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- 1 current government-issued photo identification with an address
2 matching the property shall constitute proof of residency for purposes
3 of this ordinance.
- 4 d. If such use is approved, the property owner shall record the terms of the
5 approved Conditional Use Permit, together with a signed acceptance of
6 such terms, with the County Clerk prior to occupancy of the SDU.
- 7 e. Size. The footprint of a Secondary Dwelling Unit shall not exceed:
- 8 i. Maximum 650 net square feet for lots 5,000 square feet or less.
9 ii. Maximum 800 net square feet for lots greater than 5,000
10 square feet but not greater than 10,000 square feet.
11 iii. Maximum 1,000 net square feet for lots greater than 10,000
12 square feet.
13 iv. A garage or shed attached to the Secondary Dwelling Unit
14 shall not count towards the square footage limitation. The
15 garage or shed shall not exceed 50% of the size of the
16 secondary dwelling unit.
17 v. All accessory buildings, including Secondary Dwelling Units,
18 must comply with the height and area requirements of § 14-16-
19 3-3, with the exception of the additional height allowance as
20 described in Section g.i. below.
- 21 f. Setbacks: Secondary dwelling units shall be located to the rear of the
22 primary dwelling unit except on irregularly-shaped lots where side yards
23 are larger than rear yards, in which case a secondary dwelling unit may
24 be located in the side yard provided required setbacks are met. There
25 shall be a minimum of 10 feet separation between the primary dwelling
26 unit and the secondary dwelling unit. In addition to the building
27 separation requirement, the following minimum setbacks from the
28 property line shall apply:
- 29 i. Side: 5 feet
30 ii. Rear: 5 feet
31 iii. On corner lots, the street side setback shall be a minimum of
32 10 feet.

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- 1 g. Height: Secondary dwelling units shall not exceed one story and 18 feet
- 2 in height, with the following exception:
- 3 i. Where a property is accessed by an alley, a Secondary
- 4 Dwelling Unit may be built over a garage, provided the garage
- 5 is accessed only from the alley and the total height of the
- 6 structure does not exceed 22 feet or the height of the primary
- 7 dwelling unit, whichever is shorter.
- 8 h. Parking: One off-street space per unit.
- 9 i. Design: The design of the secondary dwelling unit shall relate to the
- 10 design of the primary dwelling unit by use of similar exterior wall
- 11 materials or finishes, architectural style and elements, including but not
- 12 limited to roofing materials and roof pitch.+]”

13 SECTION 3. Subsection 14-16-2-4 (B), the Conditional Uses of the RA-1
14 Residential Zone, is amended to add a new Section (2) and all other sections
15 shall be renumbered accordingly. The new Section (2) shall read as follows:

16 “(2) [+Secondary Dwelling Unit, provided:

- 17 a. The Secondary Dwelling Unit is clearly located in a separate structure
- 18 and incidental to the primary dwelling unit. In no case can the
- 19 Secondary Dwelling Unit be larger than the primary dwelling unit.
- 20 b. There shall be no more than either one Secondary Dwelling Unit or one
- 21 Accessory Living Quarters per premise. In no case shall both be
- 22 allowed on one premise.
- 23 c. Occupancy: The property owner or beneficiary of an ownership trust
- 24 described in a deed to the property must occupy either the primary or
- 25 secondary dwelling unit. Upon request by the City, the property owner
- 26 or beneficiary of an ownership trust shall provide proof of occupancy. A
- 27 current government-issued photo identification with an address
- 28 matching the property shall constitute proof of residency for purposes
- 29 of this ordinance.
- 30 d. If such use is approved, the property owner shall record the terms of the
- 31 approved Conditional Use Permit, together with a signed acceptance of
- 32 such terms, with the County Clerk prior to occupancy of the SDU.
- 33 e. Size. The footprint of a Secondary Dwelling Unit shall not exceed:

