

**BE IT ORDAINED BY THE VILLAGE OF BOSQUE FARMS GOVERNING BODY;
AMENDMENTS TO THE 10-2 SUBDIVISION REGULATIONS OF THE CODE OF THE
VILLAGE OF BOSQUE FARMS.**

This Ordinance repeals the existing Section 2 (Subdivision Regulations) of Chapter 10 (Land Use) of the Code of the Village of Bosque Farms, New Mexico and replaces it with the following revised regulations:

LAND SUBDIVISION REGULATIONS

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10-2-1 TITLE.

This Ordinance shall be known as the "Land Subdivision Ordinance of the Village of Bosque Farms, New Mexico", and shall be referred to herein as "this Ordinance". The Village of Bosque Farms shall hereinafter be called "the Village".

10-2-2 PURPOSE.

The regulations and restrictions of this Ordinance are intended to create orderly, harmonious and economically sound development of land in order to establish conditions favorable to the public health, safety, convenience and general welfare of the Village and its area of jurisdiction. More specifically, this Ordinance is designed to achieve adequate provision for light and air, public open spaces, adequate water supply, drainage, and sanitation including sewer facilities; economy in governmental expenditures and efficiency in governmental operations; safe, convenient circulation of people, goods, and vehicles; accurate and complete surveying, and preparation and recording of plats thereof; safety and suitability of land for contemplated development; and coordination of land development in accordance with orderly physical patterns as stated in the Village Master Plan which is hereby incorporated herein and adopted in this Ordinance and other ordinances and codes in furtherance of such plans and policies as may have been or may be hereafter adopted by the Village.

10-2-3 AUTHORITY.

This Ordinance is adopted pursuant to the authority set forth in Chapter 3, Articles 19 and 20, NMSA 1978.

10-2-4 JURISDICTION.

This Ordinance shall govern the subdivision of land within the area of planning and platting jurisdiction as defined in Section 3-19-5 NMSA 1978 and as may be further defined by joint powers agreement with any other municipality whose planning and platting jurisdiction overlaps with the planning and platting jurisdiction of the Village.

10-2-5 INTERPRETATION.

This Ordinance is held to be the minimum requirement to carry out the purpose stated herein and is not intended to interfere with any other laws, covenants, or ordinances. Whenever any of the provisions of this Ordinance are more or less restrictive than other laws, covenants, or ordinances, then whichever is more restrictive shall govern.

10-2-6 DEFINITIONS.

For the purpose of this Ordinance standard dictionary definitions shall be used except for certain words or phrases used herein which shall be interpreted as follows:

- A. The word "**person**" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

- B. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- C. The words **“shall”** and **“must”** are mandatory and the word **“may”** is permissive.
- D. **“Agent”** anyone authorized by notarized letter and signed by the property owner to represent same.
- E. **“Alley”** means a public or private right-of-way primarily designed to serve as secondary access to the side or rear of properties otherwise abutting on a street.
- F. **“Apron”** means that portion of a street or driveway that is required to be paved for a smooth transition to another paved roadway
- G. **“Barrow Ditch”** means a ditch parallel to the driving surface to convey rainwater runoff from the right-of-way.
- H. **“Block”** means the distance measured along a street between intersecting streets from centerline to centerline; and where the context requires, such term also means the enclosed area within the perimeter of the street or property lines enclosing it.
- I. **“Commission”** means the Village of Bosque Farms Planning and Zoning Commission.
- J. **“Comprehensive Area Plan”** means a plan for future development of the total area owned or controlled by a subdivider, and which includes the land proposed for immediate subdivision.
- K. **“Contiguous”** means touching or separated by nothing more than a ditch, canal, or public right-of-way.
- L. **“County”** means Valencia County, New Mexico.
- M. **“Covenant”** means an express agreement or promise between two or more people to do or not to do a certain thing. As used in this Ordinance it refers to a written legally binding agreement between two or more property owners to do or not to do certain constructions on the land or to pursue or not pursue certain activities on the land or to use or not to use the land in any specific or general manner.
- N. **“Cul-de-sac”** means a short, dead-end street intersecting another street at one end and permanently terminating at the other end normally with a vehicular turnaround.
- O. **“Development Review Permit”** means a permit required by the Zoning Ordinance (Section 10-1-18) in the Bosque Farms Village Code, and issued in conjunction with the Valencia County Building Permit application process.
- P. **“Easement”** means an acquired or granted right of use which one person may have in the land of another. Easements are further classified as follows:
 - 1. **“Utility Easements”** are rights granted to Public Utilities, for ingress and egress to serve water, sewer, telephone, cable, gas and electric lines

2. **“Access Easements”** is the right granted by a landowner for ingress and egress to property by either purchase, deed or adverse possession or any other legal means. Any portion thereof devoted to vehicular use shall be no less than 20 feet in width.
- Q. **“Future Street Line”** means a line, established by the Governing Body, for the purpose of delineating the future boundaries of public right-of-way to be used for street purposes.
- R. **“Frontage”** means the length of the front of a building or piece of land next to a street.
- S. **“Governing Body”** means the Village Governing Body.
- T. **“Lot”** means a tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, or transfer of ownership for building development.
1. **“Lot Size”** means the total square footage of the lot as described by the platted lot lines.
 2. **“Lot Width”** means the dimension between side property lines measured parallel to the street right-of-way line or tangent line. In case of irregularly shaped lots, the mean width shall be taken.
 3. **“Corner Lot”** means a lot bordering on two or more streets at their intersection.
 4. **“Double Frontage Lot”** means any lot which abuts two parallel or approximately parallel streets.
- U. **“Master Plan”** means a plan or any of its parts currently adopted and/or changed, modified or amended by the Governing Body for the physical development of the area within the planning and platting jurisdiction of the Village for the general purpose of guiding and accomplishing coordinated and harmonious development.
- V. **“Minimum Lot Size”** means the smallest allowable lot size in accordance with the provisions of the Zoning Ordinance, Chapter 10-1 of the Bosque Farms Village Code.
- W. **“Parcel”** means a unit of land capable of being described by location and boundaries and not dedicated for public or common use.
- X. **“Pedestrian”** means any human being afoot or in a wheelchair or similar device.
- Y. **“Phased Development”** means a subdivision that is implemented in sections or phases.
- Z. **“Plat”** means a map, chart, survey, plan or replat certified by a licensed, registered land surveyor, the intent of which is to describe a lot or subdivision and contains a description of the subdivided land with ties to permanent monuments.

- AA. **“Public Facilities”** means structures or uses or land which serve the general public, including municipal and private utilities.
- BB. **“Public Right-of-Way”** means that public area of land deeded, dedicated by plat, or otherwise acquired by any unit of government and owned in fee for the purposes of movement of vehicles, pedestrian traffic, and/or for conveyance of public utility services and drainage.
- CC. **“Replat”** means to prepare and record a new plat replacing all or a portion of a previously recorded plat that has been vacated.
- DD. **“Street”** means that portion of a public right-of-way or a private roadway which is primarily devoted to vehicular use. A street normally provides primary access to abutting property. Streets are further classified as follows:
1. **“Arterial streets”** are major streets or thoroughfares that carry, or will carry a considerable amount of traffic of more than one neighborhood character and which also serves abutting properties.
 2. **“Collector streets”** are streets that serve as a connection between a major or secondary thoroughfare and several minor streets. The term includes the principal entrance street of a residential development and streets for major circulation within such a development.
 3. **“Local streets”** are streets of relatively short length that provide direct access to a limited number of abutting residential properties and area designed to discourage its use by through traffic.
- EE. **“Subdivider”** means any person, individual, firm, partnership, association, corporation, estate, trust or any other group or combination acting as a unit, dividing or proposing to divide land so as to constitute a subdivision as defined herein and includes any agent of the subdivider.
- FF. **“Subdivision/Subdivide”** means:
1. For the area of land within the boundaries of the Village; the division of land into two (2) or more parts by platting or by metes and bounds description into tracts for the purpose of sale, lease or development.
 2. For the area of land within the Village extraterritorial subdivision and platting jurisdiction; the division of land into two (2) or more parts by platting or by metes and bounds description into tracts of less than 5 (five) acres in any one (1) calendar year for the purpose of sale, lease or development.
 3. Subdivision does not include the following:
 - a. Any residual land retained by the subdivider after subdivision but which has not been divided for subdivision purposes.
 - b. The sale or lease of offices, stores or similar space within a building.

