



Legislation Text

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CITY of ALBUQUERQUE
TWENTY-SECOND COUNCIL

COUNCIL BILL NO. C/S O-16-5 ENACTMENT NO. _____

SPONSORED BY: Isaac Benton, by request

ORDINANCE

C/S Amending The Albuquerque Zoning Code To Update §14-16-3-10 (Landscape Regulations)
And §14-16-3-1 (Off-Street Parking Regulations) To Establish Standards That Enhance, Improve
And Maintain The Quality Of The Public Environment (Benton, by request)

AMENDING THE ALBUQUERQUE ZONING CODE TO UPDATE §14-16-3-10 (LANDSCAPE
REGULATIONS) AND §14-16-3-1 (OFF-STREET PARKING REGULATIONS) TO ESTABLISH
STANDARDS THAT ENHANCE, IMPROVE AND MAINTAIN THE QUALITY OF THE PUBLIC
ENVIRONMENT.

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

SECTION 1. THE ZONING CODE: LANDSCAPE REGULATIONS IS HEREBY AMENDED BY
REPLACING THE TEXT IN §14-16-3-10 LANDSCAPE REGULATIONS IN ITS ENTIRETY WITH
THE TEXT BELOW.

§ 14-16-3-10 Landscape Regulations.

APPLICABLE TO APARTMENT AND NONRESIDENTIAL DEVELOPMENT.

(A) *Basic Requirements.* Landscape is required for all apartment development and all nonresidential development in
accordance with the regulations of this section.

(B) *Intent and Purpose.*

(1) The intent of these regulations is to establish landscape standards that enhance, improve and maintain the
quality of the public environment by providing visual relief from urbanization while enriching Albuquerque's character
and quality of life.

(2) The purpose of this section is to define and regulate landscape requirements that establish visually attractive, sustainable desert landscapes that aid in the creation of a quality public realm. The City recognizes landscape as a vital component to quality environments that enhance Albuquerque's overall appearance and provides public benefit through:

- (a) Providing visual relief from urbanization; and
- (b) Establishing a consistent, attractive streetscape that generates a sense of continuity and a strong, positive City image; and
- (c) Improving the aesthetic appearance of commercial, industrial and multi-family residential development thereby protecting and enhancing public/private investments and property values; and
- (d) Ensuring the use of native and/or adapted, low water-use or xeric species, regionally appropriate, sustainable design and maintenance techniques to conserve water resources; and
- (e) Contributing to the processes of air purification, oxygen regeneration, ground water recharge, and storm water runoff retention. Landscape should be designed to retain soil moisture, prevent erosion and help encourage the growth of abutting plantings, and mitigate urban, heat-island effects whilst aiding in the abatement of air and water pollution, dust, noise, heat and glare; and
- (f) Providing shade and comfort for pedestrians and visually narrowing streets, which has been shown to reduce vehicle speeding and accidents.

(C) *Landscape Plan*. See also the definition of this term in § 14-16-1-5 of this Zoning Code.

(1) As to apartment and nonresidential developments, all applicants for building permits for construction of a new building or building addition over 200 square feet shall submit and have approved by the Planning Director a landscape plan prior to issuance of a related building permit; however, foundation permits may be issued on the basis of simple designation of appropriate areas of the site to be landscaped to meet the minimum requirements. Landscape plans shall include street trees for those parts of the lot abutting a major street, a major local street, or another street, where street trees are required.

(2) Prior to design, the existence of underground utility lines shall be verified. Underground utility lines to be checked are as follows: water and sewer, traffic signal, fire alarm, gas, telephone, electric, and cable television. Planting must be located so as to not interfere, either at the time of installation or later, with the function of such underground lines; trees and shrubs shall be planted no less than three feet from existing gas mains or gas service lines and/or underground electric utility lines.

(3) All plans and plants depicted within the landscape plan shall be drawn to scale. The Planning Director and/or his/her designee shall create and maintain a checklist of plan requirements to assist applicants and staff at design and review. The landscape plan shall show at a minimum, the following:

- (a) The common and botanical names of the plants and shrubs to be used; if there is no common name only the botanical name shall be used; the quantities of shrubs and trees and their mature height and spread shall be provided; and
- (b) Topography in the form of finished contour lines; and
- (c) The type of watering system; and
- (d) The parties responsible for maintenance of the landscaping; and
- (e) The square footage for each separate area of landscape and also a total for all landscape on the site.