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- 1 i. Maximum 650 net square feet for lots 5,000 square feet or less.
- 2 ii. Maximum 800 net square feet for lots greater than 5,000
- 3 square feet but not greater than 10,000 square feet.
- 4 iii. Maximum 1,000 net square feet for lots greater than 10,000
- 5 square feet.
- 6 iv. A garage or shed attached to the Secondary Dwelling Unit
- 7 shall not count towards the square footage limitation. The
- 8 garage or shed shall not exceed 50% of the size of the
- 9 secondary dwelling unit.
- 10 v. All accessory buildings, including Secondary Dwelling Units,
- 11 must comply with the height and area requirements of § 14-16-
- 12 3-3, with the exception of the additional height allowance as
- 13 described in Section g.i. below.
- 14 f. Setbacks: Secondary dwelling units shall be located to the rear of the
- 15 primary dwelling unit except on irregularly-shaped lots where side yards
- 16 are larger than rear yards, in which case a secondary dwelling unit may
- 17 be located in the side yard provided required setbacks are met. There
- 18 shall be a minimum of 10 feet separation between the primary dwelling
- 19 unit and the secondary dwelling unit. In addition to the building
- 20 separation requirement, the following minimum setbacks from the
- 21 property line shall apply:
 - 22 i. Side: 5 feet
 - 23 ii. Rear: 5 feet
 - 24 iii. On corner lots, the street side setback shall be a minimum of
 - 25 10 feet.
- 26 g. Height: Secondary dwelling units shall not exceed one story and 18 feet
- 27 in height, with the following exception:
 - 28 i. Where a property is accessed by an alley, a Secondary
 - 29 Dwelling Unit may be built over a garage, provided the garage
 - 30 is accessed only from the alley and the total height of the
 - 31 structure does not exceed 22 feet or the height of the primary
 - 32 dwelling unit, whichever is shorter.
- 33 h. Parking: One off-street space per unit.

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1 i. Design: The design of the secondary dwelling unit shall relate to the
2 design of the primary dwelling unit by use of similar exterior wall
3 materials or finishes, architectural style and elements, including but not
4 limited to roofing materials and roof pitch.+]

5 SECTION 3. Subsection 14-16-2-8 (B), the Conditional Uses of the R-LT
6 Residential Zone, is amended to add a new Section (2) and all other sections
7 shall be renumbered accordingly. The new Section (2) shall read as follows:

8 “(2) [+Secondary Dwelling Unit, provided:

- 9 j. The Secondary Dwelling Unit is clearly located in a separate structure
10 and incidental to the primary dwelling unit. In no case can the
11 Secondary Dwelling Unit be larger than the primary dwelling unit.
- 12 k. There shall be no more than either one Secondary Dwelling Unit or one
13 Accessory Living Quarters per premise. In no case shall both be
14 allowed on one premise.
- 15 l. Occupancy: The property owner or beneficiary of an ownership trust
16 described in a deed to the property must occupy either the primary or
17 secondary dwelling unit. Upon request by the City, the property owner
18 or beneficiary of an ownership trust shall provide proof of occupancy. A
19 current government-issued photo identification with an address
20 matching the property shall constitute proof of residency for purposes
21 of this ordinance.
- 22 m. If such use is approved, the property owner shall record the terms of the
23 approved Conditional Use Permit, together with a signed acceptance of
24 such terms, with the County Clerk prior to occupancy of the SDU.
- 25 n. Size. The footprint of a Secondary Dwelling Unit shall not exceed:
 - 26 vi. Maximum 650 net square feet for lots 5,000 square feet or less.
 - 27 vii. Maximum 800 net square feet for lots greater than 5,000
28 square feet but not greater than 10,000 square feet.
 - 29 viii. Maximum 1,000 net square feet for lots greater than 10,000
30 square feet.
 - 31 ix. A garage or shed attached to the Secondary Dwelling Unit
32 shall not count towards the square footage limitation. The

