

PART 1: GENERAL PROVISIONS

**14-20-1-1 Intent and purpose.**

The Albuquerque/Bernalillo County Comprehensive Plan and the Planned Growth Strategy guide the future development of the Albuquerque Urban Area. 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:

- a variety of housing types are available,
- development takes place as a mixture of uses rather than large acreages of single land types,
- residents need to travel fewer miles every day to go about their lives,
- there is an active pedestrian life,
- development is characterized by human rather than automotive scale, and
- a city whose older, established areas are as desirable to live in as its new ones.

This Article:

- identifies a variety of building forms and establishes requirements for how the buildings must be situated on a lot (e.g., setbacks, location of parking, access to parking)
- regulates the way buildings relate to their neighboring uses (e.g., massing, solar access),
- regulates construction materials and wall configurations, the positioning of windows and doors, the placement of mechanical equipment, and the character of lighting and signage.

In addition, the building forms must respect their context. Their relationship to streets that are pedestrian oriented is different than their relationship to streets that are more vehicle-oriented. Block character is established by the types of building frontage prescribed for each zone. Pedestrian access from one building to another and from place to place is facilitated. The appropriate intensity of use (density, height and lot coverage) for a building must relate to its development character and proximity to transit.

PART 1: GENERAL PROVISIONS  
14-20-1-1 Intent and Purpose

Page intentionally left blank.

### **14-20-1-2 *Establishment of Zones.***

The zones presented in this Article permit mixed use, sustainable, human scale development. The zones are:

- Transit Oriented Development – Major Activity Center (TOD-MAC)
- Transit Oriented Development – Corridor/Community Activity Center (TOD-CORCOM)
- Planned Village Development (PVD) with the following subareas: PVD-VC (Village Center), PVD-VG (Village General), and PVD-VE (Village Edge)
- Campus (CAM)
- Mixed Use (MX)
- Infill Development (ID)

Page intentionally left blank.

### **14-20-1-3 Concepts**

#### **(A) Relationship to Article 14 and Article 16.**

Where Article 20 conflicts with the Subdivision Regulations (Revised Code of the City of Albuquerque ("ROA") §14-14-1-1 et seq.), Article 14 prevails. 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 this Article unless so specified.

#### **(B) Short Title.**

This article may be cited and referred to as the "Form Based Code."

#### **(C) Zones.**

The zones specify allowable building forms. Each zone may utilize a number of different building forms. But because the zones differ from one another, not all building forms are suitable for all zones. Each zone specifies allowable land uses in a general manner.

#### **(D) Development approval process.**

- (1) Any of the Form Based Code zones may be applied for through the zone map amendment process (ROA § 14-16-4-1).
- (2) The Form Based Code zones establish development typologies. Where permitted in Article 16, development pursuant to these standards may be permitted without a rezoning as described in subsection (3), below.
- (3) If a Form Based Code zone is the established zone or the development typology is permitted in an existing zone, the applicant may obtain administrative approval from the Planning Director. This requires a building permit that conforms to the site development plan requirements in **§ 14-16-3-11 and Chapter 3 of the Development Process Manual.**
- (4) Administrative rules and regulations will be promulgated by the Administration for the Form Based Code Zoning process. An administrative ruling may be appealed to the Land Use Hearing Officer.

Page intentionally left blank.

### **14-20-1-4 Definitions and Rules of Interpretation.**

#### **(A) Definitions.**

The following words and phrases have the meanings assigned below for purposes of this Article. In cases where the definition is identical to that given in §14-16-1-5, a **Z** follows the definition.

The descriptions of the Building Forms are found in §14-20-2-1.

#### **“A” Street**

A street in which the infrastructure and adjoining lots and buildings have a relatively high degree of design control in order to provide a functional and attractive pedestrian environment and connectivity. “A” Streets are those that are designated as “A” Streets on the Site Development Plan (refer to § 14-20-2-4(A)(1)).

#### **Accessory building**

A building detached from and smaller than the main building on the same lot; the use of an accessory building shall be appropriate, subordinate, and customarily incidental to the main use of the lot. **Z**

#### **Alley**

A vehicular access located to the rear of lots. An alley may connect service areas and parking, and may contain utility easements.

#### **Apartment**

A building that contains 3 or more dwelling units and that is located on a single lot. Individual dwelling units within Apartments may be for rent or for sale as condominiums.

