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1 2. The Zoning Code, §14-16-3-16 Private Commons Developments, was
2 amended in 2013 (13 EPC 40088) to reduce the required minimum acreage for
3 a Private Commons Development from two acres to one acre. This amendment
4 did not include the necessary amendments to the RO-1, RA-1 and RA-2, where
5 the Private Commons Development are allowed permissively. This request
6 amends the acreage required for a Private Commons Development from two
7 acres to one in those zones in order to be consistent with the regulations of
8 §14-16-3-16 Private Commons Developments.

9 3. The request removes an inconsistency in the Zoning Code because it
10 adjusts the acreage in the subject zones to match the acreage in §14-16-3-16,
11 Private Commons Developments.

12 4. The Charter of the City of Albuquerque, the Albuquerque
13 Comprehensive Plan and the City of Albuquerque Zoning Code are
14 incorporated herein by reference and made part of the record for all purposes.

15 5. The EPC is a recommending body with review authority and is
16 therefore charged with evaluating the request and forwarding a
17 recommendation to the City Council. The EPC's task is to make a
18 recommendation to the City Council regarding the proposed text amendments.
19 The City Council is the City's Zoning Authority and will make the final decision
20 (§14-16-4-1(D)).

21 6. The request was advertised in the Albuquerque Journal on May 18,
22 2016 as required by the Zoning Code, §14-16-4-1. Registered Neighborhood
23 Associations received the application materials and summary via e-mail.

24 SECTION 3. COMPILATION. Section 1 shall amend, be incorporated in and
25 made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

26 SECTION 4. EFFECTIVE DATE AND PUBLICATION. This legislation shall
27 take effect five days after publication by title and general summary.

28 SECTION 5. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
29 clause, word or phrase of this ordinance is for any reason held to be invalid or
30 unenforceable by any court of competent jurisdiction, such decision shall not
31 affect the validity of the remaining provisions of this ordinance. The Council
32 hereby declares that it would have passed this ordinance and each section,

1 paragraph, sentence, clause, word or phrase thereof irrespective of any
2 provisions being declared unconstitutional or otherwise invalid.

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1 PASSED AND ADOPTED THIS 5th DAY OF October, 2016
2 BY A VOTE OF: 8 FOR 0 AGAINST.

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4 Excused: Benton

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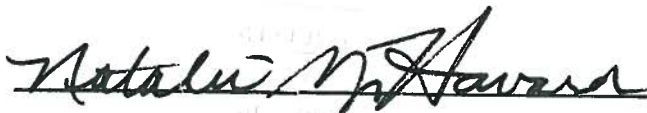
8 Dan Lewis, President
9 City Council

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14 APPROVED THIS 20th DAY OF October, 2016

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18 Bill No. O-16-23

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22 Richard J. Berry, Mayor
23 City of Albuquerque

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26 ATTEST:

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28 
29 Natalie Y. Howard, City Clerk

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