

**BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF BOSQUE FARMS, NEW MEXICO:**

**10-1**

**COMPREHENSIVE ZONING ORDINANCE**

**10-1-4 Definitions**

**SETBACK, SIDE**

The minimum allowable distance between a structure and the boundary line of the lot, upon which such structure is located, which intersects a roadway.

**SIGN**

A device designed to inform or attract the attention of persons not on the premises on which the device is located. All signs within the Village of Bosque Farms shall require a permit, unless otherwise specified, in accordance with this Section 10-1 (§ 10-1-20).

**SKID ROW**

A high density of businesses that may have the potential to create adverse effects on the surrounding area and community.

**SMOKE SHOP**

Any business devoting more than 15% of the total floor space for display for sale of smoking or tobacco paraphernalia or whose gross dollar volume of business is over 25% from sales of smoking or tobacco paraphernalia.

**SOLID FENCE**

Any solid barrier fencing to include but is not limited to block, ribbed metal panels, adobe, solid vinyl wood panel or other fencing that has 0% open area.

**SPECIAL USE PERMIT**

A permit approving uses which require special consideration as listed in § 10-1-11F.

**STRUCTURE**

Anything constructed, placed, or erected above ground level which requires location on the ground or is attached to something having a location on the ground, but not including a tent, vehicle, vegetation, public utility pole or line, signs or fences. For the purpose of this Section 10-1, a mobile home is a structure, with or without wheels, when located on any lot.

**SUBSTANTIAL IMPROVEMENT**

- (1) Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either:

- (a) Before the improvement or repair is started; or
  - (b) If the structure has been damaged and is being restored, before the damage occurred.
- (2) For the purpose of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:
- (a) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
  - (b) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

#### **10-1-5 General regulations.**

- A. Access to structures. All structures shall be located on lots or parcels of land such that safe and convenient access is provided for servicing, fire protection, and any required off-street parking or loading.
- B. Agricultural activities are permitted in A-R, R-1 and R-1A Zone Districts only, provided that:
- (1) Confinement areas for livestock and fowl shall be constructed and maintained to discourage the concentration and breeding of insects and rodents which are detrimental to human health.
  - (2) Livestock and fowl manure and soiled bedding shall not be allowed to accumulate in amounts that offend or cause a noxious odor. Such material shall be removed within 10 days of official notification from the Village of Bosque Farms.
  - (3) Temporary on-site storage of animal waste shall be designed to prevent groundwater or surface water contamination.
  - (4) Surface water runoff shall be contained on site and controlled to avoid overflow into irrigation ditches and drains and surrounding property.
  - (5) The Village of Bosque Farms adopts NMSA 1978, Article 9, §§ 47-9-1 through 47-9-7, the Right to Farm Act, as an ordinance of the Village.
- C. Building and structure height. No building or structure shall exceed 26 feet in height from the base flood elevation plus six inches of freeboard. This height limitation shall not apply

to silos, water tanks, wind generators, antennas, solar collectors, flagpoles, and other such accessory objects, excluding signs.

- D. Building and structure setback. All buildings and structures shall be placed on a lot in accordance with the following setback requirements:
- (1) There shall be a front setback of 30 feet and a side setback of 10 feet on all lots.
  - (2) There shall be a rear setback of 10 feet on all lots with the exception as noted below in Subsection **D(4)**.
  - (3) An accessory building shall not be placed within any front setback area.
  - (4) An accessory building shall not be placed within any side or rear setback area except when the lot line borders a vehicle-accessible irrigation ditch, roadway or utility easement, in which case the accessory building may be placed on the lot line.
  - (5) Walls, fences and signs are exempt from all setback regulations, provided they are not placed within seven feet of Bosque Farms Boulevard (NMSH 47) and they do not obstruct the required vision clearance at all roadway access points, as per Subsection **O** of this § 10-1-5.
- E. Development. For any new development, new construction or substantial improvement, a development permit shall be obtained from the floodplain administrator as per Section 11-1, Flood Damage Prevention, §§ 11-1-9 and 11-1-15C, of the Village Code.
- F. Exterior lighting requirements. Exterior lighting shall be controlled to avoid spillover of light and glare onto neighboring properties, operators of motor vehicles, or pedestrians in the proximity of the light source. Furthermore, in order to preserve and enhance the community's natural resource of dark skies, all outdoor night lighting fixtures shall be effectively shielded to prevent direct or reflected light into the sky.
- G. Fence. All fences shall be durable, properly maintained and not detrimental to contiguous property. A solid fence shall be required as specified in this Section 10-1.
- (1) Fences shall not cause a nuisance, fire hazard, or dangerous condition that may affect public safety.
  - (2) For purposes of this Section 10-1, a solid fence shall not be composed of metal [except as described in Subsection **G(6)** below], exposed tires, doors, or other materials deemed unsafe or detrimental to adjoining property by the Commission.
  - (3) For purposes of this Section 10-1, visual barrier fencing is not acceptable where a solid

fence is required in a Commercial Zone.

