



**VILLAGE OF CORRALES
STATE OF NEW MEXICO**

ORDINANCE 22-01

**AN ORDINANCE AMENDING PORTIONS OF CHAPTER 18
OF THE VILLAGE OF CORRALES CODE GOVERNING
LAND USE REGULATIONS, SECTIONS 18-11
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RENUMBERING SECTION 18-46 AS SECTION 18-2 ADMINISTRATION AND
ENFORCEMENT, AND REMOVING SECTION 18-44 AREAS SUBJECT TO
FLOODING.**

WHEREAS, the Village of Corrales contracted with the Mid-Region Council of Governments (MRCOG) to revise the Land Use Chapter of the Village Code; and

WHEREAS, MRCOG has been actively engaged with the Village Steering Committee, Planning and Zoning Commission, and Village Council; and

WHEREAS, the Village finds that a comprehensive review of the Land Use Chapter of the Village Code is critical to aid citizens in accessing and understanding the Village land use and zoning Codes; and

WHEREAS, the following changes support the Village's goal of increasing readability of the Code;

NOW, THEREFORE, BE IT ORDAINED by the Village Council, the Governing Body of the Village of Corrales, that:

Section 18-2. Administration and enforcement shall be amended as follows:

- (a) *Planning and Zoning Administrator.* The Planning and Zoning Administrator (Administrator) shall administer and enforce the provisions of this Chapter.
- (b) *Information and records.* The Administrator shall make available to the public the information contained in this article. The Administrator shall maintain the official zone map. The Administrator shall make available to the public the appropriate forms necessary for compliance with the requirements of this article.
- (c) *Issuance of permits or certificates.* As provided for within this Chapter, applications for permits, reviews, or certificates pertaining to the use of land or buildings shall be subject to the approval of the Administrator

and/or Planning and Zoning Commission, as provided by this article. Any such permits or certificates issued in conflict with the provisions of this Chapter shall be void.

- (d) *Inspections.* The Administrator or their designee shall have the authority to enter any building or upon any premises for the purpose of inspection if probable cause exists that a violation has occurred; provided that no dwelling shall be entered without the consent of the occupant except in situations constituting a health or safety emergency, with reasonable notice or an administrative warrant, or as otherwise regulated by a licensing or permitting ordinance and State Statute.
- (e) *Authority.* If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this article, the Administrator, in addition to other remedies, may institute any appropriate action to restrain, correct, or abate such violation, to prevent the occupation of such building, structure, or land; or to prevent any illegal act, conduct, business or use in or about such premises.

Sections 18-3 to 18-10. Reserved.

Division 2. Planning and Zoning Commission

Section 18-11. Appointment.

The Planning and Zoning Commission shall consist of seven (7) members who shall be appointed by the Mayor with the advice and consent of the Governing Body. The members shall serve staggered terms of two (2) years each and shall reside within the Village limits. If a member during their term of office changes their residence to a location outside the Village limits, they shall be deemed to have resigned from the Commission and the vacant position shall be filled by appointment for the remainder of the term.

History: Ord. No. 17-005 , § 9, adopted 7-13-17

Section 18-12. Officers.

The Planning and Zoning Commission shall elect a chairperson, a vice -chairperson and a secretary, each of whom shall serve for one calendar year next succeeding their election, or until the Planning and Zoning Commission elects a successor.

History: Ord. No. 17-005 , § 9, adopted 7-13-17

Section 18-13. Duties.

- (a) The Planning and Zoning Commission shall have and shall exercise on behalf of the Village those powers delegated and assigned to it under the Code, including but not limited to those powers assigned pursuant to this Chapter 18.
- (b) In addition, the Planning and Zoning Commission may make reports and recommendations to the Governing Body for the planning and development of the Village and may recommend to the Mayor and Governing Body programs for public improvements and for their financing.
- (c) The Planning and Zoning Commission shall hold hearings on proposals to establish or to amend the boundaries of zoning districts and shall make written recommendations to the Governing Body in connection with such proposals, for the consideration of the Governing Body, in accordance with the Village's comprehensive plan.

History: Ord. No. 17-005 , § 9, adopted 7-13-17

Section 18-14. Meetings; transaction of business.

The Planning and Zoning Commission shall hold at least one regular meeting each month, unless there is no business before the Commission, and shall adopt rules for the transaction of business. The Commission shall keep complete minutes of its proceedings and shall promptly submit its approved minutes and other pertinent records to the Village Clerk.

Sections 18-15 to 18-20. Reserved.

Division 3. Capital Improvements Advisory Committee

Section 18-21. Creation; membership; term of office.

The Capital Improvements Advisory Committee shall consist of five (5) members nominated by the Mayor and approved by majority vote of the Governing Body. At least two (2) members of the Committee shall be representatives of the real estate, development or building industries. No member shall be an employee or official of any municipality, county or other governmental entity. Members shall serve for a term of five (5) years, beginning on the date of their appointment and ending on the fifth anniversary thereof, but shall be eligible for reappointment at the pleasure of the Mayor and Governing Body. The terms of office need not be staggered. In the event of a vacancy, the Mayor may nominate and the Governing Body may appoint a member to fill out the term of the vacant position.

History: Ord. No. 17-00, § 10, adopted 7-13-17

Section 18-22. Duties.

The Capital Improvements Advisory Committee shall serve in an advisory capacity and shall:

- (a) Advise and assist the Village in adopting land use assumptions and making amendments to them;
- (b) Review the Village's capital improvements plan and submit written comments on any proposed capital improvements plan or revision thereof to the Governing Body;
- (c) Monitor and evaluate implementation of the Village's capital improvements plan;
- (d) Submit annual reports with respect to the progress of the capital improvements plan and report to the Governing Body any perceived inequities in implementing the plan or imposing the impact fee; and
- (e) Advise the Governing Body of any need to update or revise the land use assumptions or the capital improvements plan.

History: Ord. No. 17-005, § 10, adopted 7-13-17

Section 18-23. Procedural rules.

The Capital Improvements Advisory Committee may develop procedural rules to govern its proceedings and submit them for consideration and approval by the Governing Body.

History: Ord. No. 17-005, § 10, adopted 7-13-17

Sections 18-24, 18-25. Reserved.

ARTICLE II. ZONING

State law reference: Zoning regulations, NMSA 1978, § 3-21-1 et seq.

Section 18-26. Jurisdiction.

This article governs all real property located within the incorporated limits of the Village.

Section 18-27. Purpose.

- (a) This article helps achieve the goals for wise growth management within the Village. Its purpose is to promote the health, safety, and general welfare of the residents of the Village by controlling the use of land so that it is developed in harmony with existing uses.
- (b) The regulations in this article are necessary to:
 - (1) Ensure compliance with the Village Comprehensive Plan;
 - (2) Promote the most appropriate use of land throughout the Village;
 - (3) Provide adequate light and air;
 - (4) Minimize congestion on the streets and public ways;
 - (5) Secure safety from fire, panic and other dangers;
 - (6) Avoid undue concentrations of population;
 - (7) Prevent the overcrowding of land;
 - (8) Facilitate adequate provisions for transportation, water, sewage, schools, parks and other public requirements;
 - (9) Conserve the value of buildings and land;
 - (10) Maintain the rural character of the Village; and,
 - (11) Assure the right to cultivate land and maintain livestock in accordance with the Right to Farm Act as provided in NMSA 1978, Chapter 47, Article 9.

Section 18-28. Application of article.

- (a) Any use not classified as a permissive use, use by review, or similar use within a particular zone, is prohibited, except as may be provided for under Section 18-47 governing nonconformances. NAICS codes may be used by the Planning and Zoning Administrator and the Planning and Zoning Commission to evaluate whether uses with similar characteristics and impacts that are not explicitly listed shall be permissive uses or uses by review.
- (b) Structures erected, converted, enlarged or structurally altered, and the use of any land shall be in compliance with the regulations established in this article for the zone in which such land or structure is located.
- (c) All structures shall be constructed according to the Corrales Building Code (Chapter 8, Article II of the Village Code) and other technical codes adopted by the Village as of the date of the structure's construction.
- (d) The zones and boundaries of zones as shown on the zone map adopted under this article are incorporated herein and made a part of this article. Following November 20, 1989, all lands annexed to the Village shall be

automatically zoned A-1 unless the annexation petitioners apply for, and the Governing Body approves, other zoning.

(e) The provisions of this article shall be held to be minimum requirements to meet the purpose and intent expressed in Section 18-27.

(f) When the provisions of this Ordinance or the zone map are not clear, an interpretation may be necessary. See Section 18-29 for Zoning Interpretation definition and Section 18-31(c) for interpretation of the zone map.

Section 18-29. Definitions.

The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) General Definitions.

Abandoned building means a vacant building whose use or activity has ceased or been discontinued for a period of twelve (12) consecutive months or more.

Abutting, adjacent, or contiguous means touching and/or separated by no more than fifty (50) feet where the intervening land is a ditch, canal, easement or right-of-way, whether public or private.

Accessory Building or Structure means a building detached from and incidental and subordinate to the dwelling unit and located on the same lot, such as a detached garage, workshop, or studio. An Accessory Building or Structure shall not be used as a second or independent dwelling unit.

Accessory Use means a use of land or of a building or portion thereof that is incidental and subordinate to the main use of the land and building and located on the same lot with the main use.

Administrator means the Planning and Zoning Administrator of the Village.

Adobe means bricks, whether stabilized or unstabilized, made of earth along with straw or similar incorporated materials, and includes all classes of adobe described in Section 14.7.4.10 of the New Mexico Administrative Code.

Advanced Septic Treatment System means a wastewater treatment system that removes a greater amount of contaminants than is accomplished with a conventional system.

Agricultural activities means the raising and harvesting of crops, horticultural activities, or animal husbandry.

Agricultural products means products that are the direct result of agricultural activities.

Antenna means equipment designed to transmit or receive electronic signals.

Application means all the documents and fees required to be submitted to the Village for a permit or approval.

Assisted living means a housing facility or community that provides care for citizens who need assistance with daily activities, including as a minimum room, board, and living assistance.

Bed and breakfast means a type of short-term rental establishment with at least one permanent resident and a subordinate use of guest rooms which may be rented for overnight lodging with breakfast served to overnight guests only.

Buffer means a wall, fence and/or landscaping located between nonresidential and residential property, or adjacent to the common boundary thereof, for the purpose of mitigating the effects of nonresidential activity on residential property.

Build means to erect, convert, enlarge, reconstruct or structurally alter a structure.

Building means any roofed structure built for occupancy and use by persons or property, including animals or livestock.

Building inspector means the building inspector appointed by the Village as provided by Section 8-29(a) of the Village Code.

Business means and includes the operating, conducting, doing, carrying on, causing to be carried on, or pursuing any business, profession, occupation, trade or pursuit for which the person conducting such business,

profession, occupation, trade or pursuit is required to obtain a State taxpayer (CRS) identification number from the New Mexico Taxation and Revenue Department.

Cannabis shall have the same definition as set forth in Section 26-2C-2(B) of the Cannabis Regulation Act, and shall not include hemp.

Cannabis consumption area means an area where cannabis products may be served and consumed.

Cannabis product shall have the same definition as set forth in Section 26-2C-2(K) of the Cannabis Regulation Act, and shall not include hemp.

Cannabis establishment shall have the same definition as set forth in Section 26-2C-2(E) of the Cannabis Regulation Act.

Cannabis manufacturer shall have the same definition as set forth in Section 26-2C-2(H) of the Cannabis Regulation Act.

Cannabis producer shall have the same definition as set forth in Section 26-2C-2(I) of the Cannabis Regulation Act.

Cannabis product shall have the same definition as set forth in Section 26-2C-2(K) of the Cannabis Regulation Act, and shall not include hemp.

Cannabis Regulation Act means New Mexico State Statutes Annotated Chapter 26 Sections 1 through 42 [26-2C-1 to 26-2C-42 NMSA 1978] effective June 29, 2021.

Cannabis retailer shall have the same definition as set forth in Section 26-2C-2(M) of the Cannabis Regulation Act.

Clear sight triangle means a generally triangular area that defines an area necessary for the clear view by the driver of a motor vehicle or a bicyclist of oncoming cross-street motor vehicle, bicycle, or pedestrian traffic.

Commercial cannabis activity shall have the same definition as set forth in Section 26-2C-2(R) of the Cannabis Regulation Act.

Commercial/shopping center means a group of three or more commercial establishments under a common structure, or contiguous, adjacent, and/or related structures located in an area which is zoned commercial.

Commission means the Planning and Zoning Commission of the Village of Corrales.

Connected means all rooms are part of the same contiguous heated space and are accessible through the same primary entrance.

Demolition means the intentional act of substantially pulling down, destroying, dismantling, defacing, removing or razing a building or structure, or commencing the work of a total, substantial or partial destruction of a building or structure with the intent of completing the same. Also included within the meaning of demolition is the act or process of delaying or withholding maintenance of a building or structure in such a way as to cause or allow significant damage to occur which may result in a hazard or nuisance.

Driveway means a non-dedicated vehicular way which provides access from a public or private right-of-way to a property abutting that right-of-way.

Dwelling Unit means a single unit with connected rooms intended, or designed to be built, used, rented, leased, let or hired out to be occupied, providing complete independent living facilities for one or more persons, including permanent provisions for each and every one of the following uses: living, sleeping, eating, cooking and sanitation. For purposes of the definition of Dwelling Unit, a dwelling unit may be a mobile home (as permitted in the A-1 or C zones), modular home, manufactured home or site-built house. It may also be an independent unit of an apartment, townhouse or other such multiple-unit residential structure, where allowed by Zoning Code. Recreational vehicles, travel trailers or converted buses, whether on wheels or a permanent foundation cannot be a dwelling unit. Accessory buildings or structures cannot be a dwelling unit.

Easement means an interest which a person or persons has in the land of another, which allows an individual a right of use over the property of another for a specific purpose.

Event means activities that may include service of food and/or beverages, live or recorded music, use of sound systems, dancing and/or other types of celebrations.

Event center means a building where activities may include service of food and beverages, live or recorded music, use of sound systems and microphones, dancing, and other types of celebrations.

Floor area means the combined area of each separate story under the roof as measured from the outer dimensions of the enclosed area.

Frontage means a distance measured along a primary right-of-way and/or access easement abutting a lot.

Governing Body means the legislative branch of the Village consisting of the Mayor and six (6) councilors to be elected from single-member districts for staggered terms of four years, with terms of one-half of the councilors expiring at the end of one two-year period and the terms of the other councilors expiring at the end of the following two-year period.

Grade means the elevation at a defined point.

Greenhouse means a completely enclosed structure whose structural members are made of pre-formed, rigid construction materials, or a completely enclosed structure that protects horticultural products from all external elements where the growth environment is closely controlled. *Greenhouse* also means an accessory structure, with transparent or translucent roof and/or wall panels intended for the raising of plants or crops.

Ground cover means plant material on the surface of the land for decorative, ornamental, or agricultural use which obscures the native soil.

Group home means a dwelling unit that contains a licensed community residence that may or may not be operated by the State providing housing, care and counseling or therapy for elderly residents or residents who are mentally ill, handicapped, or developmentally or physically disabled. A Group Home in a Commercial Zone may also contain a medical care facility. No Group Homes may be used as Correctional Facilities.

Growers' market means a direct marketing facility governed and operated by its vendors and by residents of the Village providing a location where New Mexico agricultural products, including food products, are offered for direct sale by their producers to the general public.

Height means the vertical distance of any building and/or structure measured from the lowest undisturbed grade adjacent to the structure to the highest point of the structure.

Hemp means the *Cannabis sativa l.* plant, or any part of the plant, and extracts of it, that contain no more than 0.3 percent Tetrahydrocannabinol (THC), as calculated on a dry weight basis, as defined under federal law and as exempted from the definition of "marijuana" as a Schedule I controlled substance as defined in 21 USC § 802(16) of the Controlled Substances Act (CSAV).

Home occupation means a business activity performed on the premises of a dwelling unit by one or more residents where such business activity is secondary and subordinate to the residential use of the premises.

Housing facility or community means any dwelling or group of dwelling units governed by a common set of rules, regulations or restrictions; provided, however, that a portion or portions of a single building, less than the entirety thereof, shall not constitute a housing facility or community.

Impervious surface means any applied surface which does not permit water to percolate through.

Independent living means a housing facility or community that provides services for citizens who need little or no assistance with daily activities, including as a minimum room and board.

Integrated cannabis microbusiness shall have the same definition as set forth in Section 26-2C-2(GG) of the Cannabis Regulation Act.

Intensive agriculture means any agricultural activities conducted in greenhouses, which involve raising crops on a land intensive basis and includes activities which require heightened utilization of pesticides, concentrated fertilizers or water usage for irrigation.

Intersection means the point or line where two lines or surfaces meet or cross including the place where two or more streets meet or cross.

Jurisdiction means all territory within the incorporated limits of the Village.

Kitchen means any room used, intended or designed to be used for cooking or the preparation of food.

Landscaping means the planned introduction of living plants such as trees, shrubs, ground cover, or grass and non-living materials such as rocks, gravel, mulch, fences, walls, or paving materials, but does not include the growing of crops, fruit trees, vegetables or nursery stock for commercial purposes.

Legal notice relates for purposes of this article to the notice necessary for Quasi- Judicial Hearings and means giving the public notice of a hearing at least 30 days before the date of the hearing, by posting in the Village and also by mailing written notice by certified mail, return receipt requested, not less than 15 days before the date of the hearing, to the owners of all property within 300 feet of the exterior boundaries, excluding public right-of-way, of the property on which a hearing has been requested, using for these purposes the last known name and address of the owners shown in the records of the County assessor. Other forms of notice as used in this Chapter are intended to govern land use and zoning matters which are not subject to legal notice and may require less formal notice procedures.

