

# Sec.7 Appendix

## A. GLOSSARY OF TERMS

Words used in the present tense include the future tense, and words used in the future tense include the present tense; the singular number includes the plural number, and the plural number includes the singular number. The word "shall" is mandatory, and the word "may" of "should" is permissive.

*Abutting.* Touching.

*Access.* A way of approaching or entering a property primarily devoted to vehicular use from a public street, highway or to a private street or access easement. Access includes ingress and egress.

*Accessory Building or Use.* A subordinate building or use which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use.

*Amateur Radio Antenna/Tower.* A free-standing, guyed or building-mounted lattice construction or tubular metal tower or similar type construction, including antennas and appurtenances intended for radiowave communication purposes by a person holding a valid amateur radio ("ham") license issued by the Federal Communications Commission.

*Animal Clinic.* An establishment where animals are admitted for examination and treatment and may be kept overnight.

*Apartment.* One or more structures containing two or more dwelling units each.

*Billboard.* Sign, off-premises. A sign which advertises a product, place, activity, person, institution or business not located on the site where the sign is located and which is supported by structural steel uprights and conforms to all physical requirements prescribed by the Outdoor Advertising Association of America and/or the Eight Sheet Outdoor Advertising Association.

*Buildable Area.* The area of the lot left to be built upon after all setbacks and open space requirements have been met.

*Building.* Any structure having a roof supported by columns or walls built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kinds, but not including any vehicle, trailer, (with or without wheels), not any movable devise, such as furniture, machinery or equipment. When any portion of a building is completely separated from any other portion thereof by a division wall without openings or by a fire wall, then each such portion shall be deemed to be a separate building.

*Building, Height of.* The vertical distance from the grade to (a) the highest point of a flat roof, (b) the decline of a mansard roof, or (c) the average height between eaves and ridge for gable, hip, and gambrel roofs.

*Building, Main.* The building occupied by the principal use of the property.

*Building or Use Permit.* The certificate issued by the Zoning Administrator, required by Subsection C of the Administrative Section hereof.

*Business.* A legal entity operating an enterprise in a space separate from any other enterprise. All related uses shall be accommodated on site with the building or use served.

*Church.* A building for public or private worship; or a body or organization of religious believers.

*Clinic.* See *Medical Clinic* or *Animal Clinic*.

*Club.* Buildings and facilities owned or operated by a corporation, association, person, or persons for a social, educational or recreational purpose, but not primarily for profit and not primarily to render a service which is customarily carried on as a business.

*Cluster Housing Development.* A form of development that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision or increase in the overall density of development, and the remaining land area is devoted to open space, active recreation, or preservation of environmentally sensitive areas or agriculture.

*Commercial Animal Establishment.* Any establishment or premises, operating for profit, where six or more dogs and/or cats or aggregate thereof, over four months of age are boarded, kept, or maintained for any purpose whatsoever; it includes kennels, grooming parlors, pet shops, animal hospitals and breeders.

*Concealed Wireless Telecommunications Facility.* A wireless telecommunications facility that is architecturally integrated with existing buildings, structures, and landscaping, including height, color, style, massing, placement, design, and shape, and which does not stand out as a wireless telecommunications facility.

*Conditional Use.* A use permitted in a zone with approval of the Zoning Administrator.

*Contiguous.* Abutting or separated only by an alley.

*Contractor.* One that contracts or is a party to a contract, one that contracts to perform work or provide services or supplies on a large scale including but not limited to general contractor, road contractor, lath and plaster contractor, plumbing contractor and truck hauling.

*Contractor's Yard.* A premises where equipment, materials and supplies are stored, kept, and/or maintained in connection with a contracting operation.

*Courtyard.* An open space more than one-half surrounded by buildings.

*Customarily Incidental Use.* An incidental use customarily found within the zone and not listed as a permissive, conditional or special use in this ordinance.

*Day Care Center.* A facility which provides care, services, and supervision to seven or more children for a period of less than 24 hours of any day. A Day Care Center may be located in any building which meets the applicable state and local building and safety codes.

*Developing Urban Area.* An area designated "Developing Urban" on the Albuquerque/Bernalillo County Comprehensive Plan Map.

*Drainage Plan.* A detailed drainage plan, prepared by a New Mexico registered engineer competent in the area of surface hydrology and hydraulics to properly address how drainage will be handled on a specific site.

*Drive-In Restaurant.* A restaurant or refreshment stand which has one or more of the following:

1. No inside tables or counters for customer eating.
2. Carhop service for parked vehicles in specially equipped stalls for this purpose.
3. Outside tables which are not completely surrounded by a building or fence at least six feet high.

*Drive-Thru Restaurant.* A restaurant or refreshment stand which has:

1. An outside menu board for ordering and a pickup window for picking up an order. The grocery is consumed off the premises.
2. Inside tables or counters for customer convenience.

