

Section 7. - A-1 Rural Agricultural Zone.

A.

The regulations set forth in this section or set forth in this ordinance, when referred to in this section, are the regulations in the A-1 Rural Agricultural Zone. The purposes of this zone are to preserve the scenic and recreational values in the National Forests and similar adjoining land, to safeguard the future water supply, to provide open and spacious development in areas remote from available public services, and to recognize the desirability of carrying on compatible agricultural operations and spacious home developments in areas near the fringes of urban development. The regulations provide for the protection of these important land uses, and are not intended to unduly restrict or regulate dairying, farming, or ranching operations.

B.

Use Regulations. A building or premises shall be used only for the following purposes. All uses customarily incidental to the building or premises shall be maintained on site.

1.

Prohibited Uses. The following uses are prohibited in this zone:

a.

The open storage of inoperative vehicles or auto parts;

b.

The open storage of trash or junk;

c.

The open storage of large appliances;

d.

Any use not designated a permissive use or conditional use in this zone, unless otherwise authorized by this Code; or

e.

Any use not recognized as customarily incidental to a permitted use in the zone.

2.

Permissive Uses:

a.

Ranch, farm, dairy, and rural residential activities.

b.

Display and sale of agricultural products including poultry or rabbits raised on the premises, and products incidental to the sales activity.

c.

One single-family dwelling or H.U.D. Zone Code II manufactured home per lot of record.

d.

Accessory building or structure customarily incidental to the above uses.

e.

Recreational vehicle or boat storage in the rear yard when such recreational vehicle or boat is not to be used as accessory living quarters, and is not connected to utilities, other than temporarily to a source of electricity. Such units cannot be 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. Recreation vehicle used for dwelling purposes served only by electricity for lighting purposes, the use of such recreational vehicle shall be limited to a maximum of two weeks in any calendar year.

(1)

In the event where rear yard access is not available, outside parking in the front yard is allowed, provided:

(a)

The body of the recreational vehicle or boat is at least 11 feet from the front property line.

(b)

No part of the unit extends onto the public right-of-way.

(c)

A corner lot is always deemed to have reasonable access to the rear yard; a fence or wall is not necessarily deemed to prevent reasonable access.

f.

Signs not exceeding 16 square feet in area per sign pertaining to the lease, hire or sale of a premises or sale of home-raised products, provided there shall be no more than one such sign per acre of lot area, and provided further that, if illuminated, the source of such illumination shall be nonoscillating and nonflashing.

g.

Parking incidental to uses permitted in this zone, provided all vehicles parked are in operative condition.

h.

Home occupation.

i.

Concealed wireless telecommunications facility, provided that it satisfies the requirements of [section 22.5](#) of this ordinance.

j.

Wireless telecommunications antenna located on a public utility structure, provided that it satisfies the requirements of [section 22.5](#) of this ordinance.

k.

Amateur Radio Antenna/Tower up to 65 feet as measured from grade.

l.

Garage or yard sale, provided:

1.

No more than four events are allowed at a given dwelling in any 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, on-premises sign, not exceeding four square feet in area shall be permitted. The sign shall pertain to the garage or yard sale only and shall be permitted only for the three-day period of the sale.

m.

Farmers market, provided the event is issued a Special Event's permit by Bernalillo County.

n.

Community garden.

o.

Shared solar facility.

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.

Church and incidental facilities.

b.

Day Care Center.

c.

Family Day Care Home.

d.

School.

e.

Temporary festivals, circuses, carnivals or activities in a tent, provided that the use or activity meets the following requirements:

(1)

The minimum lot size per use or activity shall be five acres.

(2)

All required parking shall be located on the same site with the activity or use.

(3)

The use or activity shall be at least two miles from the nearest conforming residential use.

(4)

Prior approval of the proposed use or activity must be obtained from the County Sheriff, County Fire Department, County Environmental Health, County Public Works, City of Albuquerque Air Pollution Control, and Albuquerque Metropolitan Arroyo Flood Control Authority or their authorized representative.

(5)

The hours of operation, shall be between 6:00 a.m. and 8:00 p.m. This includes the time of erection and dismantling.

(6)

The use or activity shall be limited to three days in one calendar year.

(7)

No permanent structures shall be erected.

(8)

Temporary fencing may be erected, and shall be removed within 24 hours after the activity.

f.

Commercial stables, rodeo arenas, polo grounds, and riding academies.

g.

