

VILLAGE OF CORRALES

ORDINANCE NO. 07-08

AN ORDINANCE AMENDING SECTIONS 18-29 “DEFINITIONS” AND 18-30 “GENERAL REGULATIONS” OF THE VILLAGE’S CODE OF ORDINANCES, BEING SECTIONS 8-1-5 AND 8-1-6 OF ORDINANCE NO. 192, PASSED AND ADOPTED NOVEMBER 13, 1989, AS SUBSEQUENTLY AMENDED, AND ALSO AMENDING SECTIONS 18-77 “DEFINITIONS,” 18-80 “SUITABILITY OF LAND,” AND 18-81 “DESIGN STANDARDS” OF THE CODE OF ORDINANCES, BEING SECTIONS 2, 4, AND 5 OF ORDINANCE NO. 63, PASSED AND ADOPTED JANUARY 13, 1976, AS SUBSEQUENTLY AMENDED; REQUIRING STREET PULL-OFFS FOR CERTAIN ROADWAYS; SETTING STANDARDS FOR GATES ON DRIVEWAYS AND PRIVATE ROADS; AND REQUIRING A SHOWING OF ADEQUATE RIGHT-OF-WAY FOR ACCESS TO SUBDIVISIONS.

WHEREAS, the Village Council, the Governing Body (“Governing Body”) of the Village of Corrales (the “Village”) finds that the public health, safety and welfare require that there be timely and adequate access for emergency equipment to reach any property in the Village, whether such property is served by a public road or a private road or driveway; and

WHEREAS, it appears that some lands in the Village have in the past been subdivided without adequate provision for access by emergency vehicles and by other vehicles, particularly in situations where parcels have been subdivided repeatedly over time rather than being subdivided at a single time as a planned subdivision; and

WHEREAS, narrow roadways twenty (20) feet or less in width impede the passage of multiple vehicles, which difficulty may be alleviated by the appropriate placement of street pull-offs permitting a vehicle to pull aside so that another may pass; and

WHEREAS, the presence of gates, particularly gates that are locked, across roadways and driveways may be injurious to the public health, safety and welfare if such gates impede or significantly delay the passage of emergency equipment and vehicles.

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

1. The following definition shall be added, in appropriate alphabetical position, to Section 18-29 *and also* to Section 18-77 of the Code of Ordinances of the Village of Corrales (the “Code”):

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

And the following definitions shall be added to Section 18-77 of the Code of Ordinances of the Village of Corrales:

Lot means a parcel or tract of land platted and recorded with the County Clerk in accordance with appropriate laws and ordinances.

Roadway means that portion of a street which is primarily devoted to vehicular traffic.

Street means a right-of-way or easement, either public or private, used or intended to be used by the general public as passage, travel, ingress, or egress by motor vehicles, whether designated as avenida, avenue, boulevard, calle, camino, circle, cul-de-sac, drive, lane, paseo, place, road, street, way, or however otherwise designated.

Subdivide means to divide or redivide land into two or more parts for the purpose, whether immediate or future, of sale, lease, offer, or development, whether by deed, metes and bounds description, lease, map, plat or other instrument, including all changes in street or lot lines.

Subdivide does not include the following actions:

- (1) The lease of land for grazing or farming activities.
- (2) The lease of apartments, offices, stores or similar space within a building.
- (3) The lease of a building within a commercial or office development.
- (4) The division of land in which only gas, oil, mineral or water rights are severed from the surface ownership of the land.

Subdivision means:

- (1) The act of subdividing; or
- (2) The parcel of land subdivided.

2. Subsection (a) of Section 18-30 of the Code is amended to read as follows:

(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 twelve (12) 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, in his or her 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. The present content of Section 18-80 of the Code shall be designated as Subsection (a) of the said Section 18-80, and the following Subsection (b) shall be added to Section 18-80:

(b) Adequate roadway access and right-of-way. No summary plat, preliminary plat or final plat shall be approved if, considering the best interests of the public, the roadway or right-of-way providing access to the property is not of adequate width to increase the number of residential lots along any portion of the roadway, taking into account the potential danger to life, health or property that may arise where there is inadequate provision for access by emergency vehicles. An applicant for subdivision approval must show, as part of any summary plat, preliminary plat or final plat, the entirety of all lands, including easements and any other properties not owned in fee by the applicant, that are relied upon to provide access from a publicly dedicated street or roadway to the property. Such access must conform to the design standards set forth in Section 18-81, unless a waiver is granted for good cause shown. Application for a waiver must be accompanied by letters from the Village fire chief and the Village police chief endorsing the proposed waiver and specifically stating that, in their opinion, approval of such waiver will not be detrimental to the public health, safety or welfare.