*Dwelling Unit.* A room or suite of rooms with kitchen and bath facilities designed as a unit for occupancy by one family.

*Family.* One or more persons occupying a premises and living as a single housekeeping unit as distinguished from a group occupying a boardinghouse, lodging house or hotel, not exceeding 12 people.

*Family Day Care Home.* An occupied dwelling in which a person provides care, services, and supervision for at least three but not more than six children for a period less than 24 hours of any day. The residents providers children who are age six or older shall not be counted for this definition.

*Feedlot.* A place of confinement for cattle, sheep or swine, corralled, penned, or otherwise caused to remain in pens or corrals where feeding is other than grazing and which is operated as a commercial enterprise as the primary use.

*Floor Area.* The gross horizontal areas of the several floors including basement, cellars, and penthouses (but excluding such areas within a building which are used for parking), measured from the exterior faces of the exterior walls of a building.

*Floor Area Ratio.* The total amount of heated floor area within dwelling units divided by the area of the site.

*Floorplate.* The total amount of the first story floor area of building, measured from the exterior of the exterior walls of a building

*Frontage.* The distance along a street line from one intersecting street to another, or from one intersecting street to the dead end of a dead-end street.

*Home Occupation.* Any occupation or activity clearly incidental and secondary to use of the premises for a dwelling. There shall be no exterior display, no exterior storage of materials, no nuisances emitted from the premises and no other exterior indication of the home occupation or variation from the residential character

of the main building. Only members of the residing family are employed. Not more than 25 percent of the floor area is devoted to the home occupation, nor more than 600 square feet of accessory building.

*Incidental Use.* A use which is appropriate, subordinate, and customarily incidental to the main use of the lot.

*Inoperative Vehicle.* A vehicle which is not parked inside a building, is inoperative, and is wholly or partially dismantled.

*Institution.* A nonprofit establishment for public use.

*Landscape Buffer.* A strip of landscaped land established by the Landscaping and Buffer Landscaping Regulations to protect one type of land use from another with which it is incompatible.

*Landscape Plan.* An accurate plan, drawn to scale, which outlines all proposed areas to be covered with impervious materials, proposed planting beds and vegetative ground cover area; specifies the location, size and species of all proposed trees and shrubs.

*Landscaping.* The planting and maintenance of live plants and inorganic and manufactured materials including trees, shrubs, ground cover, flowers, or other low-growing plants that are native or adaptable to the climatic conditions of Bernalillo County. In addition, the landscape design may include limited inorganic and manufactured materials such as rocks, fountains, reflecting pools, works of art, screens, walls, fences, benches and other types of street furniture.

*Living Quarters, Accessory.* Living quarters within an accessory building containing one bedroom, one living room, one bathroom, one closet, one mechanical room, no kitchen facilities and to be occupied by no more than two persons, shall not be rented or otherwise used as a dwelling unit and does not exceed 500 square feet in area.

*Live/work space.* A designated dwelling in which the occupant conducts a home-based business or enterprise.

*Lot.*

- a. A tract or parcel of land platted and placed on the County Clerk's record in accordance with laws and ordinances; or
- b. A tract or parcel of land held in separate ownership as shown on the records of the County Clerk, prior to April 17, 1973, date of passage of the Bernalillo County Commission Ordinance No. 213.

*Lot Area.* The area of a lot exclusive of easement(s) for a private way or thoroughfare.

*Lot, Corner.* A lot abutting two or more streets at their intersection.

*Lot, Depth.* The mean horizontal distance between the front and rear lot lines.

*Lot, Double Frontage.* Any lot with frontage on two parallel or approximately parallel streets.

*Lot, Front Line of.* The boundary of a lot bordering on a street. For the purpose of determining yard requirements on a corner lot, the narrower side bordering on a street is the front yard except that if the lot is square or nearly so (dimensions with a ratio of between 3:2 and 3:3), the owner may choose which of the two is to be considered the front yard.

*Lot, Rear Line of.* That boundary which is opposite and more or less parallel to the front lot line. In the case of an L-shaped or other irregularly-shaped lot where two or more lines are so located, all shall be considered to be rear lines, except such as may be within 50 feet of the front lot line, or which may be 20 feet or less in length. In the case of a lot which comes to a point at the rear, the rear lot line shall be that imaginary line parallel to the front lot line, not less than ten feet long, lying wholly within the lot farthest from the front lot line.

*Lot, Width.* The width of a lot at the front yard setback line.

*Manufactured Home.* A manufactured home or modular home that is a single-family dwelling with a heated area of at least 36 by 24 feet and at least 864 square feet, constructed in a factory to the standards of the United States Department of Housing and Urban Development, the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 USC 5401 et seq.) and the Housing and Urban Development Zone Code II or the Uniform Building Code, as amended to the date of the unit's construction, and installed consistent with the Manufactured Housing Act (NMSA 1978, § 60-14-1 et seq.) and with the regulations made pursuant thereto relating to ground level installation and ground anchors.