Licensed premises shall have the same definition as set forth in Section 26-2C-2(HH) of the Cannabis Regulation Act.

Local contact means an owner, representative of the owner, operator or local property manager of a Short-term Rental who lives within the Village of Corrales or within proximity of Village limits such that he/she is available to respond within one hour or less to emergencies, tenant and neighborhood complaints or concerns and is authorized to respond to any violation of this section and take remedial action.

Localized storm water means water from natural precipitation flowing over the property, on which it falls.

Lot means a lot or parcel created by a subdivision plat and recorded with the County clerk.

Lot coverage means the total area covered by all impervious surfaces on a lot divided by the area of the lot.

Lot width means the perpendicular distance measured from the longest, straight (non-curve) lot boundary line to the opposite lot boundary line(s).

Lot width standard means the value assigned to lots within an established zone; used to determine if the lot complies with the lot width requirement.

Lynn and Erin Compassionate Use Act means Sections 26-2B-1 through 26-2B-7, NMSA 1978, as amended and supplemented.

Manufactured housing means a manufactured home or modular home that is a single dwelling unit, with a heated area of at least thirty-six by twenty-four feet and at least eight hundred sixty-four square feet and constructed in a factory to the standards of the United States department of housing and urban development, the National Manufactured Housing Construction and Safety Standards Act of 1974 and the Housing and Urban Development Zone Code 2 or the Uniform Building Code, as amended to the date of the unit's construction, and installed consistent with the Manufactured Housing Act and with the rules made pursuant thereto relating to permanent foundations.

Middle Rio Grande Conservancy District (MRGCD) Tracts means tracts which were created for the purpose of administering water rights and delivering water to certain tracts of land within the Village of Corrales. In most cases, the MRGCD tracts were not created by subdivision plat after governmental approval.

Mobile home means a moveable or portable housing structure larger than forty feet in body length, eight feet in width or eleven feet in overall height, designed for and occupied for living and sleeping purposes that is not constructed to the standards of the United States department of housing and urban development, the National Manufactured Housing Construction and Safety Standards Act of 1974 and the Housing and Urban Development Zone Code 2 or Uniform Building Code, as amended to the date of the unit's construction or built to the standards of any municipal building code.

Net acre means the acreage of a lot exclusive of public dedications.

Nonconforming lot means a parcel or tract of land platted and/or placed on the County clerk's record in accordance with appropriate laws and ordinances prior to November 13, 1989, that no longer meets the requirements of this article, or after subsequent amendments to this Article.

Nonconforming structure means an existing structure that was built prior to the November 13, 1989, that fails to conform the present setback, lot coverage, or other development standards of this article, or after subsequent amendments to this Article.

Nonconforming use of structure or land means a use that was lawfully established prior to November 13, 1989, and since maintained, that does not meet the district or use specific development standards of this article, or after subsequent amendments to this Article.

Occupation(s) means a person's work or business, especially as a means of earning a living and/or vocation.

Open meetings resolution means the most recent resolution adopted by the Planning and Zoning Commission and Governing Body which sets rules for the notice of meetings to the public that are consistent with the applicable provisions of the Open Meetings Act, Sections 10-15-1 through 10-15-4, NMSA 1978.

Open space area means the undeveloped, unbuilt upon ground area that is not covered with impervious surfaces which may be covered with vegetation, landscaping, and/or non-vehicular paths.

Operator means the person who is proprietor of a residential short-term rental. Any operator who is not the owner of the property must obtain written permission from the owner to conduct the short-term rental business.

Parking space, off-street means an area not in a roadway and having an area of not less than 180 square feet, exclusive of driveways, reserved for the intermittent storage of one automobile and connected with a street or alley by a driveway which affords ingress and egress for an automobile without requiring another automobile to be moved.

Pathway means a constructed way track or trail, whether located on public right-of-way, an easement, or elsewhere, designed primarily for pedestrian, equestrian, and non-motorized vehicular use, except for motorized wheelchairs and similar transport used by persons with disabilities.

Permissive use means a use allowed by right in a particular zoning district. Permissive uses are subject to all other applicable regulations of this article.

Permit means written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law but not allowed without such authorization.

Personal production of cannabis means the production or manufacture of homegrown cannabis or homemade cannabis products pursuant to Section 26-2C-27 of the Cannabis Regulation Act. *Homegrown* or *homemade* means grown or made for purposes that are not dependent or conditioned upon the provision or receipt of financial consideration.

Plat means a map created by a licensed engineer or surveyor, prepared in accordance with the survey requirements of the State of New Mexico, showing thereon one or more separate parcels of land, identified by metes and bounds descriptions and any identifiable monuments and other requirements of the governmental authority having jurisdiction over platting and subdividing real property.

Ponding means the provision for retention of localized storm water on site.

Primary caregiver means a resident of New Mexico who is at least eighteen (18) years of age and who has been designated by a qualified patient and the patient's practitioner as being necessary to take responsibility for managing the well-being of a qualified patient under the Lynn and Erin Compassionate Use Act.

Professional means a person engaged in a vocation or occupation requiring education, knowledge or skill and that requires licensure by the State of New Mexico under Chapter 61, NMSA 1978.

Public notice means the posting of notices of public meetings within the Village as required by the annual open meetings resolution adopted by the Governing Body or Planning and Zoning Commission pursuant to NMSA 1978, § 10-15-1, as amended.

Public right-of-way means dedicated and accepted public land deeded to the Village or reserved by plat, or otherwise acquired by the Village, county or State.

Qualified patient means a resident of New Mexico who has been diagnosed as having a debilitating medical condition and has received a registry identification card from the New Mexico Department of Health permitting the possession of cannabis for personal medical use under the Lynn and Erin Compassionate Use Act.

371 *Quasi-public* means a use operated by a private or public nonprofit educational, religious, recreational,
372 charitable, fraternal or medical institution, association or organization, the use having the purpose primarily of
373 serving the general public and including, but not limited to, such uses as churches, private schools, community youth
374 and senior citizen recreational facilities, meeting halls, private hospitals and similar uses.

375 *Right-of-way* means the entire area of public land used for a roadway, street, pathway or trail, or of an
376 easement dedicated to the Village and so used, including the entirety of the land within the boundaries of such area,
377 whether or not any portion thereof is actually used as a part of the roadway, street, pathway or trail.

378 *Road*, see definition for *Street*.

379 *Roadway* means that portion of a street which is improved by surfacing with permanent or semi-permanent
380 material and is intended for vehicular traffic.

381 *Runoff* means that portion of storm water which is not absorbed by the surface on which it falls.

382 *School* means a facility in which a supervised program of general instruction is provided by certified school
383 instructors (as defined in Section 22-1-2(AA), NMSA 1978) to students in any grade or grades from pre-school or
384 kindergarten through the twelfth (12th) grade. To qualify as a school for purposes of this article, a facility offering
385 instruction to students in grades one (1) through twelve (12), or any of them, must in those grades, as a minimum,
386 provide instruction in grammar, mathematics, science, and social science.

387 *Setback* means the minimum distance between any building or structure and a boundary line of the lot upon
388 which it is located.

389 *Setback, front* (front setback) means the minimum allowable distance between a structure and the boundary
390 line which borders the primary access to the lot upon which such structure is located.

391 *Setback, rear* (rear setback) means the minimum allowable distance between a structure and the boundary
392 line which is opposite and most distant from a legal access of the lot upon which such structure is located, the rear
393 setback is located on the opposite side of the lot from the designated front setback.

394 *Setback, side* (side setback) means the minimum allowable distance between a structure and the
395 boundary line which is not designated as the front or rear setback of the lot upon which such structure is located. On
396 corner lots, a side setback shall be designated along the lot line bordering a roadway that is not designated as the
397 front setback.

398 *Short-term rental* means any dwelling or property, in which the owner may or may not reside, that is available
399 for use or is used for accommodations or lodging of guests, paying a fee or other compensation for a period of less
400 than thirty (30) consecutive days.

401 *Sign* means a sign as defined in Section 8-91 of the Village Code, including all restrictions and qualifications
402 contained therein.

403 *Site development plan* means drawings, specifications, and documents depicting land use improvements
404 prepared and certified by a qualified architect, engineer, or landscape architect, registered in New Mexico.

405 *Skilled nursing care* means the services provided to residents of a housing facility or community including as a
406 minimum room, board, living assistance, skilled nursing care and prescribed medical treatment.

407 *Street* means a way, right-of-way or easement, whether on public or private land, used or intended to be used
408 for vehicular or non-vehicular travel, but does not include a driveway or similar way designed or created for access
409 to a single property.

410 *Street pull-off* means an area adjacent to and contiguous with a street or roadway, demarcated and set aside for
411 the use of vehicles to facilitate the passing of vehicles so as to enhance the flow of traffic and access for emergency
412 vehicles.

413 *Structure* means any construction or any production or piece of work consisting of a combination of materials
414 to form an edifice or building of any kind, or a construction for occupancy, use or ornamentation that is installed on,
415 above, or below the surface of the land.

416 *Subdivide* means to divide combine or re-divide land as regulated in Village of Corrales Code, Chapter 18,
417 Article III. Subdivisions.

Terrón means a cut sod brick as described in Section 14.7.4.10.C of the New Mexico Administrative Code.

Variance means permission granted by the Planning Administrator, Planning and Zoning Commission, or Governing Body as appropriate to depart from the literal requirements of the Zoning Code to allow for reasonable use of a property.

Village Council, see definition for *Governing Body*.

Xeriscaping means landscaping in a manner that reduces or minimizes the need for water. Xeriscaping may include but is not limited to the use of native and drought-tolerant plants and the use of efficient systems of irrigation.

Warehouse means a structure where raw materials or manufactured goods may be stored before their export or distribution for sale.

Zone means a section of the jurisdiction, delineated on the Village zone map to which specific zoning regulations apply.

Zoning Interpretation means a formal, official interpretation of a regulation, definition, or requirement of the zoning code made by the Planning and Zoning Administrator, subject to appeal pursuant to this Article.

(b) Lighting Definitions.

Accent lighting means any directional lighting that emphasizes a particular object or draws attention to a particular area.

CIE means the Commission Internationale de L'Eclairage, or International Commission on Illumination.

Disabling glare means lighting that impairs visibility and creates a potentially hazardous situation.

Glare means the brightness of a light source sufficient to cause eye discomfort or distraction for an average person not suffering from any visual impairment.

Hood or *Shield* means an opaque, non-reflective mechanism designed to constrain the radiation of a fixture in a way which does not allow light trespass to occur.

Interior Lighting means a luminaire whose installation is meant to provide lighting primarily for the interior of a building and whose majority of radiant output is confined to the interior space.

Lamp or *bulb* means that portion of the fixture that produces light by attaching to a socket within the fixture.

Light pollution means excessive or inappropriate artificial light that impacts the ability to see the natural night sky as regulated by the New Mexico "Night Sky Protection Act" NMSA 1978.

Light trespass means light emitted by a luminaire that shines beyond the property on which the luminaire is installed, whether its source is interior or exterior.

Lumen means a unit of light or illumination from a lamp or bulb, as defined by the International System of Units ("SI"). One lumen is the radiant flux emitted over a solid angle of one steradian by a point source having a brightness of one candela. This measures the total amount of visible light emitted from a source so that the unit reflects the varying sensitivity of the human eye to different wavelengths.

Luminaire or *fixture* means a complete lighting unit, including the lamps or bulbs, as well as the parts that connect to power, the housing that protects the bulbs and parts that distribute the light.

Lux is defined as the calculated value of Lumen per meter squared.

Nuisance glare means light that creates an annoyance or aggravation but does not create a potentially hazardous situation.

Recreational use lighting means lighting devices designed for the purpose of illuminating a playing field so as to allow sports and recreation in the evening hours.

Shielding means that no light rays are emitted by a fixture above the horizontal plane running through the lowest point of the fixture where light is emitted.

Spotlight or floodlight means any lamp that incorporates a reflector or a refractor to concentrate light output into a directed beam in a particular direction.

Unified Glare Rating (UGRs) small source extension means the standardized calculation for determining glare of a small source in a given environment, based on source illumination as compared to background illumination. UGR's shall be measured and calculated using the small source method in CIE 146-147 (2002).

Where L_b is the background illumination in candelas per square meter, L_b shall be taken to be:

Zones A-1, A-2, or H: 0.00438 candelas/meter-squared;

Zones C, M, or O: 0.07 candelas/meter-squared.

UGRs Maximum Value is the calculated glare value which exceeds the following limit: For all properties, the UGRs Maximum Value shall be 15.0 measured at the property boundary.

Watt means a unit of electric power flowing into a lamp or bulb, as defined by the International System of Units ("SI"). One watt is a rate of energy transfer of one joule per second.

Section 18-30. General regulations.

(a) *Access to structures.* All structures shall be located such that safe and legal access is provided for emergency vehicles, service vehicles, police and fire protection, and required off-street parking or loading.

(1) Gates on driveways must provide minimum clearances of sixteen (16) feet in width and thirteen and one-half feet (13 feet 6 inches) in height to provide adequate clearance for emergency vehicles.

(2) Where a lot is served by a roadway having a width of twenty (20) feet or less and a length of one thousand (1,000) feet or more, the Administrator may, at their discretion, require the construction of a street pull-off at a designated location on the roadway as a condition of development approval for the lot.

(3) Access to and from roads and highways owned and maintained by the New Mexico Department of Transportation (NMDOT), including Corrales Road (New Mexico State Highway 448) shall be in accordance with applicable regulations of NMDOT. An applicant for a building permit, site development plan, special use permit, or any other permit under this Chapter or under Chapter 8 may be required to demonstrate compliance with applicable NMDOT regulations and approval by the NMDOT as a condition for approval of such permit.

(b) *Standards for driveway access to private properties.*

(1) *Permit required.* After February 28, 2015, every person seeking to make a driveway connection, paved or unpaved, for access to private property from any street owned or maintained by the Village shall do so only in accordance with a permit issued by the Building Inspector with the approval of the public works department.

(2) *Application and supporting documentation.* Every person seeking to make a driveway connection for access to private property from a street owned or maintained by the Village shall submit an application in the form prescribed by the Village, with the required application fee and with a sketch or design drawing sufficient to show that the proposed driveway connection will not obstruct or otherwise impair any drainage or irrigation structures; any trail, sidewalk or pathway; any utility or other permitted use of the right-of-way; or any vision clearance triangle or other public safety requirement of the roadway as designed and constructed. Where the proposed driveway connection will cross any ditch, swale, channel, lateral or other drainage or irrigation structure in the right-of-way, the Village may require that the proposed design be supported by a design and calculations, prepared by an engineer licensed in New Mexico, to show that the driveway connection as designed will not impede the flow of water required to be carried by such ditch, swale, channel, lateral or other drainage or irrigation structure in a 100-year flood event, and upon completion a certification by the engineer that the driveway connection as constructed meets the design specifications.

(3) *Driveway width.* No driveway connection to residential or agricultural property in the A-1, A-2 or H zone shall be more than twenty-four (24) feet in width or less than 12 feet in width.

(4) *Existing driveway connections.* Driveway connection existing prior to February 28, 2015, shall be allowed to remain in place provided that they do not impede the flow of water in any ditch, swale, channel, lateral or other water conveyance facility and do not constitute a hazard or impediment to traffic or otherwise constitute a hazard to human health, safety or welfare. No such driveway connection shall be modified, reconstructed, rebuilt or repaired except in accordance with a permit issued by the Village under this Subsection 18-30(m).

(c) *Addressing.*

- (1) Street numbers shall be assigned only by the Planning and Zoning Department. Numbers other than those designated must be removed.
- (2) Street numbers shall be legible and placed in plain view, where the property meets the street, and be no less than 4 inches in height.

(d) *Storm water retention.* Storm water retention shall be in accordance with all applicable Village and State ordinances and requirements including those provided in Section 18-160. All improved or developed lots shall retain localized storm water on site. Land east of the Corrales Main Canal shall be exempt from the requirement to submit a grading and drainage plan for developed properties provided that an affidavit stipulating that the land has a 1% or less slope signed and sealed by a surveyor or professional engineer licensed in the State of New Mexico has been provided and a grading a drainage plan has not been specifically required by the Commission or the Administrator. The Commission or the Administrator may require a grading and drainage plan in the event the Commission or the Administrator finds that a grading and drainage plan is needed to adequately address water retention on the site even if located east of the Corrales Main Canal.

(e) *Grading permits.* When a grading permit is required, applications for the permit shall show compliance with the following minimum standards.