- c. Any division of land in which only gas, oil, mineral or water rights are severed from the surface ownership of the land.
- d. Any division of land created by court order, except court orders involving land grant adjudications.

GG. **“Subdivision, Land-Split”** means a type of minor subdivision containing 2 (two) lots.

HH. **“Subdivision, Major”** means a subdivision containing 5 (five) or more lots or a subdivision containing not more than 4 (four), one (1) or more which do not front on an existing street and involving new streets or the creation of public improvements.

II. **“Subdivision, Minor”** means a subdivision containing not more than 4 (four) lots fronting on an existing street, not involving any new streets or the creation of any public improvements, and not in conflict with any provision of this Ordinance, or the Master Plan or Zoning Ordinance of the Village. A Minor Subdivision may include the replat of all or a portion of an existing subdivision plat wherein the number of lots is not increased and no changes are made to public right-of-way.

JJ. **“Traffic Study”** means a study prepared by a New Mexico certified and licensed engineer to determine the impact of a proposed development on the existing roads and highways and recommends methods for mitigating the impacts.

KK. **“Vacation of Plat”** means to remove or delete all or part of a recorded subdivision plat, including legal dedications and grants of easements.

LL. **“Variance”** means a modification or waiver of the regular subdivision design standards.

MM. **“Vehicle”** means any device in, upon or by which any person or property is or may be transported or drawn upon a roadway or street.

NN. **“Village Engineer”** means the licensed engineer or engineering firm currently under contract by the Village to provide consultation on matters requiring such expertise.

10-2-7 GENERAL INFORMATION.

A. **Required Plat.** Every person who desires to subdivide land into two (2) or more lots or replat any parcel of land in accordance with this Ordinance shall furnish a plat of the proposed subdivision prepared by a surveyor, registered and licensed by the State of New Mexico, and shall comply with the requirements of this Ordinance. No such subdivision lot shall be smaller than the minimum lot size allowed by the Zoning Ordinance, Section 10-1 of the Bosque Farms Village Code. Upon request, the Village Planning and Zoning Administrator/Officer shall furnish the subdivider with basic information on the requirements.

- B. **Subdivision Within Village Corporate Limits.** Any proposed subdivision, replat or vacation of plat occurring within the corporate limits of the Village shall conform to the requirements of this Ordinance, and shall be submitted for review and approval by the Governing Body following recommendation by the Commission prior to filing with the County Clerk, before beginning improvement activities or negotiating sale or lease of any lot within the proposed subdivision.
- C. **Subdivision Outside Village Corporate Limits.** Any proposed subdivision, occurring outside the corporate limits but within the planning and platting jurisdiction of the Village shall conform to the requirements of this Ordinance and as supplemented by the provisions of the County Land Subdivision Regulations, and shall be submitted for concurrent review and approval by the Governing Body, following recommendation by the Commission, and the Board of County Commissioners prior to filing with the County Clerk, before beginning improvement activities or negotiating sale or lease of any lot within the proposed subdivision.
- D. **Appropriateness.** Within the jurisdiction of the Village, land may be subdivided only in accordance with procedures established by this Ordinance. The subdivision shall be approved when it is determined that the land to be subdivided is suitable for the purposes proposed, that the subdivision complies with this Ordinance, and that the subdivision is not contrary to the best interest of the public health, safety, and general welfare.
- E. **Acceptance of Public Lands.** Approval of a subdivision shall not constitute acceptance by the Village of public rights-of-way, easements, or other public lands shown on the subdivision plat. The dedication of land for public use of any nature within the planning and platting jurisdiction of the Village shall be accepted by the Village only after approval by the Governing Body.
- F. **Platting Considerations.** In order to provide guidance to subdividers concerning acceptable proposed plats, the following considerations are fundamental:
1. The availability of adequate streets, fire protection, police protection, refuse service, public schools, parks and recreation facilities, and utility services shall all be considered in all land subdivisions;
 2. The subdivider shall preserve major trees, scenic points, historic places and other community landmarks wherever feasible or required;
 3. If the subdivider owns or controls land abutting the land he wishes to subdivide immediately, or if the subdivider expresses an intention to subdivide in a phased or incremental manner, the subdivider may be required to submit a proposed comprehensive area plan for the total area to be approved or approved in modified form prior to approval of the preliminary plat. Any plat submitted shall be a reasonable planning unit in relation to the approved comprehensive area plan. The proposed area plan shall show proposed uses, types, and densities of development as well as proposed arterial, collector, and local street alignments;
 4. No subdivider shall proceed with any grading and/or dirt work specifically in relation to a proposed subdivision before approval has been given for the preliminary plat.

Such grading shall be consistent with the recommendations of an approved drainage plan, if any have been required pursuant to this Ordinance.

5. In order to ensure reasonable circulation and access for neighborhoods, local residential streets shall connect with surrounding streets where necessary to permit the convenient movement of traffic between residential neighborhoods or to facilitate access to neighborhoods by emergency service vehicles or for other sufficient reasons. Connections shall not be permitted where the effect would be to encourage the use of such streets by substantial through traffic unless secondary or additional access routes are provided and
6. Given that agriculture and the raising of livestock is a permissive use in every residential zone in the Village, each subdivider must make every effort to ensure that the proposed subdivision is compatible with such uses on surrounding properties and that the subdivision shall not interfere with such uses in any way. (NMSS 47-0-1 through 47-9-7, Right to Farm Act)

G. **Recording of Approved Plat.** See Section 10-2-22 for procedure.

10-2-8 PRE-APPLICATION PROCEDURE.

- A. **Pre-Application Conference.** Prior to submission of a plat, the subdivider shall discuss with the Planning and Zoning Administrator/Officer the procedure and requirements for plat approval. The Planning and Zoning Administrator/Officer, assisted by the Village Engineer if needed, shall provide guidance to the subdivider as to the appropriateness of the proposal in relation to the Master Plan of the Village, any applicable County plans, and zoning. The purpose of the Pre-Application Conference is to allow the subdivider to become familiar with the procedures and requirements of this Ordinance and applicable ordinances, and to grant the Planning and Zoning Administrator/Officer a preview of the proposed subdivision in its conceptual stages.
- B. **Advice to Subdivider.** The Planning and Zoning Administrator/Officer or other Village employees may assist the subdivider in analyzing the development and plan for its integration with the community, and may give informal guidance to the development at a stage when potential points of difference can be resolved to simplify official actions and save unnecessary expense and delay to the subdivider.
- C. **Review Procedures.** Previous to the filing of an application for approval of the preliminary plat, the subdivider shall submit to the Planning and Zoning Administrator/Officer a sketch plan and data as specified herein. This step does not require formal application, payment of fee, or filing of a plat. The Planning and Zoning Administrator/Officer, within 30 (thirty) days after sketch plan submittal, shall inform the subdivider whether the sketch plan and data meet the general intent of this Ordinance. If the sketch plan and data do not meet the general intent, the Planning and Zoning Administrator/Officer shall express the reasons therefore and provide general advice to the subdivider to assist in bringing the proposed plan into conformance.

