



AGENDA
VILLAGE OF BOSQUE FARMS
PLANNING & ZONING COMMISSION
REGULARLY SCHEDULED MEETING
MONDAY, JUNE 3, 2024 AT 6:30 P.M.
COUNCIL CHAMBERS LOCATED
1455 WEST BOSQUE LOOP

1. **Call to Order**

Meeting called to order at

Please turn off cell phones or set to silent mode

2. **Pledge of Allegiance**

3. **Roll Call/Determination of Quorum**

SE		DG		MB		KS		JH	
Quorum present		Yes	No						

4. **Introduction of Guests**

RESIDENTS TO ADDRESS THE COMMISSION (NON-AGENDA ITEMS):

5. **Public Comment**

6. **Approval of Agenda**

A C T I O N	Motion			Commissioner Eastman Commissioner Garrison Commissioner Baber Commissioner Schauss Commissioner Hale
	Made by:			
	Second by:			
	Motion carried?	PASSED	FAILED	

7. **Commission to Review and Take Action on Previous Planning & Zoning Commission Meeting Minutes**

[Attachment A – 03-3-24 Draft Minutes.pdf](#)

[Attachment B – 04-1-24 Draft Minutes.pdf](#)

[Attachment C – 05-6-24 Draft Minutes.pdf](#)

A C T I O N	Motion			Commissioner Eastman Commissioner Garrison Commissioner Baber Commissioner Schauss Commissioner Hale
	Made by:			
	Second by:			
	Motion carried?	PASSED	FAILED	

8. **Commission to Review and Take Action on an RV Conditional Use Permit.**

[Attachment D RV Conditional Use Permit - .pdf](#)

A C T I O N	Motion			Commissioner Eastman Commissioner Garrison Commissioner Baber Commissioner Schauss Commissioner Hale
	Made by:			
	Second by:			
	Motion carried?	PASSED	FAILED	

9. **Updates**

- a. Chairman/Chairwoman
- b. Commissioner
- c. Clerk

10. **Time and Place of Next Meeting**

*THE NEXT MEETING OF THE VILLAGE OF BOSQUE FARMS
PLANNING & ZONING COMMISSION WILL BE HELD ON MONDAY,
JULY 1ST, 2024.*

ADJOURNMENT

The Governing Body may revise the order of the agenda items considered at this Open Meeting. If you are an individual with a disability who is in need of a reader, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the office of the Village Clerk at (505) 991-6611 at least four (4) calendar days prior to the meeting. Public documents including the agenda and minutes can be provided in digital or hardcopy format. The Village of Bosque Farms strictly prohibits any form of unlawful discrimination based on race, color, religion, gender identity, sexual orientation, sex, national origin, age, disability, or political affiliation in any program, activity, or service sponsored by the Village. Contact the office of the Village Clerk for more information.



**VILLAGE OF BOSQUE FARMS
PLANNING & ZONING COMMISSION
MINUTES OF THE REGULAR MEETING
March 4, 2024,**

1. TO ADDRESS COMMISSION ON NON-AGENDA ITEMS

- No community members to speak on non-agenda items.

2. CALL TO ORDER

- Meeting called to order at 6:30 PM

3. ROLL CALL

- Prior to roll call Commissioner Baber and Commissioner Gillespie were sworn in by Mike Montoya. Commissioner Baber, Eastman, Gillespie, and Garrison are present, Commissioner Schauss is absent.

4. PLEDGE OF ALLEGIANCE

- Pledge of Allegiance led by Commissioner Garrison.

5. APPROVAL OF AGENDA

- February 5, 2024: Motion to approve by Commissioner Garrison, seconded by Commissioner Baber. Motion approved unanimously.
- March 4, 2024: Motion to approve by Commissioner Baber, seconded by Commissioner Gillespie. Motion approved unanimously.

6. APPROVAL OF THE MINUTES

- January 8, 2024: Motion to approve by Commissioner Baber, seconded by Commissioner Garrison. Motion approved unanimously.
- February 5, 2024: Motion to approve by Commissioner Gillespie, seconded by Commissioner Garrison. Motion approved unanimously.

45 **7. NEW BUSINESS**

- 46 • Approval of Resolution 1039-24 Open Meetings Act. **Motion to approve**
 47 **by Commissioner Garrison, seconded by Commissioner Gillespie.**
 48 **Motion approved unanimously.**
- 49 • Approval of Resolution 1040-24 Policy & Guidelines. **Motion to approve**
 50 **by Commissioner Baber, seconded by Commissioner Garrison. Motion**
 51 **approved unanimously.**
- 52 • The Commission to vote on a recommendation for a minor subdivision
 53 application, located at: 1310 Bosque Farms Blvd. legal description: Tract:
 54 A1 S: 12 T: 7N R: 2E 1.00 ACRE MAP 62 BOSQUE FARMS UNIT #3 J UPC#
 55 1012041085525000000 owned by Ford Ann AKA Patricia Ann. In the care of Ramon
 56 Ramos or Eduardo Perez. Property is currently classified as commercial property. Mr.
 57 Aubrey Farmer spoke in opposition of the use, stating that the road is a private road and
 58 cannot be used for commercial purposes, Planning and Zoning Administrator requested
 59 that the Chairwoman and Commission either table the agenda item or deny the request due
 60 to not having someone there to speak on behalf of the property owner. **Commissioner**
 61 **Baber made a motion to deny the request for lack of presentation, Commissioner**
 62 **Garrison seconded the motion. The motion carried unanimously. The Commission**
 63 **requested that Planning & Zoning inform the applicant that they will need to re-**
 64 **submit.**

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68 **8. OLD BUSINESS**

- 69 • No old business

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72 **9. DISCUSSION ITEMS**

- 73 • No discussion items.

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76 **9. MONTHLY REPORT**

- 77 • Mike Montoya accepted and answered any questions about the monthly report.


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81 **9. ADJOURN**


- 82 • Motion to adjourn by Commissioner Gillespie, seconded by Commissioner Baber. The
 83 motion carried unanimously.
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87 **PASSED, APPROVED, AND ADOPTED THIS 1st DAY OF April 2024.**

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ATTEST:


Sharon Eastman, P&Z Chairwoman



Mike Montoya,
P&Z, CFM, CZO, GIS, BL



MINUTES
VILLAGE OF BOSQUE FARMS
PLANNING & ZONING COMMISSION
REGULARLY SCHEDULED MEETING
MONDAY, APRIL 1ST, 2024 AT 6:30 P.M.
COUNCIL CHAMBERS

The following meeting was held however recalled due to clarification issues relating to the posting of the agenda. The items for this meeting were therefore moved to the meeting in May for review and approval.



MINUTES
VILLAGE OF BOSQUE FARMS
PLANNING & ZONING COMMISSION
REGULARLY SCHEDULED MEETING
MONDAY, MAY 6, 2024 AT 6:30 P.M.
COUNCIL CHAMBERS

1. **Call to Order**

Meeting called to order at: 6:30PM

Please turn off cell phones or set to silent mode

2. **Pledge of Allegiance**

Joe Hale Led those in attendance in the Pledge of Allegiance.

3. **Roll Call/Determination of Quorum**

SE	✓	DG	✓	MB	✓	KS	✓	JH	✓
Quorum present		Yes	No						

4. **Introduction of Guests**

RESIDENTS TO ADDRESS THE COMMISSION (NON-AGENDA ITEMS):

5. **Public Comment**

None.