(1) *Cut and fill slopes.*

- a. Cut slopes on a site shall not exceed ten (10) feet in height. In no case shall the height of a cut exceed the height of the building.
- b. Fill slopes on a site shall not exceed fifteen (15) feet in height. Retaining walls for fill slopes shall be no greater than ten (10) feet in height. Retaining walls in the case of concrete, generating no additional runoff, shall be a matching earth tone color or constructed of natural materials. Unstabilized fill slopes shall be no steeper than 3:1 (3 horizontal to 1 vertical); unless a structural alternative such as a retaining wall or some other measure acceptable to the Village Engineer or the Planning and Zoning Administrator is provided.
- c. Cut or fill slopes for roads and driveways shall not exceed 15 feet in height; and
- d. All cut slopes that are not stabilized by a retaining wall or some other measure acceptable to the Village Engineer, shall be no steeper than 3:1 (3 horizontal to 1 vertical), unless a structural alternative is provided or unless it can be demonstrated by the geotechnical study that existing soils will naturally accommodate a steeper slope and acceptable revegetation, or other erosion control can be achieved;

(2) *Grading.*

- a. Grading on building sites is limited to fifteen (15) feet beyond the outer edge of the building foundation, patio, wall, driveway, road, street, parking area, or other constructed facility on all sites and construction projects including both new construction and reconstruction except:
 1. As necessary for the construction of runoff management measures in compliance with this section; or
 2. As necessary to accommodate required horizontal to vertical measurements for cut and fill slopes.
 3. As necessary to accommodate water and wastewater systems.

4. Private driveways shall not exceed a grade of 8 percent, nor shall the inside turning radius of any private driveway be less than fifteen (15) feet. All cul-de-sacs shall not exceed five (5) percent grade for any lot or subdivision.

5. Natural slopes greater than eight (8) percent but less than fifteen (15) percent may be regraded to create building pads, slab on grade, stem wall and split level, so long as the following conditions are satisfied:

(i.) The applicants meet requirements for cut and fill slopes.

(ii) An approved revegetation plan is executed for the disturbed areas including lot or subdivision roadways.

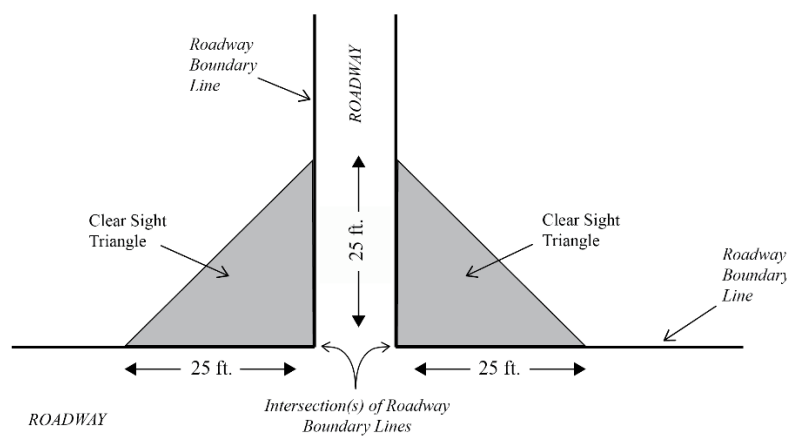
(3) *Erosion control.* Swales alongside roadways shall have drop structures or other erosion control structures (such as gabion baskets, rip-rap stone) as necessary to prevent damage caused by erosion.

(f) *Areas subject to flooding.* All buildings or structures erected or improvements constructed upon, or mobile homes moved onto or installed upon, any lot within the Village shall conform to Chapter 18, Article IV of this Code. All new construction located within the flood zones as determined by the current Federal Emergency Management Agency Flood Insurance Rate Map shall have an elevation certificate attached to the building permit prior to commencement of construction.

(g) *Water and wastewater requirement.* All buildings constructed within the Village shall be in compliance with applicable regulations established by the New Mexico Environment Department and the New Mexico State Engineer's Office concerning water and wastewater facilities and systems.

(h) *Portable restroom facilities.* Portable restroom facilities are allowed on a property only in conjunction with an active construction project. They are not to be used for permanent or semi-permanent use for employees or residents.

(i) *Clear sight triangles.* The triangular shaped portion of land at the corner of a street or driveway intersection, which shall be maintained such that there is nothing between the height of three (3) feet and eight (8) feet above the roadway grade. Such triangular space shall be bounded by the roadway boundary lines and a diagonal line connecting two points twenty-five (25) feet distant from the intersection of the roadway boundary lines. Where unique roadway conditions exist, such as curves, the Commission, on the recommendation of the Village engineer, may require a distance greater than twenty-five (25) feet distant from the intersection of the roadway boundary lines to ensure vision clearance.



CLEAR SIGHT TRIANGLE
DIAGRAM
(Not to Scale)

- (j) *Height restrictions.* No building, antenna, and/or structure of any type shall exceed 26 feet in height, with the exception of municipal uses for public safety and/or municipal water storage facilities; and provided further that utility poles needed to provide service to facilities located in areas of the Village where the established utility structures are above ground in existing overhead public utility easements shall not exceed forty (40) feet in height (elevation) from grade.
- (k) *Preservation of solar access.* No structure shall be placed in any way to diminish an existing building's access to the sun and protection for solar collectors as set forth in the Solar Rights Act, NMSA 1978, Chapter 47, Article 3.
- (l) *Lot width requirement.* At least eighty-five (85) percent of the area of the lot must meet the lot width standard in a specific zone. All lots shall have at least a twenty (20) foot frontage to ensure adequate access.



- (m) *Fences.* No wall or fence over six feet tall shall be constructed unless a building permit has been approved by the Village. Walls and fences shall be built of brick, adobe, rock, decorative concrete block, masonry, wood, wood and metal wire, pipe, wrought iron or similar materials. Walls of unstuccoed concrete block, unstuccoed concrete, or similar materials are prohibited.
- (1) For properties along Corrales Road, no solid fence exceeding four (4) feet in height shall be constructed within the front setback area.
- (2) Open fencing, with a least 65% of the top being open, may be placed upon the four-foot solid wall/fence to a maximum height of six (6) feet.
- (n) *Manufactured housing.* All manufactured housing as defined in this Chapter shall be placed upon permanent foundations.
- (o) *Mobile home installation.* All mobile homes shall be skirted within 90 days of placement on the lot, with material similar in color and texture to the exterior of the mobile home, so that the mobile home will look like a home site-built on a foundation. In no case shall there be a gap visible between the bottom of the mobile home and its skirting.
- (p) *Occupancy requirements.* No building shall be occupied unless it is connected to a functional well or water supply system permitted by the State engineer and connected to a functional liquid waste system permitted by the New Mexico Environment Department, and a certificate of occupancy has been issued by the building inspector or a site development certificate of occupancy has been issued by the Administrator within twenty-four (24) months following approval of a site development plan by the Commission.
- (q) *Communications and electrical distribution lines.*
- (1) New communications lines, single phase electrical distribution lines, and three phase electrical distribution lines carrying no more than 40 kilovolts (kV) shall be installed underground in all areas of the Village, except as otherwise specifically provided in this chapter.
- (2) This subsection shall not be construed to require the replacement of overhead communications and electrical distribution lines in existence prior to September 30, 2017. Owners and operators of such overhead communications and electrical distribution lines may repair or replace components of and accessories to the lines, including but not limited to poles, wires or cables, transformers, and similar equipment, without any requirement that such components be placed underground. If owners or

operators propose to replace all of an existing overhead communications or electrical distribution line or lines, including the poles or other structures on which they are located, over a line distance greater than one-half (1/2) mile, such installation shall be placed underground.

(3) Communications or electrical service connections to an individual building or lot may be located overhead if there are existing overhead communications or electrical distribution lines extending within the lot or to a boundary of the lot, provided the lot is not within a subdivision subject to the underground utility requirements of Section 18-81.

(4) The governing body by resolution may permit the construction or installation of a new overhead communications or electrical distribution line, notwithstanding the provisions of paragraph (1) of this subsection, if the governing body finds that no significant public purpose would be served by requiring the new construction to be placed underground and:

- a. The location is within an area already served entirely by overhead lines; or
- b. Subsurface or other conditions make an underground line economically unreasonable; or
- c. Installation of the underground line would require customers to convert their service connections from overhead to underground service, and the cost of such conversion would be economically unreasonable.

(r) *Cannabis and hemp: compliance with applicable law and regulatory requirements.*

(1) The cultivation, production, intentional growth, manufacture and distribution of cannabis and cannabis-derived products shall be in compliance with the provisions of the Lynn and Erin Compassionate Use Act, the Cannabis Regulation Act, all regulations promulgated thereunder by the Department of Health or Regulation and Licensing Department, and all applicable Village Code requirements, including those relating to zoning and building.

(2) The cultivation, growth, manufacture and sale of hemp shall be in compliance with all provisions of applicable federal and state law and regulations thereunder, in addition to all applicable Village code requirements, including those relating to zoning and building.

Section 18-31. Zone boundaries.

(a) *Zones.* In order to carry out the provisions of this article, the jurisdiction is hereby divided into zones, as named and described in the following sections.

(b) *Zone map.* The boundaries of the zones are hereby established as shown on the Village zone map. The Village zone map is the map adopted as Appendix B to Ordinance No. 192, as subsequently amended by action of the Governing Body, a current copy of which is maintained on file and is available for public inspection in the Village offices.

(c) *Interpretation of the zone map.* Where, due to scale, lack of detail, or illegibility of the Village zone map, there is an uncertainty, contradiction, or conflict as to the intended location of any zone boundaries shown therein, interpretation concerning the exact location of zone boundary lines shall be determined by the Planning and Zoning Administrator.

(d) *Multiple zoned lots.* Circumstances may justify the need to designate more than one zone on a single lot. In such cases, zone boundaries within a multiple-zoned lot shall be more fully described on the zone map by showing the relationship of the zones to the existing property lines.

Section 18-32. Establishment of zones.

For the purpose of this article, the following zones exist.

A-1 Agricultural and rural residential

A-2 Agricultural and rural residential

H Historical area

- O Professional office
- C Neighborhood commercial
- M Municipal, public and quasi-public

Section 18-33. A-1 - Agricultural and rural residential zone.

The following regulations shall apply to the A-1 - Agricultural and rural residential zone:

(a) *Purpose and intent.* The purpose of this zone is to maintain a rural and open space character of lands within the Village with low density residential and agricultural development.

(b) *Permissive uses.* Any of the following permissive uses are allowed in the A-1 zone:

- (1) One dwelling unit per lot.
- (2) One mobile home dwelling unit per lot.
- (3) A temporary mobile home for use as a primary dwelling unit or a temporary storage building related to a construction project on the premises, for a period of time not to exceed one year from the date the permit is issued.
- (4) Group homes. The maximum occupancy on the premises shall be reasonable as determined by the Planning Administrator or Building Inspector in relation to the lot size, square footage of the residence, number of bedrooms, parking availability, septic capacity, and relevant safety considerations; however, nothing in this Section shall violate the Federal Fair Housing Act.
- (5) Agricultural uses, including the planting, growing and harvesting of crops for consumption, provided that any cannabis related agriculture is conducted in compliance with the Cannabis Regulation Act and other applicable state law provided, however, that the commercial production, manufacture and retail sale of cannabis and cannabis products are prohibited in the A-1 zone, and:
 - a. Any diseased, dead, or dying agricultural products be disposed of promptly and appropriately.
 - b. Agricultural activities reasonably conducted in accordance with common agricultural practices on the property do not create a nuisance as set forth in Sections 14-71 through 14-116.
 - c. Any greenhouses on the property greater than 120 square feet require evidence of the State engineer's approval of the well and water usage for the quantity and type of crop(s) to be raised or other evidence of sufficient water right as approved by the Planning Administrator.
 - d. Drainage of agricultural wastewater shall be controlled to avoid pollution of irrigation ditches, ground water, and surrounding property.
- (6) Raising and management of livestock and fowl, provided that all areas devoted to livestock and fowl shall be maintained in such a manner that:
 - a. It discourages the concentration and breeding of insects and rodents which are detrimental to human habitation.
 - b. Livestock or fowl excrement shall be properly disposed of and shall not be allowed to accumulate in amounts that cause unreasonable noxious odors.
 - c. Drainage of livestock waste shall be contained on-site and controlled to avoid pollution of irrigation ditches, ground water, drains, and surrounding property.
- (7) Accessory uses and structures.

- (8) Sale of livestock or crops raised on the premises, but not including the sale or distribution of cannabis or cannabis products.
- (9) Storage of accessory vehicles (e.g., agricultural equipment, trailers, boats, and recreational vehicles) owned by the on-site resident for personal use.
- (10) Home occupations (permit application and business registration required, see Section 18-45(c)).
- (11) Parking incidental to the above uses.
- (c) *Uses by review.* The following uses are allowed in the A-1 zone district only upon the approval of a site development and/or subdivision plan by the Commission:
- (1) Parks and playgrounds.
 - (2) Churches and places of worship.
 - (3) Short-term rentals.
- (d) *Density.* The maximum density shall be limited to one dwelling unit per net acre.
- (e) *Lot area.* The minimum area of each lot shall be 43,560 square feet.
- (f) *Lot dimensions.* Each lot shall have a lot width standard of seventy-five (75) feet. However, any lot two acres or more in size, with a minimum average standard width of less than seventy-five (75) feet as of the date of the adoption of this article, may be subdivided into lots having the same width as the lot being subdivided, provided that this authority shall not be construed to permit violation of other Village minimum size restrictions.
- (g) *Lot coverage.* Lot coverage shall not exceed thirty-five (35) percent.
- (h) *Setback requirements.* Front setbacks shall be no less than twenty-five (25) feet. Other setbacks shall be no less than ten (10) feet, except in the case of intensive agriculture, in which all setbacks shall be no less than twenty-five (25) feet.
- (i) *Architectural requirements.* None.
- (j) *Placement of parking.* None.

Section 18-34. A-2 - Agricultural and rural residential zone.

The following regulations shall apply to the A-2 - Agricultural and rural residential zone:

- (a) *Purpose and intent.* The purpose of the A-2 zone district is to maintain a rural and open space character of lands within the Village with low density residential development on larger lots.
- (b) *Permissive uses.* Any of the following permissive uses are allowed in the A-2 zone:
- (1) One dwelling unit per lot.
 - (2) A temporary mobile home for use as a primary dwelling unit or a temporary storage building related to a construction project on the premises, for a period of time not to exceed one year from the date the permit is issued.
 - (3) Group homes. The maximum occupancy on the premises shall be reasonable as determined by the Planning Administrator or Building Inspector in relation to the lot size, square footage of the residence, number of bedrooms, parking availability, septic capacity, and relevant safety considerations; however, nothing in this Section shall violate the Federal Fair Housing Act.
 - (4) Agricultural uses, including the planting, growing and harvesting of crops for consumption, provided that any cannabis related agriculture is conducted in compliance with the Cannabis Regulation Act and other applicable state law provided, however, that the commercial production, manufacture and retail sale of cannabis and cannabis products are prohibited in the A-2 zone, and:

- 753 a. Any diseased, dead, or dying agricultural products be disposed of promptly and
754 appropriately.
- 755 b. Agricultural activities reasonably conducted in accordance with common agricultural
756 practices on the property do not create a nuisance as set forth in Sections 14-71 through 14-
757 116.
- 758 c. Any greenhouses on the property greater than 120 square feet require evidence of the State
759 engineer's approval of the well and water usage for the quantity and type of crop(s) to be
760 raised or other evidence of sufficient water right as approved by the Planning Administrator.
- 761 d. Drainage of agricultural wastewater shall be controlled to avoid pollution of irrigation
762 ditches, ground water, and surrounding property.
- 763 (5) Raising and management of livestock and fowl, provided that all areas devoted to livestock and fowl
764 shall be maintained in such a manner that:
- 765 a. It discourages the concentration and breeding of insects and rodents which are detrimental to
766 human habitation.
- 767 b. Livestock or fowl excrement shall be properly disposed of, and shall not be allowed to
768 accumulate in amounts that cause unreasonable noxious odors.
- 769 c. Drainage of livestock waste shall be contained on-site and controlled to avoid pollution of
770 irrigation ditches, ground water, drains, and surrounding property.
- 771 (6) Accessory uses and structures.
- 772 (7) Sale of livestock or crops raised on the premises, but not including the sale or distribution of
773 cannabis or cannabis products.
- 774 (8) Storage of accessory vehicles (e.g., agricultural equipment, trailers, boats, and recreational vehicles)
775 owned by the on-site resident for personal use.
- 776 (9) Home occupations (permit application and business registration required, see Section 18-45(c)).
- 777 (10) Parking incidental to the above uses.
- 778 (c) *Uses by review.* The following uses are allowed in the A-2 zone district only upon the approval of a site
779 development and/or subdivision plan by the Commission:
- 780 (1) Parks and playgrounds.
- 781 (2) Churches and places of worship.
- 782 (3) Short-term rentals.
- 783 (d) *Density.* The maximum density shall be limited to one dwelling unit per net two acres.
- 784 (e) *Lot area.* The minimum area of each lot shall be 87,120 square feet.
- 785 (f) *Lot dimensions.* Each lot shall have a lot width standard of one-hundred fifty (150) feet in width.
- 786 (g) *Lot coverage.* Lot coverage shall not exceed thirty-five (35) percent.
- 787 (h) *Setback requirements.* Front setbacks shall be no less than twenty-five (25) feet. Other setbacks shall be no
788 less than ten (10) feet, except in the case of intensive agriculture, in which all setbacks shall be no less
789 than twenty-five (25) feet.
- 790 (i) *Architectural requirements.* None.
- 791 (j) *Placement of parking.* None.

Section 18-35. H - Historical area zone.

The following regulations shall apply to the H - Historical area zone:

(a) *Purpose and intent.* The H zone preserves and promotes the educational, cultural and general welfare of the public through preservation and protection of the traditional architectural character of historic Corrales.

