



VILLAGE OF CORRALES

ORDINANCE NO. 13- 004

AN ORDINANCE TO AMEND CHAPTER 18 ARTICLE II SECTION 18-29 AND SECTION 18-30 REGARDING FENCES

WHEREAS, the Planning and Zoning Commission (the “Commission”) of the Village of Corrales has undertaken a review of various provisions of the Code of Ordinances (the “Code”) of the Village relating to zoning in the Village; and

WHEREAS, in connection with its review the Commission has recommended to the Village Council, the governing body of the Village (“Governing Body”) that the Governing Body consider the adoption of amendments to Chapter 18, Article II (Zoning) of the Code, affecting the definitions of fencing in Section 18-29 and the General Regulations in Section 18-29 regarding fences, Village-wide and along Corrales Road; and

WHEREAS, the Governing Body finds that the presence of solid fences in close proximity to Corrales Road may present a safety hazard due to obstruction of visibility at intersections where other streets and driveways enter Corrales Road; and

WHEREAS, the Planning and Zoning Commission (the “Commission”) of the Village has recommended these amendments to protect the visual aesthetic of the Corrales Road Scenic Byway, to protect the vision clearance at roadways and driveways, and to provide for staff review of new and replacement construction of fences.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Village of Corrales, New Mexico that Chapter 18 of the Code of Ordinances of the Village of Corrales, is amended to read in the appropriate alphabetical order and referenced subsections, as follows:

LAND USE

* * *

ARTICLE II. ZONING

* * *

Section 18-29. Definitions.

Fence means a barrier attached to the ground, consisting of vertical or horizontal structural elements. The term “fence” includes any such barrier constructed of but not limited to stuccoed block, pipe, post and wire, wood rails, adobe, pale, jacal, coyote/latilla fencing or any other structural elements.

Fence, solid means a fence that is constructed of more than 25% solid materials.

Fence, open means a fence that is constructed of no more than 25% solid materials.

Section 18-30. General regulations.

(m) *Fences, Village wide, commercial and residential.* No fence exceeding six (6) feet in

51 height shall be erected on any lot line or exceeding three (3) feet within the vision
52 clearance triangle [Sec. 18-30(e)] of any lot.

- 53
- 54
- 55 i. No building permit shall be issued for any fence exceeding six (6) feet in height
- 56 from grade except in accordance with detailed design drawings certified by
- 57 an engineer licensed in the State of New Mexico.
- 58 ii. Fences higher than six (6) feet in height shall require approval of a variance by
- 59 the Commission.
- 60 iii. A solid fence may be constructed or replaced along the property line of an
- 61 existing residence that is twenty-five (25) feet or closer to Corrales Road
- 62 (NM 448), a New Mexico Scenic and Historic Byway.
- 63
- 64

65 (n) *Fences, Corrales Road, commercial and residential.*

- 66 i. New or replacement fences if located within twenty-five (25) feet of the property
- 67 boundary along Corrales Road (NM 448), a New Mexico Scenic and Historic
- 68 Byway, shall be *open fences* except in accordance with (m)iii.
- 69
- 70

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

78
79 COMPILING CLAUSE: This Ordinance shall be incorporated in and compiled as a part of the
80 Code of Ordinances of the Village of Corrales.

81
82 EFFECTIVE DATE AND PUBLICATION: This Ordinance shall become effective and be in full
83 force and effect from and after its passage, publication and posting, according to law.

84
85 **PASSED, APPROVED AND ADOPTED** by the Governing Body of the Village of
86 Corrales, New Mexico, this 23rd day of April, 2013.

87
88
89 APPROVED:

90
91
92 _____
93 The Honorable Philip Gasteyer
94 Mayor, Village of Corrales

95
96
97 ATTEST:

98
99
100 _____
101 Juan Reyes
102 Village Clerk