



VILLAGE OF CORRALES

ORDINANCE NO. 12-006

AN ORDINANCE RELATING TO STRUCTURES FIFTY (50) YEARS OF AGE OR OLDER AND STRUCTURES BUILT OF ADOBE OR TERRÓN IN THE CORRALES ROAD COMMERCIAL AREA AND THE HISTORICAL AREA ZONE OF THE VILLAGE OF CORRALES; PROVIDING FOR INCENTIVES TO PROMOTE THE PRESERVATION OF SUCH BUILDINGS; ADDING PROVISIONS RELATED TO FENCING IN THE NEIGHBORHOOD COMMERCIAL ZONE; AND PROVIDING FOR PRESERVATION INCENTIVE VARIANCES UPON APPROVAL BY THE VILLAGE OF CORRALES.

WHEREAS, the Village Council, the governing body (“Governing Body”) of the Village of Corrales (the “Village”), 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 by ordinance has provided 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, a similar system requiring review before demolition of structures in the “H” Historical Area Zone of the Village has been established for that zone pursuant to Section 18-35(9) of the Village Code; and

WHEREAS, to preserve and enhance the historic character of the Village which makes it attractive to residents and visitors, the Governing Body desires to encourage preservation and creative reuse of historic structures and structures made of traditional materials such as adobe and terrón, particularly in the Corrales Road Commercial Area and the “H” Historical Area Zone of the Village; and

WHEREAS, the Governing Body finds that preservation of historic structures and structures made of traditional materials may in some cases require the approval of a variance from the usual planning and zoning regulations in order to accommodate the preservation and reuse of the existing structure; and

WHEREAS, the Governing Body determines that the zoning regulations of the Village should be amended to better describe the procedures for approval of land use proposals incorporating preservation of historic structures and structures made of traditional materials and to provide incentives and an opportunity for landowners to seek appropriate

variances from the usual Village regulations for land use proposals incorporating existing historic structures or structures made of traditional materials.

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

Section 1. 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:

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.

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

Section 2. Section 18-35. H – Historical area zone, of the Code, being Section 8-1-11 of Ordinance No. 192, adopted November 13, 1989, as amended and supplemented, shall be amended by insertion of the following new Subsection 18-35(11):

(11) *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 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 as follows:

A. Subsection 18-37(9)(a), relating to overall architectural appearance, is **repealed**, and the subsequent Subsections 18-37(9)(b) through 18-37(9)(f), inclusive, shall be renumbered as Subsections 18-37(9)(a) through 18-37(9)(e).

B. Subsection 18-37(9)(c), formerly 18-37(9)(d), shall be amended to read:

c. *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.

C. Subsection 18-37(9)(e), formerly 18-37(9)(f), shall be amended to read:

- e. ***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 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 non-stuccoed concrete block, unstuccoed concrete, or similar materials are prohibited.

D. The following new Subsection 18-37(12) is adopted and shall be inserted in the Code:

- (12) *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(k).

Section 4. Section 18-48. Amendment, zone map amendment, and variance procedures, of the Code, being Section 8-1-24 of Ordinance No. 192, adopted November 13, 1989, as amended and supplemented, shall be amended by insertion of the following new Subsection 18-48(k):

(k) *Preservation incentive variance; scope, application and review.* The scope, application process, review procedures and conditions for approval set forth in this Subsection 18-48(k) govern applications for a preservation incentive variance as provided in Subsection 18-35(11) and Subsection 18-37(12).

- (1) *Intent and scope.* It is the intent of this subsection to provide incentives for property owners in the Corrales Road Commercial Area (CRCA) and the H – Historic Area Zone to preserve and protect buildings fifty (50) years old or older, traditional development patterns, structures built of traditional materials such as adobe and terrón, and to provide flexibility in the application of 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:

- a. Lot coverage;
- b. Parking requirements and location;
- c. Setback requirements;
- d. Architectural requirements; or

- e. Fees imposed by the Village.
- (2) *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:
- a. 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;
 - b. The name, address and telephone number of the applicant and of the owner of the land, if the owner is not the applicant;
 - c. A brief description, with appropriate drawings and photographs, stating the existing conditions on the property;
 - d. 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;
 - e. If a waiver of fees is requested, include a discussion of economic need, and economic benefit of the proposed project; and
 - f. 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(j).
- (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.

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.

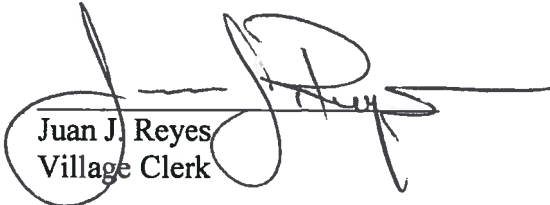
PASSED, APPROVED AND ADOPTED by the Governing Body of the Village of Corrales, New Mexico, this 27th day of March, 2012.

APPROVED:



The Honorable Philip Gasteyer
Mayor

ATTEST:



Juan J. Reyes
Village Clerk