(b) *Permissive uses.* Any of the following permissive uses are allowed in the H zone:

- (1) One dwelling unit per lot.
- (2) Group homes. The maximum capacity to house on the premises shall be reasonable as determined by the Administrator or Building Inspector in relation to the lot size, square footage of the residence, number of bedrooms, parking availability, septic capacity, and relevant safety considerations; however, nothing in this Section shall violate the Federal Fair Housing Act. See Section 18-33(b)(4).
- (3) Agricultural uses; intensive agricultural uses including the cultivation, intentional growth, manufacture and distribution of cannabis and cannabis products, except for the personal production of cannabis as permitted by the Cannabis Regulation Act, are prohibited in the H zone.
- (4) A temporary mobile home for use as a primary dwelling unit and/or a temporary storage building related to a construction project on the premises, for a period of time not to exceed one year from the date the permit is issued.
- (5) Raising and management of livestock and fowl, provided that all areas devoted to livestock and fowl shall be maintained in such a manner that:
 - a. It discourages the concentration and breeding of insects and rodents which are detrimental to human habitation.
 - b. Livestock or fowl excrement shall be properly disposed of and, shall not be allowed to accumulate in amounts that cause unreasonable noxious odors.
 - c. Drainage of livestock waste shall be contained on-site and controlled to avoid pollution of irrigation ditches, ground water, and drains and surrounding property.
- (6) Accessory uses and structures.
- (7) Sale of livestock or crops raised on the premises; but not including the sale or distribution of cannabis or cannabis products.
- (8) Storage of accessory vehicles (e.g., agricultural equipment, trailers, boats, and recreational vehicles) owned by the on-site resident for personal use.
- (9) Home occupations (permit application and business registration required, see Section 18-45(c)).
- (10) Parking incidental to the above uses.

(c) *Uses by review.* The following uses are allowed in the H zone only upon the approval of a site development plan pursuant to Section 18-45(b) by the Commission:

- (1) Museums.
- (2) Public and governmental buildings.
- (3) Churches and places of worship.
- (4) Short-term rentals.

(d) *Lot area.* The minimum area of each lot shall be 43,560 square feet, or as per applicable ordinances.

(e) *Lot dimensions.* Each lot shall have a lot width standard of seventy-five (75) feet. However, any lot two acres or more in size, with a minimum average width standard of less than 75 feet as of the date of the

adoption of this article, may be subdivided into lots having the same width as the lot being subdivided, provided that this authority shall not be construed to permit violation of other Village minimum size restrictions.

(f) *Lot coverage.* Lot coverage shall not exceed thirty-five (35) percent.

(g) *Setback requirements.* Front setbacks shall be no less than twenty-five (25) feet. Other setbacks shall be no less than ten (10) feet.

(h) *Architectural requirements.* No alteration, remodeling, erection, or destruction of the exterior features of buildings and other structures within this zone, subject to public view from any public street, way or other public place, shall be permitted without the approval and issuance of a development review permit by the Commission.

(1) *Overall appearance.* The exterior appearance of the structure shall express the characteristics of architecture of the Territorial, Spanish Pueblo and Southwest Vernacular style.

(2) *Material.* Stucco, adobe, slump block and stone are allowed. Materials such as aluminum siding, metal wall panels, mirrored glass and unstuccoed masonry units, or concrete are not allowed.

(3). *Siting.* The placement of the structure on the property shall relate to the placement of other structures in the surrounding neighborhood.

(4). *Bulk, height, color.* The bulk, height and color of the structure shall relate to the bulk, height and color of other structures in the surrounding neighborhood.

(5) Perimeter fences may be constructed of post and wire, barbed wire, wood rail, adobe, pale, jacal, or coyote/latilla fencing. Unstuccoed block walls are not allowed. Stucco coating, if used, shall consist of stucco over wire and paper lath.

(i) *Placement of parking.*

(1) Parking areas shall be placed off the street to the rear and sides of buildings whenever possible.

(2) All parking for properties subject to Uses by Review shall be clearly defined by landscaping, walls, and/or fences.

(j) *Variance for Historic Preservation.* In order to preserve and protect historic buildings, the historic character and development patterns, and traditional building methods and materials, any person seeking renovation or reuse of a building fifty (50) years old or older or a structure made of adobe or terrón in the H zone may apply for a preservation incentive variance pursuant to Section 18-48(k).

Section 18-36. O - Professional office zone.

The following regulations shall apply to the O - Professional office zone.

(a) *Purpose and intent.* The purpose of this zone is to recognize and provide for professional office use zoning within the Village and to establish controls and guidelines for development within this zone.

(b) *Permissive uses.* The following permissive uses and other similar uses shall be allowed in this zone. Because the list cannot be all inclusive, those uses that are listed shall be used to interpret and consider unlisted uses. Any change in use which would require additional parking and/or any alteration or addition to the site or any structure upon the site shall require the approval of a site development plan by the Planning and Zoning Commission (see Section 18-45(b)).

(1) Health care offices such as general medicine, acupuncture, chiropractic, dentistry and veterinary medicine

(2) Service offices such as accounting, finance, insurance, real estate, law, engineering and architecture.

(c) *Uses by review.* The following uses are allowed in the O zone only upon the approval of a site development plan by the Commission pursuant to Section 18-45(b):

(1) Churches and places of worship.

(d) *Lot area.* The minimum area of each lot shall be 43,560 square feet, or as per applicable ordinances.

(e) *Lot dimensions.* Each lot shall have a minimum average width of seventy-five (75) feet.

(f) *Lot Coverage.* Lot coverage shall not exceed thirty-five (35) percent.

(g) *Setback requirements.* No structure shall be permitted to be constructed or placed closer than 30 feet from any residential property line, street right-of-way or access easement.

(h) *Architectural requirements.* In order to emulate existing Village architecture and construction tradition, compliance with the following architectural standards is required for all new construction and whenever the exterior appearance of buildings or structures is altered:

(1) *Overall appearance.* The exterior appearance of the structure shall express the characteristics of architecture of the Territorial, Spanish Pueblo and Southwest Vernacular style.

(2) *Material.* Stucco, adobe, slump block and stone are allowed. Materials such as aluminum siding, metal wall panels, mirrored glass and unstuccoed masonry units, or concrete are not allowed.

(3) *Façades.* Building façades two stories in height shall include projecting or recessed portals, setbacks or other similar design elements at ground level and a balcony at the level of the floor of the second story. All ground level facades subject to public view and providing an entrance to a building shall be varied by inserts or projecting portals.

(4) *Building massing.* Premises with a lot coverage of over 8,000 square feet shall be designed to appear more as an aggregation of smaller "building blocks" rather than a single large box or block.

(5) *Roof-mounted equipment.* Roof-mounted mechanical, electrical, telephone or solar equipment shall be architecturally screened with opaque materials, for example, by raising the parapet, and shall be of a low profile to minimize the screening problems.

(6) *Walls and fences.* Walls and fences shall be built of brick, adobe, rock, decorative concrete block, masonry, wood, wood and metal wire, pipe, wrought iron or similar materials. Walls of unstuccoed concrete block, unstuccoed concrete, or similar materials are prohibited.

(i) *Placement of parking.* Parking areas shall be placed off the street to the rear and sides of buildings whenever possible.

(j) *Driveway access restrictions.* All development shall provide driveways for vehicular access based on the following restrictions:

(1) For every 150 feet of roadway frontage, there shall be no more than one driveway providing ingress and egress.

(2) No driveway shall have a width in excess of 28 feet unless other widths are required by NMDOT.

(3) All driveway areas shall be clearly defined by landscaping, walls and/or fences.

(4) Primary access shall be from Corrales Road. However, the Commission may allow primary access from another street provided the applicant can demonstrate that there will be no adverse effects from noise, glare or odors, and that the alternate access will not be contrary to public safety.

(k) *Restrictions.* No future request for zone changes to Office Zone shall be granted outside of the Neighborhood Commercial Office District as defined in the FNWS Plan Addendum to the NWS Plan, Ordinance No. 342, dated February 12, 2002, as amended.

Section 18-37. C - Neighborhood commercial zone.

The following regulations shall apply in the C - Neighborhood commercial zone:

(a) *Purpose and intent.* To provide for the development of local business, commercial and personal service activities within the Village, two areas exist:

- (1) The Corrales Road Commercial Area (CRCA); and
- (2) The Neighborhood Commercial and Office District (NCOD).

All proposed development shall be integrated with existing, adjoining land uses and shall be compatible with the existing character of the surrounding area.

(b) *Lot dimensions and location.*

(1) For the CRCA:

- a. All lots shall be contiguous to Corrales Road having frontage on Corrales Road;
- b. All lots shall be located on the east side of Corrales Road between East Meadowlark Lane on the south and Wagner Lane on the north, and on the west side of Corrales Road between West Meadowlark Lane on the south and Old Church Road on the north; and shall also include the lots south of and immediately adjacent to Meadowlark Lane on each side of Corrales Road;
- c. The depth of commercial zoning shall be limited to 350 feet from Corrales Road on each side, measured perpendicular to the right-of-way. No variance shall be allowed from this provision;

(2) For the NCOD, all lots shall be totally within the Neighborhood Commercial and Office District as defined in the Far Northwest Sector Plan Addendum to the Northwest Sector Plan, Ordinance No. 342, dated February 12, 2002, as amended.

(c) *Permissive uses.* The following permissive uses and other similar uses shall be allowed in this zone upon the approval of a site development plan by the Commission pursuant to Section 18-45(b):

(1) One dwelling unit per lot.

(2) One mobile home dwelling unit per lot.

(3) Agricultural uses, including the planting, growing and harvesting of crops for consumption, provided that any cannabis related agriculture is conducted in compliance with Village Ordinances, the Cannabis Regulation Act and other applicable state law, and:

- a. Any diseased, dead, or dying agricultural products be disposed of promptly and appropriately.
- b. Agricultural activities reasonably conducted in accordance with common agricultural practices on the property do not create a nuisance as set forth in Sections 14-71 through 14-116.
- c. Any greenhouses on the property greater than 120 square feet require evidence of the State engineer's approval of the well and water usage for the quantity and type of crop(s) to be raised or other evidence of sufficient water right as approved by the Planning Administrator.
- d. Drainage of agricultural wastewater shall be controlled to avoid pollution of irrigation ditches, ground water, and surrounding property.

(4) Raising and management of livestock and fowl, provided that all areas devoted to livestock and fowl shall be maintained in such a manner that:

- a. It discourages the concentration and breeding of insects and rodents which are detrimental to human habitation.
- b. Livestock or fowl excrement shall be properly disposed of and, shall not be allowed to accumulate in amounts that cause unreasonable noxious odors.

- 957 c. Drainage of livestock waste shall be contained on-site and controlled to avoid pollution of
958 irrigation ditches, ground water, drains and surrounding property.
- 959 (5) Accessory uses and structures.
- 960 (6) Sale of livestock or crops raised on the premises. A cannabis permit must be approved by the Corrales
961 Planning & Zoning Commission as required in 18-45(f) for the purpose wholesale, retail sale, or
962 distribution of cannabis or cannabis products.
- 963 (7) Storage of a trailer, boat and recreational vehicle owned by the on-site resident for personal use.
- 964 (8) Home occupations (permit application and business registration required, see Section 18-45(c)).
- 965 (9) Parking incidental to the above uses 1 through 8.
- 966 (10) Commercial facilities. For the following uses, any change in use which would require additional parking
967 and/or any alteration or addition to the site or any structure upon the site shall require the approval of a
968 site development plan by the Planning and Zoning Commission pursuant to Section 18-45(b).
- 969 a. Health care offices such as general medicine, acupuncture, chiropractic, dentistry and veterinary
970 medicine
- 971 b. Service offices such as accounting, finance, insurance, real estate, law, engineering and
972 architecture.
- 973 c. Art galleries and artist studios.
- 974 d. Retail stores such as convenience stores, craft shops, pet shops, grocery stores, hardware
975 stores, auto parts and supplies, clothing stores, florist and nursery stores, furniture stores, livestock
976 field, tack, and accessories stores.
- 977 e. Banks, credit unions, savings, or other financial institutions.
- 978 f. Beauty salons and barbershops.
- 979 g. Childcare services.
- 980 h. Short-term rental lodging establishments with no more than six (6) guest rooms.
- 981 i. Greenhouses.
- 982 j. Health spas and indoor recreational facilities.
- 983 k. Governmental offices and service buildings.
- 984 l. Museums.
- 985 m. Parking incidental to the above uses.
- 986 (d) *Uses by review.* The following uses are allowed in the C zone district only upon the approval of a site
987 development plan by the Planning and Zoning Commission pursuant to Section 18-45(b):
- 988 (1) Short-term rentals.
- 989 (2) Theaters.
- 990 (3) Event centers, reception, and meeting facilities.
- 991 (4) Animal boarding facilities
- 992 (5) Light manufacturing uses which are completely enclosed, such as glass, metal art, welding, and wood-
993 working shops.
- 994 (6) Automobile service stations.
- 995 (7) Bakeries, candy or confectionary manufacture.

- (8) Cannabis manufacturing or cannabis product manufacturing.
- (9) Bars, wineries, breweries, or beverage distilleries.
- (10) Liquor stores.
- (11) Cannabis retailers.
- (12) Cannabis consumption areas, which must be located on the same premises as a licensed Cannabis retailer in a standalone building, unless otherwise permitted in accordance with the Cannabis Regulation Act and the Dee Johnson Clean Indoor Air Act. No smoking shall be permitted outdoors within Village limits.
- (13) Cannabis establishments serving one or more function pursuant to their license type(s) under the Cannabis Regulation Act.
- (14) Restaurants.
- (15) Stores selling legal pharmaceuticals.
- (16) Churches and places of worship.
- (17) Group homes.
- a. Group homes may contain a medical facility.
- b. Group homes have a maximum capacity and occupancy of reasonable as determined by the Administrator or Building Inspector in relation to the lot size, square footage of the residence, number of bedrooms, parking availability, septic capacity, and relevant safety considerations; however, nothing in this Section shall violate the Federal Fair Housing Act.
- (18) Supervised outpatient treatment facility:
- a. A supervised outpatient treatment facility shall provide counseling and rehabilitative therapies for patients who do not reside on the premises.
- b. At the time of application for approval as a Use by Review, the owner must demonstrate compliance with all State of New Mexico licensures for the counseling and/or therapies to be provided on the premises of the supervised outpatient treatment facility.
- c. A supervised outpatient treatment facility may not be located closer than 300 feet to an educational or recreational use (nearest lot boundary) primarily serving children.
- (e) *Lot area.* The minimum area of each lot shall be 43,560 square feet. Any lot platted within the CRCA as set forth in Subsection 18-37(b) above which was substandard prior to November 21, 1989 shall be exempt.
- (f) *Lot coverage.* Lot coverage shall not exceed thirty-five (35) percent.
- (g) *Setback requirements.* No new structure shall be permitted to be constructed or placed closer than twenty-five (25) feet to any existing residential structure on any abutting lot. Otherwise, if there are no existing residential structures, front setbacks shall be no less than twenty-five (25) feet and rear and other setbacks shall be no less than ten (10) feet, except in the case of intensive agriculture, in which all setbacks shall be no less than twenty-five (25) feet.
- (h) *Landscaping requirements and pedestrian access.* In the CRCA, pedestrian pathways shall be required connecting the front door or other main access of the building to the parking area, to Corrales Road, and to adjacent properties fronting Corrales Road on either side. Required pedestrian pathways shall be considered part of the landscaped area. If the area of required pedestrian pathways results in a landscaped area in excess of the minimum requirements, the excess landscaped area may replace off-street parking that would otherwise be required pursuant to Section 18-39.
- (i) *Architectural requirements.* In order to emulate existing Village architecture and construction tradition, compliance with the following architectural standards is required for all new construction and whenever the exterior appearance of buildings or structures is altered:

- (1) Material. Stucco, adobe, slump block and stone are allowed. Materials such as aluminum siding, metal wall panels, mirrored glass and unstuccoed masonry units, or concrete are not allowed.
- (2) Façades. Building façades two stories in height shall include projecting or recessed portals, setbacks or other similar design elements at ground level and a balcony at the level of the floor of the second story. All ground level facades subject to public view and providing an entrance to a building shall be varied by inserts or projecting portals.
- (3) Building massing. Premises with a lot coverage of over 5,000 square feet shall be designed to appear more as an aggregation of smaller "building blocks" rather than a single large box or block.
- (4) Roof-mounted equipment. Roof-mounted mechanical, electrical, telephone or solar equipment shall be architecturally screened with opaque materials, for example, by raising the parapet, and shall be of a low profile to minimize the screening problems.
- (5) Walls and fences. No solid fence exceeding three (3) feet in height shall be erected on the front lot line or within the front setback area of any lot or within the vision clearance clear sight area abutting a driveway. Walls and fences shall be built of brick, adobe, rock, decorative concrete block, masonry, wood, wood and metal wire, pipe, wrought iron or similar materials. Walls of unstuccoed concrete block, unstuccoed concrete, or similar materials are prohibited.