(D) Installation and Maintenance.

(1) Landscape shall be installed according to the approved plan; installation shall be completed within 60 days of the related building's occupancy.

(2) Landscape shall have adequate maintenance. Landscapes which die shall be replaced by the owner as expeditiously as possible, but in no case longer than 60 days after notification.

(3) Any damage to utility lines resulting from the negligence of the abutting landowner, his agents, or employees in the installation and maintenance of the landscaped area in the public right-of-way shall be the responsibility of such landowner. Any damage to utility lines resulting from the growth of plant materials, which have been approved by the applicable public utility as part of a plan for landscape on the public right-of-way, shall be the responsibility of such public utility. If a public utility disturbs a landscaped area in the public right-of-way, it shall make every reasonable effort to preserve the landscape materials and return them to their prior locations after the utility work. If, nonetheless some plant materials die, it is the obligation of the abutting landowner to replace the plant materials.

(4) Conflicts can occur with large trees near overhead electric utility lines and/or underground utility lines. The larger the tree, the farther it should be located from an electric utility line. Small growth trees (those fewer than 25 feet high at maturity) can be near the electric utility lines. If possible, locate medium growth trees (those under 40 feet high at maturity) at least 15 feet away from the electric utility lines and locate large growth trees (those under 80 feet high at maturity) at least 25 feet from electric utility lines. Trees that grow into or near electric lines may be trimmed back to prevent any growth into the lines.

(5) Property owners acknowledge that approved landscaping and trees installed and maintained in public rights-of-way abutting private properties are the property of the City, and that the City reserves the right to remove it if necessary for a transportation project without compensation, but at no cost to the property owner. Landscaping installed in the abutting public right-of-way by property owners and later removed by the City shall not impact previously approved Net Lot Area calculations for required landscaping as described in §14-16-3-10 (E)(2).

(E) Landscape Area Requirements.

(1) A minimum of 15% of the net lot area of each development shall be landscaped.

(2) NET LOT AREA is defined as means the total area of the lot minus the following:

(a) The area of the lot covered by buildings;

(b) The portions of the lot that are not required for off-street parking or a parking lot and which are fully screened from view from any abutting lot or public right-of-way by an opaque wall or fence at least six feet high, in which no landscape will be required except required buffer landscaping; chain link fence with slats does not constitute acceptable full screening;

(c) The area of any approved landscape that the property owner installs and maintains in the abutting public right-of-way, exclusive of the area of any existing or planned public sidewalk.

(3) Required Vegetative Coverage. All landscape areas 36 square feet in size or larger shall be covered with living, vegetative materials, such as trees, grasses, vines, shrubs, or flowers. To minimize water consumption, the use of vegetative ground cover other than turf grass is encouraged. Coverage will be calculated from the realistic, mature spread of the plants, including the mature canopies of trees, all calibrated for Albuquerque's desert climate/environment, and as follows:

- (a) The total landscaped area shall have at least 75% coverage by living, vegetative materials; and
- (b) A minimum of 30% coverage of the total landscaped area shall be achieved by ground-level plants (shrubs, groundcover, grasses, etc.); and
- (c) A minimum of five species must be used on the site to have a mix of living vegetative materials represented in understory plantings; and
- (d) Trees selected from the Official Albuquerque Plant Palette and Sizing List and included on a landscape plan contained within a Site Development Plan or a Building Permit set that satisfy the requirements of the landscape regulations contained within Section 14-16-3-10, subsections (E) - Landscape Area Requirements, (F) - Special Landscape Standards and (G) - Street Tree Policies Abutting the Public Right-of-Way may also be counted provided that the provisions of section 14-16-3-10(E)(1)(a)(b) and (c) are met. Any street trees required by the City that are planted within 20-feet of the back of curb of the abutting street may be used to help fulfill section 14-16-3-1(H) and landscape regulations for off-street parking areas abutting a street frontage, street tree and coverage requirements.

