Taos County Unified Development Code

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Article I Introduction

1.1 OVERVIEW

These regulations shall be known and referred to as the "Unified Development Code" (UDC).
Purpose:

- *The Taos County UDC regulates development, land use, and subdivision within the jurisdiction of Taos County ("County"), the boundaries of the County being defined in § 4-29-1 NMSA 1978.*
- *The UDC creates a single land development code with coordinated procedures, submittal requirements, definitions, and rules of interpretation for subjects related to land use regulations.*
- *The UDC integrates and updates all aspects of zoning (Land Use Code, Ord. 2018-02), subdivision regulations (Ord. 2005-08), night sky protection (Ord. 2006-09), and sign code (Ord. 2022-03), and subsequent amendments to those ordinances.*
- *The UDC incorporates ordinances, including the traditional historic neighborhoods created pursuant to § 3-7-1.1, NMSA 1978, including El Prado (Ord. 2020-5) and Las Communidades del Valle de Los Ranchos (Ord. 2022-70), the Neighborhood Zones created for Upper Las Colonias (Ord. 2003-1 and 2003-7) and for Stagecoach (Ord. 2006-8), Cannabis (Ord. 2021-1 and 2021-4) and Short-Term Rentals (Ord. 2024-4).*
- *The UDC also incorporates amendments to the subdivision regulations regarding payment of taxes on properties for which subdivision application is submitted (Ord. 2013-3), clarification of previously approved subdivision and ability to further divide a lot through a lot line adjustment (Ord. 2013-10), and clarifications of lot sizes, antiquated subdivisions and family transfers provisions (Ord. 2020-2).*
- *The regulations create an orderly, harmonious, and economically sound framework that promotes public health, safety, and welfare in the County. It is the goal of these regulations to preserve open spaces; regulate residential, commercial, and industrial locations and densities; enhance and protect environmental and agricultural resources; protect the quality and quantity of the water resources and acequias; protect the public from fire, hazardous materials, and other dangers; regulate traffic; support the provision of appropriate infrastructure, including utilities, facilities for transportation, irrigation, sewage, schools, and parks; encourage the compatible use of land; support the local economy; and preserve the historic and the natural beauty of Taos County.*
- *The UDC supports the creation and conservation of adequate supply and quality of housing for the local workforce.*

1.1.A. Specific Purposes

1.1.A.1. The zoning regulations portion of the UDC are adopted for the following purposes:

1.1.A.1.a. To guide growth and development with certain and objective rules, clarity in permitted uses, conditional uses, and not allowed uses through conventional zone districts.

1.1.A.1.b. To establish architectural design standards in architectural overlay zones, where designated.

1.1.A.1.c. To describe uses with clarity through use definitions and supplemental use regulations.

1.1.A.1.d. To promulgate objective development standards.

1.1.A.1.e. To provide predictability in the how applications will be processed through the review procedures and standards.

1.1.A.1.f. To encourage natural, historic, and cultural resource conservation through development standards, use regulations, and allowance of flexibility in planned unit development, conservation development, wildland urban interface development standards, and acequia protection and setbacks.

1.1.A.1.g. To provide abundant opportunities for the creation of affordable and workforce housing.

1.1.A.1.h. To promote land use and development patterns that effectively respond to the impacts of climate change.

1.1.A.1.i. To provide abundant opportunities for economic development.

1.1.A.1.j. To protect dark night skies.

1.1.A.1.k. To regulate short-term rentals in order to conserve existing housing stock as long-term residences.

1.1.A.1.l. To enable effective enforcement of the code.

1.1.A.2. The subdivision regulations portion of the UDC are adopted for the following purposes:

1.1.A.2.a. To provide for and protect the public health, safety, and general welfare of the County.

1.1.A.2.b. To guide the future growth and development of the County in accordance with ordinances adopted by the Board of County Commissioners.

1.1.A.2.c. To provide for adequate light, air, and privacy; to secure safety from fire, flood, and other danger; and to prevent overcrowding of the land and undue congestion of population.

1.1.A.2.d. To protect and conserve the value of land throughout the County and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.

1.1.A.2.e. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the County, having particular regard to the avoidance of congestion in the streets and highways by requiring connected streets where feasible; to facilitate pedestrian traffic movements appropriate to the various uses of land and buildings; and to provide for the proper location and width of streets.

1.1.A.2.f. To establish reasonable standards of design and procedures for subdivisions and resubdivisions in order to further the orderly layout and use of land, and to ensure proper legal descriptions and monumenting of subdivided land.

1.1.A.2.g. To prevent the pollution of air, soil, and water and erosion of soil; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout

the County in order to preserve the integrity, stability, and beauty of the community and the value of the land.

1.1.A.2.h. To protect natural vegetation, drainage courses, historical sites and structures, and similar community assets.

1.1.A.2.i. To provide for the preservation and enhancement of structures, sites, and objects of historical significance within Taos County.

1.1.A.2.j. To regulate merger of contiguous parcels in common ownership for the purpose of enforcing minimum zoning or subdivision standards on the parcels, when deemed necessary to advance the purposes of these regulations.

1.2 AUTHORITY

1.2.A. All development under these regulations shall comply with all County ordinances, the Taos County Comprehensive Plan, and applicable state and federal laws.

1.2.B. Taos County is enabled to enact the UDC based upon §3-21-1 et seq. NMSA 1978 and §47-6-1 through 47-6-29 NMSA 1978.

1.2.C. Amendments to the Unified Development Code

1.2.C.1. The UDC regulations may be amended from time to time as conditions warrant. Amendments shall be made by ordinance adopted by the Board of County Commissioners in accordance with § 4-37-1 et seq. NMSA 1978 compilation, as amended.

1.3 APPLICABILITY

1.3.A. These regulations are applicable in the unincorporated areas of Taos County, within the boundaries of the County defined in § 4-29-1, NMSA 1978, to lands outside (1) any incorporated municipality in the County, (2) Taos Pueblo and Picuris Pueblo, and (3) lands owned by the state or federal government. These regulations apply to privately owned lands in unincorporated areas of Taos County.

1.3.B. The County and a municipality shall exercise concurrent subdivision platting jurisdiction over the territory within the platting jurisdiction of both the County and the municipality, as provided in § 3-21-9, NMSA 1978, and as otherwise provided by State law.

1.4 EFFECTIVE DATE

1.4.A. This Code shall be effective on ____.

Article II Zoning Districts

Division 1 General Provisions

2.1 GENERALLY

2.1.A. The use, erection, construction, reconstruction, relocation, or alteration of any building, structure, or land shall comply with the regulations of this code for the zoning district in which the building, structure, or land is situated.

2.1.B. Section 2.2 of this Article establishes the rules for applying the dimensional standards in the zoning districts. These include lot areas, density, yard requirements, lot coverage, and height. All buildings, structures, and lots in the zoning district must comply with the dimensional standards established for that district.

2.2 ZONES ESTABLISHED

2.2.A. Generally

2.2.A.1. The County unincorporated area under its jurisdiction (see *Article I Introduction* Section 1.3.A.) is divided into the categories of zoning districts in Tables 2.2.1, 2.2.2, and 2.2.3 below.

2.2.A.2. Base zoning districts establish use, dimensional, and development standards.

2.2.A.3. Overlay zoning districts establish additional standards that supplement the base districts.

2.2.B. Specific Zones. The County is divided into the following zoning districts by categories:

2.2.B.1. **Base Zones**

Table 2.2.1

Residential and Agricultural Districts	
Rural*	R
Agriculture/Rural Residential	A
Residential Single-Family Rural Estates	R-E
Residential Single-Family Large Lot	R-LL
Residential Single-Family Medium Size Lot	R-ML 0.75
Residential Single-Family Intermediate Size Lot	R-IL 0.5
Residential Single-Family Traditional Community	R-TC
Residential Multifamily	R-MF

- Three (3) separate Rural subzones are established: Rural Resource, Rural Large Parcel, and Rural Small Parcel.

Table 2.2.2

Mixed-Use and Commercial Districts	
Highway Corridor Mixed-Use Core	MU Core
Highway Corridor Mixed-Use General	MU Gen
Mixed-Use Village Center	MU Village
Transitional Commercial Residential	Trans C/R
Planned Unit Development	PUD

Table 2.2.3

Employment and Industrial Districts	
Agriculture-Industrial	A-I
Industrial Light	I-L
Industrial Heavy	I-H

2.2.B.2. **Overlay Zoning Districts.** The following overlay zoning districts are applied to specific areas within the County. Dimensional and development standards, uses, and other regulations of the UDC for the base zones apply to properties that are also in overlay zone districts. Additional regulations established for the overlay zones in addition to the base zone regulations apply to those properties.

2.2.B.2.a. Architectural Review

2.2.B.2.b. Historic Preservation

2.2.B.2.c. Airport Operations

2.2.C. Split Zones

2.2.C.1. When implementing a zone, all reasonable efforts should be made to avail creating split lot zoning through existing lots.

2.2.C.2. When subdividing existing lots within a zone, the creation of split lots should be discouraged unless the subdivision into lots that are consistent with the applicable zoning would render the lot otherwise undevelopable.

2.2.C.3. When a lot is divided by two or more zones, the zone that covers the largest portion of a lot shall be deemed the zoning for the lot.

2.2.C.4. If a lot is divided into two or more equal portions by different zones, the total area of the bisected lot shall be the same zone as that portion abutting the front lot line. A lot divided by two or more zones may be rezoned consistent with *Article VI Procedures* Section 6.__, at the request of the property owner.

2.3 ZONING MAP

2.3.A. The location and boundaries of the districts established by this code are as shown on a map officially designated as the Zoning District Map. This map is incorporated by reference into this Title, as amended. The Zoning District Map is kept in the office of the Planning Director.

Division 2 Zoning Districts

2.4 INTRODUCTION

2.4.A. For each zone district, a purpose statement, summary of uses, and dimensional standards are provided.

2.5 PURPOSE STATEMENTS FOR EACH ZONE

2.5.A. Base Zones

2.5.A.1. **Rural (R).** The purpose of this zone is to protect the mixed-use rural character of the very low-density ranching and farming areas of Taos County, with small scale interspersed nonresidential uses, protecting environmental assets such as riparian areas, forested areas, and llano grasslands and sagebrush, protecting the character of small clusters of community areas within much larger undeveloped areas. Home occupations are typically a major incidental use in the rural zone. Commercial activities more intense than home occupations are generally not allowed; rezoning to commercial mixed-use zones is anticipated where such uses are located and where they are appropriate based on rezoning criteria.

2.5.A.2. Three separate rural subzones are established to reflect distinct minimum parcel sizes: rural resource with a minimum lot size of thirty-five (35) acres, large parcel rural with a minimum lot size of five (5) acres, and small parcel rural with a minimum lot size of one (1) acre. The purpose of the rural resource subzone is to protect and promote larger ranching and farming operations or areas with special rural character and natural areas. The purpose of large parcel rural subzone is to protect and promote rural areas where the predominant lot size is in the range of five (5) acres. The purpose of small parcel rural subzone is to protect and promote rural areas where the predominant lot size is in the range of one (1) acre. Small parcel rural subzones are generally located within or near established community activity areas.

2.5.A.3. **Agriculture/Rural Residential (A/RR).** The purpose of this zone is to safeguard acequias and irrigated agricultural land interspersed with farm residential, incidental farm structures, historic nonresidential uses, and the historic linea clustered development pattern of residential development on the upland side of irrigable land forming a cultural landscape. This zoning is appropriate in areas that are presently under agricultural uses including areas that were historically or are presently irrigated. Agricultural also includes grazing or dryland farming. Property owners have the option to build on a lot-by-lot basis, or to use a conservation subdivision option.

2.5.A.4. **Agriculture-Industrial (A-I).** The purpose of this zone is to provide for a form of modern farming that involves the industrialized production of crops, animals, and animal products like eggs or milk, typically using large-scale agricultural machinery and farming methods, irrigation from deep wells, genetic technology, and techniques for achieving economies of scale in production.

2.5.A.5. **Residential Single-family Rural Estates (R-E).** The purpose of this zone is to accommodate large, spacious, residential parcels with reduced footprints of development on the land. This zone district is most commonly served by domestic wells and septic systems, as infrastructure has not been extended to a majority of the area, and it also possesses environmental assets that should be protected. Architectural review overlays may be utilized to protect the architectural character and minimize visual impacts of development. Clustering is encouraged in this zone district to conserve additional land area for agriculture or for protection of natural resources.

2.5.A.6. **Residential Single-family Large Lot (R-LL).** The purpose of this zone is to accommodate large residential parcels sized typically at a minimum of one (1) acre on wells and septic systems while sometimes served by community water systems and/or municipal sewer systems, as well as to protect environmental assets, while clustering is encouraged.

2.5.A.7. **Residential Single-family Medium Size Lot (R-ML 0.75).** The purpose of this zone is to accommodate medium-sized rural residential parcels sized typically at a minimum of 0.75 acre that are served by domestic wells and septic systems while sometimes served by community and mutual domestic water and/or sewer systems, as well as to protect environmental assets, while clustering is encouraged.

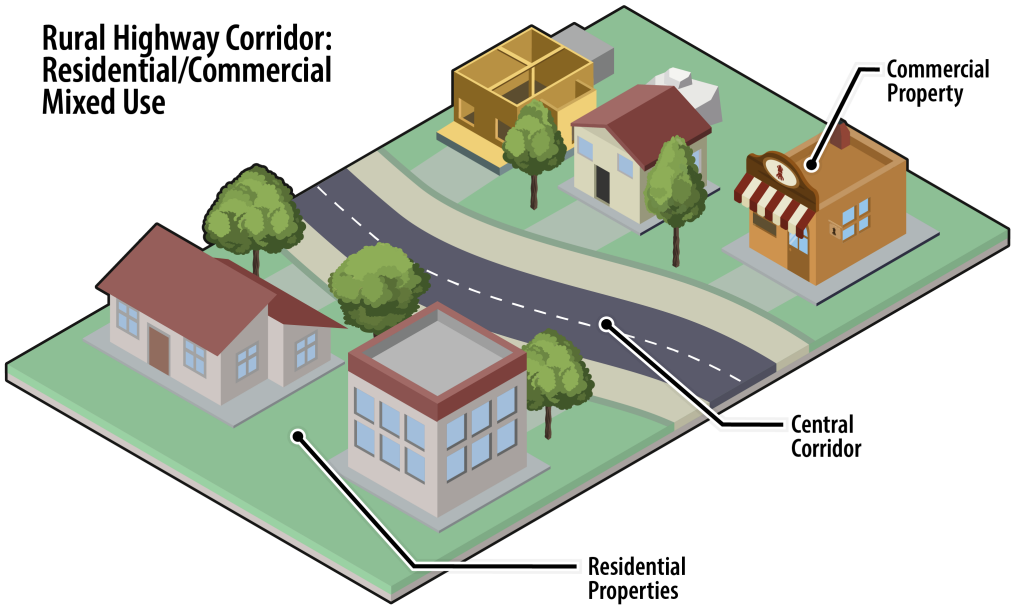
2.5.A.8. **Residential Single-family Intermediate Size Lot (R-IL 0.5).** The purpose of this zone is to accommodate mid-sized rural residential parcels sized typically at a minimum of 0.5 acre—if served by community or municipal sewer and water system smaller lots shall be allowed—as well as to protect environmental assets, while clustering is encouraged.

2.5.A.9. **Residential Single-Family Traditional Community (R-TC).** The purpose of this zone is to protect traditional smaller lots and mix of housing types, densities, and uses in traditional communities, protection of environmental assets, and protection of village character within mixed rural community areas. Setbacks may be varied in order to accommodate irregular placement of houses consistent with the traditional cluster settlement pattern, preserve major vegetation, and preserve farmland. Typically served by community or municipal water and sometimes sewer, some growth and infill that is sensitively sited is anticipated.

2.5.A.10. **Residential Multifamily (R-MF).** The purpose of this zone is to accommodate attached multifamily housing, tiny homes, and mix of attached and unattached housing on community or municipal water and sometimes sewer that allows for greater density, smaller lots, and clustering.

