

§ 14-16-2-6 R-1 RESIDENTIAL ZONE.

This zone provides suitable sites for houses and uses incidental thereto in the Comprehensive Plan designated Areas of Consistency.

(A) *Permissive Uses.*

- (1) House, one per lot.
- (2) Accessory use:
 - (a) Accessory structure (noncommercial) for garage, storage, recreation, hobby, greenhouse, bathhouse, or for the keeping or housing of domestic pets, other allowed animals or agricultural products.
 - (b) Agricultural animal keeping, for noncommercial purposes, as follows: rabbits and similar animals, poultry, pigeons. Cows, horses, goats or sheep, provided the number of animals does not exceed one cow or horse for each 10,000 square feet of open lot area, or one sheep or goat for each 4,000 square feet of open lot area, or equivalent combination, provided the lot has an area of at least 21,780 square feet. Animals shall be so controlled that they cannot graze on any other premises. Animals under four months old are not counted.
 - (c) Garage and yard sale, provided:
 1. No more than two sales at a given dwelling in any one calendar year. The duration of the garage or yard sale shall not exceed three consecutive days.
 2. No items shall be purchased for a garage or yard sale for the purpose of resale; items shall be of the type normally accumulated by a household.
 3. One non-illuminated sign not exceeding six square feet in area shall be permitted. The sign shall pertain to the garage or yard sale only and shall be located on the premises. The sign shall be permitted for the three-day period only.
 - (d) Antenna (noncommercial), up to 65 feet in height.
 - (e) Family Care facility, provided there is no sign and only members of the residing family serve as provider of care.
 - (f) Family day care home, with any sign limited as for home occupations, provided:
 1. Only members of the residing family serve as providers of care.
 2. Group composition shall not exceed six children; this limit does not consider the resident provider's children who are age six or more.
 3. The activity is licensed by the state as a family day care home.
 - (g) Home occupation and sign identifying the activity, provided:
 1. The activity is clearly incidental and secondary to use of the premises for a dwelling.

2. Only members of the residing family are employed.
 3. No stock in trade is manufactured, displayed, or sold on the premises, except a small stock of art objects and custom sewing created by a resident of the dwelling is allowed.
 4. All business activities are conducted entirely indoors.
 5. No more than 25% of the floor area of the dwelling is devoted to the home occupation. No more than 5% of the floor area of the dwelling is devoted to storing stock in trade.
 6. There is no external evidence of the activity, including, but not limited to, the parking of commercial vehicles, inordinate vehicular traffic, outside storage, noise, dust, odors, noxious fumes, or other nuisances emitted from the premises.
 7. Health care (including physicians, nursing homes, massage, and the like) shall not be considered a permissive home occupation.
 8. One related on-premise sign is permitted, provided:
 - a. It does not exceed one square foot in area.
 - b. It is a non-illuminated wall sign.
- (h) Parking of a noncommercial vehicle incidental to another use permitted in this zone, provided all motor vehicles, both noncommercial and commercial, which are not parked inside a building are operative and are not wholly or partially dismantled, and as provided elsewhere in this section. Inoperative and dismantled vehicles shall be governed by the provisions of [Chapter 8, Article 5](#). This section shall not apply to the parking of commercial vehicles parked on a temporary basis for the sole purpose of providing a commercial service incidental to a residential use such as delivery, repair and utility installation and/or repair. The parking of a vehicle meeting the definition for recreational vehicle, except for size, is not deemed incidental to another use permitted in this zone.
- (i) Recreational vehicle, boat, or boat-and-boat-trailer parking as follows:
1. Inside parking;
 2. Outside parking in the side yard or the rear yard, provided no part of the unit extends over the public sidewalk; or
 3. Outside parking in the front yard, provided:
 - a. The unit is parked perpendicular to the front curb;
 - b. The body of the recreational vehicle or boat is at least 11 feet from the face of the curb; and
 - c. No part of the unit extends over the public sidewalk.
 4. Parking is permitted only if the unit, while parked in this zone, is:

