO-9) Small Mapped Area Related To The Applicability Setback And Stepback Requirements (Benton by request)  
**Sponsors:** Isaac Benton (By Request)  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. O-72, 2. O-72Enacted

Date	Ver.	Action By	Action	Result
4/21/2023	2	City Clerk	Published	
4/17/2023	2	Mayor	Signed by the Mayor	
4/7/2023	1	City Council	Sent to Mayor for Signature	
4/3/2023	1	City Council	Passed	Pass
3/20/2023	1	City Council	Accepted with a recommendation Do Pass, As Amended	
3/15/2023	1	Land Use, Planning, and Zoning Committee	Amended	Pass
3/15/2023	1	Land Use, Planning, and Zoning Committee	Sent to Council with a recommendation of Do Pass, as Amended	Pass
2/22/2023	1	President	Referred	
2/22/2023	1	City Council	Received and Referred	

**CITY of ALBUQUERQUE**  
**TWENTY FIFTH COUNCIL**

COUNCIL BILL NO.   O-23-72        ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Isaac Benton by request

ORDINANCE

Adopting A Text Amendment To The Integrated Development Ordinance For The North 4th Corridor Character Protection Overlay Zone (CPO-9) Small Mapped Area Related To The

Applicability Setback And Stepback Requirements (Benton by request)

ADOPTING A TEXT AMENDMENT TO THE INTEGRATED DEVELOPMENT ORDINANCE FOR THE NORTH 4<sup>TH</sup> CORRIDOR CHARACTER PROTECTION OVERLAY ZONE (CPO-9) SMALL MAPPED AREA RELATED TO THE APPLICABILITY SETBACK AND STEPBACK REQUIREMENTS.

WHEREAS, the North 4<sup>th</sup> Corridor Character Protection Overlay Zone (CPO-9) was established in 2020 as a part of the 2019 IDO Annual Update; and

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

WHEREAS, CPO-9 has a building stepback requirement and a building 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 recommendation of approval subject to the findings in the record.

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

SECTION 1. Amend the 3-6(J)(2) and 3-6(J)(3)(b) in the CPO-9 in the IDO as follows:

3-4(J)(2) Site and Setback Standards

Lot size, width, usable open space, and setbacks shall be provided according to the applicable standards in Section 14-16-5-1 (Dimensional Standards), with the exception of the following:

3-4(J)(2)(a) Any setback from a lot line abutting 4<sup>th</sup> Street, minimum: 10 feet.

3-4(J)(2)(b) Any setback from a lot line abutting 4<sup>th</sup> Street, maximum: 15 feet.

3-4(J)(3)(b) Building Stepback

Any portion of a building over 30 feet tall shall incorporate a minimum stepback of 6 feet from any façade facing 4th street, a public street.

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 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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