- (4) Fencing over six feet in height shall be engineered in conformity with the regulations of New Mexico construction industries and approved by New Mexico Construction Industries Division.
- (5) The height of a fence shall be measured from the natural ground level or the base of the fence, whichever is appropriate.
- (6) No visual barrier or solid fence shall exceed four feet in height in the front setback area. No fence shall exceed six feet in the front setback area.
- (7) Side and rear property line fencing (except as stated in section 10-1-5.G.6.) shall not exceed eight (8) feet in height.
- (8) All solid barrier fencing is required to obtain a flood plain review permit (as per 10-1-18-A. of this Section in order to regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands and may require flow paths to be installed.
- (9) Ribbed metal panels are allowable within the Village with a development review permit approval (as per 10-1-18-A. of this section 10-1) from the Planning and Zoning Officer/Administrator, with the following conditions:
  - (a) As fencing material if classified as ribbed type seam type with a minimum thickness of 26 gauge and a factory-applied coating of paint or epoxy.
  - (b) Metal panels are allowable, provided that the panels meet the following criteria:
    - [1] "Ribbed" means a raised line in the flat portion of a metal panel that gives added strength and minimizes that appearance of oil canning.
    - [2] Panels will meet the vision clearance requirements in Subsection **O** of this § 10-1-5.
  - (c) Galvanized steel panel fences are not allowed.

R. Accessory structures.

- (1) All accessory structures are subject to the development review process, including setbacks, floodplain review, tie-down regulations and painting of the entire structure when required.
- (2) Units, vehicles, and/or containers which were not originally intended for use as accessory structures shall NOT be permitted as permanent structures this type of unit includes but is not limited to semi-trailers, panel truck bodies, railroad cars, buses and other such units, in

R-1, R-1A, A-R Zone Districts.

(3) Portable storage units and/or repurposed shipping containers may be allowed as permanent accessory structures in A-R, R-1, R-1A, C-1, Zone Districts with the following restrictions and according to the sizing and placement chart:

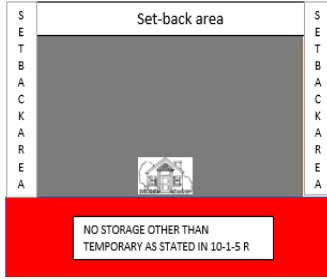
- (a) All logos and/or identifying information must be removed.
- (b) Unit must be painted to be compatible with other structures on the property.
- (c) Unit must be installed and/or made to be in compliance with flood damage prevention section 11-1 of the Village of Bosque Farms Ordinance.

SIZING CHART WILL BE REGULATED BY NOMINAL SIZE:

LESS THAN 1 ACRE      1 ACRE OR MORE      2 ACRES OR MORE

A-R ZONE DISTRICT	1 20X8 Container or 2 10x8 Containers <i>*in no case shall there be more than 2.</i>	1 40x8 Container or 2 20x8 Containers <i>*in no case shall there be more than 2.</i>	Will be handled on an individual basis.
C-1 ZONE DISTRICT	1 20X8 Container or 2 10x8 Containers <i>*in no case shall there be more than 2.</i>	1 40x8 Container or 2 20x8 Containers <i>*in no case shall there be more than 2.</i>	Will be handled on an individual basis.
R-1 ZONE DISTRICT	1 20X8 Container or 2 10x8 Containers <i>*in no case shall there be more than 2.</i>	1 40x8 Container or 2 20x8 Containers <i>*in no case shall there be more than 2.</i>	
R-1A ZONE DISTRICT	1 20X8 Container or 2 10x8 Containers <i>*in no case shall there be more than 2.</i>	1 40x8 Container or 2 20x8 Containers <i>*in no case shall there be more than 2.</i>	

Placement: Placement of Portable storage units and/or repurposed shipping containers shall not be placed in the front of a home or within the side or rear set-backs as per 10-1-5 D of the Village of Bosque Farms Ordinance.



- (4) Portable storage units and cargo hauling vehicles shall be allowed as temporary storage structures in the C-1, A-R, R-1, or R-1A Zone District. For up to ninety (90) days with an approved permit from Planning and Zoning Administrator/Officer. A single thirty (30) day extension may be granted by the Planning and Zoning Administrator/Officer.
- (5) All portable storage units and/or repurposed shipping containers not in compliance after being notified by Planning and Zoning/Code Enforcement within 90 days of notification will be in violation of this Ordinance 10-1, 11-1 or both.

**§ 10-1-18 Development review/flood hazard protection.**

- A. Review required. For the purpose of this Section 10-1, no building or structure or Solid Barrier fencing shall be erected or substantial improvements constructed upon any lot within the Village of Bosque Farms without first being reviewed by the Planning and Zoning Administrator/Officer. Development review permit applications and building plans shall be submitted to the Planning and Zoning Administrator/Officer for review and signature before applying for a building permit with the New Mexico Construction Industries Division.

PASSED, APPROVED AND ADOPTED THIS 18<sup>TH</sup> DAY OF MARCH 2021.

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Russell Walkup, Mayor

(SEAL)

ATTEST:

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Gayle A. Jones, Clerk/Administrator