4. Subsection (a)(2) of Section 18-81 of the Code shall be amended to read as follows:

(2) **Street right-of-way widths.** The minimum street right-of-way width shall be as shown on the master plan, or if not shown on such plan:

	<i>feet</i>
a. Thoroughfare	60-100
b. Collector street.....	40-80
c. Minor residential street	30-40
d. Lane (serving nor more than five acres or dwellings).....	20-30
e. Alley	20

5. The following Subsection (a)(5) shall be added to Section 18-81 of the Code:

(5) Street pull-offs. On all roadways, public or private, with a constructed width of twenty (20) feet or less and a total length of one thousand (1,000) feet or more, there shall be provided at least one street pull-off for every one thousand (1,000) feet of roadway length. Street pull-offs, including cul-de-sacs, shall not be separated by a distance greater than one thousand (1,000) feet. Street pull-offs shall be constructed as described in attachment B, "Street Pull-Off Diagram." Street pull-offs may be built over trails, provided there is a smooth transition from the trail surface to the surface of the street pull-off. Additional right-of-way width may be required to accommodate street pull-offs in conjunction with trails, drainage, utilities, and other requirements.

6. Subsection (i) of Section 18-81 of the Code is amended to read as follows:

(i) **Private streets and reserve strips.** Every subdivided lot shall be served from a publicly dedicated street. There shall be no reserve strip controlling access to streets, except where the control of such strip is definitely placed with the village under conditions approved by the Governing Body. Gates on private roads are required to provide a lockbox or other access system approved by the Fire Chief for access by emergency and public safety vehicles.

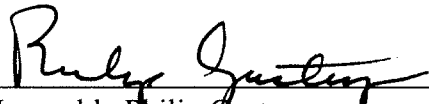
SEVERABILITY CLAUSE: Should any section, paragraph, clause or provision of this Ordinance be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance. The Governing Body of the Village of Corrales hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, word or phrase thereof irrespective of any one or more sections, subsections, sentences, clauses, words or phrases being declared unconstitutional or otherwise invalid.

COMPILING CLAUSE: The amendment made by this Ordinance shall be incorporated in and compiled as a part of the Code of Ordinances of the Village of Corrales.

EFFECTIVE DATE AND PUBLICATION: This Ordinance shall become effective and be in full force and effect from and after its passage, publication and posting, according to law.

PASSED, APPROVED AND ADOPTED by the Governing Body of the Village of Corrales, New Mexico, this 26th day of June, 2007.

APPROVED:



The Honorable Philip Gasteyer
Mayor, Village of Corrales

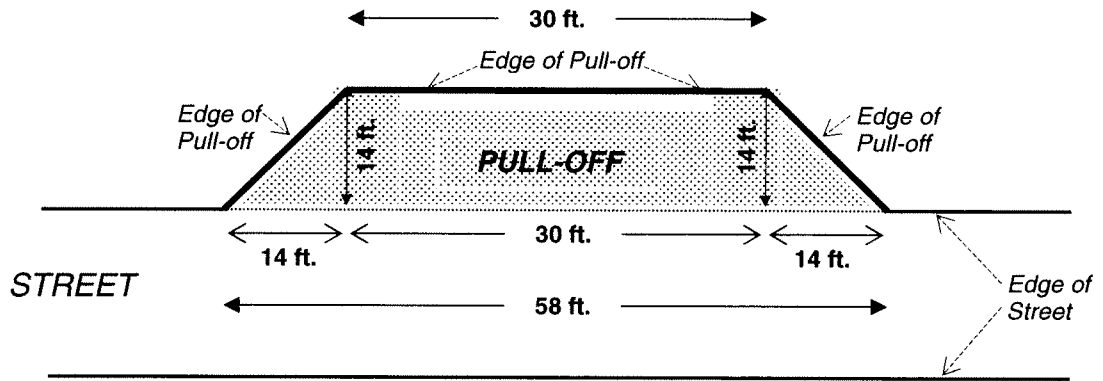
ATTEST:



Juan J. Reyes, Village Clerk

VILLAGE OF CORRALES

**ORDINANCE NO. 07-08
ATTACHMENT A**



STREET PULL-OFF DIAGRAM

(Not to Scale)