Privately or commercially operated recreational camps, lakes, swimming pools, and tennis courts.

h.

Guest ranch and incidental facilities, including stables, corrals, swimming pools, restaurants, incidental retail sales and services and personal services provided such ranches are located on sites containing not less than 20 acres.

i.

Hunting, fishing, ski resorts, and incidental facilities, provided they are located on sites containing not less than 20 acres.

j.

Kennels, animal hospitals, or the breeding, boarding or sale of dogs, cats, and birds.

k.

Commercial animal establishment and nonprofit animal facility.

l.

Real estate sales office in connection with a specific development for a period of not more than two years.

m.

Temporary sawmill and logging camp, when located not less than 1,000 feet from any public highway, dwelling, or public recreational area.

n.

Temporary storage building or yard for equipment, material, or activity incidental to a specific construction project but not to exceed one year, unless the time is extended by the Zoning Administrator.

o.

One mobile home per lot of record used as a one-family dwelling, provided that where two or more mobile homes are located on one lot, they must be clearly incidental to a use

listed under Section 7.B.2.a. or as provided in Section 7.B.3.p.

p.

One mobile home for a three-year period in addition to an existing single-family dwelling or mobile home on a lot provided it complies with the following requirements:

(1)

The mobile home may be used only by members of the immediate family for the purpose of providing assistance to those members of the family who are elderly, ill, or mentally or physically disabled as attested by a licensed physician.

(2)

The mobile home shall be connected to water and sewage disposal facilities approved by the Department of Environmental Health.

(3)

The mobile home must be placed on the property in conformance with the setback requirements and located at least 15 feet from any structures on the same or on adjoining property.

(4)

Placement of a mobile home on the property will not seriously conflict with the character of the area or be detrimental to the values of surrounding properties.

q.

Mobile home or recreational vehicle used as a dwelling (with connections to any utilities) during construction of a dwelling on the same premises provided such use shall be limited to a maximum period of 24 months.

r.

Amateur Radio Antenna/Tower 65 to 100 feet as measured from grade.

s.

Bed and Breakfast House.

t.

Park.

u.

Home Occupation where the business includes visits to the site from clients, customers, patients, patrons or similar individuals. Such home occupations may allow for employment of one non-family member and may be approved for a period of time not to exceed three years.

v.

Carport in the required front or side yard, provided:

1.

No part is within three 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.

w.

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.

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 ten 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 percent 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 one 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.

C.

Height Regulations. Buildings and structures shall not exceed 26 feet or 2½ stories in height, except as provided in the Supplementary Height and Area Regulation Section of this ordinance.

D.

Area Regulations:

1.

Minimum Lot Area and Lot Width. Every lot shall have an average width of not less than 150 feet. The minimum lot area for this zone shall be one acre, however, if the lot is in Residential Area Two as designated in the Bernalillo County Southwest Area Plan the minimum acceptable lot size of each lot is as follows:

a.

One acre if both municipal water and sewer services are available.

b.

One and one-fourth acres if municipal water and sewer services are not available.

2.

Setbacks. Minimum front yard setback shall be 25 feet, minimum side yard shall be ten feet, and the minimum rear yard shall be 25 feet, except as provided in the Supplementary

Height and Area Regulations Section of this ordinance.

3.

On any lot occupied by a mobile home, there shall be a side yard on each side of the mobile home of 15 feet in width and in no instance shall a mobile home be located nearer than 15 feet to an accessory building.

E.

Parking Requirements. Off-street parking for all uses must be provided in accordance with the regulations set forth in the Off-Street Parking, Loading and Unloading Regulations Section of this ordinance.

(Ord. No. 319, 2-3-76; Ord. No. 78-29, 4-18-78; Ord. No. 78-31, 4-18-78; Ord. No. 78-66, 10-3-78; Ord. No. 80-45, 11-18-80; Ord. No. 83-26, 7-19-83; Ord. No. 84-11, 2-21-84; Ord. No. 90-32, 11-27-90; Ord. No. 92-18, 12-15-92; Ord. No. 99-6, § 1, 5-11-99; Ord. No. 04-1, § 1, 1-13-04; Ord. No. 2006-3, § 1, 2-14-06; Ord. No. 2012-12, § 1, 6-26-12; Ord. No. 2013-20, 10-22-13; Ord. No. 2014-11, 6-10-14; Ord. No. 2022-14, 8-9-22; Ord. No. 2022-16, 8-9-22)