

**CITY COUNCIL  
OF THE  
CITY OF ALBUQUERQUE**

**April 6, 2009**

**FLOOR AMENDMENT NO. 1 TO F/S O-08-58**

**AMENDMENT SPONSORED BY COUNCILLOR BENTON**

Replace the attachment to F/S O-08-58 referred to on page 2, lines 17 and 18, with the entire Section attached to this amendment entitled “§14-16-3-22 FORM BASED CODE.”

Explanation: The 4-2-09 draft of the Form Based Zones replaces the 2-27-09 draft that was adopted by the Land Use, Planning and Zoning Committee on March 11, 2009. The changes listed below are to the 2-27-09 version.

**SPECIFIC CHANGES MADE IN ATTACHMENT:**

1. On page 3-80, in “Section Organization”, under “Subsection C, Components” delete everything after “Frontage Types” and insert in lieu thereof “General Building Standards, Street Standards, and standards for Parking, Lighting, Signage, Walls and Fences, Screening, and Landscape.”
2. On page 3-80(A)(2), insert “Applicable only when a Form Based Zone is approved.” after “Relationship to City Regulations.”
3. On page 3-81, 2(d), delete “adopted before the effective date of this section”.
4. On page 3-86, (B)(1)(a)3., delete “These standards include: limitations on conflicts between vehicles and pedestrians, minimum densities, interconnected street systems, buildings that are oriented to the street, mixed use that includes higher density residential, parking structures and on-street parking.”
5. On page 3-86, (B)(1)(b)1.b., insert “existing” after “with” and before “zoning C-3”
6. On page 3-88, (B)(1)(f)1.b., delete “commercial, civic, institutional or multifamily” and insert “all permitted”. Repeat for 3-97, (B)(3)(f)1.b.
7. On page 3-88, (B)(1)(g)1., insert as a. “Buildings shall be located at edge of Pedestrian Realm.” Renumber accordingly. Repeat for page 3-93, (B)(2)(g)1.a. and page 3-98 (B)(3)(g)1.a. Renumber accordingly.
8. On page 3-93, (B)(2)(g)1.a. and page 3-98 (B)(3)(g)1.a., delete “a minimum of”.

9. On page 3-88, (B)(1)(g)1.b., delete “Buildings shall be located at the edge of the pedestrian realm.”
10. On page 3-89, (B)(1)(h)1.b., delete “800” and insert “1,500”. Repeat for page 3-93, (B)(1)(h)1.b, delete “400” and insert “1,500”, page 3-99, (B)(1)(h)1.b, delete “400” and insert “1,500”, and page 3-103, (B)(1)(h)1.b, delete “200” and insert “1,500”.
11. On page 3-89, (B)(1)(i)1., delete “curb to curb” and replace with “center of R.O.W.” and delete “existing” and replace with “developed”. Repeat for page 3-93, (B)(2)(i)1. and page 3-99, (B)(3)(i)1.
12. On page 3-91, (B)(2)(c)2., delete “d. Outdoor vehicle sales, repair and storage.” Renumber accordingly.
13. On page 3-92, (B)(2)(e)1.b.i., delete “11” and insert “26”. Repeat for page 3-97, (B)(2)(e)1.a.i.
14. On page 3-94, (B)(2)(j)1., insert as b., “On-street parking may count for 100% of off-street parking requirements.” Renumber accordingly.
15. On page 3-96, (B)(3)(b)1. b., delete “The MX Zone may apply to corridor commercial, nodal or strip shopping areas when a center is being substantially rehabilitated or reconstructed and another Form Based Zone is not applied to the site.” And replace with “Areas mapped as SC (shopping center) sites.”
16. On page 3-97, (B)(3)(f)1.b., insert “to all permitted Building Types” after “shall apply” and before “with the following”.
17. On page 3-99, (B)(3)(j)1.b., insert “100% of” after “for” and before “off-street”.
18. On page 3-101, (B)(4)(b)1.a.i., delete “R-1” and replace with “residential zoning” and add “or higher” after “Collectors.”
19. On page 3-101, (B)(4)(b)1.a., insert “ii. Lots with existing zoning O-1 or C-1 shall be located on a street designated Collector or higher.”
20. On page 3-101, (B)(4)(b)1., delete “b. On streets designated Collector of higher, fronting a street.” Renumber accordingly.
21. On page 3-102, (B)(4)(f)1.a. insert “except Detached House, Sideyard, Rowhouse, Accessory Unit and Duplex/Triplex/Fourplex” after “Building Types” and before “with the following”.
22. On page 3-103, (B)(4)(g)1., insert “Buildings shall be setback 0 to 15 feet from the front property line.” before “At least”.
23. On page 3-103, (B)(4)(g)1., insert “2. Side and Rear setbacks shall be the same as the zoning in place prior to the zone change to SU-1 ID.”
24. On page 3-104 (B)(4)(j)1., insert “c. On-street parking may count for up to 50% of the