(4) Plant Palette and Plant Sizes. The Planning Director or his/her designee, appropriate staff and entities such as the ABCWUA, the local chapter of the American Society of Landscape Architects, local landscape maintenance firms, and local nurseries, shall create an official, Albuquerque-specific tree and plant palette (Official Albuquerque Plant Palette and Sizing List). Except as otherwise specified in this section, the minimum acceptable sizes of plants or amounts of seed, at the time of planting, are as follows:

- (a) Trees.
 - 1. Deciduous Trees: Two inches in caliper measured six inches above grade;
 - 2. Evergreen Trees: six feet in height;
 - 3. Multi-trunk Trees: Minimum of two trunks, with a combined minimum caliper of two inches
- (b) Shrubs: one gallon;
- (c) Ground cover: adequate to provide general ground coverage within one growing season after planting.

(5) Right-of-Way Landscape. The installation of an adequate irrigation system that meets the minimum technical requirements of the City of Albuquerque with a separate meter for the landscape area in the public right-of-way, or a separate valve(s) at the property line allowing isolation of the irrigation to the landscape within the public right-of-way. Drip irrigation systems and artificial turf shall not be allowed within the public right-of-way.

(6) Clear sight areas as specified in the Development Process Manual (DPM) shall be maintained at all exits of parking areas. The clear sight triangle (at street corners), as defined in Section 8-2-2-15, Traffic Code, and also in § 14-16-1-5 of this Zoning Code, shall be kept clear.

(7) Standard Landscape Buffers. Landscape buffer areas are required to separate off-street parking and circulation areas from front, side, and rear boundaries of premises. On sites controlled by the shopping center regulations (§ 14-16-3-2) and planned development areas controlled by site development plans, these requirements shall be based on the entire area of the planning site unless otherwise approved by the Planning Commission. Landscape buffers may be crossed by driveways connecting to abutting land. No parking is permitted within a required landscape buffer area. Landscape approved within the abutting public right-of-way may be counted toward this requirement if there is no existing or planned public sidewalk between such landscape and the premises, but in no case shall the width of the on-site landscape buffer be less than five feet. Specific required landscape buffer

locations and minimum widths shall be as follows:

(a) Front

1. Ten feet, if there is/are no building(s) or forecourt(s) within ten feet of the front property line;
2. The landscape buffer can be reduced or eliminated if the building(s), forecourt(s) and/or frontage(s) are located within ten feet of the front property line as allowed by underlying zoning;
3. Adequate room and spacing for required Street Trees (§14-16-3-10(H)) may be accommodated/provided in the public right-of-way and/or on the site immediately abutting the public sidewalk: minimum 60 square feet planting area with a minimum width of four feet for each tree; and maximum of 25-30 feet spacing on-center. For planting areas with over 1,000 cubic feet (CF) of uncompacted soil, tree spacing may be increased to up to 35 feet on-center.

(b) Side - Six feet, where the side yard of a property abuts and/or fronts a street.

(8) Special Buffer Landscaping/Screening Requirements. Where a nonresidential zone is developed after April 2, 1990 for a nonresidential purpose and the site abuts a residential zone, special buffer landscape is required to minimize noise and sight impact of the non-residential activities in the residential area. Buffers shall meet required vegetative coverage.

(a) The standard buffer landscape shall be a landscape strip at least ten (10) feet wide where located along the residential/nonresidential boundary.

(b) The buffer landscape shall include trees, capable of reaching a height at maturity of at least 25 feet. Spacing of the trees shall be equal to 75% of the mature canopy diameter of the trees; where utilities and/or utility easements may interfere with tree placement and/or growth, the number of trees may be reduced and/or the trees may be grouped to minimize conflicts with utilities and/or utility easements. Trees shall not be planted near existing or proposed street light poles.

(c) Where parking or vehicle circulation areas abut the landscape buffer, a minimum six foot high opaque wall or fence shall also be required to visually screen the parking or circulation area from the abutting residential zone; chain link fence with slats shall not constitute acceptable screening; the landscape area may be reduced by up to 25% if the surface of the parking or vehicle circulation area is of a permeable material and approved by the Planning Director or her/his designee.

(d) This division (8) requirement does not apply to lots which were entirely developed as of January 1, 1976.

(9) Special Screening Requirements for Certain Uses. In addition to the above requirements in division (4), an additional screening requirement applies where a principal business is:

(a) A mobile home sales lot; or

(b) Outdoor vehicle storage where the vehicles are typically not moved for one week or more: if the site is so developed after April 2, 1990, and abuts a residential zone or is separated only by public right-of-way from a residential zone, a minimum eight foot high opaque wall or fence shall be required to visually screen the parking or display area from the abutting residential zone; chain link fence with slats shall not constitute acceptable screening.

