CITY of ALBUQUERQUE EIGHTEENTH COUNCIL

COUNCIL BILL NO. <u>0-08-58</u> ENACTMENT NO. _

SPONSORED BY: Isaac Benton

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ORDINANCE

2 AMENDING A PORTION OF THE ZONING CODE, SECTION 14-16-2-22(B) ROA 3 1994, THE SU-1 SPECIAL USE ZONE, TO INCLUDE FORM BASED CODE ZONES AS A SPECIAL USE; AMENDING CHAPTER 14, ARTICLE 16, PART 3, 4 ROA 1994, THE GENERAL REGULATIONS OF THE ZONING CODE, TO ADD 5 6 FORM BASED CODE REGULATIONS THAT APPLY TO THE FORM BASED 7 CODE ZONES AND PRESCRIBE BUILDING FORM, FRONTAGE TYPE, 8 PARKING, CONNECTIVITY, DESIGN, SIGNAGE AND LIGHTING STANDARDS, 9 AND THAT DESCRIBE FORM BASED CODE ZONES THAT ALLOW MIXED USE 10 DEVELOPMENT THAT IS TRANSIT ORIENTED AND DEVELOPMENT THAT IS 11 **ORIENTED TOWARD PEDESTRIAN TRAFFIC.**

12 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF 13 ALBUQUERQUE:

14 Section 1. Section 14-16-2-22(B) ROA 1994 is amended by inserting the 15 following new subsection:

" (37) Form Based Code (TOD-MAC, TOD-COM, MX, ID and PND), provided:

(a) The Form Based Code (FBC) zones shall comply with standards of
the FBC, as regulated by §14-16-3-20 Form Based Code. The provisions of
§14-16-3-20 shall control where inconsistent with §14-16-2-22.

(b) A Site Development Plan for Form Based Code is required for
approval by the Planning Commission in conjunction with a zone map
amendment and prior to building permit approval, with specific submittal
requirements that include, but are not limited to:

241.An accurate site plan at a scale of at least 1 inch to 100 feet25showing: Building Placement, Parking Location, Street Layout, Lot Layout,

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Placement of Mechanical Equipment, Lighting and Signage, Public Amenities,
 Walls, and required Usable Open Space,

2. A Preliminary Grading Plan,

3. A Preliminary Utility Plan,

5 4. A Landscape Plan showing landscape areas, plant material,6 water harvesting areas, and

5. Building Elevations demonstrating Building Types, Frontage
Types, heights, fenestration, shading elements, articulation, ground story
clear height.

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

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

Section 2. Chapter 14, Article 16, Part 3 ROA 1994 (GENERAL
REGULATIONS) of the Zoning Code is amended by inserting the following new
Section 20 entitled "§14-16-3-20 FORM BASED CODE" (attached hereto and
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,

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such decision shall not affect the validity of the remaining portions of this
 ordinance. The City Council hereby declares that it would have passed this
 ordinance and each section, subsection, sentence, clause, word or phrase
 thereof irrespective of any one or more sections, subsections, sentences,
 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.