

Notes from City Attorney regarding Lots / Parcels  
7/28/21

Dick,

In the Residential Zones, the language refers to a "lot", not a parcel when talking about what is allowed. We are running into issues where most of the "lots" in town are not big enough for the houses people want to build. In R1, there are often several "lots" that make up a parcel which is listed at the county as one piece of property with one RPM number.

Currently, we have an individual with 4 lots who wants to build an apartment in his garage which sits on a separate lot from the house. It seems that splitting the property into two parcels would be the best choice, since there would be two addresses and two EDUS or even 2 water hookups. If we don't follow the parcels as being the parameters, I'm afraid it will open up a bunch of issues.

Can you look at the ordinance and let me know if we need to change something and your input on this dilemma?

Thank you!

**Julie Good**

**8/5/21**

Hi Mayor Good,

The term "lot" is defined by N.M. Section 10-2-2 as "[a] plot, parcel, or tract of land with fixed boundaries of sufficient size to meet minimum zoning requirements for use, coverage, and area to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street or an approved private street and may consist of a single lot of record or a combination of completed lots of record or portions of lots of record." Thus, under the city ordinance, the term "lot" is synonymous with the term "parcel." Therefore, the individual with four lots has four parcels. If the individual wants to build an apartment in his garage, he would have to comply with the regulations set forth in Section 10-7A-1, et seq., assuming the lots/parcels are R1.

Does that answer your question?

Dick

8/5/21

So, he could have a single family dwelling on each lot even though they are one parcel at the county? This is a big question because of the city relaxes zoning requirements for housing we need to know if we are relaxing the rules for lots or property parcels. Recently the city approved combining 2 lots into one parcel because the owner wanted to have only one single family dwelling on it. Sounds like they could still have a dwelling on each lot. Or am I misunderstanding?

No, you are understanding this. According to the ordinance, a lot is a parcel. They are the same thing under the ordinance. It appears that the problem is that the county defines a parcel as something else?