(F) Special Landscape Standards.

(1) Off-Street Parking Area Landscape. Trees are required in and around off-street parking areas to provide shade and relieve the adverse visual impact of large expanses of pavement and parked cars. Quantity and

distribution of trees shall be as follows:

- (a) One tree is required per ten parking spaces;
- (b) No parking space may be more than 100-feet from a tree trunk;
- (c) The minimum size of tree planters within off-street parking areas shall be 60 square feet per tree; the open tree planter area may be reduced to 36 square feet if the surface of the parking or vehicle circulation area adjacent to the tree planter is of a permeable material, and combined with the open tree planter area, meets the 60 square foot per tree requirement;

(d) At least 75% of the required parking area trees shall be deciduous canopy-type shade trees, capable of achieving a mature canopy diameter of at least 25 feet.

(2) **Street Trees.** Street trees meeting the requirements of § 14-16-3-10(H), Street Trees, are required along all arterial and collector street frontages.

(3) **Artificial turf/grass.** Artificial turf/grass shall not be counted as living vegetative material or to meet the Required Vegetative Coverage Requirements section referenced under §14-16-3-10(E)(2) above.

(4) **Tree Requirements for Multi-Family Residential Developments.** In addition to the above requirements, multi-family residential sites must provide trees in areas around residential structures as follows:

(a) Trees shall be provided at not less than the rate of one tree per ground floor dwelling unit and one tree per two second-story dwelling units. No additional trees are required for units above the second story;

(b) At least 50% of the required trees shall be deciduous canopy-type shade trees or coniferous trees capable of attaining a mature canopy diameter of at least 25 feet.

(G) Street Tree Policies Abutting the Public Right-of-Way.

The following standards apply to trees planted on private property abutting the public right-of-way that may be counted toward the street tree requirement.

(1) **Required Street Trees.**

(a) Street trees shall be installed no later than 30 days after the completion of construction and shall occur before final inspection as required in the Building Code.

(b) Street trees shall be maintained alive and healthy. Maintenance and trimming of street trees and replacement of dead trees are the responsibility of the owner of the lot on which the tree is located.

(2) The following city policies govern the placement of all street trees which are planted on private property, abutting the public right-of-way, or which are required to be planted near streets pursuant to city plans, policies and ordinances; the policies are applicable for all street trees:

(a) Size of the trees at maturity should be in proportion to the planting space provided for them. Spacing between evenly spaced street trees should be no greater than the diameter of the tree canopy at maturity, per the Official Albuquerque Plant Palette and Sizing List. Smaller species of trees will require closer spacing, and larger trees will require greater spacing. Spacing shall be approved as part of the plan approval process.

1. Adequate room and spacing for Street Trees shall be accommodated/provided: minimum 60 square feet planting area for each tree.

2. On sites where evenly-spaced street trees are not possible or do not conform to the overall design objectives of the site, random clustering of street trees may be acceptable, provided that the number of trees

planted equals or exceeds the number that would be required if the trees were evenly-spaced. But in no case shall there be a gap of more than 100 feet between street trees.

(b) Where less than three feet of space exists between the curb and the public sidewalk, street trees shall not be planted into the parkway strip. Any street trees required by the City shall be planted within 20 feet of the back of curb of the abutting street. In addition to fulfilling the street tree requirement, such trees can be included in the calculation described in §14-16-3-10(E)(2). Furthermore, if an off-street parking area is located along the frontage of the site, these trees may be used concurrently to fulfill the landscape regulations for these areas, in possible addition to the street tree and coverage requirements.

(3) As it is desirable to have a mix of species and genera represented in the urban forest in order to protect against the loss of trees due to disease, insects or environmental conditions, the following guidelines shall be used:

(a) Plantings of ten or fewer trees may all be of the same genus;

(b) Plantings of more than ten trees must use at least two different genera, with roughly equal numbers of each;

(c) One of every three street trees planted may be an accent tree per the Official Albuquerque Plant Palette and Sizing List, provided the guidelines in §14-16-3-10(G)(1), above, are met.

(4) Street Tree Programs.