- a. Not used for dwelling purposes, except one recreational vehicle may be used for dwelling purposes for a maximum of 14 days in any calendar year on any given lot. Cooking is not permitted in the recreational vehicle at any time. Butane or propane fuel shall not be used.
 - b. Not permanently connected to sewer lines, water lines, or electricity. The recreational vehicle may be connected to electricity temporarily for charging batteries and other purposes if the receptacle and the connection from the recreational vehicle has been inspected and approved by the city; this connection must meet the Electrical Code of the city and a city electrical permit must be obtained for all such installations. The individual taking out the permit must call for an inspection of the electrical wiring when ready for inspection. Standard inspection fees will be charged, except no inspection shall be made for less than a \$3.50 fee.
 - c. Not used for storage of goods, materials, or equipment other than those items considered to be a part of the unit or essential for its immediate use.
5. Notwithstanding the provisions of divisions 3. and 4. above, a unit may be parked anywhere on the premises during active loading or unloading, and use of electricity or propane fuel is permitted when necessary to prepare a recreational vehicle for use.
 6. If the dwelling unit on the lot is under construction, the provisions of division (2)(k)3. of this subsection shall control, rather than the provisions of (2)(i)1. through 4. of this division (A).
 7. No recreational vehicle or boat may be parked in a clear sight triangle.
- (j) Sign, provided that it meets the requirements of (2)(f)8. of this division (A) or [§ 14-16-3-5](#) of this Zoning Code.
- (k) Trailer parking as follows:
1. Inside parking if all provisions of (2)(h)4. of this division (A) are met;
 2. Outside parking in the side yard or the rear yard of cargo trailers of less than 2,500 pounds carrying capacity.
 3. As a dwelling connected to any utilities during construction of a building on the premises, for a period of up to six months or until the construction is completed, whichever comes first. The six-month period shall begin to run from the date on which a building permit is issued for a dwelling unit on the same lot. The body of the trailer shall be set back at least five feet from any lot line and eight feet from the dwelling unit under construction.
 4. Notwithstanding the other provisions of this subsection, a trailer may be parked anywhere on the premises during active loading or unloading.
- (l) Hobby breeder, as defined by and under a permit pursuant to [Chapter 9, Article 2](#), Animal Control.
- (3) Community residential program except not either Community residential corrections program or Community residential program for substance abusers: up to ten client residents provided that the standards of [§ 14-16-3-12](#) of this Zoning Code are met.

- (4) Growing plants, noncommercial.
- (5) Private Commons Development, not less than two acres in area, if allowed in a Sector Development Plan or area plan governing the site.
- (6) Public park.
- (7) Public school, including caretaker's mobile home.
- (8) Public utility structure, provided its location is in accord with an adopted facility plan and a site development plan for building permit purposes has been approved by the Planning Commission.
- (9) Real estate office and an incidental sign in connection with a specific development, provided it is not used as living quarters during the time it is used as an office, and further provided that it is limited to a period of one year unless the time is extended through approval by the Zoning Enforcement Officer. A site plan and floor plan approved by the Zoning Enforcement Officer is required prior to establishment of this activity.
- (10) Wireless Telecommunications Facility which is concealed or located on a public utility structure, provided the requirements of [§ 14-16-3-17](#) of this Zoning Code are met.
- (11) Family Housing Development, as defined by the Family Housing Development Ordinance, Section 4.

(B) Conditional Uses.

- (1) Accessory living quarters.
- (2) Animal keeping, noncommercial, the species being other than those which are permissive in this section.
- (3) Carport in the required front or side setback area, provided:
 - a. No part is within three feet of a property line, other than a right-of-way line.
 - b. No building wall is ever built within a required setback area.
 - c. The specific carport proposed is in harmony with the building site.
- (4) Construction office in connection with a specific construction project provided it is limited to a period of one year unless the time is extended through a new conditional use.
- (5) Family day care home, with any sign limited as for home occupations. There shall be an outdoor play area adequately enclosed with a wall or fence. At least one member of the residing family shall serve as a provider of care. The activity shall be licensed by the state as a family day care home. (See also the permissive use provisions.)
- (6) Front yard setback of not less than 15 feet if there is no front yard driveway and vehicle access is only to the rear yard from an alley or if the garage setback is not less than 25 feet and comprises no more than 50% of the width of the street-facing building facade and driveways and off-street parking areas cover no more than 60% of the area of the front yard.