6. **Approval of Agenda**

A C T I O N	Motion	Motion to Approve Agenda with item 9. Being postpone		
	Made by:	Garrison		Commissioner Eastman Commissioner Garrison Commissioner Baber Commissioner Schauss Commissioner Hale
	Second by:	Baber		
	Motion carried?	PASSED	FAILED	

7. **Commission to Review and Take Action on Previous Planning & Zoning Commission Meeting Minutes**

Attachment A – 04-1-24 Draft Minutes.pdf

Deputy Clerk Limon explained that due to turnover, the minutes for the previous minutes were not drafted. Deputy Clerk Limon further explained that he would draft these minutes and have them produced by the next Planning & Zoning Meeting to take place in June.

8. **Commission to Review and Take Action on a minor subdivision/land split application Tract: A1 S: 12T: 7N R: 2E 1.00 Acre Map 62 Bosque Farms Unit #3 J UPC # 10120410855250000000 owned by Ford Ann AKA Patricia Ann.**

Attachment B – Subdivision Land Split application.pdf

A C T I O N	Motion	Motion to table to allow applicant to produce accurate drawings.		
	Made by:	Garrison		Commissioner Eastman Commissioner Garrison Commissioner Baber Commissioner Schauss Commissioner Hale
	Second by:	Baber		
	Motion carried?	PASSED	FAILED	

9. **Commission to Review and Take Action on an RV Conditional Use Permit.**

Attachment C RV Conditional Use Permit –.pdf

A C T I O N	Motion	Item was Postpone at the beginning of the meeting.		
	Made by:			Commissioner Eastman Commissioner Garrison Commissioner Baber Commissioner Schauss Commissioner Hale
	Second by:			
	Motion carried?	PASSED	FAILED	

10. **Commission to nominate and select the positions of Chair and Co – Chair.**

A C T I O N	Motion	Appointment of Chairwoman Eastman and Co-Chair Garrison to retain.		
	Made by:	Baber		Commissioner Eastman Commissioner Garrison Commissioner Baber Commissioner Schauss Commissioner Hale
	Second by:	Schauss		
	Motion carried?	PASSED	FAILED	

11. **Commission to Amend Resolution 1039-2024**

Attachment C Resolution 1039-2024 - .pdf

A C T I O N	Motion	Commission to Postpone Resolution 1039-2024 for further review.		
	Made by:	Garrison		Commissioner Eastman Commissioner Garrison Commissioner Baber Commissioner Schauss Commissioner Hale
	Second by:	Schauss		
	Motion carried?	PASSED	FAILED	

12. **Updates**

- a. Chairman/Chairwoman
 - i. Chairwoman Eastman had no updates.
- b. Commissioner
 - i. Commissioners had no updates.
- c. Clerk
 - i. Clerk/Administrator Limon provided updates regarding Animal Food drive taking place May 10th.

13. **Time and Place of Next Meeting**

THE NEXT MEETING OF THE VILLAGE OF BOSQUE FARMS PLANNING & ZONING COMMISSION WILL BE HELD ON MONDAY, JUNE 3RD, 2024.

ADJOURNMENT
7:08 PM

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national origin, age, disability, or political affiliation in any program, activity, or service sponsored by the Village. Contact the office of the Village Clerk for more information.



VILLAGE OF BOSQUE FARMS
1455 WEST BOSQUE LOOP
BOSQUE FARMS, NM 87068
Phone: (505) 869-2358
Fax: (505) 869-3342

Wants to be put
on the next
Commission meeting
on May 6th 2024
for review.



need grinder
pump.

RV CONDITIONAL USE PERMIT

Name of applicant: RAUL CHAUERO Date: 4-18-24

Address: 355 SPENCER LN BOSQUE FARMS Phone Number: 505 610 4925

Owner of recreational vehicle: RAUL CHAUERO

Reason for parking recreational vehicle on property:

We are finishing the construction of our home
we like to take care of and supervise the works

Definition of recreational vehicle: A structure which is designed or used as temporary living quarters for recreation, camping, or travel, and which may be a self-propelled motor vehicle or designed to be towed or mounted on a motor vehicle.

Conditions of permit:

- Registered owner of RV must be the owner of the property or using the property for their primary residence.
- No RVs are allowed to be used as permanent residence while parked or stored on property.
- You are not allowed to connect your RV with home facilities such as gas, sewer or water at any time. However, you may make temporary electricity connection for the purpose of recharging batteries.
- This permit may be revoked if any false statements are made herein.
- Permit is expired after 30 days for visitation purposes.
- Permit is expired after 120 days for construction purposes.

The Village of Bosque Farms supporting ordinance codes:

10-1-5 (L)

Recreational vehicle storage. On any lot in residential use, the storage of, such as, but not limited to, a boat, pick-up camper shell, travel trailer, or other recreational vehicle is allowed, provided:

(1)

It is not used as additional living quarters for more than 60 days per year for an occasional guest. The property owner will notify the Planning and Zoning Administrator/Officer when guests will be staying more than 14 consecutive days.

(2)

It does not have a permanent connection to utilities.

§ 10-2-16 Minor subdivision procedures.

A.

Process. A minor subdivision, as defined by this Section 10-2, may be approved by the governing body following recommendation by the Commission in a two-step process of preapplication conference and submission of a 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 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 shall be created and no existing public right-of-way shall be 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 two lots. These two lots or any part thereof shall not be further subdivided as a land-split subdivision.

(b)

The two lots shall conform to the zoning regulations governing that zone district.^u

[1]

Editor's Note: See Sec. 10-1, Zoning.

(c)

Adequate ingress and egress to and from both lots must be provided by the subdivider by either a public dedicated roadway or a private roadway easement of at least 40 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 subdivisions as stated in this § **10-2-16**.

(6)

The subdivision shall not be in conflict with any provision of this Section 10-2, or the Master Plan or Section 10-1, Zoning, of the Village.

C.

Application, review, decision and recording procedures shall conform to §§ **10-2-10A**, B, D, E and F, 10-2-11 and 10-2-22.

10-2-7 General provisions.

A.

Required plat. Every person who desires to subdivide land into two or more lots or replat any parcel of land in accordance with this Section 10-2 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 Section 10-2. No such subdivision lot shall be smaller than the minimum lot size allowed by Section 10-2, Zoning, of the 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 Section 10-2, 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 the 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 Section 10-2 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 the 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 Section 10-2. 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 Section 10-2, 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 Section 10-2;

(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. (NMSA 1978, §§ 47-9-1 through 47-9-7, the Right to Farm Act)

G.

Recording of approved plat. See § 10-2-22 for procedure.

§ 10-2-8 Preapplication procedures.

A.

Preapplication 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 preapplication conference is to allow the subdivider to become familiar with the procedures and requirements of this Section 10-2 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 days after sketch plan submittal, shall inform the subdivider whether the sketch plan and data meet the general intent of this Section 10-2. If the sketch plan and data do not meet the general intent, the Planning and Zoning Administrator/Officer shall express the reasons therefor and provide general advice to the subdivider to assist in bringing the proposed plan into conformance.

§ 10-2-9Preapplication data requirements.

(This section applies to major and minor subdivisions, 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.

(1)

Preapplication 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.

(2)

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 procedures.

A.