(a) The Mayor or his/her designee shall prepare, distribute, and continue to keep available to the public a booklet or other printed material encouraging street trees, indicating recommended species, city regulations, appropriate street tree locations, and tree care.

(b) The Mayor or his/her designee shall, through the Capital Improvements Program, cause street trees to be planted near the street frontages of all city-owned lots, at least meeting the requirements of §6-6-2-1 et seq.

(c) The Mayor or his/her designee shall propose to the City Council appropriate major streets for special assessment districts for the planting and maintenance of street trees. The Mayor shall designate appropriate city staff to administer such supports.

(d) Whenever a city project on the public right-of-way removes or kills one or more street trees, the Mayor or his/her designee shall replace each such tree with one of the same species in approximately the same location, unless the species or location is contrary to §6-6-2-1 et seq. or to related regulations or plans, in which event each such tree shall be replaced with a tree of conforming species and location.

(5) Regulations detailing the provisions of §6-6-2-1 et seq. should be enacted in coordination with and through the Parks and Recreation Department, and be amended by the Environmental Planning Commission at an advertised public hearing.

(6) Waivers.

The Mayor or his/her designee, upon application of land owners, may waive or modify requirements of §6-6-2-1 et seq., if it is found that:

(a) Street trees would necessarily contribute to unsafe conditions on the public right-of-way; and/or

(b) The lot frontage is sufficiently forested to be in general compliance with the intent of §6-6-2-1 et seq.; and/or

(c) Alternative landscape plans, in harmony with the surroundings and meeting the intent of §6-6-2-1 et seq. are proposed.

(7) Appeals.

Appeals from the decision of the Mayor or his/her designee on requests for waivers may be taken to the Environmental Planning Commission by filing written notice with the Planning Division within 15 days after the request for a waiver has been denied.

SECTION 2. §14-16-3-1 THE OFF-STREET PARKING REGULATIONS ARE HEREBY AMENDED *to replace the text in section (H) below.*

(H) Pedestrian Connections. The intent of the regulations in this subsection is to accommodate the inter-related movement of vehicles, bicycles, and pedestrians, safely and conveniently, both within the proposed development and to and from the street and the surrounding areas, and to contribute to the attractiveness of the development.

(1) Pedestrian walkways within a site shall be a minimum of six feet in width, unobstructed, and clearly demarcated by the use of techniques such as special paving, grade separation, or pavement marking of a permanent nature, except that clear width may be reduced to 4 feet 6 inches at planting areas for a maximum distance of 10 feet. Pedestrian walkways shall also be lined with adjacent shade trees spaced approximately 25 feet on center and placed within defined planting areas that have a minimum interior dimension of 80 square feet, these trees may also be counted toward Section 14-16-3-10 (E)(2) of the Landscape Regulations provided that the provisions of section 14-16-3-10(E)(1)(a)(b) and (c) are met.

SECTION 3. FINDINGS ACCEPTED. The City Council adopts the following findings as recommended by the Environmental Planning Commission (EPC):

(1) The request is for a recommendation to City Council regarding text amendments to amend the City's Comprehensive Zoning Code §14-16-3-10 (Landscaping Regulations) and §14-16-3-1 (Off-Street Parking Regulations). These changes are directly related to Sections §6-6-2-4

(Required Street Trees), §6-6-2-5 (Street Tree Policies), §6-6-2-6 (Street Tree Programs), §6-6-2-7 (More Detailed Regulations) and §6-6-2-8 (Waivers and Variances) to establish standards that enhance, improve and maintain the quality of the public environment. The proposed text amendments are being requested by the Planning Department.

(2) The purpose of the proposed text amendments are to clarify the intent and purpose of the overall regulations, create an official plant palette and sizing list, re-focus the vegetative coverage requirement to encourage trees canopy, update standard landscaping buffer requirements, update the installation plant size requirements, permit the limited installation of artificial turf and improve coordination with the Off-Street Parking Regulations and Street Tree Ordinance.

(3) The coordination of the Landscaping Regulations, Off-Street Parking Regulations and the Street Tree Ordinance acknowledges that street trees may be accommodated provided that on a site immediately abutting the public sidewalk, on private property and that these trees may be counted towards the vegetative coverage requirements (§14-16-3-1 and §14-16-3-10).

