



Legislation Text

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CITY of ALBUQUERQUE
TWENTY SECOND COUNCIL

COUNCIL BILL NO. O-16-23 ENACTMENT NO. _____

SPONSORED BY: Dan Lewis, by request

ORDINANCE

Amending The Albuquerque Zoning Code To Clarify The Acreage Required For A Private Commons Development In §14-16-2-2 (RO-1, Rural And Open Zone), §14-16-2-4 (RA-1, Residential And Agricultural Zone, Semi-Urban Area) And §14-16-2-5 (RA-2, Residential And Agricultural Zone) To Remove Inconsistency Within §14-16-3-16 (Private Commons Development Regulations) (Lewis, by request)

AMENDING THE ALBUQUERQUE ZONING CODE TO CLARIFY THE ACREAGE REQUIRED FOR A PRIVATE COMMONS DEVELOPMENT IN §14-16-2-2 (RO-1, RURAL AND OPEN ZONE), §14-16-2-4 (RA-1, RESIDENTIAL AND AGRICULTURAL ZONE, SEMI-URBAN AREA) and §14-16-2-5 (RA-2, RESIDENTIAL AND AGRICULTURAL ZONE) TO REMOVE INCONSISTENCY WITHIN §14-16-3-16 (PRIVATE COMMONS DEVELOPMENT REGULATIONS).

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

SECTION 1. THE ZONING CODE IS HEREBY AMENDED BY REPLACING THE TEXT IN:

“RO-1, RURAL AND OPEN ZONE § 14-16-2-2 (A)(9) AS FOLLOWS:

(9) Private Commons Development, not less than one acre in area.

RA-1, RESIDENTIAL AND AGRICULTURAL ZONE, SEMI-URBAN AREA,

§ 14-16-2-4 (A)(3) AS FOLLOWS:

(3) Private Commons Development, not less than one acre in area.

RA-2, RESIDENTIAL AND AGRICULTURAL ZONE, § 14-16-2-4 (A)(2) AS FOLLOWS:

(2) Private Commons Development, not less than one acre in area.”

SECTION 2. FINDINGS ACCEPTED. The City Council adopts the following findings as recommended by the Environmental Planning Commission (EPC):

1. This is a request for a Zoning Code Text Amendment to the RO-1, RA-1 and RA-2 zones of the City of Albuquerque Comprehensive Zoning Code to change the minimum acreage for Private Commons Development §14-16-3-16.

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

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

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

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

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

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

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

SECTION 5. 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 provisions being declared unconstitutional or otherwise invalid.

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