

1 unenforceable by any court of competent jurisdiction, such decision shall not
2 affect the validity of the remaining provisions of this ordinance. The Council
3 hereby declares that it would have passed this ordinance and each section,
4 paragraph, sentence, clause, word or phrase thereof irrespective of any
5 provisions being declared unconstitutional or otherwise invalid.

6 Section 3. COMPILATION. The amendments set forth in Section 1 above
7 shall amend, be incorporated in and made part of the Revised Ordinances of
8 Albuquerque, New Mexico, 1994.

9 Section 4. EFFECTIVE DATE. This ordinance shall take effect five days after
10 publication by title and general summary.

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[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

Exhibit 1

Residential Garages

- 1) Page 168, Table 5-1-1: Residential Zone District Dimensional Standards, revise as follows:
 - a) In the line for “Front, minimum” under “Setback Standards,” make the following revisions:
R-1A: ~~15 feet~~ 10 feet
R-T: ~~15 feet~~ 10 feet
 - b) Delete the line for “Garage” under “Setback Standards,” as these provisions will move into a new section in 5-11 Building Design.
 - c) In the line for “Rear, minimum” under “Setback Standards,” delete “Garage off alley: 3 ft.” wherever it appears, as these provisions will move into a new section in 5-11 Building Design.
- 2) Page 264, Section 5-11(C)(1), add a new Subsection 5-11(C)(1)(c) Residential Garages as follows:
 - a) Front-loaded residential garages shall not extend more than 3 feet beyond the front facade of the primary building, with the following exceptions:
 - i) A garage that is accessed from the side (i.e. the garage door is perpendicular to the front facade of the primary building) may be located in front of the primary facade. The street-facing facade of the garage shall be articulated to resemble the primary building facade and shall include a window at least 5 feet wide.
 - ii) For residential subdivisions in which the project site is more than 2 acres, one of the three options provided in Subsection XXX below shall be met in lieu of the 3 feet protrusion requirement.
 - (1) A window no less than 3’ wide and a door shall be provided on the front facade.
 - (2) A porch of at least 40 square feet shall be provided. The porch shall be accessible from the dwelling as well as from the front yard.
 - (3) A courtyard wall shall be provided. The walled courtyard shall be accessible from the dwelling as well as from the front yard. The courtyard wall shall meet the requirements in Section 5-7(D) and Table 5-7-1 for Courtyard Wall standards except that it does not require a variance.
 - b) Rear-loaded residential garages shall be set back a minimum of 3 feet from an alley or street.
 - c) The width of the massing of a residential garage visible from the street shall not comprise more than 50% of the width of the front facade of the primary building.

with the following exception:

- i) For residential subdivisions in which the project site is more than 2 acres, this requirement does not apply to lots with widths 51 feet or less.

3. Page 426, Section 7-1, add a new sentence to the definition of “Garage” as follows and move this definition to be with the other parking-related definitions:

[For the purposes of this IDO, the terms two- or three-car garages refer to the garage width, assuming side-by-side parking, not tandem parking.]

4. Page 5, Section 1-10 Transitions From Previous Regulations, add the following as Section 1-10(D) and renumber accordingly:

[Section 1-10(D) Single family residential development on lots that received Preliminary Plat Approval prior to the effective date of the IDO, are exempt from the Dimensional Standards for low density residential development in Table 5-1-1, for eight (8) years from the effective date of the IDO. The dimensional standards in place at the time of the original approval shall establish the dimensional standards for those residential subdivisions.]