



VILLAGE OF CORRALES

ORDINANCE NO. 09-003

AN ORDINANCE PROVIDING THAT PRIVATE PARKS AND PLAYGROUNDS, SCHOOLS, CERTAIN GOVERNMENTAL BUILDINGS, CHURCHES, COMMUNITY UTILITY AND SERVICE INSTALLATIONS, AND SENIOR LIVING FACILITIES PROVIDING INDEPENDENT AND ASSISTED LIVING AND SKILLED NURSING CARE SHALL BE USES BY REVIEW IN THE "M" (MUNICIPAL, PUBLIC AND QUASI-PUBLIC) ZONE OF THE VILLAGE OF CORRALES; REQUIRING THAT ANY SUCH USE BY REVIEW IN THE "M" ZONE SHALL BE ALLOWED ONLY IN ACCORDANCE WITH AN APPROVED SITE DEVELOPMENT PLAN AND A SPECIAL USE PERMIT FOR THAT USE; DEFINING TERMS RELATED TO SENIOR LIVING FACILITIES; AND MAKING TECHNICAL CORRECTIONS.

WHEREAS, the Village Council, the governing body ("Governing Body") of the Village of Corrales (the "Village"), finds that certain uses in the "M" (Municipal, Public and Quasi-Public) Zone of the Village should be made uses by review, rather than permissive uses, in that zone; and

WHEREAS, to avoid the intrusion of unanticipated or unintended uses in the event a specific use in the "M" zone is terminated and the property thereby becomes available for other potential uses, the Governing Body further finds that such uses by review should be allowed only in accordance with an approved site development plan and special use permit for the permitted use, and subject to the limitations of any such site development plan and special use permit; and

WHEREAS, the provision of senior housing, assisted living facilities and nursing services for older residents of the Village is a desirable public policy goal; and

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

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

WHEREAS, the Governing Body finds that the Village should provide an opportunity for the creation and operation of senior living facilities, as herein defined, in an appropriate zone of the Village and subject to appropriate regulations and limitations

to protect the quality of life in all parts of the Village, including agricultural and residential zones; and

WHEREAS, the Governing Body finds and determines that senior living facilities and the services they provide may appropriately be permitted as a use by review in the “M” (Municipal, Public and Quasi-Public) Zone of the Village, subject to approval of a special use permit and a site development plan for the proposed use in the same manner as other uses by review in the “M” zone; and

WHEREAS, the Governing Body finds that Subsection 18-45(d)(5)(c) of the Code should be corrected to incorporate language inadvertently omitted from that subsection of the Code during prior revisions thereof.

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

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

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.

Independent living means the provision to residents of a housing facility or community of limited levels of domiciliary care, including as a minimum room and board.

Assisted living means the provision to residents of a housing facility or community of varying levels of domiciliary care, including as a minimum room, board, and living assistance.

Skilled nursing care means the provision to residents of a housing facility or community of varying levels of domiciliary care, including as a minimum room, board, and living assistance, skilled nursing care and prescribed medical treatment.

Senior living facility means a housing facility or community (A) that is intended for and is operated for occupancy by persons sixty-two (62) years of age or older; (B) in which at least ninety (90) percent of the occupied dwelling units are occupied by at least one person who is sixty-two (62) years of age or older; and (C) that provides significant facilities and services specifically designed to meet the physical and social needs of older persons, including as a

minimum, assisted living, or skilled nursing care, or a combination thereof. It may optionally include independent living.

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

- (2) *Permissive uses.* The following permissive uses shall be allowed in the M zone upon the approval of a site development plan and issuance of a development review permit by the commission, except that submittal or approval of a site development plan and issuance of a development review permit shall not be required for a growers' market:
 - a. Public parks and playgrounds.
 - b. Governmental buildings of the Village.
 - c. Public libraries.
 - d. 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 growers' market in accordance with the application, unless there appears good cause why the application should not be approved.
 - e. Incidental retail sales, residential uses, and other activities associated with permissive uses listed in a. through c. above.