2.5.A.11. **Highway Corridor Mixed-Use Core Area (Hwy MU Core).** The purpose of this zone is to protect the character (particularly scale, height, and signage) of traditional mixed-use community corridors along highways while allowing for infill, redevelopment, and limited expansion of contiguous mixed-use corridor development. It is usually accompanied by an architectural review overlay. This zone recognizes the already established pattern of existing, traditional, and potentially new retail and service uses along the corridor, accessibility to high retail business traffic, readily accessible regional transportation, and access to deliveries and public safety with minimal disruption to residential neighborhoods.

Figure 2.5.1



2.5.A.12. **Highway Corridor Mixed-Use General Area (Hwy MU Gen).** The purpose of this zone is to accommodate general commercial development along with higher density residential uses in designated state or County highway corridors typically within a distance between one hundred (100) feet and two hundred (200) feet from the right-of-way edge that are in mixed-use corridors. This zone recognizes the already established pattern of existing, traditional, and potentially new retail and service uses along the corridor, accessibility to high retail business traffic, readily accessible regional transportation, and access to deliveries and public safety with minimal disruption to residential neighborhoods. Development in this zone district may include larger buildings, or shopping centers and small lot and attached residential development designed with buffers and other design features when in close proximity to one another.

2.5.A.13. **Mixed-Use Village Center (MU-Village).** The purpose of this zone is to promote protection of the character of existing historic villages or development of newly designed developments that have traditional plazas and a mix of resident-serving commercial and residential land uses. The zone is intended for future growth in a manner that represents the traditional compact settlement pattern. The village center typically has clustered mixed use around a public gathering space, church, or community facilities, such as community centers, recreational centers, post offices, or schools, with residential housing in compounds close to the street or, alternately, is clustered mixed-use development on the dry uplands away from irrigated agriculture lands. This zone encourages historic preservation and new development with limited scale and bulk. It may be accompanied by an architectural review overlay.

2.5.A.14. **Transitional Commercial Residential (Trans C/R).** The purpose of this zone is to accommodate the mixed-use character of transitional areas between highway corridor areas and residential single-family areas. Buffers between residential and nonresidential uses within the zone, and buffers between the mixed-use zone and residential zones, will help to mitigate visual clutter and noise, such as enhanced setbacks, planted areas, walls, berms, and fences.

2.5.A.15. **Planned Unit Development (PUD).** The purpose of this zone is to allow for creative developments that require flexibility from dimensional standards and, in specified zones, allowance of uses not allowed in underlying zones in order to create development amenities. Those amenities typically consist of mixed use; contribution to the stock of affordable housing; enhanced walkability; greater open space; preservation and enhancement of natural amenities and cultural resources; and protection of the natural features of a site with regard to its topography, natural vegetation, slopes, shape, and size.

2.5.A.16. **Industrial Light (I-L).** The purpose of this zone is to allow economic development typically on highways close to but not in community areas, including fabrication, manufacturing, assembly, or processing of materials that is contained within a building or confined yard, is nonhazardous, does not create smoke, gas, or dust and does not generate a lot of traffic. The zone district is for small and mid-scale operations such as mixed businesses, business parks, and research and development activities along with support services, including offices, restaurants, and call centers.

2.5.A.17. **Industrial Heavy (I-H).** The purpose of this zone is to allow for economic development that includes fabrication, manufacturing and resource extraction, and processing with access to transportation. These districts provide an environment for industry that may have some external environmental impacts and needed for community purposes and located in areas where conflicts with other uses can be minimized by orderly transitions and buffers between uses.

2.6 LEGACY ZONES

2.6.A. Stagecoach Neighborhood Zones

2.6.A.1. The Stagecoach Neighborhood Zone and subzones regulations are in *Appendix __*.

2.6.A.2. Following are the subzones: #1 Highway Corridor Protection District (HCPD), #2 Transitional Commercial/Residential Zone (Transitional), #3 Single-Family Residential Zone (R 2.5), #4 R ¾ Don Filiberto Martinez Zone (R ¾), and #5 A 20 Don Patricio Martinez Agricultural/Ranching Zone (A 20).

2.6.B. Upper Las Colonias Neighborhood Zones

2.6.B.1. The Upper Las Colonias Neighborhood Zone and subzones regulations are in Appendix __.

2.6.B.2. Following are the subzones: Primary Mixed-Use Commercial (CE), Limited Commercial Mixed Use (LC), Mobile Homes (R1M), Multiple Family (R2), Single-family (R3), Single-family Small Lots (R3A), and Agriculture (A).

2.7 USES

2.7.A. Generally

2.7.A.1. Uses in Taos County are specified as permitted uses and conditional uses by each base zone district. Uses that are not identified within the use table as permitted or conditional are not permitted unless it is a similar use following Section 2.7.__ or Section 2.7__.

2.7.B. Use Table

2.7.B.1. A "P" in a cell of Table 2.7.1 specifies that the use is permitted use (i.e., a primary use allowed by right in that zone district), subject to compliance with any use-specific standards referenced in *Article IV Supplemental Use Regulations*.

2.7.B.2. A "C" in a cell of Table 2.7.1 specifies that the use is a conditional use, i.e., a primary use allowed only after the applicant obtains a Conditional Use Permit pursuant to *Article VI Procedures* and subject to any use-specific standards referenced in *Article IV Supplemental Use Regulations*. Any use requiring a Conditional Use Permit that is greater than eighty thousand (80,000) square feet or is larger than five (5) acres in size, shall require a Major Development Permit.

2.7.B.3. Applicants for Temporary Uses and Structures shall be allowed only after the applicant obtains a Temporary Use Permit subject to any use-specific standards in *Article IV Supplemental Use Regulations*.

2.7.B.4. A development may include multiple primary uses, including a combination of residential and nonresidential uses, provided that each use is listed as an allowable permitted use or a conditional use in that zone district, that a Conditional Use Permit pursuant to Section 6.19 is obtained, all use-specific standards applicable to each use are met, and the development complies with all applicable density, dimensional, impervious surface, development, and performance standards in Section ___.

2.7.B.5. In mixed-use and nonresidential zone districts, accessory uses may be on a lot abutting the primary use.

2.7.B.6. Unlisted uses shall be treated the same as the most nearly similar use, as determined by the Planning Director. Factors considered by the Planning Director are the type, density, and intensity of development, environmental effects of the development, and the anticipated amount of traffic, noise, light, vibration, and odor impacting neighbors.

2.7.B.7. Number of dwellings per parcel shall be limited to one single-family residence and one accessory dwelling unit, unless otherwise specified elsewhere in these regulations.

Table 2.7.1

P Permitted C Conditional

Taos County Land Use Matrix															
Description	R	A/RR	A-I	R-E	R-LL	R-ML 0.75	R-IL 0.5	R-TC	R-MF	Hwy MU Core	Hwy MU Gen	MU Village	Trans C/R	I-L	I-H
Residential															
Accessory Dwelling Unit	P	P	P	P	P	P	P	P	P	P	P	P	P		
Cluster or Conservation Development	P	P	P	P	P	P	P	P	P	P	P	P	P		
Cohousing	P	P	P	P	P	P	P	P	P	P	P	P	P		
Condominium				C	C	C	C	C	P	P	P	C	P		
Duplex	P	P	P	P	P	P	P	P	P	P	P	P	P		
Manufactured Home	P	P	P	P	P	P	P	P	P	P	P	P	P		
Manufactured/Mobile Home, RV, and Tiny Home Parks	C						C	C	P	P	P	P	P		
Mobile Home	P	P	P	P	P	P	P	P	P	P	P	P	P		
Modular Home	P	P	P	P	P	P	P	P	P	P	P	P	P		
Multi-Family Residence	C						P	P	P	P	P	P	P		
Single-Family Residence (Dwelling Unit)	P	P	P	P	P	P	P	P	P	P	P	P	P		
Sustainable Development	P	P	P	P	P	P	P	P	P	P	P	P	P		
Tiny Home	P	P	P	P	P	P	P	P	P	P	P	P	P		
Townhouse				C	C	C	P	P	P	P	P	P	P		
Triplex	P							P	P	P	P	P	P		
Zero Lot Line				C	C	C	C	P	P	P	P	P	P		
Accommodations and Group Living															
Assisted Living Facilities						C	C	C	P	P	P	C	C		
Bed and Breakfast	C				C	C	C	C	C	P	P	P	P		
Community Residential Facility	C					C	C	C	C	P	P	P			
Daycare Center								C	C	P	P	P	P		
Daycare, Residential	P	P	P	P	P	P	P	P	P	P	P	P	P		
Group Boarding Home, Commercial						C	C	C	C	P	P	C	P		
Group Boarding Home, Residential	C					C	C	C	P	P	P	C	P		
Group Care Facilities						C	C	C	C	P	P	C	C		
Group Home, Commercial						C	C	C	C	P	P	C	C		
Homeless Shelter									C	C	P	C	C		
Hotel/Motel - Lodging, Guest Cabins, Tipis, Glamping										P	P	C		C	
Nursing Home				C	C				C	P	P	C	C	P	P
Resort									C	P	P	P	C	P	P

Taos County Land Use Matrix															
Description	R	A/RR	A-I	R-E	R-LL	R-ML 0.75	R-IL 0.5	R-TC	R-MF	Hwy MU Core	Hwy MU Gen	MU Village	Trans C/R	I-L	I-H
Rooming House									P	P	P	P	P		
Short Term Rental* Subject to cap in Supplemental Use Regulations	P	P		P	P	P	P	P	P	P	P	P	P		
Commercial															
Animal and Pet Care Services		P	P							P	P	P	P	P	P
Antique Shop										P	P	P	P		
Apparel and Accessory Stores										P	P	P	P	P	
Auto Supply (Parts) Stores										P	P	P	P	P	P
Bail Bonding								C	C	P	P	P	P	P	
Bakery, Retail										P	P	P	P	P	P
Bars, Taverns and Drinking Establishments										P	P	P	C	P	
Bicycle Sales and Service										P	P	P	P	P	
Bookstore										P	P	P	P	P	
Business Service Centers/Business Support										P	P	P	P	P	
Café and Coffee Houses										P	P	P	P		
Camera and Film Shop; Photography Studio; Frame Shop										P	P	P	P		
Car Care Center										P	P	C	C	C	P
Car Wash										P	P	P	P	P	P
Convenience Stores, with Gas Sale										C	P	C	C	P	P
Convenience Stores, without Gas Sale										P	P	P	P	P	P
Department Store, or General Merchandise										C	P	C	C	P	P
Dry Cleaning										C	P			P	P
Farmers Markets	P	C	P							P	P	P	C	P	P
Farm Supplies Merchant Wholesalers		C	C							P	P	P	C	P	P
Financial Institution										C	P	C	C	P	P
Flea Markets	P									P	P	P	C	P	P
Flex Space (Office and Warehouse Building)										C	P	C	C	P	P
Florist or Floral/Gift Shop		C	P							P	P	P	P	P	P
Food Park										P	P	C	C	P	P
Furniture Stores										P	P	C	P	P	P
Gas Station (Note: also see Convenience Stores with Gas Sales)										C	P	C	C	P	P
Grocery Store										P	P	P	C	C	P

Taos County Land Use Matrix															
Description	R	A/RR	A-I	R-E	R-LL	R-ML 0.75	R-IL 0.5	R-TC	R-MF	Hwy MU Core	Hwy MU Gen	MU Village	Trans C/R	I-L	I-H
Gun Shops and Gunsmiths										P	P	P	C	P	P
Hardware Store, Lumber Yard, and Building Supplies										P	P	P	C	P	P
Itinerant Vendor		P	P	P	P	P	P	P	P	P	P	P	P	P	P
Laundry and Garment Services (Pickup Only)									C	P	P	P	P	P	P
Laundry, Coin-Operated									C	P	P	P	P	P	P
Leasing, Commercial and Industrial Machinery and Equipment										C	P	C	C	P	P
Leasing/Rental – Consumer or Recreational Goods										C	P	C	C	P	P
Live-Work Units								C	C	P	P	P	P	C	C
Medical Equipment Sales, Rental or Leasing										P	P	C	C	P	P
Monument Dealers (Tombstones, Markers, and Memorials)										P	P	P	C	P	P
Motor Vehicles, All Types, Sales/Leasing/Rental										C	P	C	C	C	P
Musical Instrument and Supplies Stores										P	P	P	C	P	P
Nursery, Lawn, Garden Center, and Farm Supply Store	C	C	P							P	P	P	C	C	P
Office										P	P	P	P	P	P
Office Supply and Equipment Store										P	P	P	P	P	P
Optical Goods Store										P	P	P	P	P	P
Outdoor Display and Storage	C		C							P	P	P	P	P	P
Pawnshops										P	P	P	P	P	P
Personal Services	C									P	P	P	P	P	P
Pet Store		C	C							P	P	C	C	P	P
Pharmacy and Drugstore										P	P	P	P	P	P
Professional Services										P	P	C	P	P	P
Real Estate Services										P	P	P	P	P	P
Repair Services	C									C	P	P	C	P	P
Restaurant with drive-through											P		C	p	P
Restaurant without drive-through										P	P	P	C	p	p
Retail Sales, Generally (Not Otherwise Listed)										C	P	C	C	P	P
Shooting Range, Indoors											C			P	P
Shooting Range, Outdoors			C												C

Taos County Land Use Matrix																
Description	R	A/RR	A-I	R-E	R-LL	R-ML 0.75	R-IL 0.5	R-TC	R-MF	Hwy MU Core	Hwy MU Gen	MU Village	Trans C/R	I-L	I-H
Specialty Food Stores			C							P	P	P	C	P	P
Sporting Goods Shop										P	P	P	C	P	P
Tailor/Shoe Repair										P	P	P	P	P	P
Tattoo Parlor/Tattoo Studio and/or Body Piercing										P	P	C	P	P	P
Travel Agency										P	P	P	P	P	P
Travel Plaza/Truck Stop			C							C	P			P	P
Upholstery and Furniture Refinishing										P	P	C	C	P	P
Used Merchandise Stores										P	P	P	P	P	P
Vehicle Painting and Body Shops										C	P	C	C	P	P
Warehouse Club or Superstore										C	P	C	C	P	P
Woodworking Shops										C	P	C	C	P	P
Industrial/Production															
Alcoholic Beverage Manufacturing/Distillery											P			P	P
Assembly Plant, General											C			P	P
Automobile Storage or Towing (Excluding Junked Vehicles)											P			P	P
Bakery, Wholesale										C	C		C	P	P
Bottling Works											P			P	P
Brewery											P	C	C	P	P
Brewpub, Tap Room, or Artisanal Alcohol Manufacturing										P	P	P	C	P	P
Candy or Confectionary Making (Retail)										P	P	P	P	P	
Catering/Food Service										P	P	P	P	P	P
Computer and Electronic Product Manufacturing										C	P		C	P	P
Crematories											P			C	P
Data Processing, Hosting, and Related Services										C	P		C	P	P
Distribution Warehouse Center										C	P			P	P
Excavation, Noncommercial	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Explosive Manufacturing/Storage															C
Extractive Industries (Mining, Gravel Pits, Other Mineral Extraction)			C								C				C
Food and Beverage Manufacturing			C								P			P	P
Fuel Oil Distribution										C	P				P

Taos County Land Use Matrix															
Description	R	A/RR	A-I	R-E	R-LL	R-ML 0.75	R-IL 0.5	R-TC	R-MF	Hwy MU Core	Hwy MU Gen	MU Village	Trans C/R	I-L	I-H
Jewelry and Silverware Manufacturing										C	P		C	P	P
Junk Yards, Salvage Yards, and Auto and Scrap Processing											P		C	C	P
Laboratories – Medical and Diagnostic										C	P		C	P	P
Laboratories – Research and Testing										C	P			P	P
Limited Sales in Industrial Districts/Uses on Site														P	P
Manufacturing, General (Excludes Other Uses Listed in This Category)											C			C	P
Manufacturing, Light Accessory to Retail Use		P	C					C	C	P	P	C	P	P	P
Meat Packing and Poultry Processing		C	P							C	P	C	C	P	P
Medical Equipment and Supplies Manufacturing										C	P		C	P	P
Milling or Canning of Agricultural Products											P			P	P
Mini Warehouse										C	P		C	P	P
Office Supply, Inks, etc., Manufacturing (except paper)										C	P			P	P
Oil and Gas Well Drilling															C
Paper Manufacturing															C
Petroleum and Coal Products Manufacturing															C
Petroleum Bulk Stations and Terminals															P
Printing/Publishing											P			P	P
Production Plant – Chemicals															C
Production Plant – General															C
Production Plant – Metal											C			P	P
Recycling Centers		C	P	C	C	C	C	C	C	P	P	C	P	P	P
Refrigerated Warehouse or Cold Storage											P			P	P
Sign Makers											P		C	P	P
Stone Cutting/Mason Manufacturing		C	C							C	P	C	C	P	P
Storage Area or Lot			C							C	P		C	P	P
Textile, Clothing, and Leather Manufacturing											P		C	P	P
Wholesale Warehouse Facilities										C	P		C	P	P
Wood or Wood Products Manufacturing		C	C							C	P	C	C	P	P
Arts, Recreation, and Entertainment															
Adult Business Establishments											C			C	C