*Medical Clinic.* An establishment where patients are not lodged overnight, but are admitted for examination and treatment by a group of physicians or dentists practicing together.

Mixed use development- Residential and nonresidential uses combined in the same building or buildings, where the owner or tenant is both living and working on the premises.

*Mobile Home.* A vehicle without motive power, designed to be drawn by a motor vehicle and to be used as a temporary or permanent human habitation, including trailer coach, trailer home, and house trailer but not including Manufactured Home or Recreational Vehicle, whether the same be with or without wheels, and whether or not attached to or incorporated in a building and that part of any self-propelled vehicle, whether the same be with or without wheels, and whether or not attached to or incorporated in a building. Skirting is required in addition to a storage building of sufficient size to accommodate all outside storage.

*Nonconforming.* Any building or structure or portion thereof, or use of a building or land which does not conform to the zoning regulations and which lawfully existed on the effective date of those regulations with which it does not conform.

*Nonprofit Animal Facility.* Any facility or premises, not operating for profit, where six or more dogs and/or cats or aggregate thereof, over four months of age are kept or maintained; it includes shelters and refuges, with the exception of state inspected veterinary hospitals, federally inspected laboratory facilities and zoos.

*Nursing or Rest Home.* A home for the aged or infirm in which three or more persons not of the immediate family are received, kept or provided with food and shelter or care, for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

*Office.* A place where consulting, record keeping, the work of a professional person such as a physician or lawyer or a headquarters of an enterprise or organization; with incidental sales of goods or services.

*Open Fence.* A fence, including gates, which has, for each one foot wide segment extending over the entire length and height of the fence, 50 percent of the surface area in open spaces which afford direct views through the fence.

*Open Storage.* Storage of any material, equipment or item outside an enclosed building.

*Park.* An area reserved for recreational, educational, or scenic purposes and designated as a park by the County.

*Parking Lot.* An area or structure used for temporary parking of automobiles and pickup-sized trucks, providing four or more parking spaces, not within the public right-of-way, none of which are required off-street parking.

*Parking Space, Off-Street.* An area at least eight feet, six inches in width and 20 feet in length, not permanently reserved, for the intermittent storage of one automobile and connected to a street or alley by a driveway which affords ingress and egress for an automobile without requiring another automobile to be moved.

*Permissive Use.* A use permitted in a zone.

*Person.* Any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, syndicate, political subdivision, or other group or combination, acting as a unit.

*Planning Commission.* The County Planning Commission of Adjustment.

*Planter Strip.* The area beginning at the back of the curb or outside edge of the shoulder and extending to the property line

*Premises.* A lot, together with all buildings and structures thereon.

*Public Right-of-Way.* The area of land deeded, reserved by plat, or otherwise acquired by the City, the County, or the State of New Mexico, primarily for the use of the public, for utilities, and the movement of people, goods, and vehicles.

*Public Utility Structure.* A structure, owned by a unit of government or by a public utility company, which is an electric switching station; electric substation operating at voltages greater than 50 kilovolts; gas transfer station; city or county-owned lift station, odor control (or chlorine) station, water well or pump station or water reservoir; or any other similar public utility structure controlled by a rank two facility plan.

*Readily Visible Wireless Telecommunications Facility.* An object that stands out visually against its surroundings as a wireless telecommunications facility.

*Residential Zone.* A-1, A-2, R-1, R-2, M-H zones and those portions of a Sector Development Plan designated as residential.

*School.* A place utilized by an organized body to educate, cultivate, or advance mentally or culturally, i.e.: private or public school, academies, universities, day care centers, instructions in crafts, fine art, dance, music, etc.

*Sector Development Plan.* A plan covering a specific portion of the unincorporated area of Bernalillo County that specifies standards for that area's development. A sector development plan may establish zoning regulations for an area that differ from those normally allowed, based on unique neighborhood conditions, including allowable uses, densities, building heights, landscaping requirements, signs, parking or other items as determined by the Board of County Commissioners. A sector development plan must be consistent with the policies of the Albuquerque/Bernalillo County Comprehensive Plan and any applicable area plan adopted for the portion of the County affected by the sector development plan.

*Semi-Urban Area.* An area designated "Semi-Urban" on the Albuquerque/Bernalillo County Comprehensive Plan Map.

*Service Station.* Any land, building, structure, or premises used for the retail sale of motor vehicle fuels, oil or accessories, or for servicing or lubricating motor vehicles or installing or repairing parts and accessories, but not including the repairing or replacing of motors, bodies, or fenders of motor vehicles, or painting motor vehicles.

*Setback.* The shortest distance between a structure and the present or future street line or property line, or right-of-way line of private access road.