(j) *Placement of parking.*

- (1) Parking areas shall be placed off the street to the rear and sides of buildings whenever possible.
- (2) All development within the CRCA shall provide driveways for vehicular access based on the following restrictions:
- a. Primary access shall be from Corrales Road. However, the Commission may allow primary access from another street provided the applicant can demonstrate there will be no adverse effects from noise, glare or odors, and that the alternate access will not be contrary to public safety;
 - b. For every 150 feet of frontage on Corrales Road, there shall be no more than one driveway providing ingress and egress;
 - c. No driveway shall have width in excess of 28 feet; and
 - d. All driveway areas shall be clearly defined by landscaping, walls, ~~and~~ or fences.
- (3) All development within the NCOD zone area shall provide driveways for vehicular access based on the following restrictions:
- a. Primary access shall be from Don Julio Road. However, the Commission may allow primary access from another street provided the applicant can demonstrate there will be no adverse effects from noise, glare or odors, and that the alternate access will not be contrary to public safety;
 - b. For every 150 feet of frontage on Don Julio Road, there shall be no more than one driveway providing ingress and egress;
 - c. No driveway shall have width in excess of 28 feet; and
 - d. All driveway areas shall be clearly defined by landscaping, walls, or fences.
- (4) All other commercial zoning shall provide driveways for vehicular access based on the following restrictions:
- a. For every 150 feet of frontage, there shall be no more than one driveway providing ingress and egress;
 - b. No driveway shall have width in excess of 28 feet;
 - c. All driveway areas shall be clearly defined by landscaping, walls, or fences.

(k) *Permit required for demolition of structures over 50 years old in the Corrales Road Commercial Area.* No building or structure, any portion of which is over fifty (50) years old and which is located on land within the

Corrales Road Commercial Area, as defined in Section 18-37(b), shall be demolished except in strict accordance with a permit issued under Section 18-45(d).

- (l) *Variance for Historic Preservation.* In order to preserve and protect historic buildings, the historic character and development patterns, and traditional building methods and materials, any person seeking renovation or reuse of a building fifty (50) years old or older or a structure made of adobe or terrón in the Corrales Road Historic Area may apply for a preservation incentive variance pursuant to Section 18-48(d).

Section 18-38. M - Municipal, public and quasi-public zone.

The following regulations shall apply in the M - Municipal, public and quasi-public zone:

- (a) *Purpose and intent.* The purpose of this zone is to allow for community and public uses commonly found in a rural area.
- (b) *Permissive uses:* The following permissive uses shall be allowed in the M zone
- (1) Growers' markets, provided that the organizers and operators of the growers' market shall annually submit an application to the Administrator describing the location of the proposed growers' market and its days and hours of operation, with such other information as the Administrator may reasonably require, and shall receive from the Administrator a permit authorizing the conduct of the grower's market in accordance with the application, unless there appears good cause why the application should not be approved.
- (c) *Uses by review.* The following uses shall be allowed in the M zone only upon the approval of a special use permit for the designated use, approval of a site development plan and issuance of a development review permit by the Planning and Zoning Commission:
- (1) Public and private parks and playgrounds.
 - (2) Governmental buildings.
 - (3) Public libraries.
 - (4) Incidental retail sales, residential uses, and other activities associated with uses listed in (1) through (3) above.
 - (5) Schools, public and private.
 - (6) Museums, public and private.
 - (7) Churches and church related structures.
 - (8) Community utility and service installations.
 - (10) Incidental retail sales, residential uses, and other activities associated with approved uses by review listed in (5) through (8) above.
- (d) *Lot area.* The minimum area of each lot shall be 43,560 square feet, or as per applicable ordinances.
- (e) *Lot dimensions.* Each lot shall have a minimum average width of seventy-five (75) feet.
- (f) *Lot coverage.* Lot coverage shall not exceed thirty-five (35) percent.
- (g) *Setback requirements.* No new structure shall be permitted to be constructed or placed closer than twenty-five (25) feet to any existing residential structure. Otherwise, if there are no existing residential structures, front setbacks shall be no less than twenty-five (25) feet and rear and side setbacks shall be no less than ten (10) feet.
- (h) *Architectural requirements.* In order to emulate existing Village architecture and construction tradition, compliance with the following architectural standards is required for all new construction and whenever the exterior appearance of buildings or structures are altered:

- (1) *Overall appearance.* Exterior appearance shall express the characteristics of architecture of the Territorial, Spanish Pueblo and Southwest Vernacular style.
- (2) *Material.* Stucco, adobe, slump block and stone are allowed. Materials such as aluminum siding, metal panels, mirrored glass and unstuccoed masonry units or concrete are not allowed.
- (3) *Façades.* Building façades two stories in height shall include projecting or recessed portals, setbacks or other similar design elements at around level and a balcony at the level of the floor of the second story. All ground level façades subject to public view and providing an entrance to a building shall be varied by inserts or projecting portals.
- (4) *Building massing.* Premises with a lot coverage of over 8,000 square feet shall be designed to appear more as an aggregation of smaller "building blocks" rather than a single large box or block.
- (5) *Roof-mounted equipment.* Roof-mounted mechanical, electrical, telephone or solar equipment shall be architecturally screened with opaque materials, for example, by raising the parapet, and shall be of a low profile to minimize the screening problems.
- (6) *Walls and fences.* Walls and fences shall be built of brick, adobe, rock, decorative concrete block, masonry, wood, wood and metal wire, pipe, wrought iron or similar materials. Walls of unstuccoed concrete block, unstuccoed concrete, or similar materials are prohibited.
- (i) *Placement of parking.* Parking areas shall be placed off the street to the rear and sides of buildings whenever possible.

Section 18-39. Off-street parking requirements.

- (a) *Parking for the physically disabled.* Parking spaces for vehicles with valid distinctive registration plates for the physically disabled shall be located and provided as required by the "American with Disabilities Act" 28 CFR Part 36 and a distinct parking placard NMSA 1978, § 66-3-16.
- (b) *Size of parking spaces.* All parking spaces required by this article shall be of a minimum area of 180 square feet and shall not be less than nine (9) feet in width by twenty (20) feet in length.
- (c) *Non-residentially developed properties.* Non-residentially developed properties shall provide parking spaces as follows:
 - (1) *Churches or other places of worship.* One parking space per every six seats in the main room (each 30 inches of pew space is considered one seat).
 - (2) *Bars and restaurant.* One parking space per every 4 chairs or seating places for restaurants. One parking space per every 150 square feet of heated floor area for bars.
 - (3) *Short-term rental lodging establishments.* One parking space per bedroom on the property.
 - (4) *Retail, office and service use.* One parking space per every 300 square feet of heated floor area.
 - (5) *Schools.* One and one-half parking spaces per every faculty or staff member.

Section 18-40. Landscaping requirements.

- (a) *Intent.* All landscaping required by this article shall be of a type and located in a manner, which mitigates the impact of nonresidential development upon the existing residential and agricultural character of the Village.
- (b) *Landscaping requirements for residential development.*
 - (1) No planting of Siberian/Chinese Elm, Russian olive, Tamarisk, or other plant species listed on the New Mexico Noxious Weed List is permitted.
 - (2) Xeriscaping of newly constructed dwelling units:

a. Landscaped areas of newly constructed dwelling units shall be xeriscaped. Not more than twenty percent (20%) of the landscaped area of newly constructed dwelling units shall be dedicated to cold-weather grasses such as blue grass and fescue, unless such grasses are raised for and dedicated to the purpose of consumption by animals.

b. For any newly constructed dwelling unit on a lot with a total area less than two and one half (2 ½) acres, the requirements of Paragraph 18-40(b)(2)(a) shall apply to the entire landscaped area of the lot. For any new home constructed on a lot with a total area greater than two and one half (2 ½) acres, the requirements of Paragraph 18-40(b)(2)(a) shall apply to the area immediately surrounding the home, including any area disturbed during the construction thereof, but the area on which xeriscaping is required shall not in any event exceed two and one half (2 ½) acres.

c. The xeriscaping requirements set forth in this Subsection 18-40(b)(2) do not apply to areas that have been used historically for the cultivation of crops, and that continue to be so used despite the construction of a home on a portion of the lot or lots containing such cultivated areas, nor do they apply to those undisturbed areas of any lot or parcel of land which retain their natural vegetation.

d. The xeriscaping requirements set forth in this Subsection 18-40(b)(2) shall apply to any landscaping of a newly constructed dwelling unit, but shall not be construed to require such landscaping unless otherwise mandated by Village ordinance or other law.

e. Landscaping found to be in violation of the xeriscaping requirements of this Subsection 18-40(b)(2) shall be modified by the property owner within six (6) months so as to conform to the xeriscaping requirements. Each failure of the property owner, after notice by the Village, to modify the landscaping within six (6) months thereafter so as to conform to the xeriscaping requirements, shall be deemed a separate violation of this section.

(c) *Historic zone.* Landscaping shall be compatible with a rural historic area.

(d) *Landscaping requirements for nonresidential development.*

(1) Landscaping minimums. Landscaping of nonresidential development, in addition to natural vegetation, provided to meet the requirements of this article shall be provided in the following minimum numbers, sizes and growth capabilities:

a. Landscaped area. A minimum of ten (10) percent of the lot shall be landscaped area. Corner lots or double fronted lots shall provide a minimum of fifteen (15) percent of the lot as landscaped area.

b. Trees.

(i) There shall be a minimum of one shade tree, fruit tree or ornamental tree planted for each 1,000 square feet of required landscaped area. Existing trees at least twelve (12) feet in height may be used to meet this requirement in whole or in part.

(ii) Shade trees, fruit trees or ornamental trees shall be at least 1-½ inches in caliper measured at the trunk two (2) feet above grade, or the tree shall be at least ten (10) feet in height at the time of planting.

(iii) To the extent feasible, existing trees of species native to the Corrales area should be retained and incorporated into the landscape plans.

(iv) Any tree identified as a Landmark Tree or as a Nominated Tree under Chapter 14, Article V shall be shown on landscape plans.

(v) Siberian elm trees (*Ulmus parvifolia*), Russian olive (*Eleagnus angustifolia*) and tamarisk, or salt cedars (*Tamarix ramosissima*, *Tamarix parviflora*, *Tamarix chinensis*), or any other tree listed on the New Mexico Noxious Weed List shall not be used to meet any of the requirements in this section.

c. Ground cover. Ground cover shall be planted to provide general ground coverage within one growing season after planting. Xeriscaping or usage of low water plants and/or native plants is encouraged.

d. Shrubs and bushes. Shrubs and bushes shall be at least five-gallon or larger container sizes.

e. Installation and maintenance.

(i) Landscaping of nonresidential development shall be installed according to plans approved by the Planning and Zoning Commission and shall be completed within one calendar year after issuance of a certificate of occupancy.

(ii) Any damage to utility lines resulting from the negligence of the landowner, their agents, or employees in the installation and maintenance of the landscaped treatment shall be the responsibility of such landowner.

(iii) Landscaping shall have adequate maintenance.

(iv) Landscaping required by this article which dies shall be replaced by the property owner as expeditiously as possible, but in no case longer than three months after notification by the Administrator.

f. Buffer landscaping.

(i) 1. Where a property to be developed for a nonresidential purpose abuts a residential property, special buffer landscaping is required on the non-residentially developed property to minimize noise and sight impacts of the nonresidential activities upon the residential property.

(ii) 2. Where the side or rear property lines of a nonresidential development are contiguous to a residential property, a fence, wall, or hedge a minimum of six feet in height and a five-foot wide area with landscaping inside the property boundary shall be provided to shield the residential property from the nonresidential development. Municipal zoned properties are exempt from the requirement for a solid fence or wall around the perimeter of the property, and for such properties the Commission in its discretion may approve alternative buffering or may require no buffering.

(iii) 3. The Planning and Zoning Commission as a condition of approval of a site plan may approve alternate buffers to the landscaping, if the noise and sight buffering can be accomplished at least as well with the alternate plan.

Section 18-41. Service area requirements.

All transformer boxes, garbage enclosures, and loading areas on non-residentially developed properties shall be screened from roads/streets and properties by fences or walls compatible with the design of the primary structure.

Section 18-42. Lighting.

(a) *Intent.* The purpose of this section is the regulation of lighting to reduce or prevent light pollution to maximize the preservation of the agricultural and rural heritage of the Village. The intention of regulating lighting is to reduce or prevent glare, light trespass, conserve energy and promote safety and security, and to adopt the applicable requirements of the New Mexico "Night Sky Protection Act" *NMSA 1978, Section 74-12-1 et seq.* The illustrations contained in this section are intended to help the public understand acceptable and unacceptable lighting in the Village of Corrales.

(b) *Applicability.*

(1) All non-conforming fixtures installed prior to and operable on the effective date of this section shall be removed or converted to a conforming fixture when the existing non-conforming fixture is inoperable or un-repairable. The Village may require a non-conforming use to be corrected to the standards specified

- in this section if the Village determines that the non-conforming use is creating a nuisance glare or disabling glare as defined in Section 18-29(b).
- (2) All existing lighting fixtures owned and maintained by any public utility company within the Village are required to be removed or comply with this section consistent with provision in the "Night Sky Protection Act," *NMSA 1978, Section 74-12-9* within 12 months from the enactment of this section.
 - (3) All new installations and modification to existing non-conforming fixtures shall comply with this section.
 - (4) Compliance with this section shall be administered and enforced by the Village of Corrales Planning and Zoning Administrator or designated Village personnel.
 - (5) In the event of a conflict with any other section of this section, the more stringent requirement shall apply.
 - (6) Interior lighting shall not be allowed to create any disabling glare or nuisance light trespass.
- (c) *Exemptions.* The following are exempt from the provisions of this section:
- (1) Traffic control signals and devices.
 - (2) Street lights installed prior to the effective date of this Ordinance.
 - (3) Temporary emergency lighting (i.e., fire, police, repair workers).
 - (4) Moving vehicle lights.
 - (5) Navigation lights (e.g., communications towers).
 - (6) Seasonal decorations with light displays in place shall not produce nuisance glare beyond the property boundaries.
 - (7) Special situations approved by the Village of Corrales for temporary or periodic events (i.e., fairs, fiestas, emergencies, or Village-sanctioned night-time construction).
 - (8) Flagpole illumination from below shall be allowed, consisting of a single spotlight fixture projecting in the perpendicular to the horizon, with intensity of no more than 500 lumens. Fixtures for top illumination for flags are not restricted to 500 lumens, but shall conform to all other requirements of this section including shielding, prohibition of light trespass, and glare.
- (d) *Submittals.*
- (1) Application for building permits shall be submitted to the Village Planning and Zoning Department. If the application includes installation of outdoor lighting fixtures, evidence of compliance with the requirements of this Section shall be provided. The applicant shall provide the following:
 - a. Plans indicating the location, type, and height of luminaires including both building and ground-mounted fixtures;
 - b. Description of luminaires, including lamps, poles or other supports, and shielding devices;
 - c. Ganging of individual luminaries to achieve more than allowed lumens in a specific area is prohibited;
 - d. Photometric data, showing downward angle of light emission;
 - e. Additional information may be required by the Planning and Zoning Department in order to determine compliance with this Section.
 - (2) Requests for any lighting variance from the requirements of this section are to be submitted in writing to the Planning and Zoning Commission.
- (e) *General Standards.* The following standards shall apply to all outdoor lighting which are not covered under subsection (c) *Exemptions* above:

- (1) General Standard: All light fixtures, including security lighting, shall be located, aimed and shielded so that the direct illumination from the fixture shall be confined to the property boundaries of the source. Shields shall be constructed of material which is primarily non-reflective, non-specular, and opaque in nature. A light fixture shall be determined to be non-compliant if the interior of the shield directly reflects light in a manner which causes nuisance glare which exceeds the UGR Maximum Rating Value, or light trespass. To be considered shielded, fixtures must be closed on top and mounted such so that fixture does not allow light trespass or nuisance glare. Examples of acceptable and unacceptable light shielding and hooding are shown on the following pages.
- (2) The hood or shield must restrict the fixture from creating nuisance glare or light trespass. The fixture shall not allow light to escape above the horizon. Fixtures which contain reflective interiors must be oriented such that glare from the radiant source is constrained to the property of origin.
- (3) Existing fixtures may be adapted to comply with this Section by adding a properly designed hood or shield, or by pointing any upward-mounted, shielded fixture downward toward the ground surface. All fixtures shall constrain all nuisance glare to the property of origin.
- (4) Any light falling onto adjacent property or streets that results in nuisance glare or disabling glare, or exceeds the UGRs Maximum Value, shall not be permitted. Light trespass beyond property boundaries or above the horizontal plane shall be considered non-compliant.
- (5) Any lighting fixtures shall be designed, installed, located and maintained such that glare onto other properties or streets shall be eliminated and all direct illumination kept within the boundaries of the property of origin.
- (6) Accent or landscape lighting shall be directed onto foliage or objects and not skyward or onto adjacent properties. Direct light emissions shall not be visible above the roofline or beyond the building edge.
- (7) Spotlighting on landscaping and foliage shall be limited to 500 lumens output. The lamp shall be shielded and not create disabling or nuisance glare or exceed the UGRs Maximum Value.
- (8) Rotating, flashing, moving or stationary beacons of light used for advertising purposes or public events are prohibited.
- (9) Exterior light fixtures shall be limited to fifteen (15) feet in height from grade.
- (10) Where exterior lighting is used for security purposes or to illuminate walkways, entrances, driveways, equipment yards and parking lots, outdoor shielded lights shall be used.
- (11) This section shall be enforced on the basis of a formal complaint in writing with the Planning and Zoning Department.
- (12) UGRs measurements of a fixture shall be recorded from a point of observation which is at the boundary of the property of origin of the light source.

(f) *Enforcement and Penalties for Violation.*

- (1) It shall be unlawful to install or operate a light fixture in violation of this section. Any person violating any provisions of this section shall be guilty of a petty misdemeanor. Each and every day during which the illegal use continues after notification shall be considered a separate offense. Continued installation of non-compliant fixtures after notification shall be determined to be an additional offense per fixture.
- (2) This Section shall be enforced when the Planning and Zoning Administrator or Village-designated personnel determines a violation has occurred or when any citizen makes a complaint in writing to the Village and investigation by the Village determines that there is a violation of this section. The Planning and Zoning Administrator or Village-designated code enforcement officer will contact the owner, tenant, agent, or person in charge of the premises where the violation has occurred and notify them of the violation in writing.