Taos County Land Use Matrix															
Description	R	A/RR	A-I	R-E	R-LL	R-ML 0.75	R-IL 0.5	R-TC	R-MF	Hwy MU Core	Hwy MU Gen	MU Village	Trans C/R	I-L	I-H
Amphitheater, Outdoor Stage (Bandstand, or Similar Structures)										C	P		C		P
Amusement/Theme Parks											C				C
Amusement Facility, Indoor										C	P		C	P	P
Aquarium or Planetarium										C	P	C	C	P	P
Art Gallery		C	C					C		P	P	P	P	P	P
Artist Studio		C	C	C	C	C	C	C	C	P	P	P	P	P	P
Club, Private										P	P	P			
Community Center	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Conference and Retreat Center										P	P	C	C	P	P
Entertainment Establishment										C	P	C	P	P	P
Fairgrounds		P	P								P				P
Film Production Studio										P	P	P	C	P	P
Indoor Athletic Facility										C	P		C	P	P
Museum/Cultural Facility										C	P	C	C	P	P
Parks	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Production Facility		P	P	P	P	P	P	P	P	P	P	P	P	P	P
Recreation, Indoor				C	C	C	C	C	C	C	P	C			
Recreation, Outdoor											C				
Recreational Vehicle Parks/Campgrounds										P	P				P
Skating Rink/Skate Park										C	P				P
Sports Stadiums and Arenas											C				P
Theater, Drive-in											C				
Theater, Movie											P				
Theater, Performing Arts										C	P	C			P
Education, Public Administration, Health Care, and Institutional															
Cemetery	P	C	C							P	P	C	C		P
Community Services, Counseling and intervention										P	P	P	P	P	P
Community Services, Food Banks and Support Services										P	P	P	P	P	P
Correctional Facility										C	C			C	C
Correctional Office, Parole/Probation										P	P	P			

Taos County Land Use Matrix															
Description	R	A/RR	A-I	R-E	R-LL	R-ML 0.75	R-IL 0.5	R-TC	R-MF	Hwy MU Core	Hwy MU Gen	MU Village	Trans C/R	I-L	I-H
Cultural Facilities										P	P	P	P	P	P
Funeral Home or Mortuary										P	P	C	C	P	P
Government Facilities										C	C	C		C	C
Hospital										P	P	C		P	P
Library		C						C	C	C	P		C	P	P
Medical Office or Clinic										P	P	P			
Post Office and Postal Substations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Public Safety Services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Religious Institutions	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Schools, Colleges and University		C	C	C	C	C	C	C	C	P	P	P	C	P	P
Schools, Elementary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Schools, High	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Schools, Middle	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Schools, Specialty		C	C	C	C	C	C	C	C	P	P	P	C	C	C
Social Services										P	P	P	P		
Transportation, Communication, Information, and Utilities															
Airport Landing Strip (Field or Strip Only)										C	C			C	C
Airport										C	C	C		C	C
Bus/Truck Maintenance, including Repair and Storage										C	P		C	P	P
Cable Networks and Distribution	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Courier and Messenger Services (such as a UPS or FedEx store)										C	P	C	C	P	P
Data Centers and Server Farms										C	C		C	C	C
Distribution Facilities, Gas/Electric Generation														P	P
Environmental Monitoring Stations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Freight Terminals and Truck Terminals															P
Hazardous Waste Storage or Treatment Facility															C
Heliport										C	C			C	C
Incinerator, Commercial		C													C
Landfill			C											C	C
Parking Lot/Garage, Surface or Underground										C	P	C	C	P	P

Taos County Land Use Matrix															
Description	R	A/RR	A-I	R-E	R-LL	R-ML 0.75	R-IL 0.5	R-TC	R-MF	Hwy MU Core	Hwy MU Gen	MU Village	Trans C/R	I-L	I-H
Power Generation Plants			C												C
Public Transportation Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Radio and Television Broadcasting or Recording Studio										P	P	P	P	P	P
Solar Farm		C	P								P		C	P	P
Solar Farm, Agrivoltaic	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Solar Farm, Community	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Waste Collection			C												P
Stormwater Management/Flood Control Facilities		P	P	P	P	P	P	P	P	P	P	P	P	P	P
Telecommunication Facility		C	C	C	C	C	C	C	C	C	C	C	C	C	C
Utility Facilities		C	C							P	P		C	P	P
Water Supply Facilities		P	P	C	C	C	C	C	C	C	P	C	C	P	P
Wind Energy Conversion Systems		C	P	C	C	C	C	C	C	P	P	C	P	P	P
Agriculture and Environmental Protection															
Agriculture and Agricultural Support Functions	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Agro-Industrial	C	C	P	C	C	C	C	C	C	P	P	P	C	P	P
Cannabis (See Categories Below) (Note: vertically integrated operations are subject to CUP if any single use is C)															
Cannabis Manufacturer (See Appropriate Class Type)															
Cannabis Manufacturer, Class I		P	P							P	P	P	P	P	P
Cannabis Manufacturer, Class II		P	P							P	P	P	P	P	P
Cannabis Manufacturer, Class III		C	P							C	P	C	C	P	P
Cannabis Manufacturer, Class IV		C	P							C	P	C	C	P	P
Cannabis Producer, Large		P	P	C	C					C	C	C	C	C	P
Cannabis Producer, Major (Major Development Permit Required)		C	P							C			C	C	P
Cannabis Producer, Microbusiness		P	P	P	P	P	C	C		P	C	C	C	P	P
Cannabis Producer, Small		P	P	C	C					C			C	P	P
Cannabis Retail										P	P	C	C	P	P
Community Gardens	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Concentrated Animal Feeding Operations			P							C	C	C	C	P	P
Equestrian Facilities		P	P	C	C	C	C	C	C	P	P	P	P	P	P

Taos County Land Use Matrix															
Description	R	A/RR	A-I	R-E	R-LL	R-ML 0.75	R-IL 0.5	R-TC	R-MF	Hwy MU Core	Hwy MU Gen	MU Village	Trans C/R	I-L	I-H
Forestry, Commercial		P	P	P	P	P	P	P	P	P	P	P	P	P	P
Greenhouse	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Hatcheries and Poultry Houses		C	P							C	P	C	C	P	P
Livestock Markets		C	P								C				P
Logging Operations		C	C							C	C	C	C	C	C
Wildlife Area	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Other															
Accessory Structure or Building	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Mixed Use								C	C	P	P	P	P	P	P
Mobile Business	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Temporary Uses and Structures	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

2.7.C. Dimensional Standards

2.7.C.1. The dimensional standards are established for each zone as shown in the tables below.

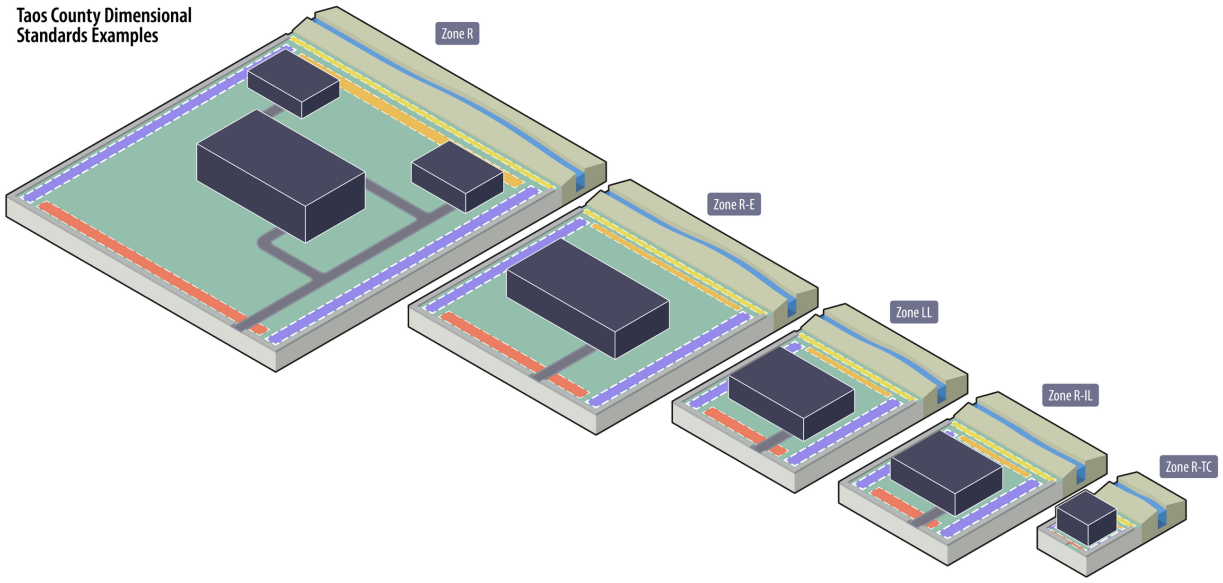
Table 2.7.2

Dimensional Standards for First Set of Zones								
Zones	*R*	*A/RR*	*R-E*	*R-LL*	*R-ML 0.75*	*R_IL 0.5*	*R-TC*	*R-MF*
Lot Dimensions								
Lot size (minimum) (acres)	*5*	*5*	*2.5*	*1*	*0.75*	*0.5*	*0.125*	*NA*
Lot coverage (maximum)	*15%*	*15%*	*30%*	*45%*	*60%*	*70%*	*70%*	*70%*
Lot width (minimum) (feet)	*100*	*100*	*100*	*100*	*100*	*100*	*40*	*NA*
Setbacks								
Front/corner street (feet)	*30*	*30*	*30*	*20*	*20*	*20*	*5*	*20*
Side (feet)	*30*	*30*	*30*	*10*	*10*	*10*	*5*	*7*
Rear (feet)	*30*	*30*	*30*	*10*	*10*	*10*	*5*	*10*
Minimum setback from acequias, laterals & venitas) (feet)	*20*	*20*	*20*	*20*	*20*	*20*	*20*	*20*
Density (maximum primary dwelling units per acre)*	*0.2*	*0.2*	*0.4*	*1*	*1.3*	*2*	*8*	*30*
Height (maximum) (feet)	*27*	*27*	*27*	*27*	*27*	*27*	*27*	*40*

Table 2.7.3

Dimensional Standards for Second Set of Zones							
Zones	*A-I*	*Hwy MU Core*	*Hwy MU Gen*	*MU Village*	*Trans C/R*	*I-L*	*I-H*
Lot size (minimum) (acres)	*1403 5*	*1*	*1*	*0.25*	*1*	*2*	*2*
Lot coverage (maximum)	*25%*	*60%*	*60%*	*70%*	*60%*	*70%*	*70%*
Lot width (minimum) (feet)	*NA*	*100*	*100*	*70*	*70*	*100*	*100*
Setbacks							
Front/corner street (feet)	*20*	*20*	*30*	*NA*	*20*	*20*	*20*
Side (feet)	*20*	*5*	*20*	*NA*	*5*	*20*	*20*
Rear (feet)	*20*	*20*	*20*	*NA*	*15*	*20*	*20*
Minimum setback from acequias, laterals & venitas (feet)	*50*	*20*	*20*	*20*	*20*	*20*	*20*
Density (max dwelling units per acre)	*1*	*14*	*14*	*14*	*6*	*0.5*	*0.5*
Height (maximum) (feet)	*40*	*27*	*40*	*27*	*27*	*40*	*40*
Building size, maximum (square feet)							
Size of individual establishments (max) (square feet)		*15,000*	*NA*	*15,000*	*15,000*	*NA*	*NA*
Aggregate building size (max) (square feet)		*50,000; and up to 200,000 through CUP*	*50,000; and up to 100,000 through CUP*	*20,000*	*20,000*	*50,000; and up to 200,000 through CUP*	*50,000. Over 50,000 through CUP*

Figure 2.7.1



2.7.D. Density Where Utilities Infrastructure is Provided. If municipal, mutual domestic or cooperative water, sanitary sewer, and combinations thereof are servicing dwelling units in a rural or agricultural/rural residential zone, lot sizes may be reduced as follows:

2.7.D.1. With water service alone, lot sizes may be reduced to 0.75 acres.

2.7.D.2. With water and sanitary sewer services, lot sizes may be reduced to 0.25 acres.

2.7.D.3. With sanitary sewer service alone, lot sizes may be reduced to 0.5 acres.

2.7.D.4. The New Mexico Environment Department may further limit the ability to reduce lot size. Nothing in this section shall supersede the New Mexico Environment Department's permitting authority.

2.7.D.5. **Setback Variations in the Residential Traditional Community (R-TC) Zone.** Setback requirements shall be reduced in cases where properties adjacent to or within 1/8 mile from the property are also less than the required distance. Setbacks shall be the average of the setbacks in those identified properties.

2.7.D.6. **Number of housing units per parcel in rural and single-family zones**. Up to three housing units may be located on parcels in rural and agricultural zones (R, A/R). One housing unit plus one (1) accessory dwelling unit shall be allowed in single family zones (R-E, R-LL, R-ML, R-IL 0.5, and R-TC).

2.8 PLANNED UNIT DEVELOPMENT ZONE

2.8.A. Generally

2.8.A.1. The planned unit development zone may be utilized in any unincorporated areas of Taos County. The Planning Commission may allow relief from the dimensional standards of the zone, provided that projects demonstrate innovative land use design and solutions that contribute to the overall character of Taos County and which are not found to be hazardous, harmful, offensive, or otherwise adverse to the environment, property values, or the character of the neighborhood or the health, safety, welfare, and aesthetic sensibilities of the community. The planned unit development should be designed to permit and encourage diversification, variation, and imagination in the relationship of uses, structures, open spaces, and heights of structures for developments conceived and implemented as comprehensive and cohesive unified projects. It is further intended to encourage economic development with innovative solutions to site planning, architecture, and infrastructure;

2.8.A.2. Creativity in the grouping of buildings and structures through clustering for the maximization and preservation of open space, consolidation of infrastructure, promotion of affordable housing, and providing a sense of community;

2.8.A.3. Variety and mixture of housing types to accommodate households of all ages, sizes, and income ranges;

2.8.A.4. Creative combinations of compatible residential, commercial, industrial, civic, and open space uses either in close proximity to one another or within a single structure;

2.8.A.5. Flexibility in the location, preservation, and use of usable open space, natural resource areas, and agricultural lands;

2.8.A.6. Preservation of the natural topography;

2.8.A.7. Architectural and landscape design that complies with these regulations;

2.8.A.8. Integrated circulation system that provides safe and efficient mobility for motorists, mass transit, bicyclists, and pedestrians;

2.8.A.9. Community and/or shared infrastructure systems; and

2.8.A.10. Land use that complies with these regulations and that supports the comprehensive plan.

2.8.B. Applicability. The Planned Unit Development (PUD) zone allows for the creation of alternative standards of development for new development, redevelopment, and infill development.

2.8.C. Minimum Area for a PUD. A PUD development area must be a minimum of fifty (50) acres.

2.8.D. PUD Development Plan. A development plan containing the elements required in this section and adhering to the procedural and submittal requirements for rezoning shall be submitted and shall be reviewed by the Planning Director, the Planning Commission, and Board of County Commissioners.

