

VILLAGE OF BOSQUE FARMS

1455 West Bosque Loop PO Box 660
Bosque Farms, NM 87068 Peralta, NM 87042
(505) 869-2358 Phone (505) 869-3342 - Fax

HOME OCCUPATION PERMIT APPLICATION

As Per Ordinance 10-1-13 and 10-1-13 L

Instructions: Submit this form with the applicable administrative fee along with any additional information to the Village Planning & Zoning Administrator/Officer at least twenty (20) days prior to the scheduled Planning & Zoning meeting.

Type of Home Occupation Permit Requested: ☐ Limited ☐ Permanent

Applicant _____

If applicant is not the property owner, a notarized statement from the property owner must accompany this application.

Mailing Address _____

Home Occupation _____

Permit Address _____

Telephone Day _____ Evening _____

Agent/Representative (if applicable) _____

Address _____

Telephone Day _____ Evening _____

Zoning of Property _____

Directions to Property _____

Purpose of Home Occupation Permit (be specific)

I DO HEREBY CERTIFY that the statements I have made on this Application are true and correct to the best of my knowledge.

Applicant(s)' Signature _____ Date _____

SUBSCRIBED AND SWORN TO before me _____

My Commission Expires _____

Notary Public

10-1-13 L

Home occupations. A conditional use permit for a home occupation shall be either permanent or renewable and may be issued by the Planning and Zoning Administrator/Officer or Commission subject to the following requirements. If a home occupation permit meets all the following requirements, it may be approved by the Planning and Zoning Administrator/Officer. Any deviations from the following requirements will require approval from the Planning and Zoning Commission. In either case, the posting of the sign will be required by the applicant as per Subsection C of this § 10-1-13.

(1) No person other than members of the family residing on the premises shall be engaged in the home occupation. Allowances shall be made for non-family employees not working on the premises of the home occupation to visit the premises, provided such employees' responsibilities are identified and the frequency of daily trips made to the premises of the home occupation is stated. Non-family member employees shall not report for work at the home occupation premises;

(2) The use of the dwelling unit for a home occupation shall be clearly incidental and subordinate to its principal use for residential purposes by its occupants, and not more than 25% of the floor area of such dwelling unit, or more than 600 square feet of an accessory building, contiguous and partitioned, shall be used in the conduct of the home occupation;

(3) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of a home occupation, other than one sign, not to exceed five square feet, as regulated by this Section 10-1 [see § 10-1-20D(9)];

(4) There shall be no sales in connection with a home occupation that would disrupt the residential nature of the district;

(5) No traffic shall be generated by a home occupation in greater volumes than would normally be expected in a residential neighborhood;

(6) No equipment or process shall be used in a home occupation 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;

(7) A maximum of two service vehicles are allowed if one is stored in an enclosed building;

(8) Upon the approval of a conditional use permit for a home occupation by the Commission, a copy of such permit, along with any supplemental documentation, shall be provided to the applicant. The Commission shall ascertain that all limits and restrictions are clear to the applicant at the time of permit approval;

(9) A list of hazardous materials or explosives that are stored in bulk on the property, which are used in the home occupation, with such storage areas clearly marked on the map, shall be provided to the Fire Chief and the floodplain administrator; and

(10) 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.^{III}

[1]Editor's Note: Former Subsection L(11), regarding business registration fees, which immediately followed this subsection, was repealed at time of adoption of Code (see Section 1-1).

M. Bed-and-breakfasts.

(1) Zoning requirements. A bed-and-breakfast establishment is permitted (with a conditional use permit) only in C-1, R-1 and A-R Zone Districts. The minimum lot size in the R-1 Zone District shall be 3/4 of one acre (32,670 square feet), and the minimum lot size in the A-R Zone District shall be two acres (87,120 square feet). Bed-and-breakfast establishments are prohibited in all other zone districts. A bed-and-breakfast will only be allowed on Village streets designated as "collector" streets and on "local" streets if all property owners within 100 feet are in agreement.

(2) Permits/Licenses required. No bed-and-breakfast use shall be lawfully established without first obtaining a conditional use permit pursuant to the provisions of this Section 10-1. Additionally, before issuance of a conditional use permit, an applicant shall show satisfactory written proof that the property has been inspected and approved by the Planning and Zoning Administrator/Officer for compliance with these regulations, and

the Health Department, and that all required licenses have been issued by the State of New Mexico. The facility shall comply with all applicable fire, health and safety codes.