Section 18-43. Signs and outdoor advertising devices.

All signs and outdoor advertising shall conform to Chapter 8, Article IV of this Code.

Section 18-44. Reserved.

Section 18-45. Permits, certificates and plan approval.

(a) Development review process.

(1) *Approval and permit required.* No building or structure which requires Village of Corrales plan approval shall be constructed upon, nor shall any manufactured home or mobile home be moved upon or installed upon, any lot within the Village without the issuance of a development review permit by the Village building inspector or Planning and Zoning Administrator as required by this article.

(2) *Application and fee.* Anyone wanting to erect a building or structure, construct improvements, or move a manufactured home or mobile home upon any lot within the Village must obtain and submit a completed application for a development review permit. The application shall be returned to the Administrator or Village building inspector accompanied by the appropriate application fee and number of sets of required drawings for review and approval under Section 8-37. Mobile home installation permits shall be submitted to the Administrator or Village building inspector upon issuance.

(3) *Review process.* The Village building inspector or Planning and Zoning Administrator shall determine if the proposed construction of a building or structure, proposed site development improvements, or the proposed installation of a manufactured or mobile home satisfies the requirements of this article and if a variance, zone change, or other permitting procedures and/or approvals are required. The inspector or Planning and Zoning Administrator shall then issue the appropriate permit or notify and advise the applicant of their findings and the subsequent procedures as required by this article

(b) Site development plan approval.

(1) *Approval required.* No building, structure, or land in any zone may be occupied by a use designated as requiring site development plan approval without the approval of a site development plan by the Planning and Zoning Commission.

(2) *Applications.* Anyone requesting a use of a building, structure or land requiring site development plan approval must obtain and submit a completed application for a site development plan review. The application shall be returned to the Administrator accompanied by the appropriate application fee and fourteen (14) sets of required drawings. All site plans or site development plans must satisfy at least the following minimum requirements.

- a. Show proposed new structure(s) and any existing buildings or structures, total lot coverage, all property lines with dimensions, all roads/streets, easements and setbacks.
- b. Show all locations on-site for water, septic, sewer, refuse, electrical points of connections, proposed service routes and existing utilities on the site.
- c. Show all required parking, drainage and grading information (see Section 18-39).
- d. Show required landscaping information (see Section 18-40).
- e. Indicated drainage inflow and outflow locations and specify areas required to be maintained for drainage purposes.
- f. Include a topographic survey if requested by the Administrator.
- g. Show all structures on adjacent properties located within twenty-five (25) feet of the site.
- h. Identify the zone designations of adjacent properties.

- i. Additional information necessary to demonstrate compliance with the requirements for the article as determined by the Administrator.
- j. Show north arrow and scale on all drawings, unless clearly unnecessary for the specific drawing in question.
- (3) *Meeting with the Administrator.* Prior to submitting an application, the applicant shall first schedule a meeting with the Administrator. Review and comments shall be given to the applicant at this time, concerning the relationship of the proposed development to the Village Comprehensive Plan and the applicable zoning ordinances, along with copies of the pertinent sections of this article, applications and other submittal requirements.
- (4) *Review process.* The Administrator shall schedule a hearing before the Commission no later than sixty (60) calendar days following the submittal of a completed application as determined by the Administrator.
- (5) *Guidelines.* The Commission shall not approve any site development plan unless all the requirements of this article are met. The Commission may, in its discretion, grant conditional approval of a proposed site development plan subject to satisfactory completion of certain specified requirements prior to a date certain, and may delegate to the Administrator, the chairman of the Commission, or other specifically designated individual the authority to determine whether such requirements have been satisfactorily completed. In addition, no site development plan shall be approved unless satisfactory provisions have been made concerning the following, where applicable:
- a. Accessibility to property and proposed structures thereon, with particular reference to automobile and pedestrian safety, traffic control, streets/roads, and emergency access in case of fire, flood or catastrophe.
 - b. Off-street parking and loading areas where required, with particular attention to the refuse and service areas (see Subsection 18-37(j)).
 - c. Show all on-site locations for water, septic, sewer and liquid waste facilities, with reference to soil limitations, locations, and public health.
 - d. On-site drainage and storm water runoff.
 - e. The noise, glare, or odor effects of the proposed use on adjoining properties.
 - f. General compatibility with existing adjacent properties.
 - g. The overall health and safety of the community.
 - h. The goals and objectives of the Village of Corrales Comprehensive Plan.
- (6) *Additional requirements.* For specified uses, any change in use which would require additional parking or any alteration or addition to the site of any structure upon the site shall require the resubmittal of an application and approval as required by this section.
- (7) *Completeness of plan.* No site development plan shall be approved unless the submitted plan as presented is complete, or any deficiencies have been fully corrected to the satisfaction of the Commission, or other appropriate authority specifically designated by the Commission.
- (8) Any site development plan approval will automatically expire on the date that is twenty-four (24) months after the date of Commission approval or conditional approval if development is not complete. The Commission, in its discretion, may extend this time in cases in which the project is in litigation or for any other reason that excuses the failure to complete development, provided the extension is not contrary to the public interest. Any decision by the Commission to extend, or not extend, construction time for a site development plan may be appealed to the Governing Body.
- (9) *Notice requirements for a site development plan application.* Legal notice shall be given for any hearing at which a request for a site development plan approval will be heard. In addition to the legal notice of mailing and posting, the applicant shall obtain from the Village a notification sign, which contains information that is pertinent to the site development plan application. This sign must be displayed by

the applicant in a location visible and prominent to the general public on the property for which the site development plan review is requested for at least fifteen (15) days prior to the date of the hearing.

(c) *Home occupation permits.*

(1) *Approval and permit required.* Except as otherwise provided in this Subsection 18-45(c), no person(s) or entity shall engage in a home business or occupation of any kind in the A-1, A-2 or Historic zones without the issuance, review and approval of a home occupation permit.

(2) *Agricultural Activities Exceptions:* Agricultural activities are encouraged and are permissive uses in designated zones. Raising and selling crops and the raising and selling of livestock and fowl that is exempt from New Mexico gross receipts tax and governmental gross receipts tax under NMSA 1978, § 7-9-18 does not require a Home Occupation Permit application. If all the agricultural activities are not exempt from governmental gross receipts tax, a Village business registration is required.

(3) *Application and fee.* Anyone wanting to engage in a business or occupation must submit a completed home occupation permit application. The application shall be returned to the Administrator accompanied by the appropriate application fee.

(4) *Meeting with the Administrator.* Prior to submitting an application, the applicant shall first schedule a meeting with the Administrator. Review and comments shall be given to the applicant at this time, concerning the relationship of the proposed development to the Village Comprehensive Plan and the applicable zoning ordinances, along with copies of the pertinent sections of this article, applications and other submittal requirements.

(5) *Review process.*

a. A home occupation permit and business registration may be issued by the Administrator and Village Clerk on the authority of the Commission but without Commission review if the applicant meets all of the following requirements:

- (i) Applicant shall have obtained a valid CRS identification number from the New Mexico Taxation and Revenue Department, which must be active and in good standing;
- (ii) Applicant shall conduct all business within the confines of the dwelling unit or a single accessory structure listed in accordance with applicable Village ordinances;
- (iii) There shall be no visible appearance of the business outside the dwelling unit or accessory structure listed on the business registration;
- (iv) Applicant shall not engage in the manufacture of tangible goods for sale or trade, at wholesale or at retail, at the location of the home occupation;
- (v) Business activities shall be in full compliance with all local, state and federal laws, rules and regulations;
- (vi) There shall be no more than four (4) business registrations on the property;
- (vii) There shall not be any employees of the business on the property except those residents listed as applicants on the business registration application;
- (viii) If the applicant is not the owner of the property, the applicant shall provide a letter signed by the property owner granting approval for the proposed business use; and
- (ix) The business or occupation is conducted strictly by mail and electronic communications; shall not include the use of heavy equipment, machine tools, or other audible power equipment; and shall not include regular or repeated client visits to the property.

b. If a person granted a home occupation permit under the provisions of the preceding Subsection 18-45(c)(5)(a) is found by the Administrator to have violated any of the requirements set forth therein, such person upon notice by the Administrator shall have thirty (30) days to file an amended

application for a home occupation permit for Commission consideration under the following Subsection 18-45(c)(5)(c).

c. If the proposed home occupation does not clearly qualify for administrative approval under Subsection 18-45(c)(5)(a), the Administrator shall schedule a hearing on the application before the Commission no later than sixty (60) calendar days following the submittal of a completed application. The applicant shall attend or send an authorized representative to the hearing on the date set by the Administrator. The Commission after hearing on the application shall issue approval for a home occupation permit if the Commission finds:

- (i) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by the occupants.
- (ii) Not more than twenty-five (25) percent of the floor area of the dwelling unit and not more than two thousand (2,000) square feet in an accessory building shall be used for all home occupations upon the lot. For lots located in the Neighborhood Commercial and Office District (NCOD) as defined in the FNWS Plan Addendum to the NWS Plan, Ordinance 342, dated February 12, 2002, not more than forty-five (45) percent of the floor area of the dwelling unit or more than four thousand (4,000) square feet in an accessory building shall be used for all home occupations upon the lot.
- (iii) No more than one person other than residents of the premises shall be engaged in all home occupation at any one time on the premises in A-1 and A-2 zoned lots. For lots located in the Neighborhood Commercial and Office District (NCOD) as defined in the FNWS Plan Addendum to the NWS Plan, Ordinance No. 342, dated February 12, 2002, no more than 3 persons other than residents of the premises shall be engaged in all home occupation at any one time on the premises.
- (iv) There shall be no change in the exterior appearance of the buildings or premises, or any visible evidence of the conduct of a home occupation other than:
 - i. Activities normally associated with a permissive use of the residence, and
 - ii. An appropriate sign as regulated by chapter 8, Article IV of this Code.
- (v) All business-related tools and materials shall be maintained to have an orderly appearance.
- (vi) No equipment or process shall be used in the home occupation, which creates noise, vibration, glare, fumes, noxious odors, or other nuisances detectable from adjacent properties.
- (vii) There shall be no sales of goods or services from the home, which would generate greater traffic volume than would be created in a residential neighborhood.
- (viii) No more than two service vehicles used in the conduct of the home occupation shall be upon the premises at any one time for all home occupation(s) and business registrations.
- (ix) Any parking needs generated by the conduct of the home occupation shall be met by using off-street parking.
- (x) Maximum of four (4) home occupations shall be permitted on any one lot at any one time.
- (xi) In approving a home occupation permit, the Commission shall designate the specific uses permitted.
- (xii) If the applicant is not the owner of the property, the applicant shall provide a letter signed by the property owner granting approval for the proposed business use.

d. Any change in use and/or addition to the site of any structure to be used in conjunction with the home occupation shall require the re-submittal of an application and approval as required by this Subsection 18-45(c)(5). All representations made by the applicant to the Commission or to the Governing Body in connection with an application for a home occupation permit, whether

presented in written form or verbally presented at hearing, shall be deemed conditions of the home occupation permit, and any subsequent deviation therefrom shall be considered a change in use requiring re-submittal of an application and approval of an amended home occupation permit reflecting the change in use.

- (6) *Notice requirements for home occupation permit.* The hearing at which a request for home occupation permit will be heard requires public notice. In addition to public notice, the applicant shall obtain from the Village a notification sign, which contains information that is pertinent to the home occupation permit application. This sign must be displayed by the applicant in a location visible and prominent to the general public on the property for which the home occupation permit is requested for at least 15 days prior to the date of the hearing.

(d) *Special use permit.*

- (1) *Approval and permit required.* Any person or entity wanting to engage in a use on a commercial zoned lot which is not identified as a commercial permissive use for the C zone, or a use on a lot zoned M for municipal, public or quasi-public use which is identified as a use by review for the M zone, may request a special use permit for that particular use.

- (2) *Application and fee.* Anyone wanting a special use permit must obtain and submit the completed application for a special use permit. This application shall be returned to the Administrator accompanied by the appropriate application fee and number of sets of required drawings. All special use permits must satisfy at least the following minimum requirements:

- a. Show proposed new structure(s) and any existing buildings or structures, all property lines with dimensions, all roads/streets, easements and setbacks.
- b. Show all locations on-site for water, septic, sewer, refuse, electrical points of connections, proposed service routes and existing utilities on the site.
- c. Show all required parking, drainage and grading information.
- d. Show required landscaping information.
- e. Indicated drainage inflow and outflow locations and specify areas required to be maintained for drainage purposes.
- f. Include a topographic survey if requested by the Administrator.
- g. Show all structures on adjacent properties located within twenty-five (25) feet of the site.
- h. Identify the zone designations of adjacent properties.
- i. Additional information necessary to demonstrate compliance with the requirements for the article as determined by the Administrator.
- j. Show north arrow and scale on all drawings unless clearly unnecessary for the specific drawing in question.

- (3) *Review process.* The Administrator shall schedule a hearing before the Planning and Zoning Commission no later than 45 days following the submittal of a completed application, and legal notice (as defined in Section 18-29) of the hearing shall be provided to adjacent property owners with the costs of such notice borne by the applicant.

- (4) *Meeting with Administrator.* Prior to submitting an application, the applicant shall first schedule a meeting with the Administrator. Review and comments can be obtained at this time, concerning the relationship of the proposed special use to the Village comprehensive plan and the applicable zoning ordinances, along with copies of the pertinent sections of this article, applications and other submittal requirements.

- (5) *Guidelines.* The Planning and Zoning Commission shall not approve any special use permit unless all the requirements as required by this article for the C commercial zone or the M municipal, public and quasi-public zone, as applicable, are met and satisfactory provisions have been made concerning the following, where applicable:

- 1564 a. Accessibility to property and proposed structures thereon, with particular reference to automobile
1565 and pedestrian safety, traffic control, and emergency access in case of fire, flood or catastrophe;
1566 access shall be from a major thoroughfare to the extent possible;
- 1567 b. Off-street parking and loading areas where required, with particular attention to the refuse and
1568 service areas;
- 1569 c. Show all on-site locations for water, septic, sewer and liquid waste facilities, with reference to soil
1570 limitations, locations and public health;
- 1571 d. On-site drainage and storm water runoff;
- 1572 e. The noise, glare, or odor effects of the proposed use on adjoining properties;
- 1573 f. General compatibility with existing adjacent properties; and
- 1574 g. The goals and objectives of the Village of Corrales' Comprehensive Plan.
- 1575 h. Applicant must show an approved NMED waste permit for the proposed use.
- 1576 i. State engineer's approval of the well and water usage for the proposed use.
- 1577 (6) *Additional requirements:*
- 1578 a. In approving a special use permit, the Planning and Zoning Commission may impose any
1579 condition deemed to be in the best interests of the Village.
- 1580 b. Any change in use and/or any alteration or addition to the site of any structure upon the site shall
1581 require the resubmittal of an application and approval as required by this section.
- 1582 (7) *Sunset:* Any special use permit will automatically expire twenty-four (24) months after approval by the
1583 Commission if the approved use is not implemented. The Commission, in its discretion, may extend, or
1584 not extend, this time in cases in which the use is the subject of litigation or for any other reason that
1585 excuses the failure to undertake the use through no fault of the applicant. Any decision by the Planning
1586 and Zoning Commission to extend the time for implementation of the special use may be appealed to the
1587 Governing Body.
- 1588 (8) *Abandonment.* Whenever a special use permit has been discontinued or abandoned for a period of twelve
1589 (12) months or more, such use shall not thereafter be reestablished, and any future use must be in
1590 conformance with the provision of this article.
- 1591 (9) *Notice requirements for special use permit approval.* Legal notice shall be given for any hearing at
1592 which a request for a special use permit approval will be heard. In addition to the legal notice of mailing
1593 and posting, the applicant shall obtain from the Village a notification sign, which contains information
1594 that is pertinent to the special use permit application. This sign must be displayed by the applicant
1595 in a location visible and prominent to the general public on the property for which the special use
1596 permit review is requested for at least fifteen (15) days prior to the date of the hearing.
- 1597
- 1598 (e) *Demolition permit.*
- 1599 (1) *Scope and purpose.* This Subsection 18-45(e) is applicable to all properties, whether residential or
1600 commercial, within the Corrales Road Commercial Area. It is the intent of this Subsection 18-45(e) to:
- 1601 a. preserve and protect buildings and structures that constitute or reflect distinctive features of the
1602 architectural, cultural, economic, political or social history within the Corrales Road Commercial
1603 Area, as defined in Section 18-37(b);
- 1604 b. limit the detrimental effect on community character and heritage that may result from the
1605 demolition of such buildings and structures; and
- 1606 c. provide timely review of applications for demolition permits so as not to impose undue burdens
1607 on the applicant. This Subsection 18-45(e) is applicable to all properties, residential or
1608 commercial, within the Corrales Road Commercial Area.

1609 (2) *Limitations and exceptions; emergency demolition.*

1610 a. This Subsection 18-45(e) shall not apply to applications or requests for demolition due to an actual
1611 threat to public health or safety or to emergency demolition orders issued by the Village as a
1612 consequence of a threat to public health, safety or welfare. In the event that an applicant or other
1613 authority requests approval for emergency demolition because of an imminent and substantial
1614 danger to the health or safety of the public, the Administrator shall cause the inspection of the
1615 premises and the documentation in writing or through photographic means of the conditions or
1616 circumstances appearing to require emergency demolition. If the Administrator determines that
1617 emergency demolition is justified, the Administrator shall state in writing the Administrator's
1618 findings and reasons requiring the emergency demolition and shall issue the requested permit. The
1619 Administrator's findings and all documentation supporting them shall be made part of the record
1620 relating to the permit.