10-2-9 PRE-APPLICATION DATA REQUIREMENTS.

(This Section applies to Major, Minor, Land-Splits, Replats and Vacations.)

- A. **Location Map.** A location map shall show the relationship of the proposed plat to existing public facilities which serve it; all abutting streets, nearby commercial areas, schools and parks; and scale, north arrow and date.
- B. **Sketch Plan.** A sketch plan shall show the proposed layout of streets, lots, and other features in relation to existing conditions. The sketch plan may be a freehand pencil sketch made directly on a current plat map such as that from the county Assessor's Office or from the Middle Rio Grande Conservancy District.
- C. **Written Information.** Pre-application information shall include the name and address of the subdivider and his agent, if any, the total area of the proposed plat, the area of each proposed use, and a description of the existing conditions of the site and the proposed development as necessary to supplement the sketch plan. This information shall include data on existing and proposed covenants and land characteristics including surface drainage, grading, landfill areas, and available private and public utilities.

For commercial subdivisions, the plan shall also include data on access for fire and emergency response, landscaping, parking, setbacks, driveways, building footprints and topography. This information shall also describe the subdivision proposal, such as the number and typical lot width and depth of residential lots, business areas, public areas, and proposed utilities.

10-2-10 PRELIMINARY PLAT PROCEDURE.

- A. **Application.** Upon completion of the pre-application review, the subdivider shall prepare a written application on prescribed forms, together with 7 (seven) copies of the preliminary application package shall be delivered to the Village office at least 60 (sixty) days prior to the regular meeting of the Governing Body at which time the plat is to be formally submitted for review. The plat shall contain the name and address of the person to whom a notice of hearing shall be sent. Supplementary material shall be submitted according to the following specifications in this Ordinance
- B. **Annexation and/or Zone Change.** If annexation and/or a zone change is proposed or required to accomplish the proposed development in connection with the plat, the plat shall not be approved until such time as annexation and/or zone change is officially adopted by Governing Body.
- C. **Traffic Study for Major Subdivision.**
 - 1. A Traffic Study shall be required for all subdivisions containing 20 (twenty) or more parcels. See Section 10-2-17 for procedure.
 - 2. The Governing Body shall consider the traffic study and the impact of the traffic on the surrounding community and the Village before approving any major subdivision. The Governing Body may refuse to permit any major subdivision if it determined

that the benefits of the subdivision are outweighed by the impact of the traffic on the surrounding community, its streets or the Village itself.

D. Review by the Commission. Following delivery of a complete preliminary plat application package, the Commission shall, at a public hearing, review the preliminary plat and supplementary material prepared as required by this Ordinance.

1. The Planning and Zoning Administrator/Officer shall send notice of the time and place of the hearing on a plat by mail to the address on the plat and all property owners with property abutting the proposed subdivision within 100 (one hundred) feet excluding public right-of-way, which are located within Bosque Farms Village Limits, not less than 15 (fifteen) days before the date of the hearing.

The Planning and Zoning Administrator/Officer shall also give public notice of the preliminary plat application in a newspaper of general circulation in the Village at least 15 (fifteen) days prior to the date of the hearing. The notices shall indicate the location of the proposed subdivision and where the preliminary plat is available for viewing where interested persons may examine the preliminary plat and file comments.

2. At that public hearing,, interested persons shall be allowed to address the Commission. The Commission shall then provide to the Governing Body a written report of its findings, together with a recommendation that the preliminary plat be approved, conditionally approved stating conditions or disapproved. A recommendation to disapprove shall state the specific reason(s) for the disapproval and shall refer to the Ordinance, Section or policy where the Preliminary Plat is deficient. In preparing its report of findings, the Commission shall consult with any appropriate persons or agencies concerned with the proposed subdivision. Any comments or findings of any reviewing agency shall be entered upon the records of the Commission.

If the Village Engineer or any agency other the Village staff should be required to review the submitted materials, the time period within which the Commission must act may require reasonable extension. An extension of time may also be granted by the Governing Body prior to final action upon written request by the subdivider.

E. Public Hearing by the Governing Body. Upon receipt of a formal submittal of a preliminary plat, the Governing Body shall call for a public hearing to be held within 35 (thirty-five) days in order to act on the plat. An extension of time may be granted by the Governing Body prior to final action upon written request by the subdivider. No plat shall be acted upon without a public hearing.

F. Decision. If the preliminary plat is approved, the Governing Body shall express its approval and state the conditions of such approval, if any. If the plat is disapproved, the Governing Body shall express its disapproval and its reasons therefore. The action of the Governing Body shall be noted on 2 (two) copies of the preliminary plat, with all necessary conditions and supplemental information attached and referenced. One (1) copy shall be returned to the subdivider and the other retained by the Village.

G. For Major Subdivision Actions. Approval of a preliminary plat shall not constitute approval of the final plat. Rather, it shall be deemed an expression of approval to the layout submitted on the preliminary plat as a guide to the preparation of the final plat. The subdivider shall be notified in writing within 5 (five) days following the public hearing, of the action taken by the Governing Body and the reasons therefore.

H. Duration of Preliminary Plat Approval. Approval of a preliminary plat is effective for one year, at which time the approval of the preliminary plat is rescinded and deemed null and void, unless extended by the Governing Body, based on a finding that the delay has been unavoidable and that extension is in the public interest.

10-2-11 PRELIMINARY PLAT DATA REQUIREMENTS.

A. Preliminary Plat. The preliminary plat shall be drawn to a scale of no less than 1 (one) inch to 200 (two-hundred) feet for the purpose of showing all details clearly. An adequate number of sheets, no larger than 24 (twenty-four) by 36 (thirty-six) inches, shall be used to show the proposed subdivision in its entirety. Where more than one (1) sheet is required, each sheet shall be numbered in relation to the total number of sheets involved, and each sheet shall have a small key map showing its relationship to the whole.

10-2-12 FINAL PLAT PROCEDURE. (Applies to Major Subdivisions)

A. Application. Application for approval of the final plat shall be transmitted on prescribed forms to the Village Office at least 30 (thirty) days prior to the hearing at which it is to be formally submitted. Such application shall include an original and 7 (seven) copies of the final plat and other required exhibits. Submittal to the Governing Body must be within one (1) year following approval of the preliminary plat; otherwise such approval shall become null and void unless an extension of time has been granted by the Governing Body. The final plat shall conform substantially to the preliminary plat as approved.

B. Review. The Governing Body shall review the final plat and other exhibits submitted at a public hearing for conformity to this Ordinance and shall insure that the conditions of the preliminary plat as approved has been met. The final plat may constitute all or a portion of the approved preliminary plat the subdivider desires to record and develop at the time, provided, however, that any such portion shall be subject to the full application and review process and all other requirements in accordance with this Ordinance.

The Planning and Zoning Administrator/Officer shall send notice of the time and place of the hearing on the plat by mail to the address on the plat not less than 15 (fifteen) days before the date of the hearing.

The Planning and Zoning Administrator/Officer shall also give public notice of the final plat application in a newspaper of general circulation in the Village at least 15 (fifteen) days prior to the date of the hearing. The notice shall indicate the location of the proposed subdivision and where the final plat is available for viewing where interested persons may examine the final plat and file comments.