off-street parking requirements.” Renumber accordingly.

25. On page 3-104 (B)(4)(n)1., insert as “a. Sign area of building mounted signs. Sign area shall be limited to 25 sf.” Renumber accordingly.
26. On page 3-104 (B)(4)(n)1., insert as “b. No more than one wall mounted sign per premise per building façade.” Renumber accordingly.
27. On page 3-104 (B)(4)(n)1.c., insert “R.O.W.” after “one foot into” and before “per City”.
28. On page 3-105 (5)(a) delete:
  1. Neighborhoods that include a variety of housing types with neighborhood retail, service and recreational opportunities, within walking and bicycling distance.
  2. Central or corridor commercial, residential, entertainment, public, office and mixed use areas that create destination points for purposeful walking and biking trips.
  3. A central park/plaza area, with improved parks or civic spaces.
  4. Mixed density residential with centralized higher density/mixed use areas.
  5. Buildings oriented toward streets, plazas and parks.
  6. Interconnected pedestrian and traffic routes.
  7. Street characteristics that slow the speed of motorized vehicles while encouraging safe and convenient pedestrian travel.
  8. A transportation network that balances pedestrian, bicycle and motorized vehicle use.”

And insert in lieu thereof:

“1. Provides for neighborhoods that include a variety of housing types with neighborhood retail, service and recreational opportunities within walking and bicycling distance of central or corridor commercial, mixed use areas. Buildings are oriented toward streets, plazas and parks with interconnected pedestrian and traffic routes. Open space is organized into a central park/plaza area, with improved parks or civic spaces.”

29. On page 3-109 (B)(5)(h)3.b., delete “200” after “within” and before “feet of a park” and insert “800”.
30. On page 3-109 (B)(5)(i)1., insert “If a block size in a developed area exceeds these standards, mid-block access points shall be included in any redevelopment projects such that block lengths do not exceed 400 feet.” after “300 feet.”
31. On page 3-109 (B)(5)(i)1., delete “curb to curb” and insert “center of the R.O.W.”
32. On page 3-110 (B)(5)(j)1.c., insert “(See §14-16-3-22(C)(5) for landscape buffer standards) “ after “or other means.”
33. On page 3-110 (B)(5)(j)1., delete “d. Parking access points are not permitted within 50’ of a street intersection, measured from the curb. Access to parking interior to the block from street shall not exceed 16’ in width. No more than one access point is permitted on each block face.”
34. On page 3-110 (B)(5)(n)., insert:

“2. For PND Edge, See Sign, On-premise, as regulated by the O-1 zone, §14-16-2-15(A)(16) with the following exceptions and additions:

- i. Sign area of free-standing signs. Sign area shall be limited to 15 square feet.
- ii. Height of free-standing signs. Sign height shall not exceed 8 feet.
- iii. No more than one free-standing sign per premise.
- iv. Sign area of building mounted signs. Sign area shall be limited to 25 square feet.
- v. No more than one wall mounted sign per premise per building façade.
- vi. Signs may project more than one foot into R.O.W. per City Encroachment Agreement requirements.”