Application. Upon completion of the preapplication review, the subdivider shall prepare a written application on prescribed forms, together with seven copies of the preliminary application package, which shall be delivered to the Village office at least 60 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 Section 10-2.

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 the annexation and/or zone change is officially adopted by the governing body.

C.

Traffic study for major subdivision.

(1)

A traffic study shall be required for all subdivisions containing 20 or more parcels. See § 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 determines 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 Section 10-2.

(1)

Notice.

(a)

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 feet, excluding public rights-of-way, which are located within Bosque Farms Village limits, not less than 15 days before the date of the hearing.

(b)

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 days prior to the date of the hearing. The notice 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)

Public hearing.

(a)

At the 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.

(b)

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 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 therefor. The action of the governing body shall be noted on two copies of the preliminary plat, with all necessary conditions and supplemental information attached and referenced. One 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 five days following the public hearing, of the action taken by the governing body and the reasons therefor.

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.

The preliminary plat shall be drawn to a scale of no less than one inch to 200 feet for the purpose of showing all details clearly. An adequate number of sheets, no larger than 24 inches by 36 inches, shall be used to show the proposed subdivision in its entirety. Where more than one 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 procedures.

(This section 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 days prior to the hearing at which it is to be formally submitted. Such application shall include an original and seven copies of the final plat and other required exhibits. Submittal to the governing body must be within one 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.

(1)

The governing body shall review the final plat and other exhibits submitted at a public hearing for conformity to this Section 10-2 and shall ensure that the conditions of the preliminary plat, as approved, have 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 Section 10-2.

(2)

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 days before the date of the hearing.

(3)

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 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 not be sent to the County Clerk for filing until any dedication of land for public use, in accordance with this Section 10-2, has 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 Section 10-2. 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 Section 10-2. 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 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 lands 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.

[1]

Editor's Note: Amended at time of adoption of Code (see Section 1-1).

D.

Decision. If the final plat is in substantial conformance with the preliminary plat and complies with this Section 10-2, it shall be approved by the governing body. Approval or disapproval shall be given within 35 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 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 two copies of the final plat. One 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 his/her 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 foot of consumptive use water rights per subdivided lot.

(1)

The applicant shall make these water rights available to the Village in one of the following forms:

(a)

By dedicating water rights to the Village, meeting legal requirements to enable the Village to serve the proposed subdivision with water.

(b)

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.

(2)

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 shall be in effect only after having been duly recorded in the office of the County Clerk and copies filed with the Village Clerk/Administrator or his/her designee. Approval of the final plat shall become null and void if the plat is not so recorded within 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 his/her designee shall mark the copies of the original plat on file in the offices of the Village in a similar manner. No development review permits shall be issued until copies of the recording of the final plat have been placed on file with the Village and the county.¹³

[2]

Editor's Note: Amended at time of adoption of Code (see Section 1-1).

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 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 photoreproduced in black ink on tracing cloth or stable-base polyester material, on sheets no larger than 24 inches by 36 inches, and shall be at a scale of one inch to 200 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.

§ 10-2-15 Land-split procedures.

A.

Process. A land-split, as defined by this Section 10-2, may be approved by the governing body following recommendation by the Commission in a two-step process of preapplication conference and submission of a final plat.

B.

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

(1)

The land-split subdivision shall divide the tract into two lots. These two lots or any part thereof shall not be further divided as a land-split subdivision.

(2)

The two lots shall conform to the zoning regulations governing that zone district.Ⓜ

[1]

Editor's Note: See Sec. 10-1, Zoning.

(3)

Adequate ingress and egress to and from both lots must be provided by the subdivider by either a public dedicated roadway or a private roadway easement of at least 40 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 §§ 10-2-7, 10-2-8, 10-2-12 and 10-2-13 of this Section 10-2.

(6)

The subdivision shall not be in conflict with any provision of this Section 10-2, the Master Plan, or Section 10-1, Zoning, of the Village.

C.

Application, review, decision and recording procedures shall conform to §§ 10-2-10A, B, D, E and F, 10-2-11 and 10-2-22.

10-1-11 C-1 Commercial Zone.

A.

Intent. The purpose of this zone district is to promote and enhance existing and new commercial development, including retailing, financial, and personal services.

B.

Designation of Commercial Zone. The designation of the Commercial Zone is hereby established under the following criteria:

(1)

A Commercial Zone shall be delineated as the geographic area as per the Official Zoning Map of the Village of Bosque Farms dated August 28, 2006.

(2)

The governing body shall make the final determination, upon recommendation by the Commission, regarding whether any particular property is within or outside of any Commercial Zone.

(3)

The Village Zone Map shall be made available for public inspection at the Village Office.

(4)

As of August 5, 2015, all C-1 regulations shall take effect no later than January 5, 2016; and all noncompliant uses, including any uses holding a certificate of noncompliance, shall cease unless brought into compliance with these regulations. A possible extension of up to six months may be granted at the Planning and Zoning Commission's discretion upon application to the Planning and Zoning Administrator/Officer.

C.

Application. A site development plan (SDP) shall be required for all new or redeveloped land use in this zone district.

(1)

At a minimum, the SDP shall include the following:

(a)

A written statement explaining the purpose and intent of the development, and a development phase schedule, if appropriate.

(b)

Boundaries and topography of the property to be developed.

(c)

A site map, of sufficient size and scale, showing the proposed location, type, use and size of all structures, setbacks, signs, lighting, on-site parking and loading areas, as required in § 10-1-18 of this Section 10-1, on-site stormwater retention facilities, landscaping, fencing, driveways, traffic and pedestrian circulation routes, and emergency vehicle access. Other information to show compliance with Village ordinances may be required.

(d)

Details of the engineering design of the on-site parking and on-site stormwater retention facilities shall be included in the SDP.

(e)

Delineation of proposed dedications and easements for public rights-of-way.

(f)

An area map showing the location, type, use and size of all structures on adjacent properties within 200 feet of the proposed development.

(g)

Written documentation showing that the New Mexico Department of Transportation has been notified of the new use if accessing a New Mexico state highway, and its findings.

(2)

Deviation or changes from the site plan shall be reviewed by the Planning and Zoning Administrator/Officer for approval before the changes are implemented.

D.

Permissive uses. Any of the following permissive uses are allowed in this zone district:

(1)

Banking and financial services.

(2)

Business and personal services.

(3)

Commercial kennels, veterinary hospitals, animal grooming parlors, or pet sales stores, provided that:

(a)

All animals shall be retained in a manner that prevents escape of enclosed animals or entry of other animals;

(b)

Animal quarters shall be designed to ensure safe, healthy, sanitary conditions for animals on premises;

(c)

Animal quarters shall be maintained to discourage concentration and breeding of insects and rodents;

(d)

Surface water discharge contamination shall be retained on site;

(e)

Animal waste 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;

(f)

Temporary on-site storage of animal waste shall be designed to prevent groundwater or surface water contamination; and

(g)

A solid fence, as defined in § 10-1-4, to provide a visual barrier at least six feet high shall be erected and maintained between the activity and all contiguous residential zone districts.

(4)

Construction and maintenance contractors and building trades, including associated storage, equipment sales and services, provided that:

(a)

A solid fence, as defined in § 10-1-4, to provide a visual barrier at least six feet high shall be maintained between the activity and all contiguous residential zone districts.