#### **Articulate or Articulation**

The creation of a module or rhythm on a building. This may be done in a variety of manners including entryways, changes in the vertical and horizontal elevation plane, or similar structural elements, materials, colors. The specific requirements are provided in the Form Based Code for the Building Form and Zone.



**Attic**

The space between the ceiling beams of the top story and the roof rafters.

**“B” Street**

A street in which the infrastructure and adjoining lots and buildings have a relatively lower degree of design control in order to accommodate truck or vehicular traffic. A "B" street provides utilitarian functions, such as automobile repair or big box retail that serves neighborhood needs and/or provides an economic anchor for the proposed development. “B” Streets are those that are designated as “B” Streets on the Site Development Plan (refer to § 14-20-2-4(A)(1)).

**Block**

An area no larger than 10 acres which is bounded by but not crossed by public streets.

**Z**

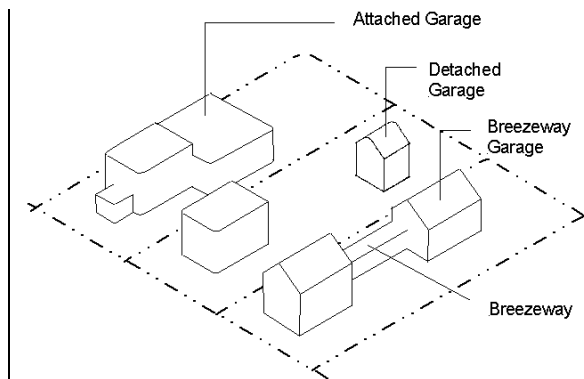
**Block face**

The aggregate of all the building Facades on one side of a block. The Block face provides the context for establishing architectural harmony.



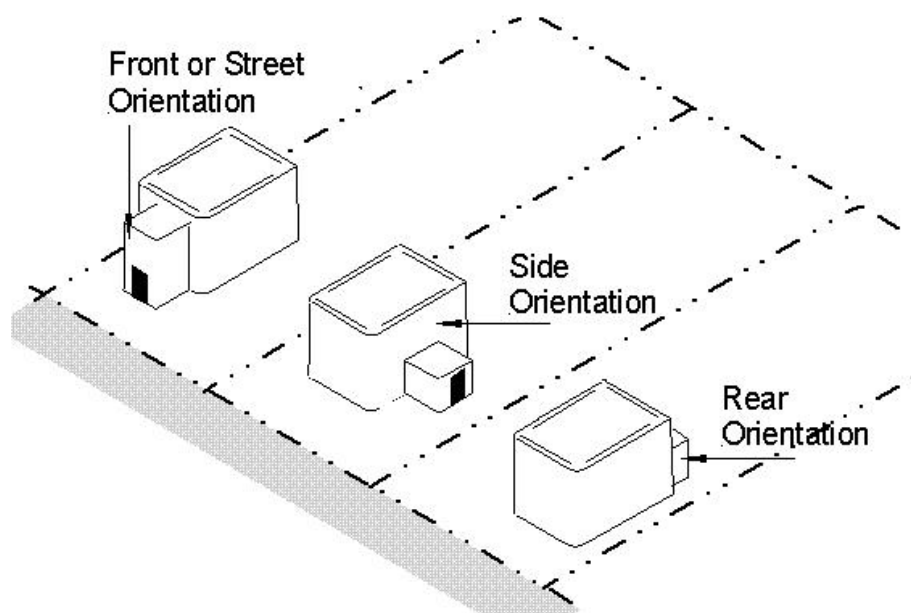
### **Breezeway garage**

A garage that is connected to the main unit on the lot by a breezeway. A "breezeway" means a roofed, open sided passageway that connects two structures.



### **Building orientation**

The direction in which the front Façade of a building faces in relation to the primary abutting street.



### **Building form**

The category of a building, as described in § 14-20-2-1.

### **Building height in stories**

The vertical extent of a building measured in stories (not including a raised basement or habitable attic).

### **Café space**

Café spaces are a part of the sidewalk element of streetscape located adjacent to the build-to-line of a lot. Café spaces provide for both active and passive social interaction. Sufficient sidewalk space is necessary to accommodate cafes. Moveable public seating and newsstand and retail kiosks may be placed in these spaces to encourage more daytime use independent of an adjacent restaurant.