- C. **Dedication of Land for a Major Subdivision, if applicable.** The final plat shall be sent to the County Clerk for filing until any dedication of land for public use, in accordance with this Ordinance, have been formally accepted by Resolution of the Governing Body. The procedure for such dedications shall be as follows:
1. All lands dedicated for public use shall be inspected to ascertain compliance with this Ordinance. Such inspection shall be performed and documented by a qualified and certified engineer at the expense of the subdivider prior to the submittal of the final plat. All new streets must, upon inspection, be constructed as required by this Ordinance. The final plat shall not be acted upon without such inspection.
 2. Acceptance of land dedicated for public use shall be made by Resolution of the Governing Body within 35 (thirty-five) days of the date of final plat submission. A copy of the Resolution shall be sent to the subdivider for inclusion with the final plat.
 3. Those land which are accepted by the Governing Body for dedication to the public shall become the responsibility of the Village for maintenance and future improvements.
 4. Any lands offered for dedication but not accepted by the Governing Body, shall be specifically identified on the plat or deed.
- D. **Decision.** If the final plat is in substantial conformance with the preliminary plat and complies with this Ordinance, it shall be approved by the Governing Body. Approval or disapproval shall be given within 35 (thirty-five) days of the date of the final plat submission, unless the subdivider agrees in writing to a deferral. The Governing Body's decision shall be recorded on the original drawing of the final plat and on 2 (two) copies thereof and shall be dated and verified by the signature of the Mayor. Should the final plat be disapproved, the Governing Body shall express in writing the reasons for disapproval and attach to 2 (two) copies of the final plat. One (1) of said copies shall be returned to the subdivider and the other shall become a part of the files of the Village Clerk/Administrator or their designee.
- E. **Dedication of Water Rights.** An applicant for subdivision approval within the Village corporate limits, shall agree that if the Village approves the subdivision in consideration of that approval, the applicant will make water rights available to the Village in an amount determined by the Village as necessary to serve the subdivision with water available to the Village. The necessary water rights shall be estimated on a formula of 0.4 acre feet of consumptive use water rights per subdivided lot. The applicant shall make these water rights available to the Village in one of the following forms:
1. By dedicating water rights to the Village, meeting legal requirements to enable the Village to serve the proposed subdivision with water;
 2. By obtaining, by other means, the dedication of the necessary water rights meeting legal requirements to enable the Village to serve the proposed subdivision with water. If rights are to be dedicated, the applicant shall demonstrate ownership of those water rights prior to approval of the subdivision.

- F. **Recording.** The final plat is in effect only after having been duly recorded in the office of the County Clerk and copies filed with the Village Clerk/Administrator or their designee. Approval of the final plat shall become null and void if the plat is not so recorded within 6 (six) months after the date of approval. Submittal for recording is the subdivider's responsibility. In the case of a replat, the subdivider shall request the County Clerk to mark the original plat with the words "replatted" or "partially replatted" and refer on the original plat to the filed location of the replat. The Village Clerk/Administrator or their designee shall mark the copies of the original plat on file in the offices of the Village in a similar manner. After having filed the original drawing of the final plat with the County Clerk. No Development Review Permits shall be issued until copies of the recording of the final plat have been placed on file with the Village.
- G. **Replat.** After final approval of any plat, no lot or block shall be further subdivided or the area of any platted lot diminished, and no change shall be made in the platting of any street, alley or easement established by said plat except upon the filing of a replat, showing such proposed change, or changes, with the Commission and securing its approval in accordance with the procedures herein established.

10-2-13 FINAL PLAT DATA REQUIREMENTS.

- A. **Final Plat.** The subdivider shall submit the original and 2 (two) copies of the final plat to the Governing Body for approval in accordance with the following provisions.
- B. **Size, Scale, Material.** The final plat shall be drawn, scribed or photo-reproduced in black ink on tracing cloth or stable-base polyester material, on sheets no larger than 24 (twenty-four) by 36 (thirty-six) inches, and shall be at a scale of 1(one) inch to 200 (two hundred) feet. Enough sheets shall be used to show the subdivision in its entirety, with each sheet numbered in relation to the total number of sheets involved, and each shall have a small key map showing its relationship to the whole.

10-2-14 PROCEDURE FOR A REPLAT.

- A. **Process.** Replat as defined by this Ordinance may be approved by the Commission in a two-step process of pre-application conference and submission of final plat.
- B. **Qualifications.** In order to qualify for approval as a replat, the following conditions must exist:
1. The replat shall not increase the total number of previously existing lots.
 2. No new public right-of-way is created and no existing public right-of-way is changed.
 3. The replat will not create a need for any additional public facilities which currently exist to serve the area of the subdivision.
 - 4.

B. Application, Review, Decision and Recording Procedures. As per Sections 10-2-10.A., 10-2-10.B., 10-2-10.D., 10-2-10.E., 10-2-10.F., 10-2-11 and 10-2-22.

C. Replat. After final approval of any plat, no lot or block shall be further subdivided or the area of any platted lot diminished, and no change shall be made in the platting of any street, alley or easement established by said plat except upon the filing of a replat, showing such proposed change, or changes, with the Commission and securing its approval in accordance with the procedures herein established.

10-2-15 PROCEDURE FOR A LAND-SPLIT.

A. Process. Land-split as defined by this Ordinance may be approved by the Governing Body following recommendation by the Commission in a two-step process of pre-application process conference and submission of final plat.

B. Qualifications. In order to qualify for approval as a land-split, the following conditions must exist:

1. The land-split subdivision divides the tract into 2 (two) lots. These 2 (two) lots or any part thereof shall not be further divide as a land-split subdivision.
2. The 2 (two) lots shall conform to the zoning regulations governing that zone district.
3. Adequate ingress and egress to both lots must be provided by the subdivider by either a public dedicated roadway or a private roadway easement of at least 40' (forty feet) in width.
4. The Village shall not be responsible for any private roadway easements developed in a land-split subdivision.
5. Application and approval for a land-split subdivision shall be made in accordance with the procedures in Sections 10-2-7, 10-2-8, 10-2-12, and 10-2-13 of this Ordinance.
6. The subdivision shall not be in conflict with any provision of this Ordinance, the Master Plan, or the Zoning Ordinance of the Village.

C. Application, Review, Decision and Recording Procedures. As per Sections 10-2-10.A., 10-2-10.B., 10-2-10.D., 10-2-10.E., 10-2-10.F., 10-2-11, and 10-2-22.

10-2-16 PROCEDURE FOR MINOR SUBDIVISION.

A. Process. Minor subdivision as defined by this Ordinance may be approved by the Governing Body following recommendation by the Commission in a two-step process of pre-application conference and submission of final plat.

