



VILLAGE OF CORRALES

ORDINANCE NO. 12-003

AN ORDINANCE ESTABLISHING A DEMOLITION PERMIT SYSTEM FOR STRUCTURES FIFTY (50) YEARS OF AGE OR OLDER WITHIN THE CORRALES ROAD COMMERCIAL AREA OF THE VILLAGE OF CORRALES; PROHIBITING DEMOLITION OF SUCH A STRUCTURE WITHOUT AN APPROVED PERMIT; PROVIDING AN EXCEPTION FOR EMERGENCY DEMOLITION; AUTHORIZING AN ADMINISTRATIVE FEE FOR DEMOLITION PERMITS; AND PROVIDING A PENALTY FOR VIOLATIONS.

WHEREAS, the Village Council, the governing body (“Governing Body”) of the Village of Corrales (the “Village”), by Ordinance No. 10-005, adopted June 22, 2010, prohibited for a period of two (2) years the destruction or demolition of buildings or portions of buildings constructed prior to July 1, 1960 in the Corrales Road Commercial Area or the Historical Area zone of the Village, with exceptions for abatement of dangerous buildings or certain remodeling modifications (which do not significantly change a building’s appearance or character); and

WHEREAS, the Planning and Zoning Commission of the Village (the “Commission”) was tasked to study possible amendments to Chapter 18, Article II (Zoning) of the Code of Ordinances of the Village (the “Village Code”) to regulate future demolition of older structures within the Corrales Road Commercial Area and the “H” Historic Zone of the Village; and

WHEREAS, the Commission has completed the task assigned to it and recommends for consideration and adoption by the Governing Body the amendments to Chapter 18, Article II of the Village Code set forth herein; and

WHEREAS, as set forth in Ordinance No. 10-005, the Governing Body finds that there is a concentration within the Corrales Road Commercial Area and the “H” Historic Zone of structures and properties contributing to the agricultural and historical character of the Village; and

WHEREAS, the Governing Body finds that a permit system should be established to ensure that structures within the Corrales Road Commercial Area will be demolished, if at all, only after appropriate review and consideration of the historical value of such structures and their contribution, if any, to the agricultural and historical character of the Village; and

WHEREAS, the Governing Body further finds that the demolition permit system established for the Corrales Road Commercial Area is not necessary in the “H” Historic Zone, because a similar system has already been established for that zone pursuant to Section 18-35(9) of the Village Code.

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

Section 1. Ordinance No. 10-005, adopted June 22, 2010, is **repealed**.

Section 2. Section 18-29. Definitions, 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 amended and supplemented, shall be amended by the insertion in appropriate alphabetic order of the following new definitions:

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

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.

Section 3. Section 18-37. C – Neighborhood commercial zone, of the Code, being Section 8-1-13 of Ordinance No. 192, adopted November 13, 1989, as amended and supplemented, shall be amended by insertion of the following new Subsection 18-37(11):

(11) *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(2), shall be demolished except in strict accordance with a permit issued under section 18-45(e).

Section 4. Subsection 18-45(e) of the Code, relating to Public Notification, and being a part of Section 8-1-21 of Ordinance No. 192, adopted November 13, 1989, as amended and supplemented, shall be **renumbered** as Subsection 18-45(f) of the Code.

Section 5. Section 18-45. Permits, certificates and plan approval, of the Code, being Section 8-1-21 of Ordinance No. 192, adopted November 13, 1989, as amended and supplemented, shall be amended by insertion of the following new Subsection 18-45(e):

(e) Demolition permit.

(1) *Scope and purpose.* It is the intent of this subsection 18-45(e) to (a) preserve and protect buildings and structures that constitute or reflect distinctive features of the architectural, cultural, economic, political or social history within the Corrales Road Commercial Area, as defined in Section 18-37(2); (b) limit the detrimental effect on community character and heritage that may result from the demolition of such buildings and structures; and (c) provide

timely review of applications for demolition permits so as not to impose undue burdens on the applicant. This subsection 18-45(e) is applicable to all properties, residential or commercial, within the Corrales Road Commercial Area.

