

# BERNALILLO COUNTY

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## ZONING SECTION

### SHEDS/ GARAGE/ ACCESSORY BUILDING

#### **SHEDS**

If the shed is less than 200 square feet and is not in the required setback and separation distance, a permit will not be required. Any other shed greater than 200 square feet will require a building permit.

#### **CARPORTS**

Carports are defined in the ordinance as a permanent roof structure attached to a dwelling unit for parking or storage of private vehicles.

In order to include a Carport in the required front or side yard, a conditional use permit must be obtained provided:

1. No part is within three (3) feet of a property line.
2. No building wall is ever built within a required setback area. The distance between support columns that are located within a required setback area must remain open and free of obstructions.
3. Water run-off from the carport must not adversely affect adjacent property or the public right-of-way.

#### **ACCESSORY LIVING QUARTERS**

The ordinance defines an accessory structure as 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.

Accessory structures are allowed permissively in the residential zones, provided the building has:

- one bedroom
- one living room
- one bathroom
- one closet
- one mechanical room
- NO KITCHEN FACILITIES

(The ordinance defines "Kitchen" as being a room "used, intended, or designed to be used for cooking or the preparation of food" that has "a range or oven, or utility connections suitable for servicing a range or oven")

- A total area of no more than 500 square feet

Further restrictions prohibit the unit from being occupied by more than two (2) people and from being "rented out". Accessory living quarters should be used by family members related to the owner or occupant of the house on the lot.

Accessory living quarters can be a stand-alone structure or it can be located *WITHIN* an accessory building. However the design, accessory living quarters must still meet all applicable criteria.

Anything larger than 500 square feet in area – or possessing more than one bedroom or being occupied by more than 2 people or being used as a rental unit – cannot be considered accessory living quarters.

**SECOND KITCHEN WITHIN A SINGLE-FAMILY DWELLING, PROVIDED:**

1. The kitchen is incidental to occupancy of the entire dwelling in common by members of one family.
2. Approval will **not result** in two separate and distinct dwelling units; each exclusively occupied by only certain family members and separated by a solid wall without a doorway.
3. 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.

**POLE BARN**

A large building that is usually made of steel or aluminum and is used as storage for farm equipment.