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- 1 garage or shed shall not exceed 50% of the size of the
2 secondary dwelling unit.
- 3 x. All accessory buildings, including Secondary Dwelling Units,
4 must comply with the height and area requirements of § 14-16-
5 3-3, with the exception of the additional height allowance as
6 described in Section g.i. below.
- 7 o. Setbacks: Secondary dwelling units shall be located to the rear of the
8 primary dwelling unit except on irregularly-shaped lots where side yards
9 are larger than rear yards, in which case a secondary dwelling unit may
10 be located in the side yard provided required setbacks are met. There
11 shall be a minimum of 10 feet separation between the primary dwelling
12 unit and the secondary dwelling unit. In addition to the building
13 separation requirement, the following minimum setbacks from the
14 property line shall apply:
- 15 iv. Side: 5 feet
16 v. Rear: 5 feet
17 vi. On corner lots, the street side setback shall be a minimum of
18 10 feet.
- 19 p. Height: Secondary dwelling units shall not exceed one story and 18 feet
20 in height, with the following exception:
- 21 ii. Where a property is accessed by an alley, a Secondary
22 Dwelling Unit may be built over a garage, provided the garage
23 is accessed only from the alley and the total height of the
24 structure does not exceed 22 feet or the height of the primary
25 dwelling unit, whichever is shorter.
- 26 q. Parking: One off-street space per unit.
- 27 r. Design: The design of the secondary dwelling unit shall relate to the
28 design of the primary dwelling unit by use of similar exterior wall
29 materials or finishes, architectural style and elements, including but not
30 limited to roofing materials and roof pitch.+]

31 SECTION 3. Subsection 14-16-2-9 (B), the Conditional Uses of the R-T
32 Residential Zone, is amended to read as follows:
33 “[+(1) Uses conditional in the R-1 Zone.

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- 1 (2) Secondary Dwelling Unit, provided:
- 2 s. The Secondary Dwelling Unit is clearly located in a separate structure
- 3 and incidental to the primary dwelling unit. In no case can the
- 4 Secondary Dwelling Unit be larger than the primary dwelling unit.
- 5 t. There shall be no more than either one Secondary Dwelling Unit or one
- 6 Accessory Living Quarters per premise. In no case shall both be
- 7 allowed on one premise.
- 8 u. Occupancy: The property owner or beneficiary of an ownership trust
- 9 described in a deed to the property must occupy either the primary or
- 10 secondary dwelling unit. Upon request by the City, the property owner
- 11 or beneficiary of an ownership trust shall provide proof of occupancy. A
- 12 current government-issued photo identification with an address
- 13 matching the property shall constitute proof of residency for purposes
- 14 of this ordinance.
- 15 v. If such use is approved, the property owner shall record the terms of the
- 16 approved Conditional Use Permit, together with a signed acceptance of
- 17 such terms, with the County Clerk prior to occupancy of the SDU.
- 18 w. Size. The footprint of a Secondary Dwelling Unit shall not exceed:
- 19 xi. Maximum 650 net square feet for lots 5,000 square feet or less.
- 20 xii. Maximum 800 net square feet for lots greater than 5,000
- 21 square feet but not greater than 10,000 square feet.
- 22 xiii. Maximum 1,000 net square feet for lots greater than 10,000
- 23 square feet.
- 24 xiv. A garage or shed attached to the Secondary Dwelling Unit
- 25 shall not count towards the square footage limitation. The
- 26 garage or shed shall not exceed 50% of the size of the
- 27 secondary dwelling unit.
- 28 xv. All accessory buildings, including Secondary Dwelling Units,
- 29 must comply with the height and area requirements of § 14-16-
- 30 3-3, with the exception of the additional height allowance as
- 31 described in Section g.i. below.
- 32 x. Setbacks: Secondary dwelling units shall be located to the rear of the
- 33 primary dwelling unit except on irregularly-shaped lots where side yards

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1 are larger than rear yards, in which case a secondary dwelling unit may
2 be located in the side yard provided required setbacks are met. There
3 shall be a minimum of 10 feet separation between the primary dwelling
4 unit and the secondary dwelling unit. In addition to the building
5 separation requirement, the following minimum setbacks from the
6 property line shall apply:

7 vii. Side: 5 feet

8 viii. Rear: 5 feet

9 ix. On corner lots, the street side setback shall be a minimum of
10 10 feet.