(2) *Limitations and exceptions: emergency demolition.*

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

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

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

(4) *Actions requiring demolition permit.*

(a) No person, partnership, firm, corporation, or other entity of any nature shall demolish any building, structure or part thereof if any portion of such building or structure is over fifty (50) years old and is located on

land within the Corrales Road Commercial Area, as defined in Section 18-37(2), except in accordance with a demolition permit issued by the administrator or building inspector following approval by the commission. If the age of the building or structure is unknown, undeterminable or in dispute, it shall be assumed to be at least fifty (50) years old for purposes of this Subsection 18-45(e). A demolition permit shall be issued with such limitations and conditions, if any, as may be imposed or required by the commission.

- (b) Each demolition permit shall clearly describe the building or structure to which it applies. The terms *building* and *structure* as used herein have the meanings set forth in Section 18-29. In accordance with those definitions, the term *structure* shall be understood to include constructed edifices of any kind, and includes but is not limited to buildings, fences, barns, bandstands, bridges, gates, and other structures not necessarily meant for human occupation. A permit to demolish or remove one building or structure shall not be deemed to include permission to demolish or remove other buildings or structures on or off the property, unless explicitly included within the scope of the permit.
- (c) In addition to complete demolition of a building or structure, the following actions shall require a demolition permit for buildings or structures described in the foregoing Subsection 18-45(e)(4)(a):
 - a. Removal of a roof for the purpose of: raising the overall height of a roof; rebuilding the roof to a different pitch; or adding another story to the building or structure.
 - b. Removal of one or more exterior walls of a building if the wall or walls face Corrales Road.
 - c. Removal of more than twenty-five percent (25%) of the gross square footage of a structure, as determined by the administrator or building inspector.
 - d. The lifting and relocation of a building on its existing site or to another site.
 - e. 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 his or her recommendation; or (3) meet with the applicant to discuss options, alternatives or other outcomes in lieu of demolition.

- (b) 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.
- (c) 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:
 - a. Whether the building, structure or property is listed on the National and/or State Register of Historic Places;
 - b. Whether the building, structure or property is associated with persons or events of historical importance;
 - c. Whether the building, structure or property is associated with the architectural, cultural, political, economic or social history of the Village; and
 - d. 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:
 - a. Require submittal of a replacement site development plan meeting the requirements set forth in Subsection 18-45(a);
 - b. Require documentation of any architectural, cultural, economic, political or social history attributes of the building or structure to be demolished; or
 - c. 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:

- (a) 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.
 - (b) 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 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.
- (9) *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.
- (10) *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.

Section 6. Section 18-52 of the Village Code, providing a penalty for violation of any provision of Chapter 18, Article 11, shall be fully applicable to violation of any of the foregoing provisions adopted by this Ordinance.

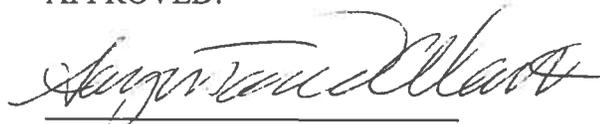
SEVERABILITY CLAUSE: Should any section, paragraph, clause or provision of this Ordinance be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance. The Governing 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 amended sections of the Village Code adopted pursuant to this Ordinance shall be 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.

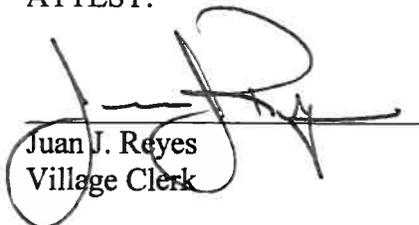
PASSED, APPROVED AND ADOPTED by the Governing Body of the Village of Corrales, New Mexico, this 14th day of February, 2012.

APPROVED:



Sayre Gerhart
Mayor pro tem

ATTEST:



Juan J. Reyes
Village Clerk