2.8.E. Development Standards. The following development standards shall apply to the PUD Zone:

2.8.E.1. Development in a planned unit development may include separate and distinct types of land use, or may provide for a compatible mixture of uses, including residential, industrial, commercial, recreational, and civic, in close proximity to one another or within a single structure.

2.8.F. Internal Buffers. The Planning Director may require buffer treatment in PUD applications where needed to enhance compatibility between nonresidential uses and residential neighborhoods using such techniques as setbacks, berms, vegetative screening, and fencing.

2.8.G. Transitional Buffers. The perimeter of the PUD should be compatible with the surrounding community by providing transitional buffering that may include usable open space, landscaping, trails, parks, walkways, appropriate setbacks along adjacent property lines, fencing, and/or density transitioning. The Board of County Commissioners may require additional amenities to ensure adequate buffering.

2.8.H. Architectural Design. The Planning Director may require an applicant for a PUD to submit architectural plans, standards, or guidelines at the time of subdivision review or at the time of site plan review. The intent of architectural review is to promote the preservation and enhancement of the visual character of the County and create an architectural style that complements the terrain and vegetative character of the development area. The architectural plans shall demonstrate that the development does not consist of out-of-character structures that require the indiscriminate clearing of property, excessive grading, and the destruction of trees and shrubbery. The architectural plans shall also demonstrate that the development is not out of scale with adjacent land uses. The Planning Director may require changes to architectural plans to minimize disturbances to natural terrain, reduce the adverse visual impacts of buildings that because of size, scale, or location are out of harmony with the neighborhood in which they are constructed, promote advantageous solar orientation and energy conserving design, and promote consistency with scenic and rural character guidelines.

2.8.I. Clustering of Buildings. In appropriate cases, the clustering of structures for efficient utilization of space, creative combinations of uses, integrated circulation systems, and the utilization and preservation of open space provided around groupings of buildings and structures may be permitted. Deviations from development standards may be granted when the County Commissioners determine that a project demonstrates characteristics identified in the intent and purposes of the PUD zone, the regulations of Taos County, and the comprehensive plan.

2.8.J. Open Space. A PUD shall contain a minimum of 25 percent useable open space.

2.8.K. Affordable Housing. A minimum of 20 percent of the total housing units shall be affordable for up to 120 percent of the County median income.

2.8.L. Reservation of Lands. In order to qualify as usable open space, natural resource areas or irrigated agricultural lands for purposes of the planned unit development zone density bonus, the usable open space, natural resource areas, and agricultural lands shall be subject to appropriate recorded easements, covenants, conditions, and restrictions that are acceptable to the County and approved as to form by the County attorney. Such easements, covenants, conditions, and restrictions shall be enforced by the owner, which should include all requirements for preserving usable open space, natural resources, and agricultural lands which shall include, but not be limited to:

2.8.L.1. Maintenance

2.8.L.2. Access (including physical and visual access provisions and limitations, where appropriate)

2.8.L.3. Drainage in conformance with Taos County storm drainage development standards

2.8.L.4. Preservation

2.8.L.5. Buffers as described in Section 3.__ in *Article III Development Standards*.

2.9 OVERLAY ZONES

2.9.A. Historic Overlay Zone

2.9.A.1. Placesaver, to be developed. Note: There may be more than one set of historic overlay zone regulations for district and landmarks.

2.9.B. Architectural Review Overlay Zone

2.9.B.1. **Generally**

2.9.B.1.a. Developments shall be sensitive to and consistent with the architectural design, scale, density, bulk, building height, historical character, and orientation of the existing properties in the neighborhood, or the applicant shall be able to demonstrate that the alternative being proposed is suitable to the land and the neighborhood character.

1. The project shall be compatible with the architectural styles of the surrounding area.
2. Buildings shall be designed and located on the site so as not to detract from the established neighborhood character.

2.9.B.2. **Architectural Style**

2.9.B.2.a. The architectural style reference for new development is Territorial Revival, Spanish Pueblo Revival, or creative variations on these traditional styles. See the illustrations below.

2.9.B.3. **Design Standards**

2.9.B.3.a. **Massing/Scale**

1. Buildings are typically one story in height with an emphasis on horizontal proportions but shall not exceed twenty-seven (27) feet in height.
2. Massing is rectangular blocks expressing solid, thick wall construction.

3. Massing shall emphasize the walls and visually de-emphasize the roof form.

2.9.B.3.b. **Roof Form.** Shallow pitched roofs and flat roofs with a parapet are allowed.

1. **Pitched Roof.** Roofs shall be a maximum 12:12 pitch.
2. **Flat Roof.** Shallow slopes for drainage are permitted. A flat roof will include a parapet that extends around the full perimeter of the building.
3. **Roof Overhangs**

2.9.B.3.c. **Porches and Courtyards**

1. Porches shall be designed to appear as attachments or continuation of the main portion of the building that provide a transition between building interior and the outside.
2. On pitched-roof buildings, porches shall be a continuation of the main roof, or an additional shed roof abutting the main structure walls.
3. Cantilevered second-story porches, colonnaded portales, and double-height porches supported by columns or posts are considered contextually appropriate. Recessed porches are typically found in flat-roof buildings.

2.9.B.3.d. **Fenestration and Façade Design.** The following standards pertain to building façade design:

1. Façade design shall reveal wall thickness at fenestration openings and provide shadow lines for visual interest;
2. Façade elements related to structure, such as columns, lintels, brackets, projecting wooden roof beams, shall be scaled to the mass of the proposed building and of similar scale, proportion, and detail as existing or historical buildings visible within the same streetscape or neighborhood context;
3. The combined fenestration area in any street-facing façade shall not exceed 40 percent of the total area of the façade, except for the use of large display windows under portales or arcades of commercial buildings;
4. Fenestration in a street-facing façade shall be placed at least three (3) feet from the corner of the façade;
5. Fenestration openings shall be recessed a minimum of four (4) inches;
6. Windows shall have a vertical orientation;
7. If divided light windows are proposed, they shall be true divided light windows;
8. Doors shall be wooden or a combination of wood and glass;
9. Skylights should not be visible from the streetscape; and
10. Commercial and mixed-use building façade walls (front, side, and back) shall not be continuous over forty (40) feet in length without recesses or protrusions of three (3) feet or more in depth to create modulation and articulation.

2.9.B.3.e. **Architectural Details**

1. Designs shall include architectural elements that provide human scale and visual interest through texture, color, material contrast, detail, or shadow. These might include porches, doors, windows, railings, columns, shutters, or vigas.
2. Detail elements shall be functional and not only decorative. Applied, nonfunctional structural elements and architectural details are not permitted. For example, portales, arcades, awnings or canopies provide weather protection, canales drain roof areas, shutters are correctly sized to the windows, and vigas indicate the building structure or support porch roofs.
3. All exposed structural elements should express understanding of the traditional structure construction.
4. Window and door moldings and lintels may be exposed.
5. Portales and other overhanging structures should include corbels or brackets that transition vertical elements to the roof.

2.9.B.3.f. **Materials.** Materials shall be high quality and durable.

1. Pitched roofs shall use clay tile or standing seam metal.
2. Exposed window and door lintels, trim, and moldings are made of wood.
3. **Primary Material.** Building walls and parapets shall be coated in plaster, stucco, or similar material that has a texture that simulates mud plaster. This material shall be visually dominant.
4. **Secondary Material.** Secondary materials are allowed but must be visually subordinated to the primary stucco material.

2.9.B.3.g. **Finish**

1. Earth tones and neutral colors are allowed; fluorescent or pastel colors are not permitted. Following are guidelines for colors:
    a. **Warm Neutrals and Browns**
        i. **Beige and tan**
        ii. **Taupe.** A blend of gray and brown.
        iii. **Browns.** Ranging from light "broccoli brown" and "dirt brown" to deep "chocolate brown" and "espresso."
        iv. **Cream and off-white.** Softer than a stark pure white, these colors provide a bright, clean look while maintaining an earthy warmth.
    b. **Greens and Grays**
        i. **Sage green.** A muted, calming green that blends in sagebrush landscapes.
        ii. **Olive green/moss green.** Deeper, richer greens that blends in wooded or forested areas.
        iii. **Slate gray/charcoal gray.** Mimic natural stone and pair well with both warm and cool accents.

c. **Rich Accent Colors**

i. **Terracotta/burnt orange.** Warm, earthy reds and oranges inspired by natural clay and rust, often used for accents, roofing, or specific architectural styles.

ii. **Ochre.** A warm, muted yellow often used to add a touch of sunbaked brightness.

iii. **Russet.** A reddish-brown hue that brings depth and an autumnal feel.

d. Accent colors are often layered to create a full palette, with one main color for the siding, a trim color for architectural features, and an accent color for doors or shutters.

2. Siding and roof material finishes shall minimize glare through color, texture, and treatment.

2.9.B.3.h. **Mechanical Equipment.** Exterior-mounted mechanical and electrical equipment, vents, solar hardware, or satellite dishes shall be architecturally screened from view from a public way.

2.9.C. Airport Operation Overlay Zone

2.9.C.1. Placesaver, to be developed through discussion with the Town of Taos and through a technical study as needed.

2.9.D. Sustainable Development Overlay Zone

2.9.E. Building Design. Design methods to reduce energy and water consumption are required. Each building shall incorporate at least two of the following strategies:

2.9.E.1. Passive solar building orientation and elevation design;

2.9.E.2. Reduced building footprints and impervious surfaces;

2.9.E.3. Exterior shading devices;

2.9.E.4. Solar features including trombe walls, sunspaces, greenhouses, clerestories;

2.9.E.5. Solar energy or solar hot water equipment;

2.9.E.6. Water catchment mechanisms;

2.9.E.7. Green roof; or

2.9.E.8. Solar-reflective roof materials.

2.9.F. Site Design. Design methods to conserve land and natural habitat, reduce impervious surface, allow for food production, and reduce carbon footprint are required. The development site shall incorporate at least two of the following strategies:

2.9.F.1. Cluster development site layout;

2.9.F.2. Agrihood design or community garden space with capacity for each occupant;

2.9.F.3. District energy or community solar installations;

2.9.F.4. Pervious pavement;

2.9.F.5. Maximum lot coverage of 30 percent for development site;

2.9.F.6. Water detention systems integrated with the natural topography, vegetation, and habitat;

2.9.F.7. Occupiable open space amenity, such as walking or multimodal trails or water features;

2.9.F.8. Alternative transportation infrastructure (e.g., bicycle storage, bicycle hitches, walking paths, bus shelter, bicycle lanes, carshare or bikeshare stations) or electric vehicle charging.

Article III Development Standards

3.1 GENERAL PROVISIONS

Purpose: This Article provides general regulations for development and infrastructure within Taos County to:

- *Protect the public health, safety, and welfare of the County and its residents;*
- *To protect and conserve the value of land throughout the County and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings;*
- *To prevent the pollution of air, soil, and water, and erosion of soil; to assure the adequacy of drainage facilities; to safeguard the water table, and to encourage the wise use and management of natural resources throughout the County in order to preserve the integrity, stability, and beauty of the community and the value of the land;*
- *To protect natural vegetation, drainage courses, historical sites and structures, and similar community assets;*
- *To provide for adequate light, air, and privacy; to secure safety from fire, flood, and other danger; and to prevent overcrowding of the land and undue congestion of population;*
- *Provide common standards for development; and*
- *Establish reasonable standards of design and procedures for site plans and subdivisions to guide the orderly layout and use of land.*

3.1.A. Applicability. This Article establishes general standards common to all development applications within the unincorporated areas in Taos County and applies to:

3.1.A.1. All zoning districts, and

3.1.A.2. Unless otherwise provided, any application for:

3.1.A.2.a. Zoning compliance;

3.1.A.2.b. Rezoning;

3.1.A.2.c. Conditional Use Zoning; and

3.1.A.2.d. Subdivision plats.

3.1.B. Exemptions. Development in the categories listed below may be subject to different or additional regulations beyond those in this section and may be more restrictive than those set out herein.

3.1.B.1. Conditional Use Zoning Districts

3.1.B.2. Planned Development Zones

Division 1 Zoning Standards

3.2 DIMENSIONAL STANDARDS

Purpose: This section provides uniform rules for the layout and development of blocks, lots, and yards.

3.2.A. Legal Access to Property. A building, structure, or use of land shall be established only on a lot that abuts a public or private right-of-way or that abuts an easement that provides access to a public or private right-of-way to which the building, structure, or use of land has legal access.

3.2.B. Maintenance. Maintenance of yards, open space, and minimum lot area legally required for a development or use is a continuing obligation of the owner of the development or use, or the owner of the property on which the development or use is located. This obligation continues as long as the building or use exists.

3.2.C. Allocation. Legally required yards, open space, or minimum lot area allocated to a development or use are credited only toward those requirements for that development or use. A change of ownership does not change this allocation.

3.2.C.1. Required yards and open space shall locate on the same zoning lot as the development or use to which they are allocated.

3.2.C.2. Minimum yards, parking spaces, open spaces, and lot area required for a development or use shall not:

3.2.C.2.a. Include any encroachment that reduces them below the required amount;

3.2.C.2.b. Apply to yard, parking space, or open space required for any other building or use; and

3.2.C.2.c. Shall not be less than the district requirement, except where expressly permitted in this Article or by variance.

3.2.C.3. No portion of the required area of any lot or development site shall be used, or considered to be part of the required area, for any other lot or development site.

3.2.D. Lot Regulations

3.2.D.1. **General Provisions**

3.2.D.1.a. Lot size, shape, width, depth, and orientation and minimum setback requirements shall be appropriate for the location for the type of development and use contemplated, for the topographic conditions, for and the surrounding area.

3.2.D.1.b. Lots shall conform to the regulations of this code. Whenever there is a discrepancy between the minimum standards or standards noted herein and those contained in the other chapters of this title, building codes, or other official regulations, the most stringent standards shall apply.

3.2.D.1.c. Lots shall meet the minimum lot size requirements of the zone unless it was created prior to the adoption of this code or was the result of a division of land by a court-ordered proceeding.

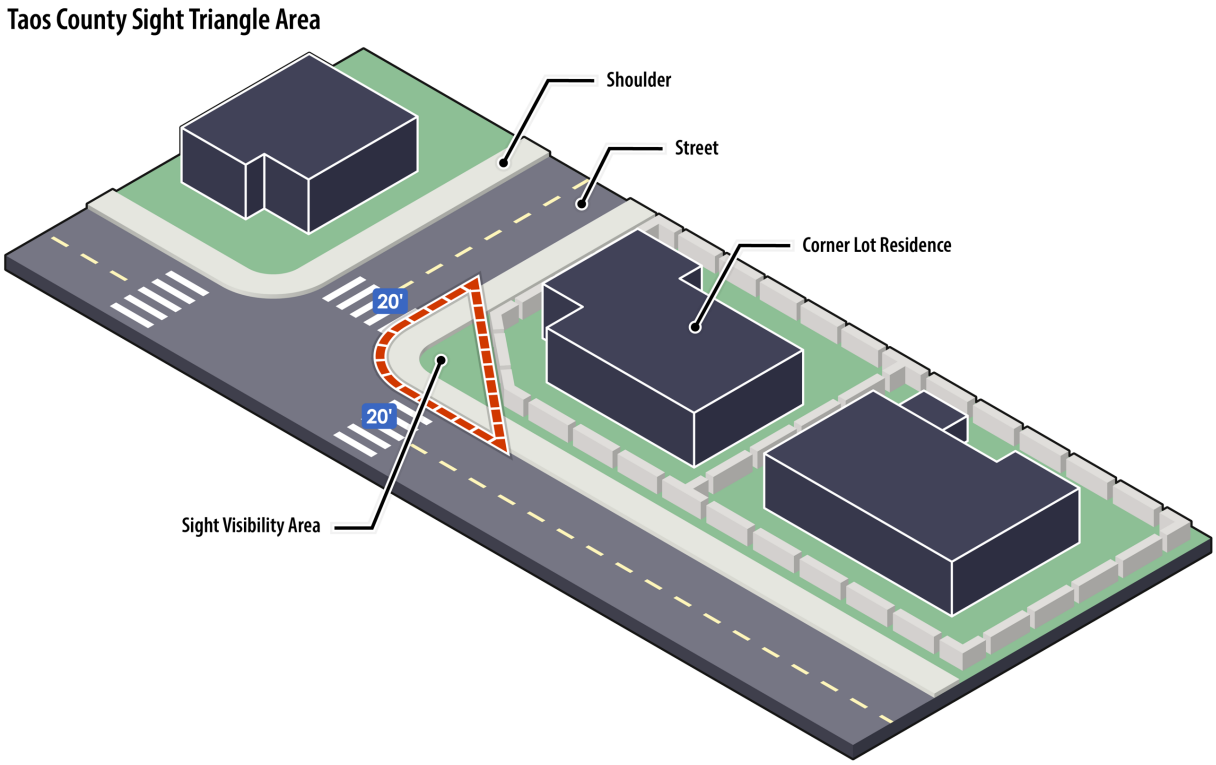
3.2.D.2. **Permitted Lot Reduction.** If a lot is reduced below the minimum required area through condemnation or by acquisition for public purpose by any government agency, the Planning Director may authorize its development if the reduction does not exceed 15 percent of the required minimum lot area. This provision does not apply if any easement is dedicated for street widening purposes as a part of the approval process of a subdivision or a zoning change.