11 y. Height: Secondary dwelling units shall not exceed one story and 18 feet
12 in height, with the following exception:

13 iii. Where a property is accessed by an alley, a Secondary
14 Dwelling Unit may be built over a garage, provided the garage
15 is accessed only from the alley and the total height of the
16 structure does not exceed 22 feet or the height of the primary
17 dwelling unit, whichever is shorter.

18 z. Parking: One off-street space per unit.

19 aa. Design: The design of the secondary dwelling unit shall relate to the
20 design of the primary dwelling unit by use of similar exterior wall
21 materials or finishes, architectural style and elements, including but not
22 limited to roofing materials and roof pitch.+]

23 SECTION 4. Subsection 14-16-2-10 (A), the permissive uses of the R-G
24 Residential Garden Apartment Zone, is amended to add a new Section (2) and
25 all other sections shall be renumbered accordingly starting with Accessory
26 Living Quarters as Section (3). The new Section (2) shall read as follows:

27 “(2) [+Secondary Dwelling Unit, provided:

28 a. The Secondary Dwelling Unit is clearly located in a separate structure
29 and incidental to the primary dwelling unit. In no case can the
30 Secondary Dwelling Unit be larger than the primary dwelling unit.

31 b. There shall be no more than either one Secondary Dwelling Unit or one
32 Accessory Living Quarters per premise. In no case shall both be
33 allowed on one premise.

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- 1 c. Occupancy: The property owner or beneficiary of an ownership trust
2 described in a deed to the property must occupy either the primary or
3 secondary dwelling unit. Upon request by the City, the property owner
4 or beneficiary of an ownership trust shall provide proof of occupancy. A
5 current government-issued photo identification with an address
6 matching the property shall constitute proof of residency for purposes
7 of this ordinance.
- 8 d. Size. The footprint of a Secondary Dwelling Unit shall not exceed:
- 9 i. Maximum 650 net square feet for lots 5,000 square feet or less.
10 ii. Maximum 800 net square feet for lots greater than 5,000
11 square feet but not greater than 10,000 square feet.
12 iii. Maximum 1,000 net square feet for lots greater than 10,000
13 square feet.
14 iv. A garage or shed attached to the Secondary Dwelling Unit
15 shall not count towards the square footage limitation. The
16 garage or shed shall not exceed 50% of the size of the
17 secondary dwelling unit.
18 v. All accessory buildings, including Secondary Dwelling Units,
19 must comply with the height and area requirements of § 14-16-
20 3-3, with the exception of the additional height allowance as
21 described in Section f.i. below.
- 22 e. Setbacks: Secondary dwelling units shall be located to the rear of the
23 primary dwelling unit except on irregularly-shaped lots where side yards
24 are larger than rear yards, in which case a secondary dwelling unit may
25 be located in the side yard provided required setbacks are met. There
26 shall be a minimum of 10 feet separation between the primary dwelling
27 unit and the secondary dwelling unit. In addition to the building
28 separation requirement, the following minimum setbacks from the
29 property line shall apply:
- 30 i. Side: 5 feet
31 ii. Rear: 5 feet
32 iii. On corner lots, the street side setback shall be a minimum of
33 10 feet.

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- 1 f. Height: Secondary dwelling units shall not exceed one story and 18 feet
- 2 in height, with the following exception:
- 3 i. Where a property is accessed by an alley, a Secondary
- 4 Dwelling Unit may be built over a garage, provided the garage
- 5 is accessed only from the alley and the total height of the
- 6 structure does not exceed 22 feet or the height of the primary
- 7 dwelling unit, whichever is shorter.
- 8 g. Parking: One off-street space per unit.
- 9 h. Design: The design of the secondary dwelling unit shall relate to the
- 10 design of the primary dwelling unit by use of similar exterior wall
- 11 materials or finishes, architectural style and elements, including but not
- 12 limited to roofing materials and roof pitch.+]