(5)

Conventional dwelling units, provided that:

(a)

It complies with the definition of "dwelling unit" in § 10-1-4;

(b)

The minimum lot size shall be 3/4 of one acre (32,670 square feet);

(c)

Raising and management of livestock is excluded;

(d)

The dwelling setbacks shall comply with the regulations as set forth in § 10-1-5D;

(e)

Nothing in this subsection shall prohibit having both a dwelling and a business on the same lot, or both a business and a dwelling in the same building on the lot; and

(f)

Only one dwelling unit is allowed per lot.

(6)

Food processing activities, in a building under 3,600 square feet, not including a slaughterhouse, provided all state regulations and licensing information is provided to the Village of Bosque Farms Planning and Zoning Administrator/Officer.

(7)

Fireworks sales allowable in accordance with Section 5-5, Fireworks, of the Village Code.

(8)

Galleries and museums.

(9)

Gas stations and other retailers of bulk petroleum products, provided that:

(a)

Dry clean-up of spilled gas and other petroleum products is provided for; and

(b)

There is a spill prevention countermeasure control plan as regulated by EPA and NMED.

(10)

General and professional offices.

(11)

Indoor amusement facilities, provided Village ordinances for off-street parking and noise regulations are followed.

(12)

Retail business establishments.

(13)

Pasture lands, provided that they are in accordance with § 10-1-5.

(14)

Self-storage mini-warehouses, provided that:

(a)

All storage is within a completely enclosed single-story structure not to exceed 12 feet in height;

(b)

All stored items shall be enclosed within the structure;

(c)

A solid fence to provide a visual barrier at least six feet high, as defined in § 10-1-4, shall be erected and maintained between the activity and any contiguous residential zone districts; and

(d)

The site shall not exceed two acres (87,120 square feet) in size.

E.

Conditional uses. Conditional uses as outlined in § 10-1-13 of this Section 10-1. All permissive commercial uses shall also be permissible in conjunction with an approved conditional use. Additional reasonable conditions may be required by the Commission as the situation warrants. The following uses shall be allowed in this zone district only upon permit granted by the Commission:

(1)

Amusement park, carnival, or circus, as provided in § 10-1-13.

(2)

Caretaker dwelling unit as provided in § 10-1-13, provided there is no other conventional dwelling unit on the property.

(3)

Mobile home/manufactured home, provided it meets current installation requirements, or recreational vehicles as a conditional use when used as temporary dwelling unit during construction of a standard site-built dwelling unit or on-site assembly of a modular dwelling unit, in accordance with § 10-1-5K and L and:

(a)

A development review/building permit shall be obtained within 30 days following issuance of the conditional use permit;

(b)

Active and continuous construction shall begin within 90 days following issuance of the conditional use permit;

(c)

The mobile home/manufactured home shall be removed at the expiration of the conditional use permit; and

(d)

The recreational vehicle shall no longer be used as a residence after expiration of the conditional use permit.

(4)

Auction house or lot for the purpose of allowing regular public sales on a site designated for such use in which items of merchandise are sold to the highest bidder, excluding animals and/or livestock of any type or nature, provided:

(a)

Storage and/or display areas. Storage and/or display areas shall not occupy more than 40% of the lot where the auctions are to take place;

(b)

Off-street parking. There shall be adequate off-street parking as specified in § 10-1-19. Off-street parking within a reasonable distance shall be permitted, subject to approval of the Planning and Zoning Commission, provided written guarantees are given that such off-street parking shall continue to be available for the duration of the conditional use auction permit. Off-street parking and traffic areas shall be clearly designated and separated from the sales area so as not to create traffic or safety hazards, as required by the applicant's safety engineer or qualified expert and reviewed and approved by the Commission;"

[1]

Editor's Note: Amended at time of adoption of Code (see Section 1-1).

(c)

Ingress and egress. Adequate and appropriate ingress and egress shall be provided to and from the lot and/or area where the auction is to take place; and

(d)

Storage, display and items to be auctioned. The storage and/or display of items to be auctioned shall be kept in an enclosed building or in an outside area with the construction of a solid fence on all sides to provide a visual barrier at least six feet in height, as defined in § 10-1-4. No stored materials shall be stacked or arranged above the height of the screen wall or fence. The structure shall be

erected and maintained between such storage/display area and contiguous residential lots or a residential zone district, to be approved by the Commission.

(5)

Flea markets, subject to the following regulations:

(a)

There shall be adequate off-street parking as specified in § 10-1-19;⁽¹⁾

[2]

Editor's Note: Amended at time of adoption of Code (see Section 1-1).

(b)

The sale of animals is prohibited;

(c)

No merchandise intended for sale shall be stored on site after closing hours;

(d)

All tarps, tents, or sunshades shall be securely attached to prevent a safety hazard and shall be removed at daily closing time;

(e)

A site plan designed in accordance with the above requirements shall be submitted as part of the approval process;

(f)

A solid fence to provide a visual barrier at least six feet high, as defined in § 10-1-4, shall be erected and maintained between the activity and any contiguous residential zone districts as per § 10-1-5G; and

(g)

All food vendors shall have a separate business license/registration with the Village of Bosque Farms and show permit approval by the New Mexico Environment Department.

(6)

Mobile home/manufactured home sales lot, including, but not limited to, the sale of new, used or consignment mobile/manufactured homes.

(a)

Separation requirements for display storage of mobile homes/manufactured homes shall be at least eight feet from one another and at least 10 feet from all fencing to allow for safety access. There shall be no dead-end passageways, and passageways will be a minimum of 20 feet in width. Obstructions under any

definition within passageways shall not be allowed (25-4.3.1 NFPA Special Provisions, 1994, Life Safety Code);

(b)

A solid fence to provide a visual barrier at least six feet high, as defined in § 10-1-4, shall be erected and maintained between the activity and any contiguous residential zone districts;

(c)

On-site residential use is prohibited;

(d)

On-site customer parking shall be provided as specified in § 10-1-19;^{pi}

[3]

Editor's Note: Amended at time of adoption of Code (see Section 1-1).

(e)

Parking of semi-tractor trailer rigs used for moving or transporting mobile homes/manufactured homes shall be limited to two semi-tractor trailer rigs per mobile home/manufactured home sales lot;

(f)

Internal and external repair of mobile home/manufactured home units on site shall be limited to minor repair, and no major structural repairs or scrapping shall be allowed;

(g)

A mobile home/manufactured home may be used as an office, provided that it meets the requirements as set forth in § 10-1-14 of this Section 10-1; and

(h)

The property shall be paved or surfaced with base course or gravel.

(7)

Vehicle sales/leasing, including, but not limited to, the sale or leasing of new, used or consignment vehicles, recreational vehicles, trailers and agricultural equipment as defined in § 10-1-4, provided:

(a)

There shall be adequate off-street parking as specified in § 10-1-19;ⁱⁱ

[4]

Editor's Note: Amended at time of adoption of Code (see Section 1-1).

(b)

Each vehicle sales space shall require, at a minimum, the length and width of the vehicle plus a two-foot access aisle around the perimeter of the vehicle;

(c)

Minimum setbacks from all rights-of-way and property lines for all parked, displayed or stored vehicles shall be four feet;

(d)

A solid fence, to provide a visual barrier at least six feet high, as defined in § 10-1-4, shall be maintained between the activity and contiguous residential zone districts;

(e)

Service of vehicles on site shall be limited to light repair. (See the definition of "vehicle repair, light" in § 10-1-4.) Any other repairs shall be subject to the provisions of Subsection C and E(8) of this § 10-1-11;

(f)

The property shall be paved or surfaced with base course or gravel; and

(g)

All vehicles must be operable within 30 days of arrival.