- (7) Health care, including physicians, massage, therapy, etc. (but not nursing homes), as physically limited under home occupations.
- (8) Public library.
- (9) Public utility structure which is not permissive.
- (10) Recreational facility (non-profit), such as community center, swimming pool, tennis club.
- (11) Second kitchen within a house, provided:
 - (a) The kitchen is incidental to occupancy of the entire house in common by members of one family (as herein defined); that, in fact, there would not be two separate and distinct dwelling units, each exclusively occupied by some family members.
 - (b) If such use is approved, the Zoning Hearing Examiner 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 city action shall run with the land.
- (12) Shade structure including a covered patio, a gazebo, a pergola, a ramada or similar roofed structure, either detached or attached, in the required rear yard setback area, provided:
 - (a) No part is within three feet of a property line.
 - (b) No building wall is ever built within the required setback area.
 - (c) No more than 50% of the required rear yard setback area is covered by a roof.
 - (d) The structure shall not exceed 12 feet in height nor shall it exceed the height of the principal building on the site.
 - (e) A second floor deck is prohibited.
 - (f) The specific structure proposed is in harmony with the building site and with surrounding sites.
- (13) Storage structure or yard for equipment, material, or activity incidental to a specific construction project, provided it is of a temporary nature and is moved after the specific construction project is completed or work on the project has been dormant for a period of six or more months, and further provided that it is limited to a period of one year. Incidental signs may also be approved.
- (14) Walls, fences, and retaining walls, in a setback area where height is normally limited to three feet, up to five feet high when less than ten feet from the property line, and up to six feet high when ten or more feet from the property line, provided:
 - (a) It is attractive and in harmony with its site, the style of the wall or fence blending architecturally with the adjacent residences and with the general streetscape, it is consistent with the requirements of Section [14-16-3-19](#), and it is at least one of the following:
 - 1. At least 11 feet from the public sidewalk or planned public sidewalk location, or 14 feet from the edge of the street pavement, whichever is more restrictive;

2. The portion of the wall or fence which is more than three feet above the adjacent curb top is essentially an open fence which permits good visibility through it; or
3. On a corner lot, the rear yard of which is contiguous to the front yard of a residentially-zoned lot, and the wall or fence is not in the required front yard setback.

- (b) The Zoning Hearing Examiner shall not approve a wall or fence unless the Traffic Engineer finds that the specific plan approved would not be a hazard to traffic visibility.
- (c) Wire fences over three feet high and in setback areas are not normally considered to be in harmony with a residential streetscape.

(C) **Height.** Structures shall not exceed 26 feet in height, except as provided in § 14-16-3-3 of this Zoning Code and antenna as provided in division (A) of this section.

(D) **Lot Size.**

- (1) Except as provided in division (2) and (3) below, minimum lot area shall be 6,000 square feet. Minimum lot width shall be 60 feet.
- (2) (a) Lot standards in subdivisions for which plats are submitted after February 1, 1981, shall be:
 1. Minimum lot area of 5,000 square feet.
 2. Minimum lot width of 50 feet.
- (b) Provided, however, that these standards rather than the standards indicated in division (1) above shall apply only where the Planning Director finds that such a lot size will not depart from a pattern of larger developed lots, which pattern constitutes the established character of the neighborhood.
- (3) Lot standards for Family Housing Development subdivisions which meet the requirements set forth in the Family Housing Development Ordinance or for a lot with vehicle access only to the rear yard from an alley or for a lot with a detached garage located in the rear yard and accessed by a driveway with a maximum width of 12 feet in the front yard and in the side yard abutting the side of the dwelling, shall be:
 - (a) Minimum lot area of 4,000 square feet.
 - (b) Minimum lot width of 40 feet.