13 SECTION 5. Subsection 14-16-2-11 (A), the permissive uses of the R-2
14 Residential Zone, is amended to add a new Section (2) and all other sections
15 shall be renumbered accordingly starting with Accessory Living Quarters as
16 Section (3). The new Section (2) shall read as follows:

- 17 “(2) [+Secondary Dwelling Unit, provided:
- 18 a. The Secondary Dwelling Unit is clearly located in a separate structure
 - 19 and incidental to the primary dwelling unit. In no case can the
 - 20 Secondary Dwelling Unit be larger than the primary dwelling unit.
 - 21 b. There shall be no more than either one Secondary Dwelling Unit or one
 - 22 Accessory Living Quarters per premise. In no case shall both be
 - 23 allowed on one premise.
 - 24 c. Occupancy: The property owner or beneficiary of an ownership trust
 - 25 described in a deed to the property must occupy either the primary or
 - 26 secondary dwelling unit. Upon request by the City, the property owner
 - 27 or beneficiary of an ownership trust shall provide proof of occupancy. A
 - 28 current government-issued photo identification with an address
 - 29 matching the property shall constitute proof of residency for purposes
 - 30 of this ordinance.
 - 31 d. Size. The footprint of a Secondary Dwelling Unit shall not exceed:
 - 32 i. Maximum 650 net square feet for lots 5,000 square feet or less.

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- 1 ii. Maximum 800 net square feet for lots greater than 5,000
- 2 square feet but not greater than 10,000 square feet.
- 3 iii. Maximum 1,000 net square feet for lots greater than 10,000
- 4 square feet.
- 5 iv. A garage or shed attached to the Secondary Dwelling Unit
- 6 shall not count towards the square footage limitation. The
- 7 garage or shed shall not exceed 50% of the size of the
- 8 secondary dwelling unit.
- 9 v. All accessory buildings, including Secondary Dwelling Units,
- 10 must comply with the height and area requirements of § 14-16-
- 11 3-3, with the exception of the additional height allowance as
- 12 described in Section f.i. below.
- 13 e. Setbacks: Secondary dwelling units shall be located to the rear of the
- 14 primary dwelling unit except on irregularly-shaped lots where side yards
- 15 are larger than rear yards, in which case a secondary dwelling unit may
- 16 be located in the side yard provided required setbacks are met. There
- 17 shall be a minimum of 10 feet separation between the primary dwelling
- 18 unit and the secondary dwelling unit. In addition to the building
- 19 separation requirement, the following minimum setbacks from the
- 20 property line shall apply:
- 21 i. Side: 5 feet
- 22 ii. Rear: 5 feet
- 23 iii. On corner lots, the street side setback shall be a minimum of
- 24 10 feet.
- 25 f. Height: Secondary dwelling units shall not exceed one story and 18 feet
- 26 in height, with the following exception:
- 27 i. Where a property is accessed by an alley, a Secondary
- 28 Dwelling Unit may be built over a garage, provided the garage
- 29 is accessed only from the alley and the total height of the
- 30 structure does not exceed 22 feet or the height of the primary
- 31 dwelling unit, whichever is shorter.
- 32 g. Parking: One off-street space per unit.

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1 h. Design: The design of the secondary dwelling unit shall relate to the
2 design of the primary dwelling unit by use of similar exterior wall
3 materials or finishes, architectural style and elements, including but not
4 limited to roofing materials and roof pitch.+]

5 SECTION 6. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
6 clause, word or phrase of this ordinance is for any reason held to be invalid or
7 unenforceable by any court of competent jurisdiction, such decision shall not
8 affect the validity of the remaining provisions of this ordinance. The Council
9 hereby declares that it would have passed this ordinance and each section,
10 paragraph, sentence, clause, word or phrase thereof irrespective of any
11 provision being declared unconstitutional or otherwise invalid.

12 SECTION 7. COMPILATION. This ordinance shall be incorporated in and
13 made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

14 SECTION 8. EFFECTIVE DATE. This ordinance shall take effect five days
15 after publication by title and general summary.

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