CITY of ALBUQUERQUE
EIGHTEENTH COUNCIL

COUNCIL BILL NO. F/S O-08-58 ENACTMENT NO. _____

SPONSORED BY: ISAAC BENTON

ORDINANCE

AMENDING A PORTION OF THE ZONING CODE, SECTION 14-16-2-22(B) ROA 1994, THE SU-1 SPECIAL USE ZONE, TO INCLUDE FORM BASED ZONES AS A SPECIAL USE; AMENDING CHAPTER 14, ARTICLE 16, PART 3, ROA 1994, THE GENERAL REGULATIONS OF THE ZONING CODE, TO ADD FORM BASED ZONES THAT PRESCRIBE BUILDING FORM, FRONTAGE TYPE, PARKING, CONNECTIVITY, DESIGN, SIGNAGE AND LIGHTING STANDARDS, AND THAT DESCRIBE FORM BASED ZONES THAT ALLOW MIXED USE DEVELOPMENT THAT IS TRANSIT ORIENTED AND DEVELOPMENT THAT IS ORIENTED TOWARD PEDESTRIAN TRAFFIC.

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

Section 1. Section 14-16-2-22(B) ROA 1994 is amended by inserting the following new subsection:

" (37) Form Based Zones (TOD-MAC, TOD-COM, MX, ID and PND), provided:

(a) The Form Based Zones shall comply with the standards of §14-16-3-22 Form Based Zones. The provisions of §14-16-3-22 shall control where inconsistent with §14-16-2-22.

(b) A Site Development Plan for a Form Based Zone is required for approval by the Planning Commission in conjunction with a zone map amendment and prior to building permit approval, with specific submittal requirements that include, but are not limited to:

1. An accurate site plan at a scale of at least 1 inch to 100 feet showing: Building Placement, Parking Location, Street Layout, Lot Layout,

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Placement of Mechanical Equipment, Lighting and Signage, Public Amenities, Walls, and required Usable Open Space,

2. A Preliminary Grading Plan,

3. A Preliminary Utility Plan,

4. A Landscape Plan showing landscape areas, plant material, water harvesting areas, and

5. Building Elevations demonstrating Building Types, Frontage Types, heights, fenestration, shading elements, articulation, ground story clear height.

(c) The Form Based Zones shall meet the eligibility requirements set forth in §14-16-3-22 (B).

(d) Modifications to any of the standards of the (§14-16-3-22) Form Base Zones may be granted by the Environmental Planning Commission or other City Council designated approval body, as set forth in §14-16-3-22 (A)(6).”

Section 2. Chapter 14, Article 16, Part 3 ROA 1994 (GENERAL REGULATIONS) of the Zoning Code is amended by inserting the following new Section 22 entitled “§14-16-3-22 FORM BASED ZONES” (attached hereto and incorporated herein).

Section 3. This bill is the reintroduction of F/S O-07-116, which expired one year from introduction pursuant to the Council’s rules of procedure. The reintroduction is intended to prevent interruption in consideration of the adoption of the Form Based Zones and is necessary due to the extended public comment that was sought by the Council; the Council sponsored one citywide town hall meeting as well as one meeting in each City Council district for a total of ten public meetings. The substantive sections of this bill and the entire attachment are identical to what was fully considered and commented upon by the Environmental Planning Commission during the course of four public hearings. The EPC proposed amendments to the legislation and recommended approval of F/S O-07-116 with conditions by action taken on September 25, 2008.

Section 4. SEVERABILITY CLAUSE. If any section, subsection, sentence, clause, word or phrase of this ordinance is for any reason held to be

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unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, word or phrase thereof irrespective of any one or more sections, subsections, sentences, clauses, words, or phrases being declared unconstitutional or otherwise valid.

Section 5. COMPILATION. Sections 1 and 2 of this ordinance shall be incorporated in and compiled as part of the Revised Ordinances of Albuquerque, New Mexico.

Section 6. EFFECTIVE DATE. These amendments shall be effective 5 days after having been published by title and general summary.

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