(8)

Vehicle service and/or commercial garages, to include collision, paint and body shops (excluding tire shops and salvage or scrap facilities), provided that:

(a)

Any major repair work shall be conducted entirely within an enclosed building;

(b)

Any minor repair work conducted outside of an enclosed building shall be on a concrete pad and shielded by a visual barrier from street view;

(c)

A solid fence to provide a visual barrier at least six feet high, as defined in § 10-1-4, shall be erected and maintained between the activity and any contiguous residential zone districts;

(d)

Outdoor storage of not more than three vehicles per enclosed service bay awaiting repair and/or delivery;

(e)

Provisions are made to adequately handle, contain and control all hazardous waste and shall meet all EPA requirements;

(f)

All parking areas for customers and vehicles awaiting service shall be paved or surfaced with base course or gravel;

(g)

Inoperable motor vehicles (as defined under § 10-1-4) shall not remain on the premises for longer than 90 days unless proof of activity, including, but not limited to, invoices dated within the preceding 10 days after the vehicle has been deemed inoperable or vehicle parts have been ordered and have not been received, will be grounds to grant an extension by the Planning and Zoning Administrator/Officer for an additional 30 days. No more than two such extensions shall be granted on any motor vehicle; and

(h)

All miscellaneous materials and parts must be stored within an enclosed building.

(9)

Processing and manufacturing activities, fabrication and assembly activities, provided that:

(a)

Bulk storage of toxic substances or hazardous materials shall be above ground and contained in a manner approved by the Fire Department and current FEMA;

(b)

All processing activities shall be carried out within a building and shall not produce off-site impacts which would be disruptive to contiguous properties;

(c)

No activity is conducted outside;

(d)

Other conditions as may be required by the Commission are met; and

(e)

No equipment or process shall be used which creates a nuisance such as noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses, off the premises. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio

or television receivers off the premises, or causes fluctuations in the line voltage off the premises;

(10)

Tire shops, provided that:

(a)

All work conducted outside of an enclosed building shall be on a concrete pad and shielded by a visual barrier from street view;

(b)

A solid fence to provide a visual barrier at least six feet high, as defined in § 10-1-4, shall be erected and maintained between the activity and any contiguous residential zone districts;

(c)

All tires, including new, used and scrap tires, must be stored entirely within an enclosed building or accessory structure [see § 10-1-5R(3)];

(d)

Display of tires shall be limited to not more than four sets of tires (four tires per set) to be displayed outside of the building during hours of operation and must be brought back inside at the close of business;

(e)

The owner/operator must provide the Village with a copy of a contact for licensed tire disposal with an approved tire disposal service through the New Mexico Environment Department or show registration as a scrap tire hauler if the generator will self-haul in accordance with Section 50 of the New Mexico Recycling, Illegal Dumping and Scrap Tire Management Rule (RIDSTMR) and be able to provide manifests as requested by the Planning and Zoning Administrator/Officer; and

(f)

The property shall be paved or surfaced with base course or gravel;

(11)

Warehousing operations, provided the business is conducted entirely inside a building or within an area enclosed on all sides by a solid fence to provide a visual barrier at least six feet high, as defined in § 10-1-4, provided:

(a)

Bulk storage of toxic substances or hazardous materials shall be above ground and contained in a manner approved by the Fire Department and FEMA; and

(b)

There shall be no off-site impacts that are disruptive to contiguous properties.

F.

Special use permits. A special use permit shall be authorized and established as per § 10-1-14 of this Section 10-1 only for the following uses as designated by the governing body:

(1)

Wireless cell phone tower as per § 10-1-8D(1).

(2)

Mobile home/manufactured home park as per § 10-1-8D(2).

(3)

Planned residential development as per § 10-1-8D(3).

(4)

Animal sanctuary/shelter as per § 10-1-8D(4).

(5)

Residential care/assisted-living facility as per § 10-1-8D(5).

(6)

Fairgrounds, baseball park complex, stadium and recreation complex.

(7)

Food processing, except a slaughterhouse, which requires an area of more than 3,600 square feet.

(8)

Fuel wholesalers and storage (gasoline, liquefied petroleum), provided that no facilities shall be within 400 feet of any lot in residential use unless sufficient blast, explosion, or fire confinement structures are installed according to the appropriate state regulatory agencies.

(9)

Hospital, sanitarium, and residential treatment centers.

(10)

Manufacturing, compounding, processing activities that require any work conducted outside, assembling or treatment of products made from raw or processed materials, provided:

(a)

They comply with current environmental pollution standards;

(b)

Bulk storage of toxic substances or hazardous materials shall be above ground and contained in a manner approved by the Fire Department and FEMA;

(c)

There shall be no off-site impacts that are disruptive to contiguous properties;

(d)

Other conditions as may be required by the Commission and/or governing body are met; and

(e)

No equipment or process shall be used which creates a nuisance such as noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses, off the premises. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in the line voltage off the premises.

(11)

Senior housing development.

[Added 8-18-2016]

(a)

Intent. This use provides for single-family dwellings, townhouses and uses incidental thereto on smaller lot sizes geared to senior living in compliance with the Department of Housing and Urban Development, Housing for Older Persons Act 1995, 42 U.S.C. § 3501. It is the intent of this subsection to permit eligible persons to live in developments that are safe, attractive and provide opportunities for exercise, recreation and social activities.

(b)

Development land requirements. Development may be established in a C-1 Zone on a tract of land containing four or more acres and shall follow the requirements for a major subdivision in the Village of Bosque Farms § 10-2, Land Subdivision Regulations, and § 10-1-18, Development review/flood hazard protection, of this section. Developments shall not be closer than 200 feet from State HWY 47.

(c)

Application.

[1]

The Planning and Zoning Administrator shall, in conjunction with the Planning and Zoning Commission, develop an application for any proposed senior housing development. That application may include, among other things, a site map, utilities, homeowner association (HOA) agreements, proposed landscaping, and any other materials which either the Administrator or the Commission believe to be important to the consideration of the proposed development. Upon the completion of the application, the Administrator shall transmit the application to the Planning and Zoning Commission.

[2]

The Planning and Zoning Commission shall begin its review of the application within 60 days of receiving the application from the Administrator. The Commission shall have the ability to request additional information from the applicant, to approve, reject and/or to require amendments to the proposed development or its HOA agreement as a condition of its approval of the application. Upon a majority vote approving the proposed development, the Commission shall transmit the application to the governing body.

[3]

The governing body shall begin its review of the application within 60 days of receiving the application from the Commission. The governing body shall have the discretion to approve or reject the proposed development, or to remand the application to the Commission for further consideration.

[4]

The governing body may, by resolution, assess a fee for the consideration of any application for a senior housing development.

(d)

Number of units. The number of dwelling units permitted in a senior housing development is determined by dividing the site area, minus street and front utility/sidewalk easement, by the minimum lot size permitted to the nearest whole number. The minimum lot size to be used for determining the number of dwelling units shall be 4,500 square feet.

