

- 1 Placement of Mechanical Equipment, Lighting and Signage, Public Amenities,
2 Walls, and required Usable Open Space,
3 2. A Preliminary Grading Plan,
4 3. A Preliminary Utility Plan,
5 4. A Landscape Plan showing landscape areas, plant material,
6 water harvesting areas, and
7 5. Building Elevations demonstrating Building Types, Frontage
8 Types, heights, fenestration, shading elements, articulation, ground story
9 clear height.

10 (c) The FBC zones shall meet the eligibility requirements set forth in
11 §14-16-3-20 (B).

12 (d) Variances to any of the standards of the (§14-16-3-20) FBC zones,
13 may be granted by the Environmental Planning Commission or other City
14 Council designated approval body, as set forth in §14-16-3-20 (A)(6).”

15 Section 2. Chapter 14, Article 16, Part 3 ROA 1994 (GENERAL
16 REGULATIONS) of the Zoning Code is amended by inserting the following new
17 Section 20 entitled “§14-16-3-20 FORM BASED CODE” (attached hereto and
18 incorporated herein), and renumbering the subsequent section accordingly.

19 Section 3. This bill is the reintroduction of F/S O-07-116, which expired one
20 year from introduction pursuant to the Council’s rules of procedure. The
21 reintroduction is intended to prevent interruption in consideration of the
22 adoption of the Form Based Code and is necessary due to the extended public
23 comment that was sought by the Council; the Council sponsored one citywide
24 town hall meeting as well as one meeting in each City Council district for a
25 total of ten public meetings. The substantive sections of this bill and the
26 entire attachment are identical to what was fully considered and commented
27 upon by the Environmental Planning Commission during the course of four
28 public hearings. The EPC proposed amendments to the legislation and
29 recommended approval of F/S O-07-116 with conditions by action taken on
30 September 25, 2008.

31 Section 4. SEVERABILITY CLAUSE. If any section, subsection, sentence,
32 clause, word or phrase of this ordinance is for any reason held to be
33 unconstitutional or otherwise invalid by any court of competent jurisdiction,

1 such decision shall not affect the validity of the remaining portions of this
2 ordinance. The City Council hereby declares that it would have passed this
3 ordinance and each section, subsection, sentence, clause, word or phrase
4 thereof irrespective of any one or more sections, subsections, sentences,
5 clauses, words, or phrases being declared unconstitutional or otherwise valid.

6 Section 5. COMPILATION. Sections 1 and 2 of this ordinance shall be
7 incorporated in and compiled as part of the Revised Ordinances of
8 Albuquerque, New Mexico.

9 Section 6. EFFECTIVE DATE. These amendments shall be effective 5
10 days after having been published by title and general summary.

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