



VILLAGE OF CORRALES
STATE OF NEW MEXICO

ORDINANCE NO. 21-04

AN ORDINANCE AMENDING SECTION 18-29 AND 18-203 OF THE VILLAGE LAND USE CODE TO PROVIDE CLARITY TO THE DEFINITIONS OF ACCESSORY STRUCTURES, ACCESSORY USE, KITCHEN AND DWELLING UNIT.

WHEREAS, the Village of Corrales Comprehensive Land Use Plan (2009) includes policy 2.3.1 which directs the Village to require the residential dwelling unit density to be limited to a maximum of one per lot, with a minimum lot size of one or two acres, depending on the zone, and;

WHEREAS, New Mexico State Statute directs that the zoning ordinances should be in accordance with the comprehensive plan: “the regulations and restrictions of the county or municipal zoning authority are to be in accordance with a comprehensive plan and be designed to:

1. Lessen congestion in the streets and public ways;
2. Secure safety from fire, floodwaters, panic and other dangers;
3. Promote health and the general welfare;
4. Provide adequate light and air;
5. Prevent the overcrowding of the land;
6. Avoid undue concentration of population;
7. Facilitate adequate provision for transportation, water, sewerage, schools, parks and other public requirements; and
8. Control and abate the unsightly use of buildings or land”, and;

WHEREAS, as per Village Code Section 18-28 (a) “any use not classified as a permissive use or a use by review within a particular zone is hereby prohibited from that zone”, and;

WHEREAS, in accordance with the Comprehensive Land Use Plan, Village ordinances limit density to one dwelling unit per lot, with a minimum lot size of one acre in A-1 Agricultural and Rural Residential, Historical, and Neighborhood Commercial zones and two acres in A-2 Agricultural and Rural Residential zone. (Dwelling units are not a permissive use in Professional Office or Municipal zones); and

WHEREAS, a Dwelling Unit as defined in Village Code Sections 18-29 *Definitions* and Section 18-203 *Definitions* “means any building or part of a building intended for human occupancy and containing one or more connected rooms and a single kitchen, designed for one family for living and sleeping purposes”, and;

WHEREAS, a Kitchen as defined in Village Code Sections 18-29 *Definitions* and “means any room used, intended or designed to be used for cooking or the preparation of food. The presence of a range or oven, or utility connections suitable for servicing a range or oven, shall be considered as establishing a kitchen”, and;

WHEREAS, in addition to a dwelling unit, the zoning ordinance allows for an “accessory structure” to be built on residentially and commercially zoned lots. An Accessory Structure as defined in Village

Code Section 18-29 Definitions states “Accessory uses and structures means uses and structures which are clearly incidental and subordinate to principal uses and structures located on the same property” and;

WHEREAS, despite the above-mentioned regulations limiting density to one dwelling unit per lot, secondary dwelling units, sometimes known as “casitas”, have periodically been constructed in Corrales. This occurs when an accessory structure is legally constructed on a lot already containing a dwelling unit, and the accessory structure is subsequently converted to another dwelling unit via the addition of an oven or range, and;

WHEREAS, the “oven/range or utility connections suitable for servicing one” is the only distinguishing feature separating an accessory structure from a dwelling unit, and;

WHEREAS, the Village of Corrales has no municipal water or sewer with the majority of lots nearly entirely on-site water (well) and septic, low density development is not only an aesthetic issue but a health and safety concern, and;

NOW THEREFORE BE IT ORDAINED THAT, the following amendments to the zoning ordinance shall be adopted to provide clarity and better implement the intended regulations of the Village of Corrales Comprehensive Plan and the zoning ordinance.

Section 18-29 *Accessory uses and structures* definition will be deleted in its entirety and replaced by: *Accessory Building or Structure* means a building detached from, incidental and subordinate to the dwelling unit and located on the same lot, such as a detached garage, workshop, or studio. An Accessory Building or Structure shall not be used as a second or independent dwelling unit.

Accessory Use: A use of land or of a building or portion thereof that is incidental and subordinate to the main use of the land and building and located on the same lot with the main use.

Section 18-29 and Section 18-203 *Dwelling Unit* definition shall be deleted in its entirety and replaced by:

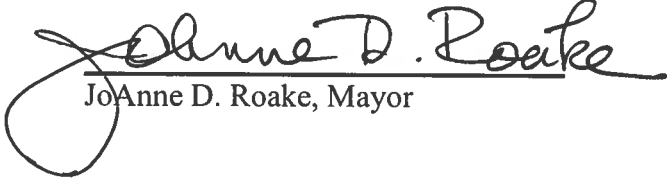
Dwelling Unit means a single unit with connected rooms intended, or designed to be built, used, rented, leased, let or hired out to be occupied, providing complete independent living facilities for one or more persons, including permanent provisions for each and every one of the following uses: living, sleeping, eating, cooking and sanitation. A dwelling unit may be a mobile home, modular home, manufactured home or site-built house. It may also be an independent unit of an apartment, townhouse or other such multiple-unit residential structure, where allowed by Zoning Code. Recreational vehicles, travel trailers or converted buses, whether on wheels or a permanent foundation cannot be a dwelling unit.

Section 18-29 Kitchen definition shall be revised as follows:

Kitchen means any room used, intended or designed to be used for cooking or the preparation of food.

PASSED, APPROVED AND ADOPTED by the Governing Body of the Village of Corrales, New Mexico, this 15th day of June, 2021.

VILLAGE OF CORRALES


JoAnne D. Roake
JoAnne D. Roake, Mayor

ATTEST:


Aaron Gjullin, Village Clerk
(SEAL)