

§14-16-3-20 FORM BASED CODE.**(A) General Provisions****(1) Intent and Purpose.**

- (a) The Albuquerque/Bernalillo County Comprehensive Plan and the Planned Growth Strategy guide the future development of Albuquerque. The Planned Growth Strategy is a long range strategy to encourage a more efficient and sustainable urban form for the city. Both of these documents seek to create and support a city where:
 - 1. a range of housing opportunities and choices are available,
 - 2. development takes place as a mixture of uses rather than large acreages of single land types,
 - 3. residents need to travel fewer miles every day to go about their lives,
 - 4. development supports a variety of transportation choices
 - 5. there is an active pedestrian life through the creation of walkable neighborhoods
 - 6. development is characterized by human rather than automotive scale, and
 - 7. older, established areas are as desirable to live in as new ones.
- (b) The Form Based Code implements the goals and policies of the Comprehensive Plan and Planned Growth Strategy by guiding development that is pedestrian friendly, has a mix of uses and is more compact than the more vehicular oriented building patterns prevalent since the 1940s. The Form Based Code:
 - 1. identifies a variety of building types and establishes requirements for how the buildings must relate to the street, recognizing that their relationship to streets that are pedestrian oriented is different than their relationship to streets that are more vehicle-oriented (e.g., setbacks, location of parking, access to parking),
 - 2. regulates the way buildings relate to their surrounding environment (e.g., massing, solar access, building setbacks),
 - 3. regulates building design which is in scale to the pedestrian.

(2) Relationship to Existing City Regulations.

- (a) Where §14-16-3-20 Form Based Code conflicts with the Subdivision Regulations (Revised Code of the City of Albuquerque ("ROA") §14-14-1-1 et seq.), §14-16-3-20 Form Based Code prevails.
- (b) The General Regulations of the Zoning Code (Revised Code of the City of Albuquerque ("ROA") §14-16-3-1 et seq.) do not apply to §14-16-3-20 Form Based Code unless so specified.
- (c) Where §14-16-3-20 Form Based Code conflicts with the Development Process Manual, §14-16-3-20 Form Based Code prevails.

(3) Establishment of Form Based Code Zones.

- (a) The zones presented in the Form Based Code are intended to permit mixed use, sustainable, human scale development. The zones are:
 - 1. SU-1 Transit Oriented Development – Major Activity Center (TOD-MAC)
 - 2. SU-1 Transit Oriented Development – Community Activity Center (TOD-COM)
 - 3. SU-1 Mixed Use (MX)
 - 4. SU-1 Infill Development (ID)

5. SU-1 Planned Neighborhood Development (PND) with the following subareas: PND-C (Center/Corridor), PND-G (General), and PND-E (Edge)
- (b) The establishment of the Form Based Code zones is **consistent with the health, safety, morals and general welfare of the City**. The land use patterns realized by the Form Based Code will play an important role in improving Albuquerque's social and economic quality of life. The new development pattern guided by the Form Based Code zones will reduce dependency on cars, increase opportunities to be physically active, and improve air quality by reducing hazardous vehicle emissions, currently the second largest source of carbon dioxide emissions in New Mexico.

Albuquerque's built environment typifies a mostly post-World War II vehicle oriented pattern of land uses and site design that often relates poorly to the street and adjacent land uses. The enforced separation of uses and accommodation of the automobile over the pedestrian have resulted in growing shortages of funding for public services due to the increased infrastructure costs attributable to sprawl, a built environment more conducive to car travel than alternative modes of travel, and greater distances from home to work, services, entertainment and schools, resulting in increased vehicle miles traveled and increased air quality issues. The Form Based Code provides a tool for improving those relationships over time, in both new and existing settings. The zones guide well-planned mixed use development that at a pedestrian scale with features like connected street networks, buildings that orient to the street, and densities that support transit service.

- (c) The establishment of the Form Based Code zones **supports the adopted elements and objectives of the Albuquerque Bernalillo Comprehensive Plan, its Centers and Corridors Amendments and the Planned Growth Strategy**. The adoption of the Form Based Code zones furthers the goals and policies of the Comprehensive Plan by guiding development toward the City's established areas. The Form Based Code zones support compact, mixed-use and pedestrian friendly development patterns in locations that will strengthen key areas of the City's urban core by providing the lifestyle opportunities that create renewed interest in these older areas. By providing zoning that creates mixed use, higher density development which is in scale to the pedestrian, and regulates the relationship to existing development and adjacent uses, the Form Based Code zones are supportive of policies whose goal is to create a quality urban environment which offers variety of choice in housing, transportation, work areas and life styles while creating a visually pleasing environment.

