

§14-16-3-22 FORM BASED ZONES.

Section Organization. The Form Based Zones section is organized into the following three parts:

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

(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 guide 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 Zones implement 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 Zones:
 1. identify a variety of building types and establish 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. regulate the way buildings relate to their surrounding environment (e.g., massing, solar access, building setbacks),
 3. regulate building design which is in scale to the pedestrian.

(2) Relationship to City Regulations.

- (a) Where §14-16-3-22 Form Based Zones conflict with the Subdivision Regulations (Revised Code of the City of Albuquerque (“ROA”) §14-14-1-1 et seq.), §14-16-3-22 Form Based Zones prevail.

- (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 §14-16-3-22 Form Based Zones unless so specified by §14-16-3-22.
- (c) Where §14-16-3-22 Form Based Zones conflict with the Development Process Manual (DPM), §14-16-3-22 Form Based Zones prevails.
- (d) Where §14-16-3-22 Form Based Zones conflict with Area Plans, Sector Development Plans and/or Design Overlay Zones adopted before the effective date of this section, then those Area Plans, Sector Development Plans and/or Design Overlay Zones shall prevail.
- (e) Where §14-16-3-22(B) Zones conflicts with §14-16-3-22(C) Components, §14-16-3-22(B) Zones shall prevail.

(3) Establishment of Form Based Zones.

- (a) The zones presented in the Form Based Zones 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) Description of the Form Based Zones.

This Part establishes a set of form based regulations that are tailored to a variety of situations. These zones allow mixed use development in a variety of contexts, ranging from new development on large, "Greenfield" sites, to neighborhood redevelopment, to infill development on small sites

1. Transit Oriented Development – Major Activity Center (TOD-MAC). These are Major Activity Centers as defined by the Comprehensive Plan characterized by high intensity employment, civic, retailing and entertainment development with a complementary mix of commercial and high density residential functions with a design, capacity and intensity supportive of transit. The centers are compact and spatially concentrated, with a network of streets and pedestrian ways connected to existing or future transit facilities.
2. Transit Oriented Development – Community Activity Center (TOD-COM). These are Community Activity Centers as defined by the Comprehensive Plan that serve a relatively large area to provide community-serving retail and services and high density residential with a design, capacity and intensity supportive of transit. Densities and intensities are smaller in scale than the TOD-MAC, for Major Activity Centers.
3. Mixed Use (MX). The MX zone supports pedestrian scale, principally mixed-use development that is integral to a Transit Corridor as defined by the Comprehensive Plan or an existing or future commercial or mixed use corridor, shopping center node or mixed use neighborhood. This zone can be used to establish commercial, mixed uses and medium to high density residential development that serves existing or planned residential neighborhoods.

4. Infill Development (ID). The ID zone provides a flexible standard to encourage the context-sensitive development of empty lots or the redevelopment of sites in substantially built up areas. It ensures that new development respects the context of its surroundings while implementing the compact, pedestrian friendly policies of the Comprehensive Plan and the Planned Growth Strategy.
 5. Planned Neighborhood Development (PND). The PND zone permits the establishment of mixed use and residential neighborhoods on undeveloped sites or in developed or partially developed areas. These neighborhoods may include a mixed use center or may contain a network of smaller mixed use nodes that provide transit supportive commercial and civic functions. The Planned Neighborhood Development zone includes separate regulations for Center/Corridor, General, and Edge development that are integral parts of the PND zone.
- (c) The establishment of a Form Based Zone may be justified as to the policies of the Comprehensive Plan and Planned Growth Strategy per Resolution 270-1980, as follows:

1. The establishment of Form Based Zones is **consistent with the health, safety, morals and general welfare of the City**. The land use patterns realized by the Form Based Zones will play an important role in improving Albuquerque's social and economic quality of life. The new development pattern guided by the Form Based 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 Zones provide a tool for improving those relationships over time, in both new and existing settings. The zones guide mixed use development that is at a pedestrian scale with features like connected street networks, buildings that orient to the street, and densities that support transit service.