(e)

Common area. A minimum of 500 square feet per lot shall be set aside as common area. Certain portions of drainage control areas may be accepted as detached open space if approved by Planning and Zoning Commission. Streets shall not count as common area. "Common areas" may include, but are not limited to:

[1]

Active and passive outdoor recreation.

[2]

Botanical parks.

[3]

Lakes, ponds, floodwater storage areas, and other public facilities for handling floodwater.

[4]

Structures and facilities incidental to the above uses.

(f)

Permissive lot uses:

[1]

One conventional dwelling per lot.

[2]

Accessory uses and structures.

[3]

Site built or modular homes of a uniform design.

(g)

Nonpermissive lot uses:

[1]

Hobby kennels.

[2]

Agricultural animal keeping.

[3]

Front yard parking of recreational vehicles.

[4]

Mobile homes/manufactured homes.

(h)

Conditional uses:

[1]

Conditional use permits.

[a]

Home occupations in accordance with § 10-1-13L of this Section shall require approval from either Planning and Zoning Administrator/Officer or the Commission.

(i)

Lot size:

[1]

Lots shall be a minimum of 4,500 square feet with a minimum lot width of 40 feet.

(j)

Dwelling size:

[1]

There shall be a minimum of 864 square feet per dwelling unit.

(k)

Setbacks:

[1]

There shall be a front yard setback of not less than 25 feet;

[2]

There shall be a ten-foot side setback on the street side of corner lots;

[3]

Side yard setbacks which are interior, i.e., measured from side lot lines which are not adjacent to streets, shall be one of the following:

[a]

Not less than five feet on each side.

[b]

There shall be one side yard setback of not less than 10 feet on one side. The other side yard setback may be eliminated and the abutting lot's contiguous side yard setback may also be eliminated sharing a common wall such as the case in a townhouse.

[c]

In all cases there shall be 10 feet between nonadjacent dwellings.

[4]

There shall be a rear yard setback of no less than 10 feet.

(l)

Permeable open space. Permeable open space shall be provided on site at 800 square feet per lot.

(m)

Streets. Streets shall meet standards required by § 10-2, Land Subdivision Regulations, regardless of whether they will be dedicated to the Village of Bosque Farms or they are to remain private.

(n)

Utilities. All utility lines providing electric and telecommunication services within the senior housing development shall be placed underground. Individual utility service meters shall be placed in the front portion of a dwelling space and shall be visible and accessible for monitoring purposes. All water and sanitary sewer systems shall be designed and constructed in accordance with Village of Bosque Farms ordinances.

(o)

Homeowners' associations and deed restrictions.

[1]

HOAs shall be established in compliance with the Homeowner Association Act NMSA 1978, §§ 47-16-1 to 47-16-15, and subject to such additional or amended terms as approved by the Planning and Zoning Administrator, the Planning and Zoning Commission and the governing body.

[2]

Deed restrictions shall be referenced on the subdivision plat and recorded with the Valencia County Clerk's office.

[3]

HOAs shall require individual lot owners and the members of the homeowners' association to be jointly and severally liable for maintenance of the senior housing development.

[4]

The recorded deed restrictions may not be amended or repealed without the Village's prior written approval.

[5]

The Municipal Judge of the Village of Bosque Farms shall not have jurisdiction to enforce disputes regarding the provisions of this subsection.

G.

Regulated business.

[Amended 8-19-2021]

(1)

Application. Regulated businesses shall apply on prescribed forms to the Planning and Zoning Administrator/Officer at least 20 days prior to the Planning and Zoning Commission meeting date when the application will be considered. Each application for a regulated business shall be accompanied by a site development plan as described in Subsection C of this § 10-1-11. (See also Subsection H.) Submission of inaccurate information with an application is grounds for denial.

(2)

Preliminary public meeting. The Commission shall hold a public meeting at which there will be a hearing to evaluate the regulated business application and shall submit its recommendation in writing to the governing body. Notice of the public meeting shall be given in accordance with the Open Meetings Act (NMSA 1978, §§ 10-15-1 to 10-15-4) at least 15 days' prior to said meeting.

(3)

Public notification. 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 days' prior to the date of the Commission and governing body meetings at which the application will be heard.

(4)

Commission recommendation. All applications for a regulated business shall first be reviewed by the Commission, which shall submit a written recommendation concerning the application to the governing body. If the Commission fails to make such a written recommendation to the governing body within 45 days after receipt thereof, then the governing body shall act upon said application without a recommendation by the Commission.

(5)

Final public hearing. The governing body shall conduct a public hearing at which all parties in interest and citizens shall have an opportunity to be heard. Notification of the time and place of the public hearing shall be given in accordance with the Open Meetings Act (NMSA 1978, §§ 10-15-1 to 10-15-4) at least 15 days' prior to the hearing. The notice of public meeting published 15 days before the Commission meeting shall be considered sufficient notice if it also has included the time and place of the public hearing to be held by the governing body.

H.

Regulated business types. The following uses shall be considered regulated businesses. Additional reasonable requirements may be required by the Commission or governing body as the situation warrants:

[Amended 10-20-2016; 8-19-2021]

(1)

"Adult entertainment establishment" includes but is not limited to an adult bookstore, adult sex accessories/products or services, adult cabaret, adult photo amusement establishment, adult photo studio, adult theater, adult video arcade, adult body oil or lotion demonstration parlors, strip clubs or gentlemen's clubs.

(a)

No person under 18 years of age may enter the business even if he is accompanied by an adult.

(b)

All clerks/personnel shall be 18 years of age or older.

(c)

The establishment may not display any form of advertising for adult-oriented products or services in view of the public, with the exception of any on-site sign that contains the name of a business for the purpose of identifying the business.

(d)

If the applicant is an individual, the Planning and Zoning Administrator/Officer shall obtain the current residence address of the applicant, together with the applicant's social security number. If the applicant is a partnership, the applicant shall disclose the names of all partners. If the applicant is a corporation, the applicant shall disclose the state of incorporation, the date of incorporation, the name and address sufficient for service of process of the registered agent within New Mexico and of each officer and director of the corporation. Further, the Planning and Zoning Administrator/Officer shall obtain the social security number of each officer or director of the corporation, it being the intention of this provision that the social security number shall be utilized to assist in obtaining background information on the officers and directors of the corporation. If the applicant is other than an individual, the applicant shall name a managing agent and provide that person's address and social security number. It shall be the responsibility of the applicant to pay any applicable fees on background checks.

(e)

Evidence that the owner, registered agent, resident manager or any officer or director of any corporation has been convicted or pled guilty to any felony or misdemeanor involving a crime of moral turpitude, including, but not limited to, sex offenses or violation of child pornography laws or other laws restricting or regulating the dissemination of adult-oriented material within five years preceding the date of this application will result in denial of the application.

(2)

"Body art/modification establishment" includes but is not limited to a tattoo shop/parlor, scarification shop/parlor and body piercing shop/parlor.

(a)

Prior to receiving initial and annual renewal of a business license for a body art/modification establishment, each business owner must provide evidence to the Planning and Zoning Administrator/Officer that the body art establishment successfully passed a state inspection pursuant to the Body Art Safe Practices Act (NMSA 1978, § 61-17B-1 et seq.) during the preceding calendar year. In the event that the body art establishment has not been inspected by the state through no fault of the business owner, the owner may apply to the Village for a thirty-day extension of time, allowing the business to operate temporarily until an inspection can be performed. If the body art establishment fails to successfully pass a state board inspection, the body art establishment shall suspend body art activities until it passes a re-inspection.