B. Qualifications. In order to qualify for approval as a minor subdivision, the following conditions must exist:

1. The subdivision shall contain no more than 4 (four) lots, with the exception of certain replats which satisfy all other conditions stated herein.
2. All subdivided lots shall front on existing dedicated public right-of-way with the exception of land-splits which satisfy all other conditions stated herein.
3. No new public right-of-way is created and no existing public right-of-way is changed.
4. The subdivision will not create a need for any addition to public facilities which currently exist to serve the area of the subdivision with the exception of land-splits which satisfy all other conditions herein.
5. Subdividers with certain tracts of land which may not have adequate access off an existing dedicated public right-of-way, and may require an addition to the public facilities, may be granted a land-split subdivision by the Governing Body following recommendation by the Commission. In order to qualify as a land-split subdivision the following conditions must be met.
 - a. The land-split subdivision divides the tract into 2 (two) lots. These 2 (two) lots or any part thereof shall not be further subdivided as a land-split subdivision.
 - b. The 2 (two) lots shall conform to the zoning regulations governing that zone district.
 - c. Adequate ingress and egress to both lots must be provided by the subdivider by either a public dedicated roadway or a private roadway easement of at least 40' (forty) feet in width.
 - d. The Village of Bosque Farms shall not be responsible for any private roadway easements developed in a land-split subdivision.
 - e. Application and approval for a land-split subdivision shall be made in accordance with the procedures for Minor Subdivision as stated in Sections 10-2-14 of this Ordinance.
6. The subdivision shall not be in conflict with any provision of this Ordinance, or the Master Plan or Zoning Ordinance of the Village.

C. **Application, Review, Decision, and Recording Procedures.** As per Sections 10-2-10.A., 10-2-10.B., 10-2-10.D., 10-2-10.E., 10-2-10.F., 10-2-11 and 10-2-22.

10-2-17 PROCEDURE FOR A MAJOR SUBDIVISION.

- A. **Process.** Major subdivision as defined by this Ordinance may be approved by the Governing Body following recommendation by the Commission in a three-step process of pre-application conference, submission of preliminary plat and submission of final plat.

B. **Application, Review and Decision.** As per Sections 10-2-10, 10-2-11, 10-2-12, and 10-2-13.

C. **Traffic Study.**

1. A traffic study shall be required for all subdivisions containing 20 (twenty) or more parcels. The report shall be prepared by a qualified engineer, licensed in the State of New Mexico.

2. Submittal Procedures:

- a. Following the Pre-Application Conference, the Planning & Zoning Administrator/Officer shall schedule and conduct a special meeting with the applicant to establish the scope of the traffic study report and the requirements stated herein. The Planning & Zoning Administrator/Officer shall maintain a written record of this meeting;
- b. Submit the draft study to the Planning & Zoning Administrator/Officer for review by that department and the Utilities/Road Director. This report shall be substantially complete with the initial recommendations;
- c. Submit 3 (three) copies of the final report to the Planning & Zoning Administrator/Officer; and
- d. Submit a copy of the traffic study report to the State Department of Transportation along with a cover letter of explanation, for review, if the proposed subdivision requires direct access to a state or federal highway.

3. Traffic Study Report requirements:

- a. The traffic study report will adhere to the processes and products outlined in the New Mexico State Department of Transportation's "State Access Management Manual". This manual prescribes a tiered approach to evaluating traffic impacts from a proposed development.

10-2-18 REQUIRED IMPROVEMENTS.

A. **Authorization.** Receipt of the signed copy for the preliminary plat is authorization for the subdivider to proceed with the minimum improvements as specified in Section 10-2-15 C of this Ordinance, here-in-after referred to as improvements. Prior to the construction of any improvements or to the submission of any bond, the subdivider shall furnish the Commission and Governing Body with all plans and data necessary for the construction of said improvements. These plans shall be examined by the Commission and Governing Body and will be approved if in accordance with the requirements as stated in paragraphs B and C below, following this approval, construction can be started.

B. **Installation Assurance.** Final Plans for roadway and utilities shall be prepared by an engineer registered in accordance with the laws of the State of New Mexico. The

Village shall be assured of the installation of these improvements in a satisfactory manner by one or more of the following methods:

1. Complete installation of the improvement prior to approval of the final plat.
2. The subdivider shall provide a bond, letter of credit, escrow deposit or another type of security acceptable to the Village in an amount not less than 125% (one hundred twenty-five percent) of the estimated cost of the required improvements to insure completion of the installation of the utilities and roadway improvements as provided by the Subdivision Plat. Any funds remaining after completion of the improvements will be refunded to the developer less administrative fees and costs, including attorney fees, incurred by the Village to ensure compliance.

C. **Installation of Improvements.** The subdivider may prepare and secure approval of the preliminary plat and then install improvements in the area covered by the preliminary plat. Improvements must be installed only in that part of the area for which a final plat will be submitted for approval and filing. Phase development of a subdivision is permitted provided all improvements in that phase are completed and a surety has been secured to complete the improvements to final plat. The improvements to be installed shall include the following:

1. All subdivision boundary corners, and the four corners of all street intersections shall be marked with permanent monuments. A permanent monument shall be deemed to be concrete with a minimum dimension of 4 (four) inches, extending 3 (three) feet below the surface of the ground. Should conditions prohibit the placing of monuments on line, offset marking will be permitted; provided, however, that offset courses and distances are shown on the plat.
2. All streets shall be constructed in accordance with the design standards provided in this Ordinance.
3. The subdivider shall present evidence that adequate water and sewer service for each lot is provided in compliance with the requirements of the New Mexico Environment Department and in conformance with any applicable procedure and standards for centralized water as more specifically set forth with the provisions of the Water Service Ordinance (Section 9-2-1, the Code of the Village of Bosque Farms), and/or sewer systems adopted by the Village of Bosque Farms.
4. Drainage facilities or other means of stormwater management shall be addressed by the subdivider, and shall require assurances by a certified engineer that the subdivision development will not adversely affect the surrounding properties due to stormwater runoff.
5. An inspection by a qualified and certified engineer is required during the stages of construction of improvements to insure compliance with the above requirements. The final inspection report shall be made within 10 (ten) days of completion of the improvements. Such inspection shall be conducted and documented at the expense of the Subdivider and delivered to the Village Offices prior to final plat approval.

10-2-19 DESIGN STANDARDS.

All subdivisions shall conform to the following minimum design standards established by the Village. Subdivisions outside the Village Corporate limits shall be exempt from specific requirements for paving as required by Section 10-2-16 A.11-16 of this Ordinance.

- A. **Erosion.** No subdivider shall remove or permit to be removed the existing ground cover in the subdivision without making provisions to prevent wind and/or water erosion and resultant damage to adjacent properties.
- B. **Street Standards.** The character, extent, width and location of all streets shall conform to the Village Master Plan or policies established by the Governing Body and shall be consistent and appropriate in their relationship to existing and planned streets, topographic conditions, public convenience, safety, and the proposed uses of the land to be served by such streets.
1. Where an arterial or collector street is not shown and defined in the Village Master Plan and there is not an adopted future street line, the arrangement of streets in a subdivision shall either:
 - a. Provide for the continuation or appropriate projection of existing development where topographic or other conditions make continuance of, or conformance to, existing streets impractical, or
 - b. Conform to a plan for the neighborhood approved by the Village to meet a particular situation where topographic or other conditions make continuance of, or conformance to, existing streets impractical.
 2. Local streets shall be so laid out that their use by through traffic will be discouraged.
 3. No street names shall be used which will duplicate or be confused with the names of existing streets within the jurisdiction of the Village Street name changes shall be subject to the approval of the Governing Body upon the recommendation of the Commission. A street name shall only be changed if the applicant shows that there will be a public benefit which clearly outweighs the public confusion which would be created by the name change.
 4. Streets shall be laid out to intersect as nearly as possible at 90 (ninety) degree angles, and no street shall intersect any other street at less than 60 (sixty) degrees.
 5. Any place where there is a private gravel road in a minor subdivision; streets shall have a minimum of 40-foot (forty-foot) paved aprons at intersections onto a Village paved road. The apron shall be measured from the roadway edge line.
 6. Property lines at street intersections shall be rounded with a radius of 25 (twenty-five) feet, or of greater radius where the Governing Body may deem it necessary. Comparable cut-offs or chords in place of round corners may be permitted.