**Civic**

The term defining not-for-profit organizations dedicated to arts, culture, education, social services, recreation, government, transit, and municipal parking.

**Civic building**

A building designed specifically for a civic function.

**Civic space**

An outdoor area dedicated for public use. Civic space types are defined by the combination of certain physical elements including the relationship among their intended use, size, landscaping and buildings that face them.

**Clear height**

An interior vertical distance that is not interrupted by permanent obstructions.

**Colonnade**

A series of regularly spaced columns that support a horizontal molding or band above the columns. A colonnade may also support a roof structure with a cornice.

**Column**

A cylindrical or rectangular supporting member of a building.

**Commercial**

The term collectively defining office and retail functions.

**Commercial message or commercial copy**

Any sign, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

**Copy**

The wording on a sign surface.

**Cornice**

The horizontal top of a façade that projects from the surface, typically where the roof overhangs the wall.

**Corridor**

A lineal geographic system incorporating a transportation route. A transportation corridor may be a lineal zone.

**Courtyard**

Refer to § 14-20-2-2.

**Density**

The number of dwelling units per net acre.

**Dimensional standard**

Any standard governing minimum or maximum density, intensity/FAR (Floor Area Ratio), height, building or entryway spacing, setbacks, width, or any other distance or measurement required by this Chapter.

**Double loaded corridors**

A corridor interior to a building (such as a hallway) that has rooms on both sides.

**Driveway**

An unobstructed paved area leading from the street to a garage or other permitted off-street parking area. **Z**

**Eave**

The lowest portion of a roof that projects beyond the exterior surface of the wall beneath.

**Elevation**

See: Façade

**Encroachment**

Any excavation, digging, paving, landscaping, and construction of an improvement or placement of personal property within an Easement or Right of Way. Encroachments include, but are not limited to, buildings, fences, sidewalks, driveways, mailboxes, newspaper boxes, utility boxes, and poles, trees, shrubs, grass, sprinklers and other landscaping improvements.

**Entryway**

The vertical plane within a door or similar building entry.

**Façade**

The exterior wall of a building set parallel to a Frontage line. Façades define the publicly visible space between buildings and streets or civic spaces. They are subject to design requirements such as frontage type, height, and articulation.

**Flat**

A one-story dwelling unit that is located in a multiple story residential building.

**Flex building**

A mixed-use building available for any combination of commercial and residential uses. The residential use need not be associated by ownership to the operation of the commercial. Units may be rentals or condominiums.

**Floor Area Ratio (FAR)**

The heated gross floor area divided by the area of the premises. **Z**

**Forecourt**

Refer to § 14-20-2-2.

**Form Based Code**

§14-20 ROA 1994.

**Front**

The front elevation of a building, or the orientation of the front Façade of a building. When used as a verb, "front" means to face, place, or direct the orientation along an identified physical feature, as a "stoop fronts the street".

**Front elevation**

The elevation with an entryway that is directly accessible from a sidewalk, a public street, or a private way that functions as a public street as compared, for example, to an entryway that is directly accessible from a parking area.

**Frontage**

The plane between a premises and a public right-of-way, whether or not direct access is allowed from the public right-of-way segment to the premises.

**Frontage line**

A Lot line bordering a Public Frontage). Façades facing Frontage lines define the public space and are, therefore, more regulated than the Façades facing other Lot lines.

**Frontage type**

Refer to §14-20-2-2.

**Front yard**

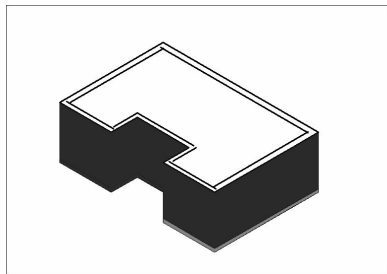
Refer to § 14-20-2-2.

**Glazed or Glazing**

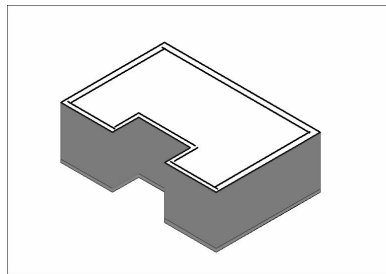
Placed in transparent glass. "Transparent" means capable of transmitting light in a manner which permits a person standing outside of a building to view shapes, tones, and objects inside a building. A tinted window is considered transparent if it meets the requirements of this paragraph.