(b)

Administering body art on any person 18 years of age or under is prohibited.

(c)

Proof of age will be shown by a government-issued photo identification accompanied by at least one other government-issued document showing proof of age, such as a birth certificate.

(3)

Cannabis establishment.

(a)

Definitions. The words and phrases below wherever used in § 10-1-11H(3), shall be construed as defined in the section unless, clearly from the context, a different meaning is intended. Words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number.

CANNABIS CONCENTRATE

Resin extracted from any part of a plant of the genus cannabis and every compound, manufacture, salt, derivative, mixture or preparation of that resin or tetrahydrocannabinol.

[1]

Does not include industrial hemp, or the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other products.

CANNABIS ESTABLISHMENT

An entity licensed by the Department to operate all the following:

[1]

A single retail location at which the licensee may sell cannabis and cannabis products to consumers, cultivate cannabis and cannabis products.

[2]

A single off-site cultivation location at which the licensee may cultivate cannabis, process cannabis and cannabis products, but from which cannabis and cannabis products may not be transferred or sold to consumers.

[3]

A single off-site location at which the licensee may package and store cannabis and cannabis products and package and store cannabis and cannabis products, but from which cannabis and cannabis products may not be transferred or sold to consumers.

CANNABIS PRODUCTS

Cannabis concentrate and products that are composed of cannabis and other ingredients and that are intended for use or consumption, including edible products, ointments, and tinctures.

CANNABIS TESTING FACILITY

The Department or another entity that is licensed by the Department to analyze the potency of cannabis and test cannabis for harmful contaminants.

CHEMICAL EXTRACTION

The process of removing a particular component of a mixture from others present, including removing resinous tetrahydrocannabinol from cannabis.

CHEMICAL SYNTHESIS

Production of a new particular molecule by adding to, subtracting from, or changing the structure of a precursor molecule.

COMMERCIAL BUSINESS

An activity conducted by companies to provide goods or services for sale. Commercial business includes the activity done outside of manufacturing or producing the products. Commercial business can also include the use of land or business for business activity, such as retail stores.

COMMERCIAL CANNABIS ACTIVITY

[1]

The cultivation, production, possession, manufacture, storage, testing, researching, labeling, transportation, couriering, purchase for resale, sale or consignment of cannabis products; and

[2]

Does not include activities related only to the medical cannabis program, to cannabis training and education programs or to the personal cultivation or use of cannabis.

CONSUME, CONSUMING, and CONSUMPTION

The act of ingesting, inhaling or otherwise introducing cannabis into the human body.

CONSUMER

An individual who is at least 21 years of age and who purchases cannabis or cannabis products.

CULTIVATE and CULTIVATION

To propagate, breed, grow, prepare, and package cannabis.

DEPARTMENT

The State of New Mexico Department of Health Services or its successor agency.

DUAL LICENSEE

An entity that holds both a nonprofit medical cannabis dispensary registration and a cannabis establishment license.

EXTRACTION

The process of extracting or separating resin from cannabis to produce or process any form of cannabis concentrates using water, lipids, gases, solvents, or other chemicals or chemical processes.

MANUFACTURE and MANUFACTURING

To compound, blend, extract, infuse or otherwise make or prepare a cannabis product.

MARIJUANA

All parts of the plant of the genus cannabis, whether growing or not, as well as the seeds from the plant, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its seeds or resin.

[1]

Includes cannabis as defined in N.M.R.S. § 26-2B-4, § 26-2B-5;

[2]

Does not include industrial hemp, the fiber produced from the stalks of the plant of the genus cannabis, oil or cake made from the seeds of the plant, sterilized seeds of the marijuana to prepare topical or oral administrations, food, drink, or other products.

NONPROFIT MEDICAL CANNABIS DISPENSARY

A nonprofit entity as defined in N.M.R.S. § 26-2B-4, § 26-2B-5.

OPEN SPACE

A public park, public sidewalk, public walkway, or public pedestrian thoroughfare.

PERSON

An individual, partnership, corporation, association, or any other entity of whatever kind or nature.

PROCESS and PROCESSING

To harvest, dry, cure, trim, or separate parts of the marijuana plant.

PUBLIC PLACE

Has the same meaning prescribed in the Dee Johnson Clean Indoor Air Act, N.M.R.S. § 24-16-3.

SMOKE

To inhale, exhale, burn, carry, or possess any lighted cannabis or lighted cannabis products, whether natural or synthetic.

(b)

Cannabis prohibited on public property.

[1]

The use, sale, cultivation, processing, production, storage or distribution of cannabis or cannabis products is prohibited on property that is occupied, owned, controlled, or operated by the Village.

[2]

It is unlawful for an individual to smoke cannabis or consume cannabis products on property that is occupied, owned, controlled, or operated by the Village, or in any open or public area.

(c)

Cultivation of cannabis.

[1]

Cultivation of cannabis shall include any activity involving the planting, growing, harvesting, drying, curing, grading or trimming of cannabis and is protected under NMSA, Article 9, §§ 47-9-7, the Right to Farm Act.

[2]

Unless otherwise determined by the State of New Mexico cannabis manufacture may only take place in a Commercial Zone as a regulated business. § 10-1-11G

(4)

"Smoke shop" includes but is not limited to a head shop, hookah bar, hookah lounge, herbal/tobacco smoke shop or vapor dealer.

(a)

No person under 21 years of age may enter the business even if he is accompanied by an adult.

(b)

All clerks/personnel shall be 21 years of age or older.

(c)

No products may be sold by means of self-service or vending machine assistance.

(d)

Smoke shops may not display any form of advertising for tobacco products in visible locations, with the exception of any on-site sign that contains the name of a business that lawfully sells tobacco products that have been placed at or upon the business premises for the purpose of identifying the business.

(e)

Businesses shall not distribute free tobacco products or promotional items.

(f)

Businesses shall not sell or offer for sale cigarettes or other tobacco or smoking products not in the original packaging provided by the manufacturer and with all required health warnings.

(g)

Businesses must comply with all state and federal laws and regulations.

(h)

No smoking shall be permitted inside the shop.

(5)

"Check cashing/payday loan establishment" includes but is not limited to cash advances, payday advances, payday loans, title loans, and check cashing establishments.

(a)

Establishments shall comply with all federal and state regulations.

(b)

Establishments may not display any form of advertising for loan or check cashing services that has been placed at or upon the business premises for the purpose of identifying the business.

(6)

Bail bonds:

(a)

Shall comply with all federal and state regulations.

(b)

May not display any form of advertising bail bond services in visible locations, with the exception of any on-site sign that contains the name of a business that lawfully conducts bail bond services that has been placed at or upon the business premises for the purpose of identifying the business.

(7)

Pawn brokers:

(a)

Shall comply with all federal and state regulations.

(b)

May not display any form of advertising for pawn broker services in visible locations, with the exception of any on-site sign that contains the name of a business that lawfully conducts pawn broker services that has been placed at or upon the business premises for the purpose of identifying the business.

(8)

Fortune tellers:

(a)

Shall comply with all federal and state regulations.

(b)

May not display any form of advertising for fortune telling services in visible locations, with the exception of any on-site sign that contains the name of a business that lawfully conducts fortune telling services that has been placed at or upon the business premises for the purpose of identifying the business.