The Form Based Code zones **implement the goals and objectives of the Centers and Corridors policies of the Comprehensive Plan** which established a network of higher density, mixed use development Activity Centers connected by Transit Corridors with a goal of guiding development that encourages travel to and from these locations by walking, bicycling, or mass transit. The Planned Growth Strategy determined that Albuquerque faces critical challenges related to deteriorating infrastructure and growing deficiencies in natural resource conservation and preservation connected to land, water and air quality, traffic congestion, timely provision of infrastructure, parks schools and other facilities to support new development and decline of some older neighborhoods. To counter those trends, the Planned Growth Strategy promotes the Centers and Corridors policies of the Comprehensive Plan as a key to directing future urban growth. The Planned Growth Strategy relies on the redevelopment of the Centers and Corridors to absorb future population, housing, employment and services, thereby redirecting growth from the fringes of the City to its existing urbanized areas. The Form Based Code zones create the mix of land uses, densities and pedestrian scale development appropriate to the designated Activity Centers and Transit Corridors. The Form Based Code zones will result in more efficient use of existing infrastructure, reduced maintenance of public services, and a built environment offering

greater options that enhance quality of life and provide more transportation choices for the City's citizens.

- (d) **The establishment of the Form Based Code zones implements the Planned Growth Strategy goals** for creating new vitality in existing neighborhoods by developing various regulatory and non-regulatory mechanisms to encourage quality community-based infill development and redevelopment. As part of its overall implementation strategy, the Planned Growth Strategy encourages the adoption of Smart Growth and Traditional Neighborhood Development principles, codes and processes for inclusion into the City's governing plans. The establishment of the Form Based Code zones adopts a development code based on Traditional Neighborhood Development principles advocated by the Planned Growth Strategy, which includes creating economic and social vitality by allowing a mixture of complementary land uses including housing, retail, offices, commercial services and civic uses; developing commercial and mixed-use areas that are safe, comfortable and attractive to pedestrians; reinforcing streets as public places that encourage pedestrian and bicycle travel; encouraging efficient land use by facilitating compact, high-density development and minimizing the amount of land required for surface parking; and facilitating development (land use mix, density and design) that supports public transit.
- (e) The establishment of the Form Based Code zones will provide for development that is **more advantageous to the community**, as articulated by the policies of Centers and Corridors and the Planned Growth Strategy by guiding a development pattern that creates the mix of uses that reduces vehicular miles traveled and vehicular emissions, reducing the City's carbon footprint as well as improving air quality while providing a range of lifestyle opportunities to the City's residents. It is now commonly acknowledged that new mixed use development makes for more efficient use of existing and new infrastructure while reducing overall growth at the fringes thereby protecting the valued open space and working landscapes around Albuquerque along with the tourism, jobs, watershed protection and quality of life that these places provide.
- (f) The establishment of the Form Based Code zones **does not constitute a spot zone as the resulting development facilitates the realization of the Comprehensive Plan**. The Comprehensive Plan sets directives for compact mixed-use and higher density development along its primary streets and at designated major activity and community centers to support a range of transportation options which will reduce auto dependency, trip times, and increase citizens' usage of multi-modal transportation services, including public transit, bicycle and pedestrian opportunities. The Form Based Code zones guide growth toward activity centers and corridors in a manner that will create the compact mixed use and higher density development that will contribute to balancing vehicular transportation with other forms of transportation.

(4) Incentives for Establishment of Form Based Code Zones.

- (a) The establishment of the Form Based Code zones offers the following development incentives in order to promote the development of vacant land or redevelopment of existing development in already urbanized areas where infrastructure and services are in place, and at key locations for infill or redevelopment including downtown, transit corridors and locations near employment, shopping, and recreational and cultural amenities. These incentives should make redevelopment of key parcels more attractive and affordable by addressing common barriers to higher density, pedestrian friendly development such as inadequate infrastructure, lengthy approval processes, obsolete zoning provisions, and often excessive infrastructure requirements.