### **Grayscale measurement**

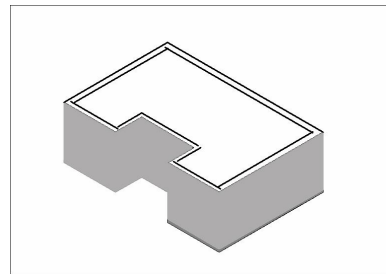
A measure of the relative brightness (lightness or darkness) of a color, measured as a percentage from 0% (white) to 100% (black).



Grayscale 100% (black)



Grayscale 70%



Grayscale 20%

### **Gross Land Area**

The total area that is subject to an application for development approval.

### **Gross Leasable Area (GLA)**

The total building area expressed in square feet and designed for tenant occupancy and exclusive use, including any basements, mezzanines, or upper floors, as measured from exterior walls or the centerline of walls separating two abutting buildings.

### **Home occupation**

Commercial enterprises that are accessory to a dwelling unit that is located on the same lot. The work quarters that are devoted to commercial use must be located either within the dwelling unit or in an accessory building that is located entirely in the rear yard.

### **Inside turning radius**

The curved edge of a thoroughfare at an intersection, measured at the inside edge of the vehicular track. The smaller the turning radius, the smaller the pedestrian crossing distance and the more slowly the vehicle is compelled to make the turn.

### **Impervious Surface**

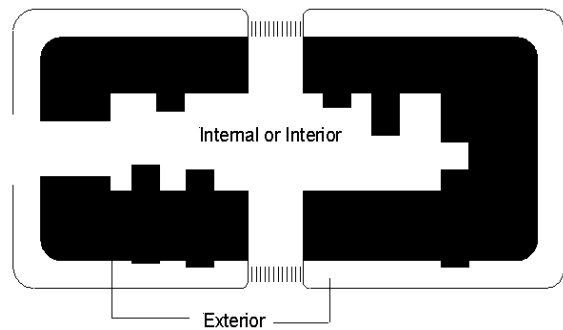
Any constructed or fabricated surface or material that does not absorb water or that substantially reduces the infiltration of stormwater. Impervious surfaces include, but are not limited to, roofs, streets, sidewalks, and parking areas paved with asphalt, concrete, compacted sand, compacted gravel, or clay.

### **Intensity**

The number of square feet of development per square foot of lot with respect to non-residential or mixed land uses. When expressed as a ratio or a proportion, intensity is conveyed as a Floor Area Ratio (FAR). A development with an FAR of 1:1 or 1.0 would have the same amount of square footage in the building as there is on the lot.

### **"Internal to a block" or "Internal to the block"**

The interior portion of a block, where the perimeter of the block adjoining the thoroughfare(s) is characterized by buildings, sidewalks, driveways and access points and the interior is open or reserved for utilitarian functions such as parking or storage.



### **Internal light well space**

A space that is unroofed or covered by a transparent or translucent material that admits light, is surrounded by buildings or interior balconies or hallways, and is accessible by the main entryway or secondary entryways into the building.

### **Liner building**

A building specifically designed to mask a parking lot, parking garage or large retail facility (big box) from a Public Frontage.

### **Live-Work**

A dwelling unit that contains a Commercial component anywhere in the unit. The Commercial component may accommodate employees and walk-in trade. *[Note: state or federal law, such as the Americans with Disabilities Act (ADA), may impose accessibility requirements.]*

### **Loft**

A multiple-unit building with units available for either residential or commercial use. Ceilings are a minimum of 15' Clear height. Units may be for rent or for sale.

### **Lot layout**

The location of buildings and structures on a lot as shown by the building footprint.

### **Lot line**

The boundary that legally and geometrically demarcates a lot. The Form Based Code references lot lines as the reference line for measuring setbacks.

### **Massing**

The overall volume of space occupied by a building or a sequence of buildings or structures. A building shall be designed in a manner that reduces its apparent bulk by dividing the building into smaller masses.

### **Mixed use**

Multiple functions within the same building through adjacency, or in multiple buildings within the same area by adjacency.

**Module**

A vertically proportioned projection or recess in a building façade.

**Narrow driveway**

Vehicular access not greater than 9' in width.

**Noncommercial copy**

Any sign copy other than commercial copy.