3.2.E. Setbacks

3.2.E.1. **Increased Setbacks.** Where the minimum setback conflicts with other requirements, setbacks may be increased to accommodate required perimeter landscaping, buffer yards, or conflicts with utilities.

3.2.F. Sight Triangle Area. Defined as that portion of a corner lot lying within a triangle area formed by measuring back along the property lines adjacent to the intersecting streets and driveways to a point on each property line twenty (20) feet from the intersection of said property lines and then connecting the two (2) points thus establishing a third line.

Figure 3.2.1



3.2.F.1. **Obstruction of View.** It shall be unlawful for the owner, occupant, or person in control of any corner lot to erect, maintain, or permit to grow any obstruction to the view of drivers of motor vehicles over a height of three (3) feet, and all trees shall be trimmed so that no foliage hangs down closer than seven (7) feet to the ground within the “sight triangle area” of the lot.

3.2.F.2. **Violations.** The Planning Director shall have the authority to order removal of any tree, plant, shrub, fence, or other object that violates the provisions of this section.

3.3 FENCES AND SCREENING

3.3.A. Applicability. The following standards apply to all developments in all zones unless a Use Regulation or Planned Unit Development Zone provides a different standard.

3.3.B. Generally

3.3.B.1. **Site Elements Requiring Screening.** The following site features shall be screened from abutting properties and public view from rights-of-way using buildings, fencing, walls, or landscaping.

3.3.B.1.a. **Solid Waste Facilities.** Except for single-family residential uses, solid waste units shall be screened in all zones using one or more of the following methods:

1. An opaque wall constructed of materials compatible with those used on the principal buildings on the site and that is of a height equal to or greater than the objects to be screened;
2. Vegetative material, consisting primarily of evergreen shrubs or small trees, that is a minimum of four (4) feet in height when installed, and shall be expected within two (2) years to reach a height equal to or greater than the objects being screened and provide an approximately 95 percent visual screen;
3. A fence or wall constructed of solid wood that provides an approximately 95 percent visual screen. The fence shall be at least one (1) foot higher than the objects to be screened and extend down to within one (1) foot of the ground. The fence or wall shall be landscaped with evergreen shrubs expected, within three (3) years of erection of the structure, to screen from view at least 30 percent of the surface area of the fence or wall on the two (2) sides most visible from other properties.

3.3.B.1.b. **Outdoor Storage Areas.** Except where specifically provided in this Code, all outdoor areas in nonresidential and mixed-use development that are being used for storage shall be enclosed on all sides and at a height sufficient to screen the objects being screened, by a wall or opaque fence with access by an operable gate. A gate shall not swing onto any public right-of-way.

3.3.B.1.c. **Ground-Mounted Electrical Transformers or Propane Tanks.** Ground-mounted utilities shall be screened with plantings. The plantings shall be installed on the two (2) sides most visible from other properties, shall consist of evergreen shrubs, and shall be expected, within two (2) years of planting, to reach a height equal to the electrical transformers.

3.3.C. Height. Fences shall be measured from the original grade where the fence will be located. Piling dirt or other materials or creating a berm in attempt to measure the fence from the top of the berm or added material shall not be allowed. Fences in excess of ten (10) feet are prohibited.

3.3.D. Design

3.3.D.1. **Prohibited Materials.** The following are prohibited for fence or screen walls except in industrial zones:

3.3.D.1.a. Chain link;

3.3.D.1.b. Barbed or concertina wire; or

3.3.D.1.c. Corrugated metal.

3.3.D.2. **Structure.** The fence shall be constructed with all braces and supports on the interior of the fence, except when both sides are of the same design and appearance.

3.3.D.3. **Safety.** A fence shall not pose a safety or visibility hazard for the right-of-way or cause a view obstruction for any private driveway or road. All fencing, regardless of whether it requires a land use or building permit, shall comply with Section 3.3.F.

3.3.E. Permitting

3.3.E.1. All fences shall be considered as permitted uses in all zones and shall not require any type of zoning permit.

3.3.E.2. Fences shorter than six (6) feet high shall not require a building permit.

3.3.E.3. Fences in excess of six (6) feet but not greater than ten (10) feet high shall require a Taos County approved building permit, prior to the commencement of construction.

3.3.E.4. Any fence that is restored, replaced, or extended in either length or height, shall require a Taos County approved building permit if it is in excess of six (6) feet, but not greater than ten (10) feet high.

3.4 OPEN SPACE

Purpose: Open Space is required for projects that are sufficiently large to accommodate amenities for residents, workers, and visitors. The purpose of Open Space is to provide areas for outdoor enjoyment; to enhance or preserve the character of the County; and to preserve the environmental benefits of permeable, vegetated land while reducing heat island effect, stormwater runoff, and other impacts of development.

3.4.A. Applicability. This section applies to Major Development Plan applications.

3.4.A.1. **Exemptions.** If the project is within a community neighborhood, traditional historic neighborhood, or PUD Zone, zoning requirements may specify a greater or lesser percentage of open space than the standards in this section.

3.4.B. Required Open Space. A minimum of 25 percent of the total area of land to be developed shall be set aside as open space unless the project is within a PUD Zone that specifies a greater or lesser percentage of open space (in which case, the Zone standard shall be required).

3.4.B.1. Required open space area may include required setbacks, landscaped buffers, and water resources (e.g., wetlands, ponds, water features, etc.).

3.4.B.2. Applicants shall be required to demonstrate ownership of open space, as well as to identify a mechanism for permanently restricting development acceptable to the Planning Director (e.g. conservation easement, deed restrictions, conditions or restrictions in Covenants, Conditions, and Restrictions [CC&Rs]).

3.4.C. Prohibited Elements. Areas counted toward required open space shall not include

3.4.C.1. hardscape or structures for utilitarian uses: Storage areas, vehicular parking areas or driveways, carports or garages, utility areas, or streets (private or public);

3.4.D. Designation. Open space areas shall be clearly identified on the site plan and shall be permanently set aside for the sole benefit, use, and enjoyment of present and future occupants of the development. Applicants shall demonstrate ownership of open space and shall also identify a mechanism for permanently restricting development (e.g., conservation easement, deed restrictions, conditions, or restrictions in CC&Rs).

3.4.E. Maintenance. The applicant shall identify and establish an organization for ownership and maintenance of the required open space. The organization shall not be dissolved and shall not dispose of the required open space by sale or otherwise, except to an organization conceived and established to own and maintain the open space as required and for the benefit of the development.

3.5 UTILITIES

3.5.A. Generally. All utilities, including water, sewage, electric, phone lines, cable and natural gas, shall be underground, unless it is determined by the utility company that it is unfeasible to do so. In which case, written documentation shall be provided by said utility company indicating as such.

3.5.B. Capacity. The development shall be served by utilities with adequate capacities for the proposed development. Where applicable, utilities shall be augmented or extended to accommodate the development. The applicant shall supply proof of availability and/or commitment from all public utilities or evidence of off-grid systems permits.

3.5.C. Water Supply

3.5.C.1. **Public Water Supply.** Applicants for developments or construction on lots within four hundred (400) feet of a public water supply system shall provide a letter of approval from the associated water authority and shall be connected to that public system, providing easements are available or can be negotiated. The design of the connection shall be approved by both the connecting water authority and the New Mexico State Engineer.

3.5.C.2. **No Public Water Supply.** If no hookup to the municipal or public authority is available, then the applicant shall supply an approved domestic well permit from the New Mexico State Engineer pursuant to § 72-12-1, NMSA 1978. The applicant shall meet all current requirements of the New Mexico Office of the State Engineer (OSE) and the New Mexico Environment Department (NMED).

3.5.C.2.a. Applicants shall demonstrate a fifty (50)-year supply and shall submit a geohydrologic report in accordance with the standards set forth in Article XII Submittal Requirements, for any major development permit, planned unit development, or when required by the Planning Director.

3.5.C.3. **Aquifers.** If the water supply is from the aquifer, a hydrological study may be required.

3.5.D. Major Development Applications.

Major Development applicants must also meet the Water Supply Requirements as follows:

3.5.D.1. Where the source of water will be a potable water supply system dependent on a new groundwater diversion permitted pursuant to §§ 72-12-3 or 72-12-7, NMSA 1978, the applicant shall demonstrate a fifty (50)-year supply, and shall submit a geohydrologic report in accordance with the standards set forth in *Article XII Submission Requirements*.

3.5.D.2. Where the source of water will be a potable water supply system dependent on a new surface water diversion permitted pursuant to §§ 72-5-1, 72-5-23 or 72-5-24, NMSA 1978, the applicant shall submit a hydrologic report in accordance with the standards set forth in *Article XII Submittal Requirements*.

3.5.D.3. Where the source of water will be an existing potable water supply system or municipal water supply system permitted pursuant to §§ 72-5-1, 72-5-23, 72-5-24, 72-12-1 or 72-12-3, and 72-12-7, NMSA 1978, the applicant shall submit a water utility plan in accordance with the standards set forth in *Article XII Submittal Requirements*.

3.5.D.4. In areas where the Office of the State Engineer (OSE) determines groundwater will be supplied from geologic formations that yield minimal amounts of water, fail to recover adequately from pump tests, experience seasonal depth to water, or experience excessive draw downs, the County may reject the application.

3.5.D.5. In areas where the groundwater is to be supplied from geologic formations where wells have been determined to produce three (3) gallons per minute or less, or where available information suggests the likelihood of low yielding wells, the County may reject the application.

3.5.D.6. In areas where the seasonal high-water table is four (4) feet or less, the County may reject the application.

3.5.E. Potable Water

3.5.E.1. **Water Access Priority.** Development proposals shall adhere to the following water access priority and show that any well(s) meets state environmental requirements:

3.5.E.1.a. Municipal water systems

3.5.E.1.b. Mutual domestic water associations

3.5.E.1.c. Water and sanitation districts

3.5.E.1.d. Community water systems (private)

3.5.E.1.e. Shared domestic wells

3.5.E.1.f. Individual wells

3.5.E.2. **Exemptions.** A development may propose the use of a lower priority water source even when a high-priority source is available if they can demonstrate that the fifty (50)-year life cycle cost of hookup is 110 percent greater than the lower priority options.

3.5.E.3. **Existing Water Supply Systems.** For existing water supply systems, there shall be availability of adequate water, as certified in a letter from the water supplier in accordance with the requirements set forth in *Article XII Submittal Requirements*.

3.5.E.4. **Publicly Regulated Water Supply Systems.** For water supply systems in which existing utility companies are proposed as the source of water supply, the water supply must have the capability to meet the maximum annual water requirements of the proposed land use for at least fifty (50) years, as demonstrated in a water supply plan in accordance with the requirements set forth in *Article XII Submittal Requirements*.

3.5.F. Easements. Utility easements shall be located according to a plan approved by the appropriate utility companies.

3.5.F.1. **Location of Utilities Serving Lots.** Utility easements shall be located such that the lot can be served by all proposed utilities. Utility easements shall be adjacent to the lot lines. Easements placed diagonally across tracts shall be avoided.

3.5.F.2. **Width.** Utility easements shall be at least twelve (12) feet wide or a width determined with utility provider.

3.5.F.3. **Relationship to Other Easements.** Utility easements are encouraged to be placed parallel to access easements so that maintenance of electric, gas, or water lines will not create the need to disturb the road or street. Access and utility easements are normally combined and should be located outside of or adjacent to right-of-way reserved for roads, unless topographical or other conditions or existing utility easements make location there impracticable.

3.5.G. Maintenance and Repair. In the event utility installation or maintenance requires disturbance of a road or street, such road or street will be restored to a condition equal to or better than its original status.

3.6 TERRAIN AND STORMWATER MANAGEMENT

Purpose: The purpose of this section is to protect and enhance the environmental quality of the community water and aquatic resources by establishing requirements to control adverse effects of terrain disturbance and stormwater runoff, and nonpoint and point-source pollution associated with existing and new developments, as well as discharges into any conveyance or any waters within the County.

3.6.A. Applicability

3.6.A.1. This section applies to:

3.6.A.1.a. All development including subdivisions, creating more than twenty thousand (20,000) square feet of land disturbing activity, unless exempt.

3.6.A.1.b. Any application for a building, structure, or part thereof to be erected, constructed, reconstructed, moved, enlarged, or structurally altered.

3.6.A.2. **Exemptions.** Development that fits into one or more of the following categories is exempt from this section:

3.6.A.2.a. Land in agricultural, forestland, or horticultural use.

3.6.B. Site Suitability. The following conditions shall be evaluated for site suitability for development:

3.6.B.1. **Soils.** Soils having severe limitations, or which are unsuitable for the intended purposes, shall not be used or utilized for development, unless the developer has already shown in the terrain management plan how these limitations will be overcome.

3.6.B.2. **Geologically Unstable Areas.** Applications for development sites containing areas of natural or geological hazards (e.g., unstable or potentially unstable slopes, faulting, landslides, rock falls, flooding, etc.) or soil conditions unfavorable to development shall include documentation, prepared by a civil engineer registered in the State of New Mexico, identifying all such hazardous areas and describing detailed mitigation measures for the identified hazardous areas.

3.6.B.3. **Land Disturbance**

3.6.B.3.a. **Grading.** The development shall be designed to fulfill the following requirements:

1. **Contours.** Site grading design will blend slopes and fills into the natural contours of the land.
2. **Stabilization.** Hillsides and cut/fill slopes shall be stabilized by trees and other native vegetation to retain moisture, reduce erosion, reduce runoff, and preserve the natural scenic beauty.
3. **Runoff.** The site design shall prevent runoff from flowing over the face of the slope.
4. **Cut and Fill**
   a. Excavated and filled slopes shall generally be 3:1 or flatter.
   b. Cut and fills shall be designed to minimize the area of exposure and reduce the sharp angles at the toe and sides.
   c. The maximum cut and fill slopes shall be compatible with soil stability and to the soil's susceptibility to erosion, as shown on the soil survey.

3.6.B.3.b. **Mechanical Stabilization.** If mechanical stabilization measures are planned for slope containment:

1. These structures shall blend with the landscape.
2. If structures do not blend in, landscape screening shall be incorporated into the site design.

3.6.B.3.c. **Borrow Area.** If a borrow area is used, the disturbed area shall be revegetated in the final site design.

3.6.B.3.d. **Arroyos.** Any proposed improvements to arroyos shall be designed by a New Mexico licensed engineer to include rundowns to a safe outlet.

3.6.C. Erosion Control. Developments shall be designed to prevent or control erosion.

3.6.C.1. Water and erosion control shall be provided in bar ditches along streets and roads.

3.6.C.2. Road grades shall be designed flat enough to prevent erosion, based on the soils involved.

3.6.C.3. Borrow areas or drainage features shall be designed to prevent erosion or sediment deposition.

3.6.C.4. Culvert inlets and outlets shall be properly protected from erosion and sedimentation.

3.6.C.5. Critical area treatment or special plantings may be needed. If so, the plans shall be in keeping with the landscaping and revegetation plan procedures in Section 3.8 Landscape & Vegetation.

