

# BERNALILLO COUNTY

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## ZONING SECTION

### ZONING ENFORCEMENT

#### **ZONING ENFORCEMENT**

In order to assure residents are within the required guidelines regarding zoning, Bernalillo County has zoning inspectors who have the job of enforcing Ordinance #213 within the Bernalillo County Jurisdiction (see jurisdiction map), which became effective on May 17, 1973.

#### **GARAGE SALES**

The County's ordinance limits garage sales (yard sales, rummage sales, estate sales, moving sales, etc.) on an occupied residential lot in the following ways:

1. No more than four (4) sales may occur within a calendar year.
2. Each sale cannot exceed three (3) consecutive days.
3. All items sold or displayed must be of the type normally accumulated by a household.
4. One four-square foot sign, located on the subject site, is allowed during the designated sales event.

#### **ERECTING A FENCE**

If a fence is less than six (6) feet in height a Building/Zoning permit will not be required. However, if a fence exceeds six (6) feet in height then a building permit will be required. (A review by Public Works is required for determination of permitting. Contact Development Review at 505-848-1500 or email at [www.publicworks@bernco.gov](mailto:www.publicworks@bernco.gov))

#### **ZONING REGULATION**

Besides restricting the uses that can be made of land and buildings, zoning laws also may regulate the dimensional requirements for lots and for buildings on property located within the town and the density of development. A few examples of zoning ordinances also regulate the extraction of natural resources from land within the zoned area, others provide space for hospitals, parks, schools, and open space and still others protect places of historical significance within the community

#### **ZONING ALTERNATIVES**

Zoning ordinances will tell you what you can do with your property. Should the planned improvement or change you have in mind be considered a violation of the ordinance, consider these options:

- (1) Modify your proposal to fit the zoning regulations of the land;
- (2) Look for other land subject to zoning laws that permit your proposed use;
- (3) Request that your land be rezoned which allows your proposed use; or
- (4) Apply for a variance, conditional use, or nonconforming use permit

#### **AREA/SPACE/USE CONVERSION**

Area/space/use conversion is the alteration of a specific area or space within a structure and is converted into a different use. (A particular common example is converting a garage into a living room/ or bedroom.) To prevent future problems, before you decide to undertake such a project, up-front planning and research is needed to make absolutely sure you will be permitted to do

what you want and will comply with setbacks, height, esthetics and any other possible restrictions.

### **NON-CONFORMING AREA**

Any building or structure or portion thereof, or use of a building or land, which does not conform to the zoning regulations and which lawfully existed on the effective date of those regulations with which it does not conform, also known as “**Grandfathering**”. A non-conforming use cannot be ordered to discontinue operations or to change an already established use of his or her property due to zoning noncompliance. However, a non-conforming use may be removed from the property. You can lose a nonconforming use, when there is a change in use, suspension of operations for a period of time, or discontinuance of operations.

### **OTHER TYPICAL RESTRICTIONS**

There is a myriad of federal, state and county laws which restrict what you can do with the real property that you own. Enforcement of these laws typically resides with various governmental agencies which are responsible for keeping you in compliance with these laws. The three most common restrictions imposed by government are:

- (1) Zoning - restriction on the use of the property as to residential, industrial, agricultural, or commercial purposes are very common. The size and height of improvements attached to the property are likewise subject to restriction.
- (2) Environmental hazards - what materials can be stored on the real property as well as who is responsible for removing environmental hazards from real property (such as asbestos, lead paint, petro-chemicals, radon and toxic wastes) are government regulated.
- (3) Public easement and right of way - a portion of the real property may have to be left open for others to use. Easements and right of way are used to allow access to other property, to provide for roads and sidewalks, and to enable electric/gas/telephone/sewer lines to be installed.