**Office**

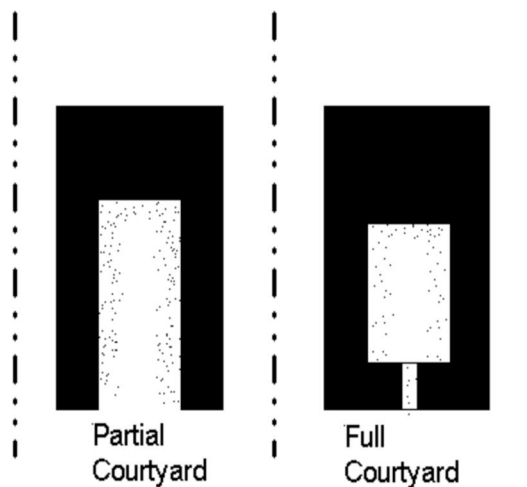
A place where consulting or record keeping, the work of a professional person such as a physician or lawyer is done, or a headquarters of an enterprise or organization; the sale of on-premises goods is not included. **Z**

**Parapet or parapet wall**

The portion of a building wall that is elevated above the roof level.

**Partial courtyard**

A courtyard that is located interior to a building that is not completely enclosed by building walls on all sides.



**Passage**

A pedestrian connector passing between building, providing shortcuts through long blocks and connecting rear parking areas to Public Frontages. Passages may be roofed.

**Patio**

A level surface area that is adjacent to a principal building, is open on one or more sides, and that is used, intended to be used, or designed for outdoor dining, recreation, or lounging.

### **Pilasters**

A shallow rectangular feature that projects from a wall, and that that serves, or appears to serve, the same function as a column.

### **Plaza**

A Civic Space type designed for Civic purposes and Commercial activities, generally paved and spatially defined by building Frontages.

### **Pole Sign**

A sign attached to one or more posts that have a base exceeding 24 inches above grade.

### **Porch**

Refer to § 14-20-2-2.

### **Portal**

Refer to § 14-20-2-2.

### **Porte cochere**

A structure that is attached to the main building and erected over a driveway into which a vehicle may be driven temporarily to protect the occupants when alighting.

A porte cochere is:

- \* designed to form an integral part of the building; and
- \* constructed of the same primary materials as the building to which it is attached, and
- \* open on three sides with columns at the two exterior corners.



### **Portable sign**

Any sign that is designed or intended to be readily relocated whether or not it is permanently attached to a building, structure or the ground. Portable signs also include signs on wheels or on portable structures, such as trailers, tent signs, A-frames or T-shaped signs, and normal advertising placed on motor vehicles that are not driven regularly and are placed in such a manner as to attract attention.

### **Primary material**

A building material that comprises at least 80% of the solid (non-window and door) portion of any elevation. If the elevation is divided into separate modules, this percentage applies to each module.

### **Principal building**

The main building on a lot, usually located toward the Frontage Line.



**Principal entry**

For residential building forms, the “principal entry” is the main point of access by pedestrians into a building. For all other building forms, the “principal entry” is an entry into a building that faces or adjoins a sidewalk or a plaza, and that is open to customers, employees, and other users of a building during normal business hours. A loading area does not constitute the “Principal Entry” for a building. (see § 14-20-2-1)

**Private way**

A linear way that is primarily devoted to vehicular use, and that may provide access to abutting property, garages, or off-street parking areas.

**Public Frontage**

An area of a lot that is exposed to public view or that can be viewed by persons not within the building.

**Public realm**

The areas that are accessible to the general public and are formed by the buildings, structures and streetscapes in the vicinity, such as streets, squares, footpaths, sidewalks, café spaces, parks, and open spaces.

**Reconstruction**

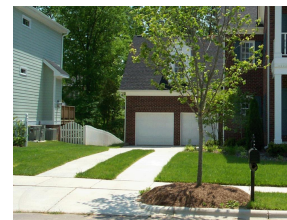
Reconstruction is defined as the removal of some or all of the existing structures and the redevelopment of a part or the entire site.

**Retail**

Premises available for the sale of merchandise and food service.

**Ribbon driveway**

A driveway that is formed by two parallel strips of pavement with grass or stone in between.



*Ribbon Driveway*

**Secondary material**

A building material other than a Primary material. A secondary material may be used as an accent.

**Setback**

The horizontal distance between the building façade line and the adjacent front, side, or rear property line. If the property line extends beyond an existing or proposed sidewalk, the setback shall be measured from the edge of the sidewalk’s pavement.