(b) Incentives:

1. Variances/Flexibility from DPM standards. The regulations set forth by the Form Based Code allow variation from standard DPM practices. Variations from the DPM standards not

described by the Form Based Code, but which support the greater intent of the Form Based Code zones may be granted by the Environmental Planning Commission (EPC) or other City Council designated approval body upon reasonable justification by the applicant. Variances granted by the EPC shall be upheld by the Development Review Board.

2. Variances/Flexibility from Subdivision Standards. In order to create a more compact urban form and allow for more efficient infrastructure design, the Environmental Planning Commission or other City Council designated approval body may grant variations from the City's Subdivision Standards upon reasonable justification by the applicant. Variances granted by the EPC shall be upheld by the Development Review Board.
3. Density and Parking Allowances. The regulations set forth by the Form Based Code place no limits on density. The intent is to provide market flexibility and allow building volume to be the limiting mechanism.
4. Simplified Review Process. The requirements of a Site Development for Building Permit for Form Based Code have been simplified to facilitate a review process that focuses on evaluating the elements of the Form Based Code rather than specific design details.
5. Traffic Impact Study Exemption. The intent of the Form Based Code zones is to create development that provides a range of multi-modal opportunities, reducing overall vehicular need. Accordingly, a TIS shall not be required for development within a SU-1 Form Based Code zone.

(5) Development Approval Process.

- (a) Any of the SU-1 Form Based Code zones may be applied for through the zone map amendment process (§ 14-16-4-1) based on the requirements of (§ 14-16-2-22 (37)). SU-1 Form Based Code zones require the submittal of a Form Based Code Site Development Plan to the Environmental Planning Commission as defined by §14-16-2-20.
- (b) Any of the Form Based Code zones may be applied for through the Sector Development Plan process (§ 14-16-4-3) where they will be established as SU-2/ SU-1 zones. A site development plan for Form Based Code shall be submitted for approval by the Environmental Planning Commission, or other City Council designated approval body, upon new development or substantial redevelopment of an existing building (s) such that 25% or more of the existing building(s) square footage is being redeveloped.
- (c) Any of the Form Based Code zones may be mapped as an overlay zone, allowing the use of the underlying zone category OR the use of the Form Based Code. The overlay zone may be enacted in a Sector Development Plan or at the request of consenting land owners and may be granted through the Environmental Planning Commission or other City Council designated approval body.
- (d) The Form Based Code zones may be applied for based on the specific Eligibility Criteria established for each Form Based Code zone.

(6) Administration of Form Based Code Zones.

- (a) The standards in the Form Based Code regulations are specific and prescriptive. This level of specificity provides certainty for applicants, neighborhoods and zoning staff. However, these standards do not limit design creativity or ignore unique site or neighborhood conditions. The

standards set a level of detail that allows creativity within the framework of desirable mandated features of the built environment.

(b) While the regulations of the Form Based Code attempt to address the varied application possibilities throughout the City, no Code can predict the range of unique conditions which may arise during its implementation. As such, modifications from the standards are permitted, if the modifications do not conflict with the intent of the Form Based Code zones.

(c) Modifications. Two levels of modification are permitted, as defined and regulated below:

Type of Modification	Definition	How Approved
(a) Minor	Deviations from dimensional standards by no more than 10%	Administratively, by Planning Director*
(b) Major	Any modification that is not considered a “minor” modification, unless a modification is prohibited by the Form Based Code.	EPC*

*or by other City Council designated approval body.

(d) The following standards, which are defined by each zone, are considered essential to the design concepts of the Form Based Code, and therefore shall only be modified by the EPC or City Design Approval Board:

1. Maximum average and absolute block lengths;
2. Minimum garage setbacks;
3. Street design standards;
4. Parking lot location standards.

(7) Glossary of Terms. Terms used in the Form Based Code are defined in §14-16-14-5, Definitions.

(8) Code Organization.

(a) The Form Based Code is organized into the following three parts:

1. Section A, General Provisions. Section A provides the general mechanisms for implementing the Form Based Code Zones.
2. Section B, Form Based Code Zones. Section B provides the overall regulatory structure for each Form Based Code zone. Each zone provides regulatory information regarding building placement, height, parking, open space and landscape requirements, allowable and prohibited uses, as well as standards for allowable Building, Frontage, Street and Signage types and lighting standards.
3. Section C, Components. The components include the specific descriptions of the elements regulated in Section B, including Building Types, Frontage Types, Signage Types, Lighting Standards, Street Types and Encroachments.