1621 b. The provisions of this Subsection 18-45(e) shall not be construed to prevent the ordinary maintenance
1622 or repair of any exterior architectural features, nor to prevent the erection, alteration or removal of
1623 any such feature which the Mayor, the Village Administrator, the Planning and Zoning
1624 Administrator, the building inspector, the fire chief, or the designee of any of them, determines
1625 must be erected, altered or removed for the public safety because of an unsafe condition resulting
1626 from damage or deterioration.

1627 (3) *Creation of Corrales Heritage Committee.* There is hereby created the Corrales Heritage Committee,
1628 consisting of up to five (5) members appointed by the Mayor with the advice and consent of the
1629 Governing Body. Each member appointed to the Corrales Heritage Committee shall have expertise or
1630 experience in some aspect of historic preservation. The Corrales Heritage Committee shall meet from
1631 time to time, on the request of the Administrator or at the call of the chairperson, to advise the
1632 Administrator regarding any specific applications for demolition permits that may be submitted under
1633 this Subsection 18-45(e). All meetings of the Corrales Heritage Committee shall be public and shall be
1634 appropriately noticed. However, the Corrales Heritage Committee shall be purely advisory in nature, and
1635 shall not have power to establish or implement public policy.

1636 (4) *Actions requiring demolition permit.*

1637 a. No person, partnership, firm, corporation, or other entity of any nature shall demolish any building,
1638 structure or part thereof if any portion of such building or structure is over fifty (50) years old and
1639 is located on land within the Corrales Road Commercial Area, as defined in Section 18-37(b),
1640 except in accordance with a demolition permit issued by the Administrator or building inspector
1641 following approval by the Commission. If the age of the building or structure is unknown,
1642 undeterminable or in dispute, it shall be assumed to be at least fifty (50) years old for purposes of
1643 this Subsection 18-45(e). A demolition permit shall be issued with such limitations and conditions,
1644 if any, as may be imposed or required by the Commission.

1645 b. Each demolition permit shall clearly describe the building or structure to which it applies. The terms
1646 building and structure as used herein have the meanings set forth in Section 18-29(a). In
1647 accordance with those definitions, the term structure shall be understood to include constructed
1648 edifices of any kind, and includes but is not limited to buildings, fences, barns, bandstands,
1649 bridges, gates, and other structures not necessarily meant for human occupation. A permit to
1650 demolish or remove one building or structure shall not be deemed to include permission to
1651 demolish or remove other buildings or structures on or off the property, unless explicitly included
1652 within the scope of the permit.

1653 c. In addition to complete demolition of a building or structure, the following actions shall require a
1654 demolition permit for buildings or structures described in the foregoing 18-45(e)(4)(a):

1655 (i.) Removal of a roof for the purpose of: raising the overall height of a roof; rebuilding the roof to
1656 a different pitch; or adding another story to the building or structure.

1657 (ii.) Removal of one or more exterior walls of a building if the wall or walls faces Corrales Road.

1658 (iii.) Removal of more than twenty-five percent (25%) of the gross square footage of a structure,
1659 as determined by the Administrator or building inspector.

(iv.) The lifting and relocation of a building on its existing site or to another site.

(v.) The delay or withholding of maintenance on a building or structure in such a way as to cause or allow a significant loss of architectural integrity or structural stability.

(5) *Demolition permit application.* Any person, partnership, firm, or entity seeking to demolish, in whole or in part, a building or structure that is over fifty (50) years old and is located on land within the Corrales Road Commercial Area shall deliver to the Village Clerk an application, in a form approved by or acceptable to the Administrator, which shall include as a minimum the following:

a. The common name (if any) and actual street address of the building or structure, and a complete legal description of the land upon which the building or structure is located;

b. The name, address and telephone number of the applicant and of the owner of the land, if the landowner is not the applicant;

c. The age of the building or structure and, if applicable, of the portion of the building or structure proposed for demolition, with evidence for the age stated;

d. The total dimensions or square footage of the building or structure to be demolished;

e. The dimensions or square footage of the area proposed to be demolished, if less than the entire building or structure;

f. A brief description of the materials, configuration and use of the existing building or structure;

g. One or more recent photographs showing all elevations and including an aerial photograph of the building or structure;

h. The reason for requesting a demolition permit;

i. A brief description of the proposed reuse, reconstruction or replacement for the existing building or structure; and

j. The signatures of the applicant and of the landowner (if different from the applicant) affirming the accuracy of the information provided and confirming that the application is submitted with their approval.

(6) *Review process.*

a. The Administrator shall schedule a hearing before the Commission no less than sixty (60) days after the submittal of a completed application for demolition with the required fee, if any. The completeness of the application shall be determined by the Administrator. In the event that an application is deemed incomplete, the application shall be returned to the applicant with a notation of the deficiencies rendering it incomplete. The Administrator shall prepare a report for presentation to the Commission prior to the hearing, with the Administrator's recommendations to the Commission. In preparing the report, the Administrator may (1) seek the advice of the Corrales Heritage Commission; (2) seek or require the applicant to provide additional information that the Administrator deems reasonably necessary for their recommendation; or (3) meet with the applicant to discuss options, alternatives or other outcomes in lieu of demolition.

b. At hearing, the Commission may approve the demolition permit application, may deny it for good cause shown, or may approve it with such conditions as may appear best to the Commission considering all testimony and evidence presented. In considering a demolition permit application, the Commission may take into account, but is not limited to, the following considerations:

(i.) Whether the building, structure or property is listed on the National and/or State Register of Historic Places;

(ii.) Whether the building, structure or property is associated with persons or events of historical importance;

(iii.) Whether the building, structure or property is associated with the architectural, cultural, political, economic or social history of the Village; and

- (iv.) Whether the building or structure is historically or architecturally reflective for its period, style, method of construction or association with a particular architect, builder or craftsman.
- d. In the event that a demolition permit is granted, the Commission may as a prior condition for issuance of such permit:
- (i.) Require submittal of a replacement site development plan meeting the requirements set forth in Subsection 18-45(b);
- (ii.) Require documentation of any architectural, cultural, economic, political or social history attributes of the building or structure to be demolished; or
- (iii.) Impose such other pre-demolition requirements as the Commission deems appropriate.
- (7) *Withdrawal of application.* In the event that a property owner or applicant prior to hearing before the Commission determines that an alternative use in lieu of demolition is appropriate and acceptable, then:
- (i.) The applicant shall submit a written statement to the Village Clerk, the Administrator or their designee withdrawing the demolition permit application and stating in general terms the alternative use or disposition that will be made in lieu of demolition.
- (ii.) The applicant, along with or following submittal of the written statement withdrawing the application, may submit any application or request that is necessary in connection with the alternative use or disposition. Any fee paid to the Village in connection with the demolition permit application shall be credited against any fee or fees required to be paid in connection with the application or permit request for the alternative use or disposition.
- (8) *Notice requirements for demolition permit.* Public notice is required for the hearing at which the demolition permit application will be heard by the Commission. In addition to public notice, the applicant shall obtain from the Village a notification sign, which shall include information pertinent to the demolition permit application and notify readers of the date and time of the hearing before the Commission. The sign must be displayed by the applicant in a location visible and prominent to the general public on the property for which the demolition permit is requested, for a period of not less than fifteen (15) days prior to the date of the hearing.
- (9) *Notice requirements for historically registered properties.* In the event that a demolition permit application is submitted for any property registered on the National and/or State Register of Historic Places, the Administrator shall promptly, in writing, notify the Corrales Historical Society and the New Mexico State Historic Preservation Office (SHPO) of the application. In addition, to ensure adequate notice to the public, the applicant shall within two (2) days following submittal of the application place in a prominent visible location upon the property a sign, provided or approved by the Administrator, notifying viewers that the demolition permit application has been submitted and will be considered by the Commission at a date to be determined, which sign shall remain in place until the hearing before the Commission or the withdrawal of the application.
- (10) *Issuance of permit.* A demolition permit approved by the Commission shall be issued by the Administrator promptly after approval, unless before issuance of such permit a timely appeal of the Commission's decision is filed in accordance with Section 18-49.
- (11) *Time limitation and expiration of permit.* Any demolition permit issued pursuant to this Subsection 18-45(e) shall be valid for a period of one hundred eighty (180) days from the date of issuance. In the event that the permitted demolition is commenced but not completed within one hundred eighty (180) days from the date of issuance, the permittee may request an extension of time to complete the demolition, and the Administrator in his or her discretion may approve an extension of time not to exceed ninety (90) days. In the event that the permitted demolition has not been commenced within one hundred eighty (180) days from the date of issuance, the permittee may seek Commission approval for an extension of time, which shall not exceed an additional one hundred eighty (180) days from the original expiration date. If the demolition work has not been completed within the one hundred eighty (180) day permit period plus approved extensions, if any, the demolition permit shall be void and the work may not

proceed until the applicant has submitted a new application and obtained a new demolition permit in accordance with all applicable requirements.

(f) *Short-term rentals, approval and permit required.*

(1) Except as otherwise provided in this Subsection 18-45(f), no person(s) or entity shall engage in short-term rentals in the A-1, A-2, C or Historic zones without a valid short-term rental permit issued by the Village of Corrales for the particular real property. Short-term rental permits are issued to the owner(s) of the property and are not assignable or transferable.

(2) *Application and Fee.* Anyone wishing to engage in short-term rentals must submit a completed application. The application shall be returned to the Administrator accompanied by the appropriate application fee and must show, at a minimum:

a. The maximum number of occupants and vehicles that the dwelling unit and any accessory structures can accommodate.

(i.) In commercial zones, there can be no more than six guest rooms on a short-term rental property and no more than two total occupants per bedroom being used as a short-term rental. Children ages twelve (12) and under staying with a parent or guardian are not covered by the occupancy limit if the size of the room accommodates it and it is allowed by the owner or operator of the dwelling unit.

(ii.) In the A-1 and A-2 zones, there can be no more than four guest rooms on a short-term rental property and no more than two occupants per bedroom being used as short-term rental. Children ages twelve (12) and under staying with a parent or guardian are not covered by the occupancy limit if the size of the room accommodates it and it is allowed by the owner or operator of the dwelling unit.

b. A Google map or similar map showing the entire property, all roads which abut the property and at least 25 feet of adjacent properties, showing on-site parking, areas subject to the short-term rental business, and the location of the septic tank.

c. Floorplan showing all bedrooms within the dwelling unit on the property.

d. Off-street parking required, with at least one parking space per bedroom on the property.

e. A valid septic permit for the property, showing the number of bedrooms permitted by the State to the septic system on the property.

f. The name, mailing address, email address, and contact phone numbers (including 24-hour emergency contact numbers) of the owner of the property for which the permit will be issued.

g. The name, mailing address, email address, and contact phone numbers (including 24-hour emergency contact numbers) of the operator and the local contact person for the owner of the rental.

h. A valid New Mexico gross receipts tax number for the operator.

i. Short-term rental permit application fee.

(3) *Meeting with the Administrator.* Prior to submitting an application, the applicant shall first schedule a meeting with the Administrator. Review and comments shall be given to the applicant at this time, concerning the relationship of the proposed development to the Village Comprehensive Plan and the applicable zoning ordinances, along with copies of the pertinent sections of this article, applications and other submittal requirements.

(4) *Review Process.* The Administrator shall schedule a hearing on the application before the Planning and Zoning Commission no later than sixty (60) days following the submittal of a completed application.

(5) *Commission approval.* The Planning and Zoning Commission may approve a short-term rental permit if the Commission finds that the applicant has met the requirements of Section 18-45(f)(2)(a) through (i). The Commission may add such additional conditions or limitations upon the permit which may be appropriate to minimize any potential adverse impacts upon surrounding properties.

1801 (6) *Conditions of issuance of short-term rental permit.*

- 1802 a. Events not permitted. Short-term rental permits only allow overnight accommodations, with or
1803 without the service of breakfast, to registered overnight guests only. No property for which a
1804 short-term rental permit has been issued shall be used as an event center for parties, weddings or
1805 other gatherings where additional persons other than registered overnight guests are present. This
1806 is a condition of the issuance of a short-term rental permit which the permit holder accepts upon
1807 issuance of the permit by the Village. In addition to other penalties under the Village Code, a
1808 violation of this condition may result in the revocation of the short-term rental permit.
- 1809 b. Upon approval by the Commission, a business license is required for anyone conducting business
1810 within the Village of Corrales.
- 1811 c. Upon approval by the Commission, a fire inspection will be required and the property must be
1812 compliant with the Fire Code.
- 1813 d. A lodger's tax registration number for the property.

1814 (7) *Penalties for violation of requirements of subsection (f) of Section 18-45*

- 1815 a. Any person who violates any provision of subsection (f) of Section 18-45 shall upon a first conviction,
1816 be subject to a fine of not less than \$250.00 nor more than \$500.00, or imprisonment of not more
1817 than 90 days, or both such fine and imprisonment.
- 1818 b. Any person who violates any provision of subsection (f) of Section 18-45 shall upon a second or
1819 subsequent conviction, be subject to a fine of \$500.00 or imprisonment of not more than 90 days,
1820 or both such fine and imprisonment.
- 1821 c. Each day that a violation occurs constitutes a separate violation of Village of Corrales Municipal Code
1822 as provided for in this subsection.
- 1823 d. The Village Code Enforcement Officer or other designated Village employee shall take action to
1824 correct the violation as provided for in the Code.
- 1825 e. Possible Revocation of short-term rental permit.

1826 (8) *Notice requirements for short-term rental permit.* The hearing at which a request for short-term rental
1827 permit will be heard requires public notice. In addition to public notice, the applicant shall obtain from the
1828 Village a notification sign, which contains information that is pertinent to the short-term rental
1829 permit application. This sign must be displayed by the applicant in a location visible and prominent to the
1830 general public on the property for which the short-term rental permit is requested for at least 15 days prior to
1831 the date of the hearing.

1832 (g) *Cannabis related activities, approval and permit required.* For purpose of this section, all measurements for the
1833 purpose of determining the location of a cannabis retail establishment, cannabis consumption area, or cannabis
1834 courier in relation to schools or daycare centers shall be the shortest direct line measurement between the actual
1835 limits of the real property of the school or daycare center and the actual limits of the real property of the proposed
1836 cannabis establishment, cannabis consumption area, or cannabis courier.

- 1837 (1) No person(s) or entity shall engage in the production, manufacture, or sale of cannabis or cannabis
1838 products in any zones without a current business registration and a valid Cannabis permit issued by the
1839 Village of Corrales, permitting the specific cannabis-related activity or activities sought to be permitted
1840 on the premises. Cannabis permits are issued to the applicant(s) and are not assignable or transferable.
1841 Compliance with this section does not alleviate the applicant(s) from requiring approval from the
1842 Planning Administrator for all other applicable sections of 18-45.
- 1843 (2) Application and fee. Anyone wishing to conduct cannabis-related activity must submit a completed
1844 application. The application shall be returned to the Administrator accompanied by the appropriate
1845 application fee for the use(s) to be permitted, and must show, at a minimum:
- 1846 a. The complete documentation to be provided to the Regulation and Licensing Department.

- 1847 b. The cannabis retailer, cannabis consumption area, or cannabis courier facility to be permitted may
1848 not be located within 300 feet of a school or daycare center in existence at the time a permit was
1849 sought.
- 1850 c. The cannabis retailer and cannabis consumption area seeking a permit may not be located within
1851 200 feet of another cannabis retailer or cannabis consumption area in existence at the time a permit
1852 was sought.
- 1853 d. A site plan, including all greenhouse(s) proposed for the growth of cannabis and any accessory
1854 structure(s) located on the premises.
- 1855 e. Valid proof of identity of the person(s) seeking the permit, indicating they are at least 21 years of
1856 age.
- 1857 f. Proof of ownership or legal occupancy of the premises to be permitted, including an affidavit from
1858 the owner of the property that the applicant has permission to conduct cannabis-related activity on
1859 the premises if the property is not owned by the applicant.
- 1860 g. A valid New Mexico gross receipts tax number.
- 1861 h. The name, mailing address, email address, and contact phone numbers (including 24-hour
1862 emergency contact numbers) of the owner of the property for which the permit will be issued.
- 1863 i. All other legal requirements as provided for according to the regulations set forth by the Regulation
1864 and Licensing Division pertaining to cannabis and cannabis related activity.
- 1865 j. The Zoning Permit approval shall be granted contingent upon the licensee providing a valid license
1866 upon approval from RLD.

1867 (3) Compliance with 18-45(g)(3)(a) through 18-45(g)(3)(d) required. Any cannabis establishment seeking to
1868 construct or occupy a building or structure requiring a site development plan pursuant to 18-45(g)(3)(a)(d) of
1869 the Village Code must provide documentation of Site Development Plan approval at the time of
1870 permit application.

