

CITY of ALBUQUERQUE

SEVENTEENTH COUNCIL

COUNCIL BILL NO. O-07-116 ENACTMENT NO. _____

SPONSORED BY: Isaac Benton

1 **ORDINANCE**

2 **ADOPTING A FORM BASED CODE PRESCRIBING BUILDING FORM,**
3 **FRONTAGE TYPE, PARKING, CONNECTIVITY, DESIGN, SIGNAGE AND**
4 **LIGHTING STANDARDS AND ESTABLISHING ZONES WHICH ALLOW MIXED**
5 **USE DEVELOPMENT WHICH IS TRANSIT ORIENTED, AND DEVELOPMENT**
6 **WHICH IS MORE ORIENTED TOWARD PEDESTRIAN THAN AUTOMOBILE**
7 **TRAFFIC.**

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

10 **Section 1. FORM BASED CODE ADOPTED. The Form Based Code is**
11 **hereby adopted.**

12 **Section 2. AMENDMENTS TO THE FORM BASED CODE. The Form Based**
13 **Code of the city hereby adopted may be amended or repealed in the same**
14 **manner as ordinances are amended or repealed.**

15 **Section 3. AVAILABILITY OF THE FORM BASED CODE. A copy of the**
16 **Form Based Code as adopted by this article is on file in the Office of the City**
17 **Clerk, Office of Council Services, and the Planning Department, and is**
18 **available for inspection by the public during regular business hours. A copy**
19 **of the code may shall be available to any individual upon request and the**
20 **payment of a reasonable charge as set by the Chief Administrative Office.**

21 **Section 4. PLANNING DEPARTMENT – JURISDICTION. The Planning**
22 **Department shall have jurisdiction to administer the Form Based Code.**

23 **Section 5. CONFLICT OF CODES. When a conflict exists in specific code**
24 **requirements between the Form Based Code and Article 14-16 of the Revised**
25 **Ordinances of Albuquerque New Mexico, the Form Based Code shall prevail.**

[-Bracketed/Strikethrough-Material-] - Deletion

1 Section 6. **PENALTY.** Any person who violates any provision of this
2 ordinance for which another penalty is not specifically provided shall, upon
3 conviction, be subject to a fine not exceeding \$500 or by imprisonment not
4 exceeding 90 days or both unless a different specific penalty is provided.
5 Each separate violation shall constitute a separate offense and, upon
6 conviction, each day of violation shall constitute a separate offense.

7 Section 7. **SEVERABILITY CLAUSE.** If any section, subsection, sentence,
8 clause, word or phrase of this ordinance is for any reason held to be
9 unconstitutional or otherwise invalid by any court of competent jurisdiction,
10 such decision shall not affect the validity of the remaining portions of this
11 ordinance. The City Council hereby declares that it would have passed this
12 ordinance and each section, subsection, sentence, clause, word or phrase
13 thereof irrespective of any one or more sections, subsections, sentences,
14 clauses, words, or phrases being declared unconstitutional or otherwise valid.

15 Section 8. **COMPILATION.** This ordinance shall be incorporated in and
16 compiled as part of the Revised Ordinances of Albuquerque, New Mexico.

17 Section 9. **EFFECTIVE DATE.** These amendments shall be effective 5 days
18 after having been published by title and general summary.

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