(E) **Setback.** The following regulations apply, except as provided in § 14-16-3-3:

- (1) There shall be a front yard setback of not less than 20 feet.
- (2) For lots created after January 1, 2005 and for lots granted conditional use approval, if one of the following conditions is met, then there shall be a front yard setback of not less than 15 feet:
 - (a) There is no front yard driveway and vehicle access is only to the rear yard from an alley, or

- (b) The garage is set back not less than 25 feet and comprises no more than 50% of the width of the street-facing building facade and driveways and off-street parking areas cover no more than 60% of the area of the front yard.
- (3) On a corner lot, the side-yard setback adjacent to the side of the street shall be as follows:
 - (a) If the rear yard abuts the front yard of a residentially-zoned lot, not less than 20 feet.
 - (b) If division (3)(a) does not apply, not less than ten feet.
- (4) Side-yard setbacks which are interior, i.e., measured from side lot lines which are not adjacent to streets, shall be either:
 - (a) Not less than five feet on each side if the lot width (see definition in § [14-16-1-5](#)) is 65 feet or less. The setback on one side shall increase one foot for every one foot incremental increase in lot width to a maximum side setback of ten feet (thus, if lot width is 70 feet or more, the minimum side setbacks are ten feet on one side and five feet on the other);
 - (b) There shall be one side-yard setback of not less than ten feet on one side. The other side-yard setback shall be at least five feet, except that it may be reduced or eliminated if the owner of the abutting lot agrees in writing to permanently bind his lot to not have a house closer than ten feet to the areas allowed for a house on the subject lot, and the agreement is included with the application for a building permit. The agreement shall be filed by the owners with the Planning Director after being recorded with the County Clerk. In no case shall the distance between two residential buildings be less than ten feet; or
 - (c) For lots where a common, interior side lot line is oriented more than 60° from due north-south, the minimum side-yard setback on the northerly side of the common lot line shall be as follows:
 - 1. Not less than 15 feet if the immediately adjacent side yard setback is less than five feet;
 - 2. Not less than ten feet if the immediately adjacent side yard setback is five feet or more.
 - 3. Provided the provisions of divisions (a) and (b) above shall apply if:
 - i. For irregularly shaped lots, setback lines allow one side of the house on the irregularly shaped lot to be oriented 30° or more from due north-south, and which allow solar access equal to or greater than the provisions of division 1. or 2. above; or
 - ii. The owner of the property on the northerly side of the common lot line agrees in writing to permanently waive the requirement of the 15 foot side yard originally required to protect that property's solar access. The agreement must be included with the application for a building permit, if applicable, and shall be filed by the owners with the Planning Director after being recorded with the County Clerk.
 - 4. Unless waived pursuant to division 3.ii above, in no case shall the distance between two residential buildings be less than 15 feet.

5. Setback lines shall be as indicated on the final plat (either by note, reference, or dimension) not inconsistent with this division (E).

- (5) (a) There shall be a rear-yard setback of not less than 15 feet.
- (b) For lots created after January 1, 2005, if alleys are provided, either a second story heated space or the rear yard wall or fence shall provide a view of the alley.

(F) Off-Street Parking.

- (1) Off-street parking shall be as provided in § [14-16-3-1](#) of this Zoning Code.
- (2) Maximum front yard setback area that can be an improved parking and maneuvering area: 60%, but no more than 30 feet wide or the width of the front of the garage, whichever is wider.
- (3) Parking on any portion of a front yard setback area, other than the improved parking and maneuvering areas, is prohibited.

(G) Materials. Barbed tape, razor wire, barbed wire or similar materials are prohibited except at public utility structures and Albuquerque Police Department or Transit Department facilities.

('74 Code, § 7-14-10) (Ord. 80-1975; Am. Ord. 38-1978; Am. Ord. 63-1978; Am. Ord. 7-1979; Am. Ord. 23-1979; Am. Ord. 52-1980; Am. Ord. 62-1980; Am. Ord. 23-1981; Am. Ord. 101-1981; Am. Ord. 20-1982; Am. Ord. 51-1985; Am. Ord. 5-1987; Am. Ord. 41-1987; Am. Ord. 53-1989; Am. Ord. 12-1990; Am. Ord. 47-1990; Am. Ord. 3-1991; Am. Ord. 45-1991; Am. Ord. 23-1993; Am. Ord. 10-1995; Am. Ord. 31-1996; Am. Ord. 9-1999; Am. Ord. 15-1999; Am. Ord. 27-2001; Am. Ord. 8-2002; Am. Ord. 25-2003; Am. Ord. 29-2004; Am. Ord. 44-2005; Am. Ord. 17-2007; Am. Ord. 19-2010; Am. Ord. 2012-037; O-16-27)