(4) The task of the Environmental Planning Commission (EPC) is to make a recommendation to the City Council for the proposed text amendments with regard to the Landscaping and Off-Street Parking Regulations of the Zoning Code.

(5) The Street Tree Ordinance is located within Part 2 (Trees, Vegetation and Landscaping) of the City's Water, Sewers and Streets Code. The Street Tree Ordinance will need to be amended to reference the Official Albuquerque Plant Palette and Sizing List, tree planting requirements to avoid conflicts with overhead and underground utility lines and to allow administrative approval of alternative planting schemes. Amendments to the Street Tree Ordinance must be sponsored by a member of the Albuquerque City Council. The City Council is the City's Zoning Authority and will make the final decision on all parts of this request.

(6) Intent of the City Charter: Amending the Landscaping, Off-Street Parking and Street Tree regulations is an exercise in local self-government (City Charter, Article 1). Clarifying the intent and purpose of the Landscaping Regulations and calling for the coordination of the Street Tree Ordinance requirements with the Landscaping Regulations, generally expresses the Council's desire to ensure the proper use and development of land, and promote and maintain a humane urban environment (City Charter, Article IX).

(7) Intent of the Zoning Code (§14-16-1-3): The application for proposed text

amendments was filed in accordance with Zoning Code requirements. The proposed text amendments generally further the Zoning Code goals of promoting the health, safety and welfare of the citizens and enhancing the appearance of the landscape.

(8) The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Comprehensive Zoning Code are incorporated herein by reference and made part of the record for all purposes.

(9) The request furthers the following, applicable Comprehensive Plan Goals and Policies:

A. Developed Landscaping Goal: The Goal is to maintain and improve the natural and the developed landscapes' quality. The proposed text amendments seek to improve the natural and developed landscapes' quality by prescribing landscaping regulations that appropriately respond to Albuquerque's high desert environment and its many existing microclimates.

i. Policy II.C.8.a: The natural and visual environment, particularly features unique to Albuquerque, shall be respected as a significant determinant in development decisions.

The proposed text amendments respect the natural and visual environment by recognizing that sustainable desert landscapes are a vital component toward enhancing Albuquerque's overall appearance. The request furthers Policy II.C.8.a.

ii. Policy II.C.8.d: Landscaping shall be encouraged within public and private rights-of-way to control water erosion and dust, and create a pleasing visual environment; native vegetation should be used where appropriate.

The proposed text amendments ensure the use of native and or adapted, low water use or xeric species that are regionally appropriate to conserve water resources, as well as regulating landscaping design to prevent water erosion. The request furthers Policy II.C.8.d.

B. Community Identity and Urban Design Goal: The Goal is to preserve and enhance the natural and built characteristics, social, cultural and historical features that identify Albuquerque and Bernalillo County sub-areas as distinct communities and collections of neighborhoods. The proposed text amendments preserve and enhance the natural and built characteristics of Albuquerque and Bernalillo County by establishing consistent, attractive streetscapes that generate a sense of continuity and a positive City image.

i. Policy II.C.9.b.(2): In each Community Area, strategic planning, neighborhood planning, development and redevelopment shall be evaluated in light of its relationship to and effect upon the following:

2) Built environment-Landscaping materials, both planting and hardscape.

The proposed text amendments address strategic and neighborhood planning, development and redevelopment and their relationship to the built environment by improving the aesthetic appearance of commercial, industrial and multi-family residential development and enhancing public/private investments. The request furthers Policy II.C.9.b(2).

(10) Agencies reviewed the proposed text amendments from June 1, 2015 to June 12, 2015. Several comments were received and reviewed by Planning Staff, which are reflected in the current draft of the proposed text amendment language.

(11) In response to the agency comments submitted by the Planning and Design Division of the Parks and Recreation Department, Planning Department Staff met with Parks and Recreation Department Staff to discuss their agency's concerns. As a follow up to this meeting, The Planning Department revised the proposed text amendment language to reflect the tangible feedback provided by the Parks and Recreation Department.

(12) The proposed text amendments were posted on the Planning Department's main web page and were announced in the June/July 2015 issue of the Neighborhood News, published by the Office of Neighborhood Coordination (ONC). There is no known neighborhood opposition to this request.

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.

Section 6.COMPILATION. Section 1 and 2 of this ordinance shall be incorporated in and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

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