35. On page 3-116, (C)(1)(a)1.f.ii., insert “Loading and trash disposal shall be accessed from an alley or side driveway.” at end of section. Repeat for 3-117, (C)(1)(a)1.g.ii., page 3-121, (C)(1)(a)2.c.ii., page 3-122, (C)(1)(a)2.d.ii., page 3-123, (C)(1)(a)3.a.ii., page 3-124, (C)(1)(a)3.b.ii., page 3-125, (C)(1)3.c.ii., page 3-127, (C)(1)4.a.ii.
36. On page 3-118, (C)(1)(a)1.h.vi., insert “or may be individual units which together form a court.” after “building mass”.
37. On page 3-119, (C)(1)(a)2.a.i., insert “as determined by Form Based Zones,” after “requirements” and before “with upper floors”.
38. On page 3-122, (C)(1)(a)2.d.iii., insert “in a common parking area located interior to the block.” after “liner building”.
39. On page 3-123, (C)(1)(a)3.a. Drive Though, insert “/Service Station” after “Drive-Though”.
40. On page 3-123, (C)(1)(a)(3)a.i, insert “/Service Station” after “Drive Through”.
41. On page 3-123, (C)(1)(a)3.a.iii., insert “at the side ( if located on a corner),” after “behind” and before “or under”.
42. On page 3-126, (C)(1)(a)3.d.iii., delete “and primary building elevations shall be oriented to street” and insert in lieu thereof shall be from a permitted Building Type fronting the street.” Renumber as ii.
43. On page 3-126, (C)(1)(a)3.d.v., insert “The primary building elevations shall be oriented toward streets” after “the street.” and before “Loading docks.” Renumber as iv.
44. On page 3-127, (C)(1) (a)4.a.iii., insert “located interior to the block and/or underneath buildings.” after “parking areas”.
45. On page 3-128, (C)(1) (a)4.b., delete “ii. Orientation and Composition. In order to orient parking structures to the interior of the block rather than the street, parking garages shall: Include residential dwelling units or Store Fronts, which conform to the design regulations in the Formed Based Zones, along at least the first floor; or be located behind buildings with the principal uses described above so that the

parking is not visible from the street, except for the entryway. The entryway must not exceed 30 feet in width along the building façade.” Renumber accordingly.

46. On page 3-128, (C)(1) (a)4.b.vii, delete “Frontage Types along the street shall be Store Fronts, Office, Lobbies, and/or Café and may include Patios, Portals, Forecourts and/or Courts.” and insert “In order to minimize the visual impact of parking structures, the design of parking structures shall comply as follows: 1. Where parking structures front more than 200 feet of a block face, for any length over 200 feet, structures shall include permitted Frontage Types; or, 2. Structures shall be located behind a liner building, so that the parking is not visible from the street, except for the entryway. The entryway shall not exceed 30 feet in width along the street façade. Where Frontage Types are required along the ground level street façade, they shall be Store Fronts, Office, Lobbies, and/or Café and may include Patios, Portals, Forecourts and/or Courts.” Renumber as ii.
47. On page 3-129, (C)(2)(a)., delete “describe the situations where each Frontage Type is permitted.” and insert “prescribe where each Frontage Type is permitted. Frontage Types may be combined as indicated in specific Building Types.”
48. On page 3-129, (C)(2)(a).1, insert “Setback areas may meet the Frontage Type requirements of a Patio, Portal and/or Court.” after “Pedestrian Realm.” and before “A minimum.”
49. On page 3-129, (C)(2)(a).2, delete “A Court frontage is pedestrian area, whether covered by a roof or not, within or between any structure or buildings.” and insert “A Court is an uncovered area partly or wholly enclosed by buildings or walls. Walls shall be no higher than 42 inches.”
50. On page 3-129, (C)(2)(a).5., insert “The setback area shall be to use to provide pedestrian amenities that stimulate street activity. Appropriate amenities include food service, retail, temporary event activities, seating, kiosks, landscape elements, fountains and art.” after “entry area.”
51. On page 3-129, (C)(2)(a).6.<sup>1</sup>, delete everything after “Patio.” and insert in lieu thereof “A patio is an area enclosed by a fence or wall attached to a building. A patio fence or wall shall not be higher than 42 inches. A patio is a minimum of 50 square feet.”
52. On page 3-129, (C)(2)(a).7., delete “and 12 feet wide”.
53. On page 3-130, (C)(2)(a).8.<sup>2</sup>, delete “is at or close to the edge of the Pedestrian Realm, with the” and insert “has an”; delete “is required”; insert “The setback area shall be to use to provide pedestrian amenities that stimulate street activity. Appropriate amenities include food service, retail, temporary event activities, seating, kiosks, landscape elements, fountains and art.” after “8 feet”.

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<sup>1</sup> See page 3-130, (C)(2)(a)7. in 4-2-09 draft to confirm insertions. Page number and section number are different because of formatting.

