



Legislation Details (With Text)

**File #:** O-23-73  
**Type:** Ordinance      **Status:** Enacted  
**File created:** 2/22/2023      **In control:** City Council  
**Final action:** 4/3/2023  
**Enactment date:** 4/18/2023      **Enactment #:** O-2023-013  
**Title:** Adopting A Text Amendment To The Integrated Development Ordinance For The Northwest Mesa Escarpment View Protection Overlay Zone (VPO-2) Small Mapped Area Related To The Applicability Of Height Restrictions Applied To Structures That Exist Outside Of The VPO-2 Boundary (Lewis by request)  
**Sponsors:** Dan Lewis  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. O-73, 2. O-73Enacted

| Date      | Ver. | Action By                                | Action                                             | Result |
|-----------|------|------------------------------------------|----------------------------------------------------|--------|
| 4/21/2023 | 2    | City Clerk                               | Published                                          |        |
| 4/17/2023 | 2    | Mayor                                    | Not 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   | 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-23-73        ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Dan Lewis by request

ORDINANCE

Adopting A Text Amendment To The Integrated Development Ordinance For The Northwest Mesa

Escarpment View Protection Overlay Zone (VPO-2) Small Mapped Area Related To The Applicability Of Height Restrictions Applied To Structures That Exist Outside Of The VPO-2 Boundary (Lewis by request)

ADOPTING A TEXT AMENDMENT TO THE INTEGRATED DEVELOPMENT ORDINANCE FOR THE NORTHWEST MESA ESCARPMENT VIEW PROTECTION OVERLAY ZONE (VPO-2) SMALL MAPPED AREA RELATED TO THE APPLICABILITY OF HEIGHT RESTRICTIONS APPLIED TO STRUCTURES THAT EXIST OUTSIDE OF THE VPO-2 BOUNDARY.

WHEREAS, in 2017 all of the City's sector development plans were rescinded with the adoption of the Integrated Development Ordinance (IDO); and

WHEREAS, the regulations from the Northwest Mesa Escarpment Plan (NWMEP) were incorporated into the IDO as the Northwest Mesa Escarpment View Protection Overlay Zone (VPO-2); and

WHEREAS, one purpose of VPO-2 is to protect views looking to and from the Petroglyph National Monument; and

WHEREAS, the NWMEP established a "Conservation Area" boundary that represented the area of the monument to be protected; and

WHEREAS, the NWMEP established an "Impact Area" boundary in which a 15-foot height restriction was imposed. That boundary extended 350 feet out from the Conservation Area; and

WHEREAS, VPO-2 contains the height restriction of 15 feet applicable to all properties within a sub-area of VPO-2 known as the "height restrictions sub-area", which was derived from the "Impact Area" boundary; and

WHEREAS, the definition of "Small Area" in the IDO specifies that "where any small area boundary crosses a lot line, the entire lot is subject to applicable small area standards unless specified otherwise in this IDO"; and

WHEREAS, the pattern of lots suitable for commercial development in and around the VPO-2 bounded area contains parcels that are large, some of which are 60+ acres; and

WHEREAS, the definition of "Small Area" in the IDO applies the 15-foot height restriction to the entirety of these parcels where the VPO-2 height restriction sub-area only crosses a portion of the lot; and

WHEREAS, desirable commercial uses such as restaurants, grocery stores, or gyms, are not feasible to build within a 15-foot building envelope; and

WHEREAS, extending the 15-foot height restriction beyond the actual VPO-2 height restriction

sub-area extends the applicability of the VPO-2 far beyond its legal boundary; and

WHEREAS, commercial development is needed in this area due to the vast number of dwelling units with a lack of commercial goods and services in near proximity; and

WHEREAS, amending VPO-2 to specify that where the height restriction sub-area crosses a lot is the only portion of the lot that will be subject to the height restrictions may help facilitate commercial development in the area; and

WHEREAS, the proposed language change for VPO-2 will not change entitlements within the VPO-2 boundary itself - this change will only impact development outside of the adopted boundary; 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 denial subject to the findings in the record; and

WHEREAS, the Environmental Planning Commission is only a recommending body in this matter and it is within the City Council's legislative authority to take action that varies from that of the Environmental Planning Commission recommendation if the action is adequately justified.

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

SECTION 1. Amend the 3-6(D)(1) and 3-6(E)(3) in the VPO-2 in the IDO as follows:

**3-6(D)(1) Applicability**

The VPO-2 standards apply to all development in the following mapped area. Where the VPO-2 boundary crosses a lot line, the entire lot is subject to these standards unless otherwise specified.

**3-6(E)(3) Building and Structure Height**

The following standards apply in the Height Restrictions Sub-area shown in the map above. In mixed-use and non-residential zone districts, where the height-restriction sub-area crosses a lot line, only the portion of the lot within the sub-area boundary is subject to these standards.

SECTION 2. Exhibit A to this ordinance provides justification for approval of the changes in Section 1 pursuant to IDO requirements.

SECTION 3. 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 4. COMPILATION. Sections 1 of this ordinance shall be incorporated in and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

SECTION 5. 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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