(9)

"Metal intake/recycling center" includes but is not limited to recycling centers, aluminum transfers, bottle exchanges, or scrap metal dealers.

(a)

Site fencing. A solid fence at least six feet in height, as defined in § 10-1-4, with exception to the front setback area being no taller than four feet in height, shall be erected on all perimeters.

(b)

Parking of semi-tractor trailer rigs used for moving or transporting materials shall be limited to two units and must be stored out of public view.

(c)

A maximum of three roll-off storage bins will be allowed on the property and must be stored out of public view.

(d)

Any and all salvage or scrap material will be unloaded on an appropriate concrete pad or the inside of the building and stored out of public view.

(e)

Centers shall comply with all federal and state requirements and regulations.

(10)

"Salvage or scrap facility" includes but is not limited to salvage yards, scrap yards, wrecking yards, junkyards, dismantlers, or any entity in the business of outdoor storage or deposit for storing, keeping, processing, buying or selling disused vehicles, disused machinery or other disused goods or materials for resale.

(a)

All vehicle parking areas for customers shall be paved or surfaced with base course.

(b)

All areas where salvage containing EPA-regulated fluids are stored must be paved.

(c)

Each vehicle space shall require at a minimum the length and width of the vehicle plus a two-foot access aisle around the perimeter of the vehicle.

(d)

Minimum setbacks from all rights-of-way and property lines for all parked, displayed or stored vehicles shall be four feet.

(e)

Solid fence, to provide a visual barrier at least six feet high as defined in § 10-1-4, shall be maintained between the activity and contiguous residential zone districts.

(f)

Provisions are made to adequately handle, contain and control all hazardous waste and shall meet all EPA requirements.

(g)

All miscellaneous materials and parts must be stored within an enclosed building.

(h)

Other conditions as may be required by the Commission. As of November 1, 2016, all regulations for § 10-1-11H(10) shall be complied with no later than May 1, 2017; and all noncompliant uses, including any uses holding a certificate of noncompliance, shall cease unless brought into compliance with these regulations. A possible extension of up to six months may be granted at the Planning and Zoning Commission's discretion upon application to the Planning and Zoning Administrator/Officer.

I.

Regulated business requirements. Anti-skid-row regulations shall apply to all regulated businesses in an effort to disperse businesses evenly across the Village in order to avoid a high-density area, or skid row effect. All regulated businesses shall comply with the distance requirements listed below (See also § 10-1-11G.):

[Amended 10-20-2016; 8-19-2021]

(1)

Shall be at a location no closer than 1,000 feet to another regulated business. All measurements shall be the shortest direct line measurement between the main entrance and the proposed premises main entrance.

(2)

Shall be at a location no closer than 1,000 feet from a school property line (universities, community colleges, high schools, junior high schools, elementary schools, nursery schools).

(a)

Exceptions: Cannabis establishments shall be a minimum of 300 feet from any school or daycare center.

(3)

Shall be at a location no closer than 1,000 feet from state-licensed child-care centers and/or family day-care facilities property line.

(a)

Exceptions: Cannabis establishments shall be a minimum of 300 feet from any school or day-care center.

(4)

Shall be at a location no closer than 1,000 feet from youth-frequented locations, including, but not limited to, religious institutions, public libraries, public parks, bowling alleys, electric-game centers, pool and billiard halls, laser-tag or paint ball facilities.

(5)

Shall have a 350-foot setback between any activity conducted by the salvage or scrap facility, including any activity defined in Subsection **H(10)** and the lot line of any residentially zoned lot or lot in residential use regardless of zoning.

(6)

Shall pay a yearly regulated business licensing fee as per Section 5-1, Business Registration or License.

J.

Special provisions. The following provisions shall apply to all commercially zoned properties:

(1)

Any development plans with proposed infrastructure improvements such as streets, sidewalks, and water and sewer utilities shall be subject to the requirement for subdivision approval as set forth in the Section 10-2, Subdivision Regulations, of the Village Code. In addition, any subdivision of land shall be subject to the provisions of Section 10-2, Subdivision Regulations.

(2)

Landscaping shall be strongly encouraged on all new and existing development in this zone district. Visually attractive trees and shrubs should be placed along Bosque Farms Boulevard (NMSH 47) to enhance and soften the streetscape, and landscaping is encouraged to be placed as buffers along the perimeter of the C-1 Zone District and contiguous residential zones.

(3)

No development shall divert or channel stormwater runoff to contiguous properties. To the extent possible, direct precipitation shall be retained on site.

It shall be strongly encouraged that all stormwater retention basins will be landscaped with appropriate plantings to withstand excess water and to aid in the filtration of polluted runoff.

(4)

Exterior lighting in this zone district shall be controlled to avoid spillover of light and glare on operators of motor vehicles, pedestrians, and land uses 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.

(5)

All outdoor storage shall be enclosed on all sides by a solid fence at least six feet high, as defined in § 10-1-4. No stored materials shall be stacked or arranged above the height of the screen wall or fence.

(6)

There shall be no storage within setback areas as defined in § 10-1-5D; or, alternatively, there shall be designated emergency access.

(7)

No display and storage areas shall impose an undue burden upon police, fire or other emergency response officials or otherwise provide an unsafe or hazardous environment, and display and storage areas must allow free access for equipment.

(8)

All display and storage areas shall be kept weed, refuse and vermin free and shall not present a hazard to customers or the health, safety and welfare of the Village.

(9)

All display shall be set back from the street and public right-of-way lines so as not to obstruct pedestrian or vehicle traffic, allowing adequate visibility consistent with § 10-1-5O.

(10)

Adequate refuse containers shall be provided to control litter.

(11)

Adequate sanitary facilities (rest rooms), either portable or permanent, shall be provided on site.

(12)

A list of hazardous materials or explosives that are stored in bulk on the property, with such storage areas clearly marked on the map, shall be provided to the Fire Chief and the floodplain administrator.

(13)

No use will be allowed which will create dangerous, injurious, noxious, or other conditions that will pose a threat to public health, safety and welfare. No adverse impact on surrounding property will be allowed.

(14)

All businesses shall pay a business registration fee within 10 days following issuance of such permit; and shall maintain a current state Taxation and Revenue number and state licensing and certification if applicable to the type of business conducted.

(15)

There shall be adequate, legal access, which may require a New Mexico Department of Transportation access permit for development on New Mexico Highway 47.

K.

Setbacks, lot size and open space. The minimum lot size for this zone district shall be a minimum of 1/4 of one acre (10,890 square feet) and shall meet the following requirements:

(1)

Development shall be connected to the Village water and wastewater systems;

(2)

There shall be adequate stormwater retention as specified in § 10-1-5N;

(3)

There shall be adequate off-street parking as specified in § 10-1-19;

(4)

There shall be setbacks as required in § 10-1-5D;

(5)

There shall be no adverse impact created upon contiguous properties;

(6)

In cases where both water and wastewater system connections are not established, the minimum lot size shall be 3/4 of one acre (32,670 square feet), with on-site stormwater retention; and

(7)

Site development plans are required for all new development in this zone district.

L.

Exceptions. Any and all other business activities and/or the like of which are not covered in this Section 10-1 shall be disallowed except by completing and filing a business exception permit which will be presented to the Planning and Zoning Commission for determination. Permits may or may not be allowed after consideration of this Section 10-1 and the Comprehensive Land Use Plan.