*Shopping Center.* A premises containing a group of commercial retail and service establishments located in a complex containing five or more acres.

*Sign.* An identification, description, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure, or land, and which directs attention to a product, place, activity, person, institution, or business. A back to back sign or V-shaped sign or a billboard constitutes one sign if it employs a common set of supports and if the signs are at some point within ten feet of each other.

*Sign, Off-Premises.* A sign which directs attention to a product, place, activity, person, institution or business not located on the site where the sign is located, including portable signs.

*Sign, On-Premises.* A sign which directs attention to a product, place, activity, person, institution or business on the site where the sign is located, including portable signs.

*Single-Family Dwelling.* A building designed to be occupied by one family and containing one kitchen, including manufactured homes and or prefabricated, modular or sectional units meeting the requirements of the Bernalillo County Building Code, designed to be permanent structures, placed upon permanent foundations, and taxed as real property.

*Site Development Plan.* A plan, to scale, showing all existing and proposed development for a parcel of land (e.g. buildings, landscaping, parking, storm drainage facilities, signs) and schedule of development.

*Solid Wall or Fence.* A wall, fence or similar enclosure which is visually solid and is kept in good repair. It may include evergreen hedges, trees planted six feet or less apart depending on the type of trees, decorative walls which may have openings and provided the total area of all the openings in such walls does not exceed 25 percent of the total area of the surface of these walls and further provided these openings are evenly distributed over the entire surface of such walls.

*Stand.* A structure for display and sale of products with no space for customers within the structure itself.

*Story.* That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it; or, if there be no floor above it, then the space between such floor and the ceiling next above it.

*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.

*Structural Alterations.* Any change except those required by law or ordinance, which would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders, not including openings in bearing walls as permitted by other ordinances.

*Structure.* Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, including, but without limiting the generality of the foregoing, advertising signs, billboards, backstops for tennis courts, and pergolas, but not including tents or vehicles.

*Urgent Care Center.* See *Medical Clinic*.

*Usable Open Space.* An area on the same lot with a dwelling, in relation to which it serves to permanently provide light and air, as well as visual, psychological, and recreational needs for open space. Usable open space may include, but is not limited to, lawns, decorative plantings, native plants, open balconies, covered patios open on at least two sides, walkways, active and passive recreational areas, fountains, swimming pools, wooded areas, and water courses. Usable open space does not include public right-of-way, parking lots, off-street parking, driveways, other private vehicular surfaces, or buildings other than swimming pool rooms. Such space shall be available for entry and use by the residents involved.

*Variance.* A discretionary waiver from the zoning requirements to grant the property owner reasonable use of his land.

View Corridor. 1/8 mile from the Isleta Boulevard Right-of-Way.

*Vision Clearance.* A triangular space at the street corner of a corner lot, which is bounded by the street right-of-way lines and a line connecting points located 25 feet distant from the intersection, or projected intersection, of the street right-of-way lines, within which no obstruction to view between three feet and eight feet above the street level shall be placed or maintained.

*Wireless Telecommunications Facility.* A facility that transmits or receives signals or waves radiated or captured by a wireless telecommunications antenna. It may include: antennas of all kinds including microwave dishes and other types of equipment for the transmission or reception of such signals,

telecommunications towers or similar structures supporting said equipment, equipment buildings or cabinets, parking area, and other accessory development.

*Yard.* An open space, other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this ordinance.

*Yard, Front.* An open area, extending across the full width of a lot, the depth of which is the shortest distance between the front lot line and the front wall of the main building.

*Yard, Rear.* An open area, extending across the full width of a lot, the depth of which is the shortest distance between the rear wall of the main building and the rear lot line.

*Yard, Side.* An open area between the side lot line and the side of the main building, extending from the front yard to the rear yard.

*Zone Map.* A map delineating the zone boundaries.

*Zoning Administrator.* The official designated to enforce this ordinance as provided in the Administrative Section of this ordinance.

*Zoning Certificate.* The certificate required in Paragraph 3 of the Administrative Section, Subsection C hereof.

*Zoning Commission.* The County Planning Commission is the County Zoning Commission. (Ord. No. 271, 8-20-74; Ord. No. 280, 10-15-74; Ord. No. 344, 5-18-76; Ord. No. 5-77, 5-17-77; Ord. No. 78-49, 7-18-78; Ord. No. 78-66, 10-3-78; Ord. No. 79-60, 10-16-79; Ord. No. 80-45, 11-18-80; Ord. No. 83-26, 7-19-83; Ord. No. 83-39, 10-18-83; Ord. No. 84-11, 2-21-84; Ord. No. 86-18, 6-24-86; Ord. No. 92-18, 12-15-92; Ord. No. 99-6, § 1, 5-11-99; Ord. No. 03-4, § 1, 6-24-03; Ord. No. 04-1, § 1, 1-13-04)