7. Cul-de-sacs shall be provided at the closed end with a turn-around having an outside roadway diameter of at least 90 (ninety) feet.
8. All street gradients shall be subject to approval of the Governing Body. Within 100 (one hundred) feet of any intersection, the maximum gradient shall be 5% (five percent) to provide adequate and safe sight distance and the intersection itself shall have a maximum gradient of 3% (three percent).
9. Streets and alleys shall be provided in accordance with the following minimum standards:

STREET TYPE	RIGHT-OF-WAY WIDTH
Arterial	80 feet
Collector	55 feet
Local	40 feet
Alleys	20 feet

10. The minimum radius at the centerline for horizontal curves on streets shall be as follows:

STREET TYPE	CURVE RADIUS
Arterial	400 feet
Collector	200 feet
Local	50 feet

11. Alleys shall be provided in commercial and industrial districts, except that the Governing Body may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading and parking adequate for the uses proposed. Alleys may be provided in residential areas at the option of the subdivider, but are to be discouraged where they would serve no useful public purpose or where easements would better serve the purpose. Alley intersections and sharp changes in alignment shall be avoided, but, where necessary, corners shall be rounded to permit safe vehicular operation. Dead end alleys shall be avoided where possible, but if unavoidable, adequate turn-around space shall be provided.

12. Streets shall be constructed according to the following specifications:

- a. The paved portion of all new streets shall have the following minimum lane widths:

STREET TYPE	MIN. LANE WIDTH
Arterial	12 feet
Collector	11 feet
Local	10 feet

- b. All roads shall be crowned to facilitate drainage. Such crown shall be sloped at one-quarter (1/4") inch of rise per foot.
 - c. Culverts of adequate size shall be placed at all crossings of watercourses. If the proposed crossing is a watercourse under the jurisdiction of the Middle Rio Grand Conservancy District (MRGCD), the subdivider must consult with MRGCD and obtain the proper permit prior to beginning any work on the culvert. Minimum culvert size shall be 18 (eighteen) inches.
 - d. All streets shall have barrow ditches except at driveways. The centerline of barrow ditches shall be no less than 7 (seven) feet from the roadway edge and no less than 1 (one) foot below the crown height of the base course. Base Course will be extended 2 (two) feet beyond the pavement edge at the same slope as the pavement. Where right-of-way permits, there will be a 4 to 1 (four to one) slope from the edge of the base course to the flow line (bottom center) of the barrow ditch. Where no curb or sidewalk exists, the driveway construction shall not block the drainage ditch without providing proper drainage structures.
 - e. All roads shall be constructed to meet or exceed the Equivalent Single-Axle Load (ESAL) for 20 (twenty) years.
13. Subgrade preparation for all new streets shall meet all recommendations reported in a soils evaluation study which shall be prepared by an engineer registered in accordance with the laws of New Mexico. The cost of the soil evaluation shall be paid for by the subdivider. Subgrade preparations may exceed, but must meet the following minimum requirements:
- a. The roadbed and barrow ditch areas shall be scarified to a minimum depth of 6 (six) inches.
 - b. All foreign matter including but not limited to vegetable matter, scrap, etc. shall be removed.
 - c. The roadbed and barrow ditch shall be shaped to the above required specifications.
 - d. For local streets, the top 6 (six) inches of the subgrade roadbed area shall be compacted to not less than 96% (ninety-six percent) of maximum density, except high volume change soils shall be compacted to 90% (ninety percent) of maximum density. For collector streets, the top 12 (twelve) inches of the subgrade roadbed area shall be compacted to not less than 96% (ninety-six percent) of maximum density, except high volume change soils shall be compacted to 90% (ninety percent) of maximum density. For the purpose of this specification, a high volume change soil is defined as any soil containing 35% (thirty-five percent) or more of material passing a No. 200 sieve. Method of compaction optional.
14. Base preparation for all new streets shall meet all recommendations reported in a soils evaluation study which shall be prepared by an engineer registered in

accordance with the laws of New Mexico. The cost of the soil evaluation shall be paid for by the subdivider. Base preparations may exceed, but must meet the following minimum requirements:

- a. All new streets shall be constructed with a depth of at least 6 (six) inches of 1-inch (one-inch) gravel base course in accordance with the following graduations to be placed upon a prepared subgrade as specified above upon the entire length and width of the roadbed:

SIEVE SIZE	PASSING BY WEIGHT
1"	100%
#4	40 - 60
#10	30 - 45
#40	15 - 25
#200	2 - 6

- b. The gravel base course as specified above shall be compacted to not less than 96% (ninety-six percent) of maximum density.

15. All new arterial and collector streets shall be paved in accordance with acceptable design procedures. Such procedures shall include the most current pavement design standards published by the American Association of State Highway and Transportation Officials (AASHTO) and the local adaptation of those procedures developed by the New Mexico State Department of Transportation.

16. All new local streets shall be paved in accordance with acceptable design procedures, including but not limited to the following requirements:

- a. Subgrade and base preparation shall be completed as specified above, or to a higher standard if warranted by site conditions or traffic projections.
- b. Pavement for all local streets, except cul-de-sacs, shall consist of a minimum of 2 (two) inches of asphalt concrete, with tack coat if required, and at 1500 (fifteen hundred) pounds stability. Pavement for cul-de-sacs shall be of the same construction, EXCEPT shall consist of a minimum of 3 (three) inches of asphalt concrete applied in 2 (two) 1-1/2 (one and one-half) inch lifts. Pavement for all collector streets shall consist of a minimum of 3 (three) inches of asphalt concrete, with tack coat if required, and at 1500 (fifteen hundred) pounds stability.
- c. Alternative pavements may be approved by the Governing Body with the advice and recommendation of a qualified and certified engineer.

17. The most current specifications for road and bridge construction established by the New Mexico State Department of Transportation shall be used as the authority for questions concerning street construction.

18. An inspection by a qualified and certified engineer is required within 10 (ten) days of completion of new streets to ensure compliance with above requirements. Such

inspection shall be conducted and documented at the expense of the Subdivider and delivered to the Village offices.

- C. **Drainage.** Adequate provision shall be made for drainage of stormwater subject to the approval of the Village in accordance with: the policy established by the Village Zoning Ordinance regarding retention of localized stormwater; any specific area drainage plans; and any requirements pursuant to the National Flood Insurance Program of the Federal Emergency Management Agency.
- D. **Easements.** An adequate easement shall be dedicated along all important watercourses for the purpose of widening, deepening, sloping, improving or protecting the channel for water carrying purposes. Easements for underground utilities shall be provided where necessary and shall be at least 10 (ten) feet in width.
- E. **Blocks.** The lengths, widths and shapes of blocks shall be determined with due regard to provision of adequate building sites suitable to the special needs of the type of use contemplated; to zoning requirements as to lot sizes and dimensions; to needs for convenient access, circulation, control and safety of street traffic; and to limitations and opportunities of topography.
- F. **Lots.** The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites properly related to topography and the character of adjacent development.
 - 1. Depth and width of lots laid out for commercial purposes shall be adequate to provide off street services and parking required by the type and use contemplated.
 - 2. Corner lots for residential use shall have extra width to permit appropriate building setback from an orientation to both streets.
 - 3. The subdivision of the land shall provide satisfactory access to an existing public right-of-way by means of a public right-of-way. Lots within a minor subdivision may be accessed by either a private way or a public right-of-way.
 - 4. Side lot lines shall be substantially at right angles or radial to street lines.
 - 5. Double frontage lots should be avoided except where essential to provide separation of a residential development from traffic arteries or to overcome specific disadvantages of orientation or topography.

