



Legislation Text

File #: O-23-72, Version: 1

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)

WHEREAS, the North 4th 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 4th 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 4th 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 4th Street; and

WHEREAS, the proposed text amendment will ensure that the stepback and setback are always appropriately provided along 4th Street; and

WHEREAS, the Environmental Planning Commission considered this request on December 8th, 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) [~~Front~~] [Any] setback [from a lot line abutting 4th Street], minimum: 10 feet.

3-4(J)(2)(b) [~~Front~~] [Any] setback [from a lot line abutting 4th Street], maximum: 15 feet.

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. 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 takes 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.