2. The establishment of the Form Based Zones **supports the adopted elements and objectives of the Albuquerque Bernalillo Comprehensive Plan, its Centers and Corridors Policies and the Planned Growth Strategy**. The adoption of the Form Based Zones furthers the goals and policies of the Comprehensive Plan by guiding development toward the City's established areas. The Form Based 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 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 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 Zones create the mix of land uses, densities and pedestrian scale development appropriate to the designated Activity Centers and Transit Corridors. The Form Based 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.

3. **The establishment of the Form Based 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 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.
4. The establishment of the Form Based 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.
5. The establishment of the Form Based 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 Zones guide growth toward Activity Centers and Transit 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 Zones.

(a) The establishment of the Form Based 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. Modifications/Flexibility from DPM standards. The regulations set forth by the Form Based Zones allow variation from standard DPM practices. Deviation from the DPM standards not described by the Form Based Zones, but which support the greater intent of the Form Based Zones may be granted by the Environmental Planning Commission (EPC) upon reasonable justification by the applicant and only in conjunction with a site development plan for Form Based Zones. Deviations granted by the EPC shall be acknowledged and implemented by the Development Review Board.
2. Modifications/Flexibility from Subdivision Standards. In order to create a more compact urban form and allow for more efficient infrastructure design, the Environmental Planning Commission may grant deviations from the City's Subdivision Standards for Form Based Zones upon reasonable justification by the applicant. Modifications granted by the EPC shall be acknowledged and implemented by the Development Review Board.
3. Density and Parking Allowances. The regulations set forth by the Form Based Zones place no limits on density, except for in the Planned Neighborhood Development (PND) zone. 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 Plan for Building Permit for Form Based Zones have been simplified to facilitate a review process that focuses on evaluating the elements of the Form Based Zones rather than specific design details.
5. Traffic Impact Study and Air Quality Impact Assessment Exemptions. The intent of the Form Based Zones is to create development that provides a range of multi-modal opportunities, reducing overall vehicular need. Accordingly, a TIS and/or an AQIA shall not be required for development within a SU-1 Form Based Zone.

(5) Development Approval Process.

- (a) Any of the SU-1 Form Based Zones may be applied for through the zone map amendment process (§14-16-4-1) based on the requirements of §14-16-2-22 (B) 37. The policies for deciding zone map change contained in Resolution 270-1980, are applicable to all requests for Form Based Zones. SU-1 Form Based Zones require the submittal of a Form Based Zones Site Development Plan to the Environmental Planning Commission as defined by §14-16-2-22(B)37.
- (b) Any of the Form Based Zones may be applied for and established through the Sector Development Plan process (§14-16-4-3) where they will be established as SU-2/ SU-1 zones.

- (c) Any of the Form Based Zones may be mapped as an optional overlay zone, allowing the use of the underlying zone category or the use of the Form Based Zones. The overlay zone may be enacted in a Sector Development Plan or at the request of consenting land owners and shall be granted through the Environmental Planning Commission or other City Council designated approval body.
 - (d) The Form Based Zones may be applied for based on the specific Eligibility Criteria established for each Form Based Zone.
- (6) Administration of Form Based Zones.
- (a) The standards in the Form Based Zones 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 flexibility within the framework of desirable mandated features of the built environment.
 - (b) While the regulations of the Form Based Zones attempt to address the varied application possibilities throughout the City, no regulation 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 Zones.
 1. Modifications. Three types of deviation are permitted, as defined and regulated below:

Type of Modification	Definition	How Approved
(a) Minor	Modification 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 Zones.	EPC*
(c) Enhanced Transit Corridors	Height maximums for parcels located along Comprehensive Plan designated Enhanced Transit Corridors may be increased an additional 20%.	Building Permit
*or by other City Council designated approval body		