**Shop front**

Refer to § 14-20-2-2.

### **Site Development Plan**

An accurate plan at a scale of at least 1 inch to 100 feet that covers at least one lot and includes, in visual and written form:

(a) For Subdivisions. The site, proposed use, lot layouts, site improvements, pedestrian and vehicular ingress and egress, any internal thoroughfares, landscaping, pedestrian and bicycle improvements, streetscape elements, building elevations, building height, building setbacks, total dwelling units, and nonresidential or mixed use floor area.

(b) For Building Permits. In addition to information required for a Subdivision, exact structure locations, structure (including sign) elevations and dimensions, parking facilities, loading facilities, and any energy conservation features.

The site development plan demonstrates how the plan conforms to the provisions of the Form Based Code.

### **Square**

A Civic Space type intended for unstructured recreation and Civic purposes, spatially defined by building Frontages and consisting of Paths, shade structures, lawns and trees, formally designed.

### **Stoop**

Refer to § 14-20-2-2.

### **Story**

That portion of a building included between the upper surface of a finished floor and the upper surface of the finished floor or roof next above. Attics and raised basements are not counted as stories for the purpose of determining building height.

### **Street**

That portion of a public right-of-way or private way or thoroughfare which is primarily devoted to vehicular use. Such right-of-way or thoroughfare normally shall provide access to abutting property.

### **Street furniture**

Fabricated or constructed, above ground items that are usually found in street rights-of-way, including bus stops and shelters, street lights, benches, bicycle storage, kiosks, planters, canopies, or similar features.

### **Substantial rehabilitation**

Substantial rehabilitation is defined as costing 50% or more of the structure's appraised value.

### **Townhouse**

A single-family dwelling that shares a party wall with another of the same type and occupies the full frontage line when it is built as a Rowhouse. This term also includes the side-facing Courtyard Townhouse building form.

### **Traffic Impact Study (TIS)**

The study of the anticipated trip generation and distribution that is required by Chapter 23, Section 8 of the Development Process Manual, which is hereby incorporated by reference and made a part of this Article.

### **Window Sign**

A sign that is applied to the building glass area located such that the identifying/advertising message, symbol, insignia, visual representation, logotype or any other form that communicates information can be read from off-premise.

## **(B) Symbols and Abbreviations**

<b>Symbol or Abbreviation</b>	<b>Meaning</b>
'	Feet
"	Inches
•	permitted use
FAR	Floor Area Ratio
ROW	right-of-way

Page intentionally left blank.

### **14-20-1-5 Form Based Code Zones - General Standards.**

**(A) Applicability.**

These standards apply to all of the Form Based Code zones.

**(B) Modifications.**

- (1) The standards in this section and 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 are set a level of detail that allows creativity within the framework of desirable mandated features of the built environment.
- (2) The standards below may be modified if the proposed modification is:
  - (a) consistent with the Comprehensive Plan and the Planned Growth Strategy; and
  - (b) necessitated by unique site or neighborhood conditions.
- (3) Two levels of modification are permitted, as defined and regulated below:

<b>Type of Modification</b>	<b>Definition</b>	<b>How Approved</b>
<b>(a) Minor</b>	Deviations from dimensional standards by no more than 10%	Administratively, by Planning Director
<b>(b) Major</b>	Any modification that is not considered a “minor” modification, unless a modification is prohibited by the Form Based Code.	Rezoning to the applicable Form Based Code zone along with evidence of a specific condition that allows the modification.

- (4) The applicable Form Based Code regulations may permit additional modifications.
- (5) The following standards are considered essential to the design concepts of the Form Based Code and achieving development efficiencies, and therefore shall in no circumstance be modified:
  - Minimum densities and intensities;
  - The distance between the proposed development and transit facilities for Transit-Oriented Development;
  - Maximum average and absolute block lengths;

Part 1: GENERAL PROVISIONS

14-20-1-5 Form Based Code Zones – General Standards

- Maximum driveway widths;
- Minimum garage setbacks;
- Street design standards;
- Parking lot location standards.

(6) Any other standard may be varied under the variance process for zoning (ROA § 14-16-4-2) or subdivisions (ROA Chapter 14, Article I4, Part 6).

**(C) Solar Access.**

The provisions of § 14-16-3-3(7), regarding solar access, apply to the Form Based Code.