<sup>2</sup> See page 3-130 (C)(2)(a)9. in 4-2-09 draft to confirm insertions. Section number is different because of formatting.

54. On page 3-130, (C)(2)(a).9.<sup>3</sup>, insert “A stoop is a frontage with the first story elevated from the sidewalk sufficiently to secure privacy for the windows. The entrance is an exterior stair and landing and may be covered by an overhang, awning or canopy. The stair may be perpendicular or parallel to the sidewalk. This type of frontage is recommended for residential uses and when used for commercial uses shall be accompanied by a ramp.” after “Stoop.” and before “Where conditions allow”.; delete “Where conditions allow” and insert “Per City Encroachment Agreement”. Delete “The ground story may be elevated above the sidewalk. a. A stoop may be covered. b. This type is suitable for ground floor residential uses at short setbacks by securing privacy for the windows.”
55. On page 3-130, (C)(2)(a). after section 9. delete “Lobby. A Lobby is ground level vestibule and waiting area for upper story uses with a primary entrance to the street at sidewalk grade and is limited to seventy-five linear feet. A minimum of 25% of the ground floor shall have clear glazing up to a minimum 8 feet is required for Lobbies with a frontage greater than 10 linear feet. A Lobby frontage may be setback up to 10 feet.” and insert as number 4. and renumber accordingly.
56. On page 3-131, (C)(4)(a)., insert, “The width of the Pedestrian Realm is prescribed by individual Zones; however the width may be modified for the following conditions: footings (1-3 feet modification), utility easements (as necessary), and requirements for building articulation and setback (as necessary). In addition, the Pedestrian Realm” after pedestrian use” and before “shall contain.”
57. On page 3-131, (C)(4)(a).1., insert “landscape elements,” after “kiosks” and before “fountains”.
58. On pages, 3-133-135, remove all references to “Design Speed”.
59. On page, 3-135, delete “BV-96” and insert “BV-125”, and delete “BV-115” and inset “BV-135”.
60. On pages, 3-135, delete “96” in R.O.W. row and insert “125”, and delete “115” in R.O.W. row and insert “135”.
61. On page 3-136, (C)(5)(a)., delete “100% of” before “adjacent” and insert “as permitted by form based zone” after “requirements”.
62. On page 3-136, (C)(7)(a).1., delete “LED”.
63. On page 3-136, (C)(7)(a).2., delete “No” and insert “One” and delete “are permitted” and insert “per street façade is permitted where allowed by form based zone.”
64. On page 3-136, (C)(7)(a)., delete “3. § 14-16-3-5 (G)(2) Signs Advertising Alcoholic Beverages are permitted only inside a building.” insert as 3. “Free standing signs.

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<sup>3</sup> See page 3-130, (C)(2)(a)10 in 4-2-09 draft to confirm insertions. Section number is different because of formatting.

The length of the base area shall be equal in length to the overall length of the sign.”

65. On page 3-136, (C)(7), insert “(a)” before § 14-16-3-5 General Sign Regulations. Reformat accordingly.
66. On page 3-137, (C)(7), insert “(b) Iconic signage. An iconic sign is a sign whose form suggests its meaning. Such a sign is unique and creates an image and/or defines a place. An iconic sign may be sculptural in style and demonstrates extraordinary aesthetic quality, creativity or innovation. These are signs that are different from the typical sign and have elements of highly recognizable or identifiable features, facades or are otherwise distinguished from an average square or rectangular box design. They typically have characteristics of art, going beyond simply advertising the why and where. The iconic sign typically refers to an object in symbolic form (as with the road sign which shows a man at work).
  1. Modifications to zone standards. Where an iconic building mounted or free-standing sign is proposed, the height and size limitations of the zone may be modified to allow such sign based on the definition listed above and at the discretion of the approving body.”
67. On page 3-137, (C)(9)(a), delete “(5)” after “14-16-3-18,” and insert “(6)”.
68. On page 3-137, (C)(9)(a)3., insert “Ground mounted mechanical equipment, service and loading areas” before “shall”.
69. On page 3-138, (C)(10)(a)., delete “9. Restricted Ground Cover. Turf grass is only permitted in plazas, pocket parks or designated recreation areas. The use of artificial turf is not permitted in any landscape area.”