G. Underground Distribution Regulations.

- 1. **Residential.** On all new residential subdivisions submitted to the Village for approval, the electrical services will be underground, installed in accordance with rules and regulations adopted by the Public Utility Commission. This policy should be applied only to new subdivided areas where grading has been completed and before paving and electrical facilities have been installed.

2. **Commercial.** On all new and remodeled commercial electrical services above 150 (one hundred fifty) amperes per leg, the service will be underground and installed in accordance with rules and regulations adopted by the Public Utility Commission.

10-2-20 VACATION OF A PLAT.

- A. **Necessity.** Nothing in this Section requires that a vacation be undertaken if a replat, accomplishing the elimination of lot lines, is duly approved. A vacation is required when no replatting is undertaken but elimination of lot lines, right-of-way, or easement lines dividing a parcel is to be accomplished.
- B. **Application Procedure.** Any plat filed in the office of the County Clerk and within the planning and platting jurisdiction of the Village may be vacated according to the following procedures:
 1. The subdivider of land proposed to be vacated, exclusive of public rights-of-way, shall sign a duly acknowledged statement declaring the plat or a portion of the plat is to be vacated and shall apply to the Commission for approval.
 2. Where a public right-of-way is proposed to be vacated:
 - a. The Commission shall mail letters to franchised utilities and to the owner(s) of record of all lots adjacent to the public right-of-way to be vacated, informing them of the nature of the proposed vacation, and notifying them of the date, time, and place of the hearing. At least 15 (fifteen) days shall be allowed for such comments before a decision is reached.
 - b. If the public right-of-way proposed for vacation is paved, or if the entire width of the right-of-way is proposed for vacation, the applicant shall post and maintain one or more signs, as provided and where instructed by the Commission at least 15 (fifteen) days prior to the date of the hearing. The applicant is responsible for removing such signs within 5 (five) days after the hearing is completed. Failure to properly post signs is grounds for deferral of the request. No one except the applicant, the agent of the applicant, or the Village shall remove or tamper with any such required sign during the period it is required to be maintained under this paragraph.
 - c. In considering the vacation of all or part of a public right-of-way, the Commission shall determine whether or not the vacation will adversely affect the interests of persons owning abutting land or land within the subdivision being vacated.
 3. The rights-of-way of any public or private utility, including drainage, existing prior to the vacation, total or partial, of any plat are not affected by the vacation of a plat unless an authorized representative of the utility involved agrees in writing to have the rights vacated.
- C. **Public Hearing.** A decision on approval and endorsement shall be made at a hearing by the Commission. Public notice in a newspaper of general circulation in the Village

shall be published at least 15 (fifteen) days before the date of the hearing; the notice shall indicate the location of the proposed vacation, where a map of the proposed vacation may be viewed and information on the hearing. If approved by the Commission, the endorsement shall be within 10 (ten) days of the conclusion of the hearing.

- D. **Recording.** The vacation is in effect only after the approved statement declaring the vacation has been recorded in the office of the County Clerk. The County Clerk shall be requested to mark the original plat with the words "vacated" or "partially vacated" and refer on the plat to the volume and page on which the statement of vacation is recorded. Submittal for recording is the applicant's responsibility. The applicant shall also provide certified proof of the recording by the County Clerk to the Village.

10-2-21 VARIANCES

- A. **Circumstances.** A variance may be granted under the following circumstances:

1. Where varying from the normal requirements will encourage flexibility, economy, effective use of open space, or ingenuity in design of a subdivision, in accordance with accepted principles of site planning; or
2. Where extraordinary hardship or practical difficulty may result from strict compliance with the minimum standards.

The subdivider shall, at the time the preliminary plat is filed with the Planning and Zoning Commission, submit a written application for a variance(s). The Governing Body, following recommendation by the Commission, may vary or modify the requirements, so that the subdivider is allowed to develop the property in a reasonable manner, but at the same time so that the public welfare and interests of the Village are protected and the general intent and spirit of this Ordinance is preserved. However, such relief may not be granted if it is detrimental to the public good or impairs the intent and purpose of this Ordinance or the desirable development of the community in accordance with plans and policies of the Governing Body. Any variance granted shall be entered in the records of the Governing Body setting forth the reasons which justified the variance.

- B. **Application.** A request for a variance shall be submitted to the Planning and Zoning Administrator/Officer on prescribed application forms, and upon payment of an administrative fee. A completed, signed, and notarized application form must be received by the Planning and Zoning Administrator/Officer at least 20 (twenty) days prior to the Commission meeting date when the application will be considered. Public notice shall be given in a newspaper of general circulation in the area at least 15 (fifteen) days prior to the date of said meeting. The Commission will then make their recommendations to the Governing Body, which at their regular meeting will either approve or disapprove the variance request. The applicant shall post and maintain one or more signs on the premises, as provided and where instructed by the Planning and Zoning Administrator/Officer, at least 15 (fifteen) days prior to the date of the Commission meeting at which the application will be heard. The purpose of the sign or signs is to provide public notice of the application for a variance. Failure to properly post such signs is grounds for deferral or denial of the application. The applicant is

responsible for removing such signs within 5 (five) days after a decision is made regarding the application.

- C. **Requirements.** The Governing Body may impose any necessary requirements or conditions in approving a variance in order to assure that the requested variance:
 - 1. Will cause no significant hazard, annoyance, or inconvenience to the owners or occupants of nearby property;
 - 2. Will not significantly change the character of the neighborhood or reduce the value of nearby property;
 - 3. Will not impose any significant cost burden upon the Village, and
 - 4. Will be in harmony with the general purpose and intent of this Ordinance.

- D. **Evidence.** Application for a variance shall be accompanied by evidence in writing from landowners within 100 (one hundred) feet, excluding public right-of-way, of the boundary of the property owned by or controlled by the person for which the variance is requested stating whether the landowners do or do not object to the variance, if granted. It shall be the responsibility of the applicant to obtain such evidence.

- E. **Approval.**
 - 1. In approving variances, the Governing Body may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of this Ordinance.
 - 2. Any waiver of provisions of the Subdivision Ordinance shall require notice of waiver as approved by the Village of Bosque Farms Governing Body to be placed on the final subdivision plat and on a separately recorded document.

- F. Further, in granting modifications and exceptions, the Governing Body shall place conditions which will, in its judgment, substantially secure the objectives of the standards or requirements involved.

10-2-22 Recording Information.

The final plat is in effect only after been duly recorded in the Office of the County Clerk and copies filed with the Village Clerk/Administrator or their designee. Approval of the final plat shall become null and void if the plat is not so recorded within 6 (six) months after the date of approval. Submittal for recording is the subdivider's responsibility.

In the case of a replat, the subdivider shall request the County Clerk to make the original plat with the words "replatted" or "partially replatted" and refer on the original plat to the filed location of the replat. The Village Clerk/Administrator or their designee shall make the copies of the original plat on file in the offices of the Village in a similar manner after having filed the original drawing of the final plat with the County Clerk.

No Development Review Permits shall be issued until copies of the recording of the final plat have been placed on file with the Village.