- 1871 a. All cannabis establishments shall be equipped with odor control filtration and ventilation system(s)
1872 based on the current industry-specific best control technologies. No operable windows or exhaust
1873 vents shall be located on any building facade. Exhaust vents on rooftops shall direct exhaust away
1874 from residential uses or zones. The building, or portion thereof, used for cannabis production,
1875 manufacture, retail, or consumption shall be designed or equipped to prevent detection of marijuana
1876 odors and other objectionable odors from the property line.
- 1877 b. Greenhouses or other structures incidental to the production of cannabis or cannabis products or
1878 manufacture of cannabis or cannabis products shall be ventilated in such a manner that no
- 1879 (i) Pesticides, insecticides or other chemicals or products used in the cultivation or processing are
1880 dispersed into the outside atmosphere
- 1881 (ii) No odor from marijuana cultivation, processing, sale, storage or consumption can be detected
1882 by a person with an unimpaired and otherwise normal sense of smell at any adjoining use or
1883 adjoining property to the cannabis producer or cannabis manufacturer.
- 1884 (iii) Odor Control: Odor filtration systems shall be maintained regularly such that odor abatement
1885 remains effective.
- 1886 (iv) Cannabis producers shall keep a maintenance record for their filtration system(s) which shall
1887 include, at a minimum: the filter(s) changed, date the filter change was conducted, and due
1888 date for next filter change.
- 1889 (v) The exhaust system to control odor shall be designed by a licensed professional air
1890 quality/environmental engineer recognized by the State of New Mexico.
- 1891 c. Greenhouses, manufacturing facilities, or other structures incidental to the production of cannabis or
1892 cannabis products shall be equipped with noise buffering panels sufficient to reduce sound
1893 emissions below 85 decibels as measured from the property line.
- 1894 d. Applicants must provide a valid permit from the Office of the State Engineer at the time of
1895 application certifying access to water rights sufficient to conduct the activity or activities for which
1896 the Village permit is sought.
1897

(4) Hours of Operation. No commercial cannabis producer, manufacturer, or courier shall be permitted to operate between the hours of 10pm and 8am the following day. No commercial cannabis retailer or consumption area shall be permitted to operate between the hours of 8pm and 10am the following day.

Section 18-46. Reserved.

Section 18-47. Nonconformance.

- (a) *Nonconformance.* A nonconforming use, structure, or lot (as defined in Section 18-29) which was lawful prior to November 13, 1989, but would be prohibited or restricted under the terms of this article, or has become nonconforming by amendment of this Code after November 13, 1989 shall be deemed nonconforming.
- (b) *Burden of proof.* The burden of establishing that a nonconforming use, structure, or lot lawfully exists under this article, in all cases, shall be the owner's and not that of the Village of Corrales.
- (c) *Certificate of nonconformance.* A certificate of nonconformance will be issued by the Administrator for a nonconforming use, structure, or lot at the request of the property owner or the Planning and Zoning Commission.
- (d) Nonconforming uses and structures shall not be expanded, enlarged, or intensified without conforming to the requirements of this article.
 - (1) A lawful use may be added to any portion of a building which currently contains a nonconforming use or a portion of a nonconforming lot without being deemed a nonconforming use.
- (e) *Restoration and replacement.* If a nonconforming structure is damaged or destroyed by any means, its restoration or replacement shall be permitted provided that:
 - (1) There is no increase in lot coverage or total square footage of structures as a result of that restoration or replacement; and
 - (2) Restoration or replacement is in conformance with the height, setback, open space, landscaping and other development standards of this article.
- (f) *Abandonment of a nonconforming use.* Whenever a nonconforming use has been discontinued or abandoned for a period of twelve (12) months or more, such use shall not thereafter be reestablished, and any future use must be in conformance with the provisions of this article.
- (g) *Nonconforming lot.*
 - (1) Any lot existing, prior to the effective date of this article which fails to meet the minimum lot size requirements of this article, may be developed, redeveloped, or improved provided that all other requirements of this article are met. If a nonconforming lot is within three hundred (300) feet of an existing sewer line, a connection to that sewer line is required. If a connection to an existing sewer line is not available, the Village of Corrales requires that any lot that is less than .75 acres must install an advanced septic treatment system. No conventional septic system shall be installed on a lot less than .75 acres. Proof of a permit for the installation of the advanced septic treatment system, or connection to the sewer line, will be required by the planning and zoning division prior to issuance of a development review permit.

Section 18-48. Amendment, zone map amendment, and variance procedures.

- (a) *Amendment.* The Governing Body may amend any part of this article, including the zone district boundaries, following a review and recommendation made by the Planning and Zoning Commission; however, the Governing Body is not bound by the recommendation of the Commission.

- (1) *Review process for amendment.* The Administrator shall schedule a public hearing on any proposed amendment to this article before the Planning and Zoning Commission no later than sixty (60) days following the submittal of a request for such public hearing by the Governing Body. The Commission shall transmit a recommendation in writing to the Governing Body within fifteen (15) days after its review of the proposed amendment is completed.
- (b) *Zone map amendments.*
- (1) *Applications for zone map amendment.* Anyone requesting a zone map amendment to this article must submit the completed application form for a zone map amendment request. This form shall be returned to the Administrator accompanied by the appropriate application fee and number of sets of required drawings.
- (2) *Meeting with Administrator.* Prior to submitting an application for a zone map amendment, the applicant shall first schedule a meeting with the Administrator. Review and comments can be obtained at this time concerning the relationship of the application to the Village Comprehensive Plan and the applicable zoning ordinances, along with copies of the pertinent provisions of this article, applications and other submittal requirements.
- (3) *Review process for zone map amendment.* The Administrator shall schedule a hearing on an application for a zone map amendment before the Planning and Zoning Commission no later than sixty (60) days following the submittal of the completed application. The Commission shall transmit a recommendation on any zone map amendment request in writing to the Governing Body within fifteen (15) days after its review of the proposed zone map amendment is completed. The Governing Body shall schedule a hearing on the application for a zone map amendment as soon as reasonably practicable, but no more than one hundred twenty (120) days after the Commission's recommendation is transmitted to the Governing Body.
- (4) *Conditions for zone map amendment.* In considering a request for approval of a zone map amendment, other than Village-owned property to the M zone, the Planning and Zoning Commission and Governing Body shall consider the following:
- Compatibility with the zoning and use of adjacent properties and other properties in the vicinity;
 - The overall health and safety of the community;
 - The goals and objectives of the Comprehensive Plan;
 - One or more of the following conditions exist:
 - There was a mistake in the original zoning;
 - There has been a change in the neighborhood or community conditions that justify the change;
 - A change in zoning would be more advantageous to the community as articulated in the comprehensive plan.
 - The cost of land or other economic considerations shall not be the determining factor for zone change.
 - The site is physically suitable for the development of the uses and density permitted by the proposed zoning district.
- (5) Prior to development a site development plan will be required. See Section 18-45 (b) for site development plan procedures
- (6) Village-owned property; request for zone map amendment to "M" Municipal, public and quasi-public zone. In considering a request by the Village for approval of a zone change to "M" (Municipal, public and quasi-public) zone, the Commission and the Governing Body shall consider the overall health, safety and welfare of the community.
- (7) If the owners of twenty percent or more of the area of the lots and of land included in the area proposed to be changed by a zoning regulation or within one hundred feet, excluding public right-of-way, of

1989 the area proposed to be changed by a zoning regulation, protest in writing the proposed change in the
1990 zoning regulation, the proposed change in zoning shall not become effective unless the change is
1991 approved by a majority vote of all the members of the Governing Body. NMSA 1978, Section 3-21-
1992 6(C).

1993 (8) *Notice requirements for zone map amendments.* The hearing at which a request for a zone
1994 map amendment will be heard must receive legal notice. In addition to legal notice, the Administrator
1995 will provide the applicant with a notification sign, which contains information that is pertinent to the
1996 zone map amendment or variance application. This sign must be displayed by the applicant
1997 in a location visible and prominent to the general public on the property for which the zone
1998 map amendment or variance is requested for at least fifteen (15) days prior to the date of the hearing.

1999 (c) Variances.

2000 (1) *Applications for variance.* Anyone requesting a variance to this article must submit the
2001 completed application form for a variance request. This form shall be returned to
2002 the Administrator accompanied by the appropriate application fee and number of sets of required
2003 drawings.

2004 (2) *Meeting with Administrator.* Prior to submitting an application for a variance, the applicant shall first
2005 schedule a meeting with the Administrator. Review and comments can be obtained at this time concerning
2006 the relationship of the application to the Village Comprehensive Plan and the applicable zoning
2007 ordinances, along with copies of the pertinent provisions of this article, applications and other submittal
2008 requirements.

2009 (3) *Review process for variance.* The Administrator shall schedule a hearing on the application before the
2010 Planning and Zoning Commission no later than sixty (60) days following the submittal of a completed
2011 application.

2012 (4) *Conditions for variance:* The Planning and Zoning Commission may deny any request for a variance that is
2013 based on conditions which are the result of the action of the applicant. Where the Planning and Zoning
2014 Commission finds that the strict application of the requirements of this article would result in a practical
2015 difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or
2016 building, a variance may be granted provided that:

2017 a. The variation of this article will not be contrary to the public interest,

2018 b. The variation will not adversely affect adjacent property owners or residents,

2019 c. The conditions are unique to the property, and

2020 d. The variance is authorized only for lot controls and not for use of the premises.

2021 (5) Prior to development, a Site Development Plan will be required pursuant to Section 18-45(b).

2022 (6) *Notice requirements for a variance.* The hearing before the Planning and Zoning Commission at which a
2023 request for a variance will be heard must receive legal notice. In addition to legal notice, the
2024 Administrator will provide the applicant with a notification sign, which contains information that is
2025 pertinent to the variance application. This sign must be displayed by the applicant in a location visible
2026 and prominent to the general public on the property for which the variance is requested for at least
2027 fifteen (15) days prior to the date of the hearing.

2028 (7) *Preservation incentive variance; scope, application and review.* The scope, application process, review
2029 procedures and conditions for approval set forth in this Subsection 18-48(d) govern applications for a
2030 preservation incentive variance as provided in Subsection 18-35(j) and Subsection 18-37(l).

2031 a. *Intent and scope.* It is the intent of this subsection to provide incentives for property owners in the
2032 Corrales Road Commercial Area (CRCA) and the H - Historic Area Zone to preserve and protect
2033 buildings fifty (50) years old or older, traditional development patterns, structures built of
2034 traditional materials such as adobe and terrón, and to provide flexibility in the application of
2035 ordinances and regulations that may be inconsistent with the historical development and building

traditions of Corrales. An application for a preservation incentive variance relating to property within the CRCA or the H zone may be requested for:

- (i) Lot coverage;
- (ii) Parking requirements and location;
- (iii) Setback requirements;
- (iv) Architectural requirements; or
- (v) Fees imposed by the Village.

b. *Application.* Any person seeking a preservation incentive variance in connection with a development review permit, a site development plan or other required permit for property in the CRCA or the H zone shall deliver a complete application to the Village Clerk for review by the Administrator prior to or in conjunction with the application for permit or plan approval. No fee shall be required for submittal of the preservation incentive variance application. A complete application shall include, as a minimum, the following:

- (i) The common name (if any) and actual street address of the property and the building or structure that is the basis for the application, and a complete legal description of the land;
- (ii) The name, address and telephone number of the applicant and of the owner of the land, if the owner is not the applicant;
- (iii) A brief description, with appropriate drawings and photographs, stating the existing conditions on the property;
- (iv) A description and drawings of the proposed project, including any changes to existing buildings fifty (50) years old or older or structures built of adobe or terrón, and any changes in appearance of the property that will be visible from Corrales Road or Old Church Road. Include a brief description of the proposed use or reuse of the property and existing buildings or structures on the property. Include a discussion of the property's existing contribution characteristics to the historic Village character, and how the proposed project will be consistent with, or will enhance the historic characteristics of the area. Written descriptions may discuss construction materials and methods; architectural style and building typology; massing and scale; siting of existing and proposed buildings, structures and walls; open space; landscaping; and views to features such as the Sandia Mountains or the sandhills in the western part of the Village;
- (v) If a waiver of fees is requested, include a discussion of economic need, and economic benefit of the proposed project; and
- (vi) The signatures of the applicant and of the landowner, if the landowner is not the applicant, affirming the accuracy of the information provided and confirming that the application is submitted with the approval of the signatory.

(3) *Review and hearing.* Upon receipt of a complete application for a preservation incentive variance, the Administrator shall submit the application for review and comment by the Corrales Heritage Committee. The Administrator shall forward the application, along with any recommendation or comment by the Administrator or the Corrales Heritage Committee, for consideration by the Commission in conjunction with the development review permit, site development plan or other required permit sought in conjunction with the requested preservation incentive variance, or separately if the applicant is not seeking a permit that requires approval by the Commission. The hearing before the Commission at which the application is heard shall be scheduled as soon as reasonably practicable, and shall receive legal notice in accordance with Subsection 18-48(c)(6).

(4) *Conditions for approval.* In considering an application for a preservation incentive variance, the Commission may deny the request, approve it, or approve it subject to any condition or conditions reasonably deemed to be in the best interest of the Village. The Commission shall take into consideration all relevant information, including but not limited to the following:

- a. The comments and recommendation of the Corrales Heritage Committee regarding the application;
- b. Whether the proposed project furthers the Village goals of preserving and protecting the historic character of the Village;
- c. Whether the proposed project will be beneficial to the public, or at a minimum not detrimental to the interests of the public;
- d. Any adverse effects on adjacent and nearby property owners and residents; and
- e. Whether the property includes a building or buildings listed on the National or State register of historic places; is associated with persons or events of historical importance; is associated with the architectural, cultural, political, economic or social history of the Village; or is historically or architecturally reflective for its period, style, method of construction or association with a particular architect, builder or craftsman.

Section 18-49. Appeals.

- (a) *Right of appeal.* Anyone aggrieved by a decision of the Administrator in carrying out the provisions of this article may appeal the decision to the Planning and Zoning Commission. Appeal of the Decision of the Planning and Zoning Commission may be appealed to the Governing Body. An appeal must set forth specifically wherein it is claimed there was an error or an abuse of discretion, or where the decision was not supported by substantial evidence.
- (b) *Application.* Any appeal following a decision of the Administrator or Planning and Zoning Commission shall be made in writing to the Governing Body, together with payment of the applicable filing fee. Any appeal not submitted within 20 days after the decision which is the subject of the appeal shall not be considered by the Governing Body. The day of determination is not included in the 20-day period for filing of appeal, and if the 20th day falls on a Saturday, Sunday or national holiday, the next working day is considered as the deadline for filing the appeal.
- (c) *Public hearing.* The hearing before the Governing Body is an appeal on the record of the Planning and Zoning Commission. The decision of an appeal shall be made by the Governing Body following a public hearing. The hearing at which an appeal will be heard must receive legal notice if the decision appealed was on a matter requiring legal notice. Appeals to the Governing Body shall be on the record as established below, and pursuant to such procedural rules as the governing body may adopt. No new evidence shall be taken except for good cause as may be determined in the discretion of the governing body.
- (d) *Stay of proceedings.* A proper appeal by an aggrieved party shall stay all proceedings in the action unless the Administrator or Planning and Zoning Commission determines that a stay will cause imminent peril to life or property. Upon such certification, the proceedings shall not be stayed except by order of the district court.
- (e) *Decision.* An appeal shall be decided within sixty (60) days of the date of application of the appeal. A majority vote of the members of the Governing Body is required to reverse, change or affirm a decision made by the Administrator or the Planning and Zoning Commission.
- (f) *Appeals to district court.* Anyone aggrieved by a final decision of the Governing Body may appeal that decision to district court pursuant to Rule 1-074 NMRA. Notices of decision issued by the Governing Body shall contain language that an appeal of its decision may be made to district court under Rule 1-074 NMRA, pursuant to NMSA 1978, Section 39-3-1.1.

Section 18-50. Hearings.

The Planning and Zoning Commission must fix a regular time and place for regular meetings. Special public hearings may be held at other than the established regular time or place provided public notice of the meetings is given at least seventy-two (72) hours in advance. The Commission must keep minutes of its proceedings, including a record of the vote of each member on each question, and the minutes must be public records. Public notice of the meetings at which the Governing Body will consider a recommendation from the Commission on an application

must be given in the Village at least 15 days before the meeting by posting in public places in the Village, as required by the Village's open meeting resolution.

Section 18-51. Fees.

- (a) *Applications and permits.* All applications and permits required by this article shall not be processed without payment of an administrative fee to the Village by the applicant at the time of application as specified in this section. All fees are nonrefundable. The Governing Body, by resolution, may determine the amounts of such fees and may from time to time amend them. The Administrator shall maintain a schedule reflecting fees currently in effect for:
- (1) Development review for proposed construction of residential structures;
 - (2) Development review for manufactured or mobile homes;
 - (3) Development review for proposed construction of nonresidential structures;
 - (4) Site development plan review, variances, special use permits, and amendments to the zone map or text of this article;
 - (5) Home occupation permit;
 - (6) Short-term rental permit;
 - (7) Certificate of occupancy;
 - (8) Cannabis permit;
 - (9) Appeals to the Governing Body, and,
 - (10) Any other type of planning or zoning application for which the Governing Body may impose an application fee by resolution or ordinance.
- (b) All costs incurred for publication and certified mailings related to notice of the hearing shall be paid by the applicant.
- (c) Where the applicant can demonstrate that payment of the above stated fees will result in extraordinary hardship to the applicant, application may be made to the Planning and Zoning Commission in writing with supporting documentation for a refund of fees. The Commission in its absolute discretion may refund the fees.

Section 18-52. Penalty for violation of article.

Any person who violates any provision of this article shall, upon conviction, be punished in accordance with Section 1-6.

Sections 18-53 to 18-75. Reserved.