3.6.C.6. Soil stabilization methods shall be required on permanent slopes.

3.6.D. Stormwater Management

3.6.D.1. **Water Quality Protection.** The use shall not cause significant degradation of the quality of surface or groundwater resources as specified by the State of New Mexico Environment Department standards (Safe Water Act 20.7.10. 1 NMAC).

3.6.D.1.a. Assure that water drained from the development does not contain pollutants or sedimentary materials of any greater quantity than would occur in the absence of the development by ensuring that stormwater quality control measures shall, at a minimum:

1. Effectively and efficiently capture, and treat the runoff volume produced from the one (1)-year, one (1)-hour storm event; and
2. Remove 85 percent of the average annual total suspended solids (TSS) from the development-produced runoff.

3.6.D.2. **Stormwater Quantity Systems**

3.6.D.2.a. The post-development peak flow discharge rates shall not exceed the predevelopment peak discharge rates for all storms up to and including the twenty-five (25)-year, twenty-four (24)-hour event. Analysis of the one (1)-, two (2)-, five (5)-, ten (10)-, and twenty-five (25)-year, twenty-four (24)-hour storm events shall be submitted to confirm this requirement.

3.6.D.2.b. Additional peak discharge rate reduction may be required by Director of Public Works where the capacity of the receiving system is limited and/or documented downstream flooding would be exacerbated by the minimum requirements.

3.6.D.2.c. Emergency overflow devices for water quantity detention stormwater control measures (SCM) are required and must be designed to safely convey the one hundred (100)-year, twenty-four (24)-hour peak discharge while maintaining twelve (12) inches of freeboard in the basin.

3.6.D.2.d. Stormwater control measures shall be located and designed to receive runoff from a drainage area of three (3) acres or less, unless the SCM type selected requires a larger drainage basin for its proper function per County design guidelines. The total drainage area for SCMs used in series and for different treatment purposes may also exceed this three (3)-acre maximum.

3.6.D.2.e. Where practicable, stormwater management system design and location shall be landscaped and integrated into the development and the surrounding community and serve as a community or development amenity. Fencing of SCMs for public health and safety purposes is allowed.

3.6.D.2.f. The following shall not be utilized as drainage ways: Acequia systems, streets, arroyos, dry gullies, diversion ditches, spillways, reservoirs, etc., and may not be incorporated into the storm drainage systems for the property.

3.6.D.3. **Single-Family Residential Lot Stormwater Control**

3.6.D.3.a. Single-family residential developments that are not part of a larger development exceeding twenty thousand (20,000) square feet of disturbed area shall contain all stormwater runoff or drainage on the property using at least one of the following:

1. All roof downspouts shall discharge onto the surface of the natural ground at least twenty-five (25) feet from the property boundary and in accordance with all applicable building codes;
2. Collect the first one-half (1/2) inch equivalent runoff volume from at least half of the total roof area by connecting downspouts to operating rain barrels or cisterns; and
3. Driveways, walkways, and patios shall drain into well-maintained landscaped beds using native vegetation and amended soils.

3.6.D.4. **Stormwater Conveyance Systems.** Developments shall be planned, constructed, and maintained to:

3.6.D.4.a. Protect and preserve existing natural drainage channels, except where erosion and water control measures are found necessary and approved by the local district.

1. The shaping of large natural channels usually increases the channel runoff velocity, which may result in increased erosion absent measures to slow velocities and protect the banks.

3.6.D.4.b. Stormwater conveyance systems, both public and private, including culverts, pipes, inlets, junctions, ditches, and swales shall be designed, at a minimum, to the ten (10)-year, twenty-four (24)-hour storm event.

3.6.D.4.c. Discharge velocities shall be nonerosive velocity flow from a structure, channel, outlet, or other control measure for twenty-five (25)-year, twenty-four (24)-hour design storm.

3.6.D.4.d. New stormwater conveyance systems shall be sized to accommodate all the runoff that would flow to the structure, including the following:

1. The runoff produced from all development and redevelopment activities within the site;
2. The runoff produced from all new and existing roads within the site; and
3. The runoff produced off-site that cannot be diverted around the site.

3.6.D.4.e. New stormwater conveyance systems shall be checked by model or calculation to ensure all existing and proposed structures (e.g., houses, buildings) on the property and adjacent to the property will be protected from flooding during the one hundred (100)-year, twenty-four (24)-hour storm event and due to the proposed development.

3.6.D.4.f. Assure that road construction provides proper drainage by:

1. Avoiding water-ponding areas resulting from road construction, unless plans are developed that will adequately address the conditions.
2. Roads planned for use in collecting or disposing of runoff shall be designed to ensure adequate control of the flows that prevent erosion and sedimentation.
3. Road-drain outlets into an existing drainage course shall be designed to prevent erosion in the drainage course.
4. Road-drain outlets into a controlled area.
5. Road culverts shall be properly sized and located, of adequate length, and described in the plan.
6. Road culverts and outlets shall be adequately protected.

3.6.D.5. **Alternative Conveyance Systems**

3.6.D.5.a. **Generally**

1. If it can be shown by detailed engineering calculations and analysis that a project meets one or more of the criteria in this section, then the project shall be deemed to comply with the stormwater quality and/or quantity requirements in Section 3.6.D3.6.D.2 Stormwater Management.
2. The requirements of the stormwater conveyance systems in Section 3.6.D.4. Stormwater Conveyance Systems still applies to any project that meets the stormwater quality and/or quantity requirements pursuant to an alternative design standard set forth in this section.

3.6.D.6. **Alternative Design Criteria.** Unless otherwise provided in Section 3.6.D, redevelopment projects may meet the stormwater quality and quantity requirements of this section by implementing one of the following options:

3.6.D.6.a. **Low Impact Development (LID).** In lieu of the requirements in Section 3.6, development and redevelopment projects utilizing Low Impact Development (LID) may meet stormwater quality requirements if the LID feature(s) cumulatively captures and treats the runoff volume from, at a minimum, the one (1)-year, one (1)-hour storm event and by substantially preventing it from exiting the development site via surface flow. LID techniques may include any of the following alone or in combination to meet the requirement:

1. Bioretention swales and basins;
2. Level spreaders and filter strips;
3. Porous pavement and permeable pavers;
4. Cisterns and water harvesting;
5. Pocket wetlands; and
6. Rooftop runoff mitigation measures (e.g., green roofs and rooftop gardens).

3.6.D.6.b. **Alternative Design.** In lieu of the requirements in Section 3.7., development and redevelopment projects may meet stormwater quantity requirements by providing a detailed hydrological and hydraulic analysis of

the watershed, including existing, proposed, and future conditions, that demonstrate through validated scientific analysis that there is sufficient existing capacity in the receiving stream or drainage systems (no overtopping, surcharge, backwater, etc.). Stormwater pollutant loads from a development site must be reduced by at least 10 percent in this scenario.

3.6.D.6.c. Development or redevelopment of a Minor Subdivision or an individual residential lot cumulatively exceeding twenty thousand (20,000) square feet of land disturbance shall demonstrate compliance with this section by either:

1. Meeting the water quality requirements of Section 3.6. or
2. Ensuring the standards in 3.6. Single-Family Residential Lots Stormwater Standards will be implemented at each individual lot. In this case, a standard note provided by the County must be placed on the subdivision recorded plat, noting which standards will be used.

3.6.D.6.d. A combination of the above or other stormwater management methods that meets or exceeds the standards of this section and is approved by the Director of Public Works.

3.6.E. Acequias. No acequia, including any lateral ditches, whether on-site or off-site, shall be disturbed in any way by building development or construction activity unless approved or deemed approved by the Acequia Commission. The following must be complied with:

3.6.E.1. **Acequia Commission Review and Requirements.** All applications for development on a parcel containing an acequia, or a parcel within 20 feet of the nearest bank of an acequia, shall be reviewed and approved by the applicable Acequia Commission. Applications will not be approved without a formal response from the Acequia Commission

3.6.E.2. **Acequia Access.** An acequia shall:

3.6.E.2.a. Remain open and uncovered, absent express permission to the contrary by the Acequia Commission,

3.6.E.2.b. Be readily accessible for use and maintenance,

3.6.E.2.c. Be unobstructed from fences, culverts or other impediments, and

3.6.E.2.d. Acequia easements recognized by New Mexico law shall be honored.

3.6.E.2.e. **Setbacks from Acequias.** Per *Article II Zoning Dimensional Requirements*. Setbacks from acequias shall be measured from the nearest bank or vertical edge of the acequia, or from any right-of-way or recorded easement boundary.

3.7 DEVELOPMENT ON STEEP SLOPES (GREATER THAN 20%) AND RIDGELINES

Purpose: A development proposed on steep slopes or within ridgeline setback areas visible from visual impact areas (defined as major roadways or single-family residences) shall minimize its visual impact and be compatible with the surrounding natural and historic environment.

3.7.A. Applicability. This section applies to development on Steep Slopes and within Ridgeline Setback Areas.

3.7.A.1. **Steep Slope.** Means a terrain with a slope of more than 20 percent. This section applies to development sites where a development is proposed to be located on steep slopes across any portion of the building envelope, disturbed surface, parking, or roadway.

3.7.A.2. **Ridgeline Setback Areas.** Means ridgelines adjacent to steep slopes that are visible from major roadways or single-family residences. The ridgeline setback area shall be considered the area within one hundred (100) feet, measured vertically, of the centerline of a major ridge, or within fifty (50) feet, measured vertically, of the centerline of a minor ridge.

3.7.A.3. **Prohibited Uses in Ridgeline Setback Area**

3.7.A.3.a. Quarrying

3.7.A.4. **Development Standards.** A development proposed on a site containing a Steep Slope or within a Ridgeline Setback Area must meet the following standards:

3.7.A.4.a. No grading, filling, or excavation of any kind on a steep slope building site shall be allowed without first having obtained a grading permit from the Taos County Building Inspector. All such work shall meet the provisions of the applicable building code adopted by the County and the Grading and Excavating Ordinance (Ordinance 1995-10) as amended.

3.7.A.4.b. Required stormwater runoff collection facilities shall be designed to retain and direct stormwater runoff caused by the development on the site for a sufficient length of time to prevent flooding and erosion during stormwater runoff flow periods.

3.7.A.4.c. Prevent erosion resulting from grading and excavation, and maintain the wooded and forest nature of Taos County's steep slopes by:

1. Preserving at least 50 percent of the existing vegetation measured as land area;

   a. The development shall be designed to preserve as many existing healthy, noninvasive trees having a diameter of six (6) inches or more at a height of four (4) feet as is feasible, given the scale and type of development and unless otherwise required by Section 3.14 Fire Protection & Prevention (WUI).

2. Restoring trees, large shrubs, groves, dense undergrowth, and ground cover to be destroyed, removed, thinned and/or transplanted.

3. Landscaping open areas with drought-tolerant plants; and

3.7.A.5. **Visual Impacts.** The proposed development shall be designed to minimize its visual impact visible from identified Visual Impact Areas, which include arterial and collector roads as designated by the New Mexico Department of Transportation and by Taos County.

3.7.A.5.a. Visual impacts include cuts, projections, or other alterations of existing natural tree lines, ridgelines, prominent topographic features, or rock formations.

3.7.A.5.b. Any clear-cutting shall be to the minimum necessary to access the site, construct the development, and keep fire clearances. Clear-cutting shall occur in a pattern that reduces the visual impact of such cutting and may

further require that clear-cutting be phased to allow for regrowth of remaining vegetation.

3.7.A.6. **Building Placement.** The size, height, shape, and location of proposed buildings shall be designed to reduce visual impact from Visual Impact Areas. This may include placing structures lower on the slope, reducing the height or number of stories, or placing the structures on parts of the site that are less visible from the identified Visual Impact Areas.

3.7.A.7. **Materials.** Material reflectiveness, finish, size, or orientation should not visually disrupt the natural or historic character of a steep slope or ridgeline.

3.7.A.7.a. Building materials (including windows and roofs) shall use finishes where the colors and reflectivity minimize glare and where the light reflectance has a light reflectance value (LRV) of .40 or less.

3.7.A.7.b. To reduce glare, glass shall not be highly tinted or reflective and shall have a visible light transmission (VLT) of 45 percent or lower.

3.7.A.7.c. Textured or small-scale materials that diffuse light and sound are prioritized.

3.7.A.8. **Appurtenances and Accessory Structures**

3.7.A.8.a. Accessory chimneys are permitted to extend above the principal structure(s) roofline.

3.7.A.8.b. The following are prohibited:

1. Rooftop appurtenances that project above the plane of any roof surface;
2. Air conditioning, heating, or ventilating equipment that projects above the plane of any roof surface;
3. Lighting poles ten (10) feet or more in height.

3.7.A.9. **Planting Requirements.** Developments located on steep slope sites shall be designed to screen those portions of the development that will be observable from the Visual Impact Areas.

3.7.A.9.a. Any outdoor parking must be screened from Visual Impact Areas by means of landscaping, fencing, existing vegetation, or other screening material.

3.7.A.9.b. Where existing vegetation is insufficient to provide, in the judgment of the Planning Director, adequate visual screening of the development on a particular lot, the development proposal shall be revised to include additional landscaping features to provide visual screening from the identified viewpoints.

3.7.A.9.c. The Planning Director may waive the requirement for all or a portion of this section upon a finding that visual screening for steep slope sites will not reduce visual impact.

3.8 LANDSCAPING AND VEGETATION

Purpose: The purpose of these landscaping standards is to:

- *Improve the quality of the built and natural environments;*
- *Minimize potential conflicts between incompatible abutting developments;*

- *Reduce soil erosion and increase infiltration in permeable land areas essential to stormwater management;*
- *Encourage the use of naturalistic landscaping designs that are visually compatible with the County's natural lands and habitats;*
- *Screen equipment or materials from the view of public ways or adjoining properties;*
- *Reduce heat radiating from impervious surfaces such as buildings and paved areas by requiring landscaping be incorporated into development;*
- *Promote innovating and cost-conscious approaches to the design, installation, and maintenance of landscaping that encourages water and energy conservation.*

3.8.A. Applicability. Standards in this section apply to:

3.8.A.1. All new development;

3.8.A.2. Subdivisions; and

3.8.A.3. Any individual expansion of a nonresidential building existing prior the effective date of the UDC if the expansion increases the building floor area by 50 percent or more.

3.8.A.4. **Exemptions.** The following development is exempt from the standards of this section but is encouraged to comply with the plant selection standards.

3.8.A.4.a. Development of single, two (2)-, and three (3)-family homes on individual lots;

3.8.A.4.b. A change of use, unless the new use requires the installation of a perimeter buffer.

3.8.B. Landscape Plan. A landscape plan is required to be submitted for all development subject to this section. The purpose of the landscape plan is to demonstrate how landscaping will be designed, installed, and maintained on a development site. The landscape plan shall:

3.8.B.1.a. Identify all plant species to be used;

3.8.B.1.b. Demonstrate compliance with all planting standards and specifications of this section;

3.8.B.1.c. Designate the location for each planting to be installed;

3.8.B.1.d. Designate existing trees and vegetation to be preserved, vegetation or other materials to be removed, and staging areas for materials or storage;

3.8.B.1.e. Provide information about the anticipated installation schedule;

3.8.B.1.f. Provide information about plans for irrigation and maintenance of the landscaping;

3.8.B.1.g. Provide information on how erosion will be controlled during development; and

3.8.B.1.h. Include other information requested by the Planning Director.

3.8.C. Required Landscaping

3.8.C.1. **Revegetation.** Revegetation of unbuilt or unpaved excavated areas is required to prevent erosion.

3.8.C.2. **Setbacks.** Any required setback that is not paved or graveled shall be landscaped and maintained.

3.8.C.3. **Existing Vegetation.** Existing vegetation shall be left undisturbed whenever possible. Developments shall be designed to retain healthy, noninvasive vegetation and trees where feasible. Existing trees that are removed shall be replaced by two new trees at least two (2) inches in caliper and a species suggested from the Plant List.

3.8.D. Allowed and Prohibited Plant List

3.8.D.1. The table below lists the plants that can be used in Taos County where landscape plans are required.

3.8.D.1.a. Each plant is listed as native (N), naturalized (NZ), or introduced (I).