(3) Accessory use. A bed-and-breakfast facility shall be accessory to the use of a property as a single-family residential home. This means that the individual or family who operates the facility shall also occupy the house as his/her primary residence.

(4) Maximum size. Bed-and-breakfast facilities are limited to a maximum of four guest rooms available for rent to guests. The bed-and-breakfast room(s) shall occupy no more than a total of 25% of the dwelling unit floor area. All guest rooms shall be contained within the principal structure. No residence shall be utilized for a bed-and-breakfast operation unless there are at least two exits to the outdoors from such premises. Rooms utilized for sleeping shall have a minimum size of 100 square feet for two occupants, with an additional 30 square feet for each additional occupant, to a maximum of four occupants per room.

(5) Lighting. Lighting shall be provided and shall be kept to a contiguous, compact and well-defined area between the residential structure and the parking area. Any additional exterior lighting for the bed-and-breakfast is prohibited.

(6) Parking. All parking, whether for guests, property owners, employees, or invitees, shall be on-site. No parking shall be allowed on any public streets or roads. One off-street parking space per room to be rented shall be provided, in addition to the owner's vehicles. Tandem parking is allowed; however, not more than two cars per lane shall be allowed.

(7) Signage. Bed-and-breakfast establishments are allowed an identification sign not exceeding five square feet in size. The signs shall be located on site as per § **10-1-20D**.

(8) Appearance. Residential structures may be remodeled for the development of a bed-and-breakfast facility. However, structural alterations may not be made which prevent the structure from being used as a residence in the future. Internal or external changes which will make the dwelling appear less residential in nature or function are not allowed. Examples of such alterations include paving of required setbacks and commercial-type exterior lighting. The kitchen shall not be remodeled into a commercial kitchen; however, commercial-grade appliances may be allowed as recommended by NMED.

(9) Sewer and water hookup. The residence shall be connected to the Village sewer and water systems.

(10) Smoke alarms. Smoke alarms shall be hard-wired (not battery-operated), installed and maintained in each room designated for guest occupancy.

(11) Fire extinguisher. A minimum 1A:10 BC portable fire extinguisher shall be provided in the kitchen of the bed-and-breakfast residence.

(12) Escape window. Each guest room in the bed-and-breakfast residence shall be provided with an escape window as defined in the State Building Code.

(13) Employees. A bed-and-breakfast establishment shall have no employees.

(14) Length of stay. No guest shall stay in the facility for more than 14 days within any thirty-day period.

(15) Guest log book. All bed-and-breakfast facilities shall maintain a guest log for all paying guests that shall include the names and home addresses of guests, guest license plate numbers if traveling by automobile, dates of stay, and the room number of each guest. It shall be unlawful for any person to make false statements in said register. No page of the register may be disposed of until three years after the date of the most recent entry recorded on it.

(16) Liquor service. No liquor is to be sold or served on the premises by the owner/manager to paying guests.

(17) Meals. A morning meal shall be served on premises and included within the room charge for guests of the facility and shall be the only meal provided. The facility is not allowed to serve meals to nonresident guest for compensation. Additionally, there shall be no cooking in the guest rooms, other than microwave use.

(18) Other uses. The facility shall not be used for commercial receptions or other public gatherings.

(19) Public hearing and acceptance. Whenever a bed-and-breakfast facility is proposed, the Planning and Zoning Administrator/Officer will contact by written notification, certified US mail and return receipt requested, all residential (property) homeowners within 100 feet of the dwelling, excluding public right-of-way, to determine if they accept the proposed change in use for the property. If more than 2/3 of the residents contacted within the one-hundred-foot zone are against the bed-and-breakfast facility, then that may serve as a basis for denial of the conditional use. Noncompliance with the provisions of this Section 10-1, other Village ordinances, and state statutes is also grounds for denial.

I have fully read and understand the requirements of having a Homeowners Occupation Permit and will follow all the requirements of the Village of Bosque Farms Ordinances.

APPLICANT

For Village Office Use Only

Date Application Received _____

Received By _____

Administrative Fee Paid _____ Receipt # _____

Date of Public Hearing _____

Planning & Zoning Commission Decision _____

Restrictions (if applicable) _____

_____ Chairman, Planning & Zoning Commission