BERNALILLO COUNTY

BOARD OF COUNTY COMMISSIONERS

ORDINANCE NO. 2022-2016

An ordinance amending ordinance #213, Bernalillo County Code, Appendix A, intended to amend Section 5 to add definitions for Primary Dwelling Unit and Secondary Dwelling Unit, and amend Section 7, Section 9 and Section 13 to add Secondary Dwelling Unit as a conditional use, and amend Section 21 to add Off Street Parking Requirements for a Secondary Dwelling Unit within the Ordinance.

Section 5. - Definitions.

[+Dwelling Unit, Primary. A separate, complete dwelling unit, but not a mobile home, manufactured home, park model travel trailer, or recreational vehicle, that is the larger of the dwelling units when a single-family residential lot development plan proposes or contains a secondary dwelling unit or accessory living quarters. +]

[Dwelling Unit, Secondary. A dwelling unit, but not a mobile home, manufactured home, park model travel trailer, or recreational vehicle, constructed to building code or HUD standards and located on the same lot as a primary dwelling unit in a detached building. +]

Section 7. - A-1 Rural Agricultural Zone.

B.3. Conditional Uses. The following uses may be permitted, if approved by the Zoning Administrator, in accordance with the procedures and under the conditions set out in the Administrative Section of this ordinance, with additional requirements deemed necessary to safeguard the best interest of the adjoining property, neighborhood and the community.

[+x. Secondary Dwelling Unit, provided that the use meets the following requirements:
1. The lot must meet the area regulations of the underlying zone.
2. The Primary Dwelling Unit and Secondary Dwelling Unit must be connected to a wastewater disposal system meeting the requirements of the Environmental Health Code.
3. The secondary dwelling unit shall:
   a) meet the setbacks of the underlying zone; and
   b) be located at least 10 feet from any other dwelling unit or structure on the lot; and
   c) be located a maximum of 35 feet from the primary dwelling unit; and
   d) not exceed 1,000 square feet or 50% of the size of the primary dwelling unit, whichever is less.
4. The lot must meet the Useable Open Space Requirement, but not the Landscaping and Buffer Landscaping Section, of the R-2 Zone.
5. In addition to the parking required for the primary dwelling unit, there shall be provided a minimum of 1 space for the Secondary Dwelling Unit.}
6. A Secondary Dwelling Unit is not permitted on a lot with an Accessory Living Quarters, Mobile Home, existing Secondary Dwelling Unit or Second Kitchen within a Primary Dwelling Unit.

7. If authorized, the Zoning Administrator shall record the terms of the action with the County Clerk, together with a signed acceptance of such terms by the owners. The terms of the County action shall run with the land.+

Section 8. - A-2 Rural Agricultural Zone.

B.3. Conditional Uses. The following uses may be permitted, if approved by the Zoning Administrator, in accordance with the procedures and under the conditions set out in the Administrative Section of this ordinance, with additional requirements deemed necessary to safeguard the best interest of the adjoining property, neighborhood and the community.

a. Uses conditional in the A-1 zone as listed under Section 7.B.3., a. through [w x. +]

Section 9. - R-1 Single-Family Residential Zone.

B.3. Conditional Uses. The following uses may be permitted if approved by the Zoning Administrator in accordance with the procedures and under the conditions set out in the administrative section of this ordinance with additional requirements deemed necessary to safeguard the best interest of the adjoining property, neighborhood and the community:

[t_ Secondary Dwelling Unit, provided that the use meets the following requirements:

(a) The lot must meet the area regulations of the underlying zone.

(b) The Primary Dwelling Unit and Secondary Dwelling Unit must be connected to a wastewater disposal system meeting the requirements of the Environmental Health Code.

(c) The secondary dwelling unit shall:

a) meet the setbacks of the underlying zone; and

b) be located at least 10 feet from any other dwelling unit or structure on the lot; and

(c) be located a maximum of 35 feet from the primary dwelling unit; and

d) not exceed 1,000 square feet or 50% of the size of the primary dwelling unit, whichever is less.

(d) The lot must meet the Useable Open Space Requirement, but not the Landscaping and Buffer Landscaping Section, of the R-2 Zone.

(e) In addition to the parking required for the primary dwelling unit, there shall be provided a minimum of 1 space for the Secondary Dwelling Unit.

(f) A Secondary Dwelling Unit is not permitted on a lot with an Accessory Living Quarters, Mobile Home, Secondary Dwelling Unit or Second Kitchen within a Primary Dwelling Unit.

(g) If authorized, the Zoning Administrator shall record the terms of the action with the County Clerk, together with a signed acceptance of such
terms by the owners. The terms of the County action shall run with the
land.†]

Section 13. – C-N Neighborhood Commercial Zone.

B.3. Conditional Uses:
   a. The following uses may be permitted if approved by the Zoning Administrator in
      accordance with the procedures and under the conditions set forth in Section 24 of
      this Ordinance.
      [+(19) Secondary Dwelling Unit, provided that the use meets the following
      requirements:
      (a) The lot must meet the minimum area regulations enumerated in the R-1
      zone.
      (b) The Primary Dwelling Unit and Secondary Dwelling Unit must be
          connected to a wastewater disposal system meeting the requirements of
          the Environmental Health Code.
      (c) The secondary dwelling unit shall:
          i. meet the setbacks of the underlying zone; and
          ii. be located at least 10 feet from any other dwelling unit or
              structure on the lot; and
          iii. be located a maximum of 35 feet from the primary dwelling unit;
              and
          iv. not exceed 1,000 square feet or 50% of the size of the primary
              dwelling unit, whichever is less.
      (d) The lot must meet the Useable Open Space Requirement, but not the
          Landscaping and Buffer Landscaping Section, of the R-2 Zone.
      (e) In addition to the parking required for the primary dwelling unit, there
          shall be provided a minimum of 1 space for the Secondary Dwelling Unit.
      (f) A Secondary Dwelling Unit is not permitted on a lot with an Accessory
          Living Quarters, Mobile Home, Secondary Dwelling Unit or Second
          Kitchen within a Primary Dwelling Unit.
      (g) If authorized, the Zoning Administrator shall record the terms of the
          action with the County Clerk, together with a signed acceptance of such
          terms by the owners. The terms of the County action shall run with the
          land.†]

Section 21. – Off-Street Parking, Loading and Unloading Regulations.

A. Off-Street Parking Requirements. In all zones there shall be provided at the time any
building or structure is erected or structurally altered (to the extent hereinafter provided),
off-street parking spaces in accordance with the following requirements:
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5. Dwelling unit. Parking space for each bathroom or fraction thereof provided in the
dwelling unit, but not less than two spaces per dwelling unit. [+ One additional space
for each secondary dwelling unit. +]

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
BERNALILLO COUNTY, NEW MEXICO this 9th day of August, 2022.

APPROVED AS TO FORM

W. Ken Martinez, County Attorney

ATTEST:

Linda Stover, County Clerk

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