Table 3.9.1

N	Native	NZ	Naturalized	I	Introduced

Taos County Vegetation		
Trees		
Deciduous shade, street, and specialty trees:		
American elm	Ulmus americana	I
Arizona alder	Alnus oblongifolia	N
Common horse-chestnut	Aesculus hippocastanum	I
Cottonwood, aspen, and poplar: Trees of the genus Populus:		
Aspen	Populus tremuloides	I
Lombardy poplar	Populus nigra "italica"	I
Narrowleaf cottonwood	Populus angustifolia	N
Plains cottonwood	Populus sargenti	N
Rio Grande cottonwood	Populus fremontii "wislizeni"	N
White (silver) poplar	Populus alba	NZ
Gambel oak	Quercus gambelii	N
Green ash	Fraxinus pennsylvanica and varieties	I
Honey locust: Gleditsia triacanthos inermis varieties:		
Moraine		I
Shademaster		I
Sunburst		I
Littleleaf linden	Tilia cordata	I
Locust:		
Black locust	Robinia pseudoacacia	NZ
New Mexico locust	Robinia neomexicana	N

Taos County Vegetation			
Maple and box elder:			
	Box elder	Acer negundo	N
	Rocky Mountain maple	Acer glabrum	N
Paper birch		Betula papyrifera	I
Western chokecherry		Prunus virginiana	N
Willow:			
	Globe Navajo willow	Salix matsudana "Navajo"	I
	Peachleaf willow	Salix amygdaloides	N
	Weeping willow	Salix babylonica (and other weeping willow species)	I
Flowering ornamental trees:			
Bradford pear		Pyrus calleryana	I
Flowering crab		Malus "Hopa" et al (also bearing apple, Malus sylvatica varieties)	I
Hawthorn		Crataegus spp.	I, N
Purpleleaf plum		Prunus cerasifera	I
Evergreen trees:			
Douglas fir		Pseudotsuga menziesii	N
Juniper:			
	Rocky Mountain juniper	Juniperus scopulornm varieties	N
	Single-seed (one-seed) juniper	Juniperus monosperma	N
Pine:			
	Austrian pine	Pinus nigra	I
	Bristlecone pine	Pinus aristata	N
	Limber pine	Pinus flexilis	I
Spruce:			
	Blue spruce	Picea pungens	N
	Engelmann spruce	Picea engelmanni	N
White fir		Abies concolor	N
Shrubs			
Deciduous:			
Apache plume		Fallugia paradoxa	N
Bridal wreath		Spiraea prunifolia	I
Cistena plum		Prunus cistena	I
Common butterfly bush		Buddleia davidii	I
Common lilac		Syringa vulgaris	I
Cotoneaster:			
	Cranberry cotoneaster	Cotoneaster apiculatus	I
	Rock cotoneaster	Cotoneaster horizontalis	I
	Rockspray cotoneaster	Cotoneaster microphyllus	I
Currant and gooseberry		Ribes spp.	I
Fernbush		Chamaebatiaria millefolium	N

Taos County Vegetation		
Flowering quince	Chaenomeles speciosa	I
Forsythia	Forsythia spp.	I
Hop tree	Ptelea trifoliolata	N
Mountain mahogany	Cercocarpus montanus	N
Red osier dogwood	Cornus stolonifera	N
Rose	Rosa spp.	N
Sand plum	Prunus americana	N
Shrub or Tatarian honeysuckle	Lonicera tatarica	I
Shrubby cinquefoil	Potentilla fruticosa	N
Snowball	Viburnum opulus "Roseum"	I
Sumac:		
Skunkbush	Rhus trilobata	N
Smooth sumac	Rhus glabra	N
Weigela	Weigela florida	I
Willow:		
Coyote willow	Salix exigua	N
Pussywillow	Salix discolor	I
Winterfat	Ceratoides lanata	N
Evergreen:		
Alberta spruce	Picea glauca "Conica" (Picea albertiana)	I
Barberry:		
Colorado barberry	Berberis fendleri	N
Japanese barberry	Berberis thunbergii	I
Wintergreen barberry	Berberis julianae	I
Big sage (sagebrush)	Artemisia tridentata	N
Chinese junipers:		
Armstrong juniper	Juniperus chinensis "Armstrong"	I
Pfitzer juniper	Juniperus chinensis "Pfitzerana"	I
Sea green juniper	Juniperus chinensis "sea green"	I
Mahonia:		
Creeping mahonia	Mahonia repens	N
Oregon grape	Mahonia aquifolium	I
Mugo pine	Pinus mugo	I
Parney cotoneaster	Cotoneaster lacteus	I
Rubber rabbitbrush	Chrysothamnus nauseosus	N
Ground Covers		
Deciduous:		
Clover	Trifolium spp.	NZ, N
Cranberry cotoneaster	Cotoneaster apiculatus	I
Mint	Mentha spp.	I, N, NZ
Prairie sage	Artemisia ludoviciana	N
Spring cinquefoil	Potentilla tabernaemontani	I
Evergreen:		
Bearberry cotoneaster	Cotoneaster dammeri	N
Creeping euonymus	Euonymus fortunei	I
Creeping mahonia	Mahonia repens	N

Taos County Vegetation		
Honeysuckle	Lonicera japonica varieties	I
Horizontalis junipers:		
Bar harbor juniper	Juniperus horizontalis "bar harbor"	I
Wilton carpet juniper	Juniperus horizontalis "wiltonii"	I
Kinnickinnick (mountain bearberry)	Arctostaphylos uva-ursi	N
Periwinkle	Vinca major and Vinca minor	I
Pussytoes	Antennaria parviflora	N
Sabina junipers:		
Broadmoor juniper	Juniperus sabina "broadmoor"	I
Buffalo juniper	Juniperus sabina "buffalo"	I
Tam (tammy) juniper	Juniperus sabina "tamariscifolia"	I
Santolina:		
Gray santolina	Santolina chamaecyparissus	N
Strawberry	Fragaria spp.	N
Grasses		
Traditional turf species:		
Fescue	Festuca spp.	I
Ryegrass	Lolium spp.	I
Native turf and general use species:		
Galleta	Hilaria jamesii	N
Grama:		
Blue grama	Bouteloua gracilis	N
Sideoats grama	Bouteloua curtipendula	N
Wheatgrass:		
Crested wheatgrass	Agropyron desertorum	I, NZ
Pubescent wheatgrass	Agropyron trichophorum	N
Western wheatgrass	Agropyron smithii	N
Ornamental species:		
Blue fescue	Festuca caesia	I
Purple threeawn	Aristida longiseta	N
Vines		
Deciduous:		
Boston ivy	Parthenocissus tricuspidata	I
Clamatis	Clamatis jackmanni	I
Silver lace vine	Polygonum aubertii	I
Virginia creeper (et al)	Parthenocissus quinquefolia	N, I
Evergreen:		
English ivy	Hedera helix	I
Honeysuckle	Lonieera spp.	I
Flowers		
Annuals:		
Ageratum	Ageratum houstonianum	I
Bedding begonia	Begonia spp.	I
Cosmos	Cosmos spp.	I
Four o'clock	Mirabilis jalapa	I
Gaillardia (blanketflower, firewheel)	Gaillardia pulthella	N
Geranium	Pelargonium hortorum	I
Impatiens	Impatiens wallerana	I

Taos County Vegetation		
Pansy	Viola wittrockiana	I
Purple aster	Aster bigelovii	N
Salvia	Salvia spp.	I
Snapdragon	Antirrhinum maius	I
Sunflower	Helianthus annus	N
Viola (Johnny jump-ups)	Viola spp.	I
Wallflower	Erysimum capitatum	N
Perennials:		
Blue flax	Linum perenne	N
Chrysanthemum	Chrysanthemum morifqlium	I
Colorado columbine	Aquilegia spp.	N
Coneflower	Ratibida columnifera	N
Daylily (asphodel)	Hemerocallis spp.	I
Delphinium	Delphinium belladonna	I, N
Geranium (cranesbill)	Geranium spp.	N
Hollyhock	Aleea rosea	I, NZ
Indian paintbrush	Castilleja integra	N
Lobelia	Lobelia erinus	I
Maximilian's daisy	Helianthus maximiliani	NZ
Penstemon	Penstemon spp.	N
Phlox	Phlox spp.	I
Primrose	Primula vulgaris	I
Red rocket (scarlet gilia)	Ipomopsis aggregata	N
Shasta daisy	Chrysanthemum maximum	I
Violet	Viola odorata	N, I
Wooly yarrow	Achillea spp.	N, I
Bulb		
Daffodil	Narcissus "King Alfred"	I
Iris	Iris spp.	N
Tulip	Tulipa spp.	I

3.8.D.2. The following plant species are prohibited for use in Taos County:

3.8.D.2.a. Russian olive – Elaegnus angustifolia:

1. Very invasive, fast spreading by birds, high water consumption;

3.8.D.2.b. Salt cedar – Tamarisk, Tamarack, Tamarix chinensis (formerly Tamarix pentardra):

1. Very invasive, fast spreading, takes over water sources;

3.8.D.2.c. Siberian elm – Ulmus pumila.

3.8.D.2.d. The following are known allergy-inducing plants and are not recommended for use:

1. Cottonwoods – use “cottonless” varieties
2. Junipers – Use female form

3.8.D.2.e. Noxious Plants:

1. Bindweed

2. Cockleburr or sheesburr
3. Common mallow
4. Russian, Canadian, or Scotch thistle
5. Tumbleweed

3.8.E. Landscape Standards

3.8.E.1. **Generally.** Landscaping shall address aesthetics, water conservation, erosion controls, schedule for installing plant cover, and any buffering requirements.

3.8.E.2. **Water Conservation Design.** Xeriscape designs are encouraged. An efficiency-oriented approach to landscaping includes:

3.8.E.2.a. Limited grass turf areas;

3.8.E.2.b. Efficient irrigation;

3.8.E.2.c. Soil improvement;

3.8.E.2.d. Mulching to retain soil moisture;

3.8.E.2.e. Plant selection of low-water demand or drought-tolerant species; and

3.8.E.2.f. Appropriate maintenance.

3.8.E.3. **Plant Selection.** Species scheduled for planting shall be adapted to the soils and the local climate and according to the *Appendix 1*.

3.8.E.3.a. The use of any species considered noxious or invasive, or a weed species that could enhance the distribution of undesirable species, will not be allowed.

3.8.E.4. **Installation Requirements.** The following items shall be compatible with the Taos Soil and Water Conservation District Field Office Technical Guides:

3.8.E.4.a. The source and frequency of watering for all proposed plantings, especially during the first year while plantings become established;

3.8.E.4.b. Seeding and planting methods and dates;

3.8.E.4.c. Seeding rates shall meet the minimum; and

3.8.E.4.d. Mulching of seeding areas.

3.8.F. Parking Lot Landscaping

3.8.F.1. **Applicability.** These standards apply to the following parking lot types with ten (10) or more parking spaces:

3.8.F.1.a. A new parking lot;

3.8.F.1.b. The additional or expanded portion of an existing parking lot; and

3.8.F.1.c. The existing portion of a parking lot that is used to park vehicles in a new building or an expanded building.

3.8.F.2. **Species Requirements.** At least 50 percent of the plants used, excluding evergreen shrubs, shall be natives or native cultivars. Refer to *Appendix 1*.

3.8.F.3. **Screening.** Except for areas that are required to be kept clear such as sight triangles, WUI Defensible Space, and parking lot entrances, screening around the perimeter of parking lots shall consist of one or more of the following:

3.8.F.3.a. A landscape strip at least eight (8) feet in width, with evergreen trees or shrubs planted in a staggered fashion and separated by no more than six (6) feet on center. Each plant shall be at least two (2) feet in height at installation with an expected height of at least three (3) to five (5) feet at maturity. In addition, shade trees shall be planted with a maximum average spacing of thirty (30) feet on center, except in areas in conflict with utilities where ornamental or columnar trees shall be planted with a maximum average spacing of twenty (20) feet on center.

3.8.F.3.b. A fence or wall at least four (4) feet in height, with vegetative material that can be expected to screen 40 percent of the fence or wall area within one year of installation, planted on the side of the fence or wall opposite from the parking lot. The fence or wall may be made of masonry, wood, or other materials compatible with nearby buildings. Chain-link fences are prohibited.

3.8.F.3.c. An earthen berm at least four (4) feet in height, with a maximum slope of 3:1 and a top width that measures at least one-half (1/2) of the berm height. A berm shall be stabilized to prevent erosion.

3.8.F.4. **Interior Parking Lot Landscaping**

3.8.F.4.a. **Interior Landscaping.** The interior of a parking lot shall be landscaped with plantings within parking islands and additional plantings as follows:

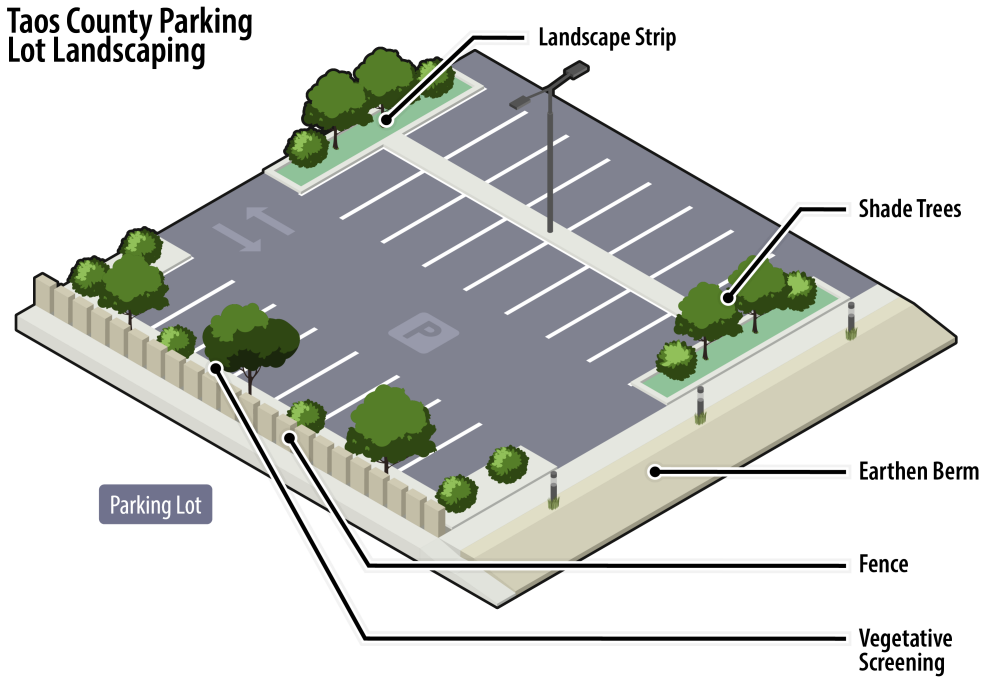
1. Each parking space shall be within sixty (60) feet of a tree trunk.
2. All plantings shall be designed to minimize interference with lighting, and in no instance shall lighting be closer than fifteen (15) feet from medium or large canopy trees, or eight (8) feet from small, understory trees.
3. All interior landscaped areas of the parking lot not dedicated to trees or to preservation of existing vegetation, including parking islands, shall be landscaped with ornamental grasses, groundcovers, shrubs, or other appropriate means of soil cover.

3.8.F.4.b. **Parking Island Landscaping.** Parking islands shall be provided throughout the parking lot and located no more than 150 feet from another parking island and at the terminus of all rows of parking (see Figure 3.). Each parking island shall:

1. Be at least two hundred (200) square feet in area;
2. Contain at least 170 square feet of open planting area, except that if planting islands incorporate collection of stormwater runoff through vegetated swales, rain gardens, or similar features, the minimum planting area shall be 150 square feet;
3. Contain at least one (1) shade/canopy tree or two (2) intermediate trees per 180 square feet of area, or fraction thereof;
4. Contain stabilizing ground cover such as mulch in all areas that are not planted with trees or shrubs; and

5. Place plant material in such a way that it accommodates a 2.5-foot bumper overhang of a vehicle over the face of the curb or wheel stops.