The plat shall contain the following information for recording:

- A. Name of proposed subdivision, if applicable, name and address of subdivider, agent, and principal persons preparing the preliminary plat.
- B. Scale, north arrow, name of registered land surveyor, and date established for formal submittal.
- C. Proposed benchmark locations, proposed location of the method of tie to permanent survey monuments, and proposed location and type of subdivision control monuments. Descriptions of all monuments found or set.
- D. Plat boundary lines: bearing in degrees, minutes, and seconds, with basis for bearings noted or shown; distances in feet and hundredths.
- E. Existing conditions of the site and the abutting lands including the following:
 - i. Easements on site: location, width, and purpose.
 - ii. Public right-of-way on and adjacent to site: name, dimensions, and type of paving and/or drainage facilities.
 - iii. Utilities on and adjacent to the site.
 - iv. Ground elevation on the site based on mean sea level datum as established by U.S. Coast and Geodetic Survey:
 - 1. For land that slopes less than 1% (one percent), contour lines at intervals of no more than one (1) foot.
 - 2. For land that slopes between 1% (one percent) to 5% (five percent), contour lines at intervals of not more than two (2) feet.
 - 3. For land that slopes more than 5% (five percent), contour lines at intervals of not more than five (5) feet.
 - v. Other conditions of the site: water courses (Irrigation ditches), major rock outcrops, wooded areas, isolated preservable trees 6 (six) inches or more in diameter, existing structures, and other significant features.
 - vi. Conditions on adjacent land significantly affecting design of the subdivision: approximate direction and gradients of ground slope; character and location of development.
 - vii. Zoning on and adjacent to the site
 - viii. Total area of the proposed subdivision and each lot to the nearest one-tenth (1/10) acre.
- F. Location map showing location of the site in relation to well-known landmarks and abutting property owners.

- G. Proposed lot lines and public right-of-way dimensions; roadways intended to be private; locations, dimensions, and purpose of all easements, public or private; proposed names of roadways.
- H. Number or letter to identify each proposed lot and block.
- I. Locations, dimensions, sizes, approximate areas, and purposes of lot proposed to be dedicated or reserved for the public.
- J. Proposed changes to ground elevations, to the standards specified herein.
- K. Identification of improvements for the subdivision, if applicable, as required in Section 10-2-15 of this Ordinance.
- L. Proposed method for dedication of water rights as provided in this Ordinance.
- M. Proposed names of all streets and cul-de-sacs, if applicable, within the subdivision. Names shall conform to the street naming criteria as set forth in 10-2-16. B.3 of this Ordinance.

10-2-23 APPEALS.

Any person aggrieved with any determination of the Governing Body acting under this Ordinance may file an appeal to the District Court of Valencia County within 30 (thirty) days of such action by the Governing Body. An appeal is perfected by filing notice of appeal in the District Court. A copy of the appeal shall be served upon the Governing Body.

10-2-24 ADMINISTRATIVE FEES.

- A. **General Subdivision Fee.** To cover general expenses related to processing subdivisions, an administrative fee will be charged. The administrative fee shall be \$100.00 (one hundred dollars) plus \$80.00 (eighty dollars) per lot, with the exception of a minor subdivision, which shall require a fee of \$80.00 (eighty dollars) per lot. The subdivider shall pay any needed engineering fees.
- B. **Vacation and Replat Fees.** To cover expenses related to processing, any replat or vacation of plat shall require a fee of \$50.00 (fifty dollars) upon application for each such action.
- C. **Variance.** To cover expenses related to processing of a variance, and administrative fee of \$100.00 (one hundred dollars) will be charged upon application for such action.
- D. **Method of Payment.** Fees shall be made payable to the Village. Fees are non-refundable. All fees shall be paid following completion of the pre-application procedure and upon application for preliminary plat approval, or in the case of a minor subdivision, upon application for final plat approval.

10-2-25 VIOLATIONS AND PENALTIES.

- A. **General.** No subdivision within the planning and platting jurisdiction of the Village shall hereafter be carried out except in accordance with the provisions of this Ordinance. No plat shall be recorded with the County Clerk in violation of the provisions of this Ordinance.
- B. **Transferring Lots in Unapproved Subdivision and/or Failure to Comply This Ordinance.** Any owner or agent of the owner, of any land located within the planning and platting jurisdiction of the Village, who transfers, sells, agrees to sell, or negotiates to sell land by reference to or exhibition of a plat of such land before being duly approved by the Governing Body and duly recorded in the office of the County Clerk shall upon conviction be subject to a fine of \$100.00 (one hundred dollars) per offense or by imprisonment for not more than 90 (ninety) days, or both such fine and imprisonment. Each and every lot or portion thereof so transferred, sold, agreed to be sold, or negotiated to be sold shall be prosecuted and treated as a separate offense. Such action shall be deemed null and void and the appropriate legal action shall be taken. Failure to comply with any of the provisions of this Ordinance may cause the approval of a subdivision plat to be suspended and/or revoked in whole or in part by the Commission and/or the Governing Body. All such legal fees and costs incurred by the Village as a result from violation of this Ordinance shall be paid by the violator.
- C. **Construction or Site Alteration.** No grading or other alteration of a site shall take place prior to approval of a preliminary plat, if the grading or site alteration is related to a proposed subdivision. For minor subdivisions, grading or site alteration shall not take place prior to the completion of the pre-application process.

10-2-26 APPEALS.

Any person aggrieved with any determination of the Governing Body acting under this Ordinance may file an appeal to the District Court of Valencia County within 30 (thirty) days of such action by the Governing Body. An appeal is perfected by filing notice of appeal in the District Court. A copy of the appeal shall be served upon the Governing Body.

10-2-27 AMENDMENTS.

The Governing Body may, from time to time, amend or modify this Ordinance after public hearing, due notice of which shall be given as required by law.

10-2-28 PUBLIC RECORDS.

The Governing Body shall keep public records of findings, decisions, and recommendations concerning all subdivision plats filed with it for review, including such actions as may be taken by the Governing Body through appeals or amendments to this Ordinance.

10-2-29 LIABILITY.

The Village may, from time to time, employee persons either in its Planning and Zoning Department, or elsewhere, who may interact with persons who propose to subdivide

certain property. Notwithstanding any advice or assistance to persons seeking to develop or subdivide property, such employees may provide advice or assistance provided by said person(s) to the subdivider. This Ordinance, and the rulings of the Planning and Zoning Commission, and ultimately, the Governing Body, serve as the decisions of the Village. The Village accepts no liability for any advice given by a Village employee ultimately in conflict with the decisions of the Commission or the Governing Body. Further, the Village accepts no liability for any disputes which may arise between two (2) or more private parties which relate to any advice given or assistance rendered by Village employees related to this Ordinance.

10-2-30 SEVERABILITY.

Should any section, paragraph, clause or provision of this ordinance, for any reason, be held to be invalid or unenforceable, the invalidity and unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

10-2-31 REPEALER. All Ordinances or Resolutions, or part thereof consistent herewith are hereby repealed to the extent only of such inconsistency. The following Sections of the 10-2 of the Code of the Village of Bosque Farms is hereby repealed and/or changed: 10-2-24.A. Adoption of this Ordinance, however, shall not affect nor prevent any pending or future prosecution of, or action to abate, any existing violation of said Section 10-2 if the violation is also a violation of the provisions of this Ordinance. This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed.

10-2-32 EFFECTIVE DATE.

This Ordinance shall be in full force and effect (5) days after its adoption, approval and publication as provided by law.

PASSED, APPROVED AND ADOPTED ON THIS 15TH DAY OF JULY, 2010.

Wayne Ake, Mayor

ATTEST:

Gayle A Jones, Clerk/Administrator

EFFECTIVE DATE JULY 22, 2010