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

- (3) *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 commission:
 - a. Private parks and playgrounds.
 - b. Schools, public and private.

- c. Museums, public and private.
- d. Governmental buildings of governmental units other than the Village.
- e. Churches and church related structures.
- f. Community utility and service installations.
- g. Senior living facilities.
 1. Purpose: The purpose; of this subsection is to provide standards for the development of senior living facilities in a manner that recognizes and provides reasonable accommodation for the varied housing needs and desires of seniors; and ensures that senior living facilities are so located and constructed within the Village as to be compatible with surrounding properties, to not impose an undue financial or administrative burden upon the Village, and to not fundamentally undermine the Village's zoning plan.
 2. Density and lot size: The allowed number of residents per acre shall be reasonably compatible with the density of the surrounding properties, not to exceed more than one resident per 5,445 square feet subject to compatibility with surrounding properties and compliance with all dimensional, design, parking, landscaping and other Village development standards. No senior living facility shall be permitted on a lot or contiguous lots having a total area of less than 15 acres.
 3. Landscaping Requirement: A minimum of twenty percent of the lot shall be landscaped area. The Landscaping requirements for nonresidential developments in section 18-40 apply to senior living facilities.
 4. Placement of parking. Parking areas shall be placed off the street to the rear and sides of buildings whenever possible.
 5. Traffic. The applicant must provide a traffic engineering analysis showing to the satisfaction of the Village engineer that the operation as proposed will not adversely affect public safety or quality of life of the neighborhood.
- h. Incidental retail sales, residential uses, and other activities associated with approved uses by review listed in a. through g. above.

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

- (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.

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

- (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:
 - a. Accessibility to property and proposed structures thereon, with particular reference to automobile and pedestrian safety, traffic control, and emergency access in case of fire, flood or catastrophe; access shall be from a major thoroughfare to the extent possible.
 - b. Off-street parking and loading areas where required, with particular attention to the refuse and service areas;
 - 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; and
 - g. The goals and objectives of the Village of Corrales' Comprehensive Plan.
 - h. Applicant must show an approved NMED waste permit for the proposed use.
 - i. State engineers approval of the well and water usage for the proposed use.

Section 6. Subsection 18-39(c) of the Code, being a part of Section 8-1-21 of Ordinance No. 192, adopted November 13, 1989, as subsequently amended and supplemented, shall be amended to read as follows:

(6) *Senior Living Facilities.* One and one-half parking spaces per dwelling unit for Independent Living and one parking space per two beds for Assisted Living and Skilled Nursing. The parking requirements for senior living facilities may be reduced if justification can be provided.

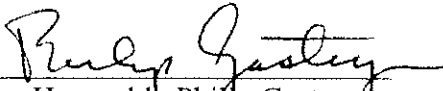
SEVERABILITY CLAUSE: Should any section, paragraph, clause or provision of this Ordinance be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance. The Governing 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: This Ordinance shall be incorporated in and compiled as a part of the Code of Ordinances of the Village of Corrales, as provided herein.

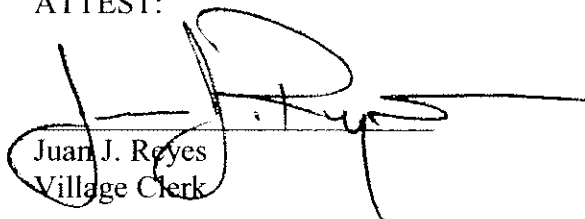
EFFECTIVE DATE AND PUBLICATION: This Ordinance shall become effective and be in full force and effect from and after its passage, publication and posting, according to law.

PASSED, APPROVED AND ADOPTED by the Governing Body of the Village of Corrales, New Mexico, this 14th day of April, 2009.

APPROVED:


The Honorable Philip Gasteyer
Mayor

ATTEST:


Juan J. Reyes
Village Clerk