



**VILLAGE OF CORRALES  
ORDINANCE 09-002**

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6        **AN ORDINANCE PROVIDING THAT SENIOR LIVING**  
7        **FACILITIES PROVIDING INDEPENDENT AND ASSISTED LIVING**  
8        **AND SKILLED NURSING CARE FOR NO MORE THAN TWO HUNDRED**  
9        **FIFTY PERSONS SHALL BE A USE BY REVIEW IN THE M**  
10       **(MUNICIPAL, PUBLIC AND QUASI-PUBLIC) ZONE OF THE VILLAGE**  
11       **OF CORRALES; REQUIRING THAT SUCH USE BY REVIEW SHALL BE**  
12       **PERMITTED ONLY IN ACCORDANCE WITH AN APPROVED**  
13       **SPECIAL USE PERMIT AND SITE DEVELOPMENT PLAN; AND**  
14       **DEFINING TERMS.**

15       **WHEREAS**, the Village Council, the governing body ("Governing Body") of the Village of  
16       Corrales (the "Village") finds that the provision of senior housing, assisted living  
17       facilities and nursing services for older residents of the Village is a desirable public policy  
18       goal; and

19       **WHEREAS**, it is desirable that older residents of the Village who are in need of senior  
20       housing, assisted living facilities and nursing services should be able to obtain such  
21       housing, facilities and services within the Village; and

22       **WHEREAS**, it appears that senior living facilities and the services they provide are  
23       neither a permissive use nor a use by review in any zone of the Village; and

24       **WHEREAS**, the Governing Body determines that senior living facilities and the services  
25       they provide should be permitted as a use by review in the M municipal, public and quasi-  
26       public zone of the Village, subject in any specific instance to approval of a special use  
27       permit and a site development plan for the proposed use.

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

30       **Section 1.** Section 18-29 of the Code of Ordinances of the Village of Corrales (the  
31       "Code"), being Section 8-1-5 of Ordinance No. 192, adopted November 13, 1989, as  
32       subsequently amended and supplemented, shall be amended by addition of the following  
33       definitions in appropriate alphabetical position:

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

38 *Independent and assisted living and skilled nursing care* means the provision to  
39 residents of a housing facility or community of varying levels of domiciliary care,  
40 including as a minimum room, board, and living assistance, skilled nursing care  
41 and prescribed medical treatment.

42 *Senior living facility* means a housing facility or community (A) that is intended  
43 for and is operated for occupancy by persons sixty-two (62) years of age or older;  
44 (B) in which at least ninety (90) percent of the occupied dwelling units are  
45 occupied by at least one person who is sixty-two (62) years of age or older; and (C)  
46 that provides significant facilities and services specifically designed to meet the  
47 physical and social needs of older persons, including independent and assisted  
48 living and skilled nursing care.

49 **Section 2.** Subsection 18-38(3) of the Code, being a part of Section 8-1-14 of Ordinance  
50 No. 192, adopted November 13, 1989, as subsequently amended and supplemented,  
51 shall be amended to read as follows:

52 (3) *Use by review.* The following use is allowed in the M zone district only  
53 upon the approval of a special use permit and a site development plan by  
54 the commission:

55 Senior living facility serving no more than two hundred fifty (250) residents.

56 **Section 3.** Subsection 18-45(d)(1) of the Code, being a part of Section 8-1-21 of  
57 Ordinance No. 192, adopted November 13, 1989, as subsequently amended and  
58 supplemented, shall be amended to read as follows:

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

66 **Section 4.** Subsection 18-45(d)(5) of the Code, being a part of Section 8-1-21 of  
67 Ordinance No. 192, adopted November 13, 1989, as subsequently amended and  
68 supplemented, shall be amended to read as follows:

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

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- 74 a. Accessibility to property and proposed structures thereon, with particular  
75 reference to automobile and pedestrian safety, traffic control, and emergency  
76 access in case of fire, flood or catastrophe;
- 77 b. Off-street parking and loading areas where required, with particular attention  
78 to the refuse and service areas;
- 79 c. Limitations, locations, and public health;
- 80 d. On-site drainage and storm water runoff;
- 81 e. The noise, glare, or odor effects of the proposed use on adjoining  
82 properties;
- 83 f. General compatibility with existing adjacent properties; and
- 84 g. The goals and objectives of the Village of Corrales' Comprehensive  
85 Plan.

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

94 COMPILING CLAUSE: This Ordinance shall be incorporated in and compiled as a part of  
95 the Code of Ordinances of the Village of Corrales, as provided herein.

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

98 **PASSED, APPROVED AND ADOPTED** by the Governing Body of the Village of Corrales,  
99 New Mexico, this \_\_\_\_\_ day of March, 2009.

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APPROVED:

\_\_\_\_\_  
The Honorable Philip Gasteyer  
Mayor

ATTEST:

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Juan J. Reyes  
Village Clerk

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