Figure 3.9.1



3.8.F.4.c. **Vehicle Overhang.** To prevent vehicle intrusion into vegetated areas, parking lots shall either:

1. Include wheel stops or comparable devices to prevent vehicle overhang onto perimeter screening and parking lot islands and plantings; or
2. Within perimeter screens or parking lot islands, arrange the placement of plant materials to accommodate a 2.5-foot bumper overhang of a vehicle over the face of the curb.

3.9 BUFFER AREAS

3.9.A. Buffers provide visual separation between uses of different intensities, between residential uses and roads, or to protect cultural or natural resources and views from encroaching development. Buffers also provide a horizontal separation and open space between uses, preserves or provides landscaping, reduces impacts from nuisance, maintains privacy, and provides transition between abutting property or roadways.

3.9.A.1. **Applicability**

3.9.A.1.a. **Perimeter Buffer.** A buffer is required between certain adjoining uses or properties.

3.9.A.1.b. **Street Buffer.** A buffer is required between the development and certain streets.

3.9.A.1.c. **Additional Required Buffers.** In addition to the buffers required in this section, buffers may be required in the following cases:

1. **Planned Unit Development.** The reviewing authority may determine it appropriate to require buffers as part of a Planned Unit Development Zone.
2. **Subdivision Perimeter Buffer.** In addition to, or when not required in this section, a buffer of fifty (50) feet shall be required around the perimeter of the project for all subdivision types.
3. **Public Parks, Cultural or Historical Sites, and Conservation Easements.** In addition to, or when not required in this section, a buffer of fifty (50) feet shall be required on parcels adjacent to public parks, designated cultural or historical sites, or conservation easements.

3.9.A.2. **Generally**

3.9.A.2.a. If required, buffers shall be provided on the property being developed.

3.9.A.2.b. Buffers shall be located at the outer boundaries of a property.

3.9.A.2.c. Buffers shall be provided in an unbroken strip.

3.9.A.2.d. Buffers shall be inclusive of required setbacks. Perimeter landscaping within a setback shall not be required where a buffer is required.

3.9.A.2.e. **Vacant Lots.** Buffers are required when a development is proposed next to a vacant lot according to the existing base zoning of that lot.

3.9.A.3. **Buffer Design**

3.9.A.3.a. **Existing Vegetation.** Existing vegetation shall be preserved to the maximum extent practicable. If existing vegetation is insufficient as determined by the Planning Director or does not exist, buffer shall be designed to meet the landscape treatment standards below.

3.9.A.3.b. Plantings shall be arranged in accordance with naturalistic design principles and not simply planted in rigid and evenly spaced lines.

3.9.A.3.c. All plantings shall be designed to accomplish their screening goal within three (3) years of planting.

3.9.A.3.d. **Buffer Types.** There are four (4) types of buffers that differ based on function and design. Table 3.9.1 outlines the landscaping requirements for buffers by type:

Table 3.9.1

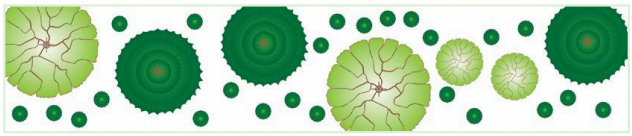
Buffer Type and Description	Illustration of Required Vegetation in Buffer Segment (20 feet width by 100 feet length)[1]
Type A: Opaque	
This buffer is a complete barrier that prevents visual contact between uses and creates a strong separation at any time of year.	
Type B: Semi-Opaque	
This buffer provides a moderate amount of screening that allows views into property from certain areas or during certain seasons.	
Type C: Aesthetic	
This buffer functions as an intermittent visual obstruction, creating the impression of separation without eliminating visual contact between uses.	
Type D: Successional Growth	
This variable width buffer uses existing natural vegetation to provide separation between uses and a visual screen between development and certain major streets.	

Table 3.9.2

Buffer Width and Plantings						
Buffer Type	**Buffer Width (feet)**	**Evergreen Tree**	**Large Canopy Tree**	**Understory Tree**	**Evergreen Shrub**	**Deciduous Shrubs**
Type A: Opaque	20	3	2	2	24	0
	30	5	3	3	36	0
	40	6	4	4	48	0
	50	8	5	5	60	0
	60	9	6	6	72	0
	80	12	8	8	96	0
Type B: Semi-Opaque	20	2	1	2	11	5
	40	4	2	4	23	9
	60	6	3	6	34	14
Type C: Aesthetic	20	0	1	2	4	4
Type D: Successional Growth	50	See 3.9.F.3.e. Type D Buffer Standards				
[1] Low shrubs and ground cover in tree and shrub beds are required for all buffers						
[2] Evergreen trees may be substituted for a maximum of 50% of required trees						

3.9.A.3.e. **Type D Buffer Standards.** A Type D buffer is recommended to be used adjacent to vacant land. A Type D buffer shall comply with the following standards:

1. The buffer shall be at least fifty (50) feet wide, except for buffers for land across streets which may follow the widths specified in Table 3.9.2.
2. The buffer shall provide at least a 75 percent visual screen.
3. Native plantings that are consistent with other vegetation in the area may be planted within the buffer. No invasive or non-native plants shall be planted.
4. The buffer shall be cleared of invasive species at least annually.

3.9.A.3.f. **Uses within Buffers**

1. **Generally.** Buffers shall not be used for any other purposes other than as permitted in this section, or as permitted by the action of a Board.
2. **Permitted.** The following are permitted within buffers:
   a. Landscaping and screening;
   b. Signs;
   c. Fencing;
   d. Utilities or utility easements which run generally perpendicular through the buffer;
   e. Pedestrian ways, including sidewalks, installed in a manner to preserve vegetation to the maximum extent possible;
   f. Similar uses as may be permitted through development review and approved by the Planning Director.
3. **Prohibited.** The following are prohibited within buffers:
   a. Impervious surface including buildings, structures, equipment pads, and other impervious surfaces;
   b. Mechanical equipment;
   c. Parking.

3.9.A.3.g. **Permitted Reductions of Buffer Width.** One of the following options may be used to reduce width of a required Type A, B, or C buffer.

1. **Fence or Wall.** The buffer width may be reduced by five (5) feet if a fence or wall is placed within the buffer and complies with the following:
   a. The fence or wall is at least six (6) feet in height;
   b. A wall is built using one or more of brick, stone, or other masonry material, or a fence is built with wood or composite wood material; and
   c. All of the plantings required by Table 3.9.1 Buffer Types are located between the wall and the adjoining property.
2. **Berm.** The buffer width may be reduced by five (5) feet if a berm is placed within the buffer and the berm:

a. Is at least four (4) feet in height, with a maximum slope of 3:1, and a top width that measures at least 1/2 of the berm height;

b. Is landscaped so at least 75 percent of the raised area is planted with a combination of trees, shrubs, or groundcover.

3.9.A.4. **Perimeter Buffers.** The perimeter of a development adjacent to another property shall contain a buffer in accordance with Table 3.9.2 and shall be based on:

3.9.A.4.a. The proposed use of the development site and the use of the adjacent property, or, if the adjacent property is vacant, the zoning district classification of the adjacent land; and

3.9.A.4.b. Whether the proposed development site is abutting the property or separated from the property by a street.

3.9.A.4.c. For the purposes of Table 3.9, principal uses and use categories have been consolidated into the following four Buffer Use Groups as shown in Table __ below.

3.9.A.4.d. For the purposes of Table 3.9.3, zones have been consolidated into four Buffer Zone Groups.

Table 3.10.1

Required Perimeter Buffer Type and Width				
Proposed Use	**Use Group 1 or vacant land in Buffer Zone Group 1**	**Use Group 2 or vacant land in Buffer Zone Group 2**	**Use Group 3 or vacant land in Buffer Zone Group 3**	**Use Group 4 or vacant land in Buffer Zone Group 4**
Use Group 1	None | None	None | None	None | None	None | None
Use Group 2	A-20 ft | C-20 ft	A-20ft | C-20 ft	A-20 ft | C-20 ft	B-20 ft | C-20 ft
Use Group 3	A-2- ft | B-20 ft	B-20 ft | C-20 ft	None | C-20 ft	B-20 ft | C-20 ft
Use Group 4	A-80 ft | A-60 ft	A-80 ft | A-60 ft	B-40 ft | A-20 ft	None | C-20 ft

Note: Each cell shows the required buffer standard if a use within the Use Group is abutting another use within the Use Group or a use within a Use Group is abutting vacant land in a Zone Group.

Table 3.10.2

Buffer Use Groups	
Use Group	**Uses**
Residential	
1	Accessory Dwelling Unit
1	Cluster or Conservation Development
1	Cohousing
1	Condominium
1	Duplex
1	Manufactured (Mobile) Home

Buffer Use Groups	
Use Group	**Uses**
1	Manufactured/Mobile Home, Tiny Homes, and Recreational Vehicle Park
1	Modular Home
2	Multifamily Residence
1	Single-Family Residence (Dwelling Unit)
1	Sustainable Development
1	Tiny Home
2	Townhouse

Buffer Use Groups	
Use Group	**Uses**
1	Triplex
1	Zero Lot Line
Accommodations and Group Living	
1	Assisted Living Facilities
1	Bed and Breakfast
1	Community Residential Facility
1	Day care Center
1	Day care, Residential
1	Group Boarding Home, Commercial
1	Group Boarding Home, Residential
2	Homeless Shelter
2	Hotel/Motel - Lodging, Guest Cabins, Tipis, Glamping
2	Nursing Home
2	Resort
1	Rooming House
1	Short-Term Rental
Commercial	
3	Animal and Pet Care Services
2	Antique Shop
2	Apparel and Accessory Stores
2	Auto Supply (Parts) Stores
2	Bail Bonding
2	Bakery, Retail
2	Bars, Taverns and Drinking Establishments
2	Bicycle Sales and Service
2	Bookstore
2	Business Service Centers/Business Support
3	Café and Coffee Houses

Buffer Use Groups	
Use Group	**Uses**
2	Camera and Film Shop; Photography Studio; Frame Shop
2	Car Care Center
3	Car Wash
2	Convenience Stores, with Gas Sale
3	Convenience Stores, without Gas Sale
3	Department Store or General Merchandise
2	Dry Cleaning Establishments
3	Farmer's Markets
3	Farm Supplies Merchant Wholesalers
2	Financial Institution
3	Flea Market
3	Flex Space (Office and Warehouse Building)
2	Florist or Floral/Gift Shop
2	Food Park
2	Furniture Stores
3	Gas Station (Note: Also See Convenience Stores with Gas Sales)
3	Grocery Store
2	Gun Shops and Gunsmiths
3	Hardware Store, Lumber Yard, and Building Supplies
3	Itinerant Vendor
3	Laundry and Garment Services (Pick-up Only)
3	Laundry, Coin-Operated
4	Leasing, Commercial and Industrial Machinery and Equipment
4	Leasing/Rental – Consumer or Recreational Goods
1	Live-Work Units

Buffer Use Groups	
Use Group	Uses
2	Medical Equipment Sales, Rental or Leasing
2	Mixed Use
2	Mobile Business
2	Monument Dealers (Tombstones, Markers, and Memorials)
2	Motor Vehicles, All Types, Sales/Leasing/Rental
2	Musical Instrument and Supplies Stores
2	Nursery, Lawn, Garden Center, and Farm Supply Store
2	Office
2	Office Supply and Equipment Store
2	Optical Goods Store
2	Outdoor Display and Storage
2	Pawnshops
2	Personal Services
2	Pet Store
2	Pharmacy and Drugstore
2	Professional Services
2	Real Estate Services
2	Repair Services
3	Restaurant with drive-through
2	Restaurant without drive-through
2	Retail Sales, Generally (Not Otherwise Listed)
4	Shooting Range, Indoors
4	Shooting Range, Outdoors
2	Specialty Food Stores
2	Sporting Goods Shop
2	Tailor/Shoe Repair

Buffer Use Groups	
Use Group	Uses
2	Tattoo Parlor/Tattoo Studio and/or Body Piercing
2	Travel Agency
4	Travel Plaza/Truck Stop
2	Temporary Uses and Structures
2	Upholstery and Furniture Refinishing
2	Used Merchandise Stores
3	Vehicle Painting and Body Shops
4	Warehouse Club or Superstore
2	Woodworking Shops
Industrial/Production	
3	Alcoholic Beverage Manufacturing/Distillery
4	Assembly Plant, General
4	Automobile Storage or Towing (Excluding Junked Vehicles)
2	Bakery, Wholesale
3	Bottling Works
3	Brewery
3	Brewpub, Tap Room, or Artisanal Alcohol Manufacturing
2	Candy or Confectionary Making (Retail)
2	Catering/Food Service
2	Computer and Electronic Product Manufacturing
4	Crematories
4	Data Processing, Hosting and Related Services
4	Distribution Warehouse Center
2	Excavation, Noncommercial
4	Explosive Manufacturing/Storage

Buffer Use Groups	
Use Group	**Uses**
4	Extractive Industries (Mining, Gravel Pits, Other Mineral Extraction)
4	Food and Beverage Manufacturing
4	Fuel Oil Distribution
3	Jewelry and Silverware Manufacturing
4	Junkyards, Salvage Yards, and Auto and Scrap Processing
3	Laboratories - Medical and Diagnostic
3	Laboratories - Research and Testing
3	Limited Sales in Industrial Districts/Uses on Site
4	Manufacturing, General (Excludes Other Uses Listed in This Category)
4	Manufacturing, Light Accessory to Retail Use
4	Meat Packing and Poultry Processing
4	Medical Equipment and Supplies Manufacturing
4	Milling or Canning of Agricultural Products
4	Mini Warehouse
3	Office Supply, Inks, etc., Manufacturing (except paper)
4	Oil and Gas Well Drilling
4	Paper Manufacturing
4	Petroleum and Coal Products Manufacturing
4	Petroleum Bulk Stations and Terminals
4	Printing/Publishing
4	Production Plant -Chemicals
4	Production Plant, General
4	Production Plant - Metal

Buffer Use Groups	
Use Group	**Uses**
2	Recycling Centers
4	Refrigerated Warehouse or Cold Storage
3	Sign Makers
4	Stone Cutting/Mason Manufacturing
3	Storage Area or Lot
4	Textile, Clothing, and Leather Manufacturing
4	Wholesale Warehouse Facilities
3	Wood or Wood Products Manufacturing
Arts, Recreation, and Entertainment	
3	Adult Business Establishments
3	Amphitheater, Outdoor Stage, Bandstand, or Similar Structure
3	Amusement Parks
3	Amusement, Indoor
3	Aquarium or Planetarium
2	Art Gallery
2	Artist Studio
2	Club, Private
3	Community Center
3	Conference and Retreat Center
3	Fairgrounds
2	Indoor Athletic Facility
2	Museum/Art Gallery/Cultural Facility
1	Parks and Open Space
2	Recreation, Indoor
2	Recreation, Outdoor
2	Recreational Vehicle Parks/Campgrounds
2	Skating Rink - Ice or Roller Skating, and Skate Park

Buffer Use Groups	
Use Group	**Uses**
3	Sports Stadiums and Arenas
3	Theater, Drive-in
2	Theater, Movie
2	Theaters, Indoor Performing Arts
2	Theaters and Performance Space, Outdoor
Education, Public Administration, Health Care, and Institutional	
2	Cemetery
2	Civic Assemblies
2	Community Food and Personal Support Services, Nonresidential
2	Community Services, Counseling and intervention
3	Correctional Facility
2	Correctional Office, Parole/Probation
2	Cultural Facilities
2	Funeral Home or Mortuary
2	Government Facilities
3	Hospital
2	Library
2	Medical Office or Clinic
2	Post Office and Postal Substations
2	Public Safety Services
2	Religious Institutions
2	Schools, Specialty
2	Schools, Colleges and University
2	Schools, Elementary or Secondary
2	Schools, High Schools
2	Social Services
Transportation, Communication, Information, Utilities	
3	Airport Landing Strip (Field or Strip Only)

Buffer Use Groups	
Use Group	**Uses**
4	Airport
4	Bus/Truck Maintenance, including Repair and Storage
3	Cable Networks and Distribution
1	Environmental Monitoring Stations
4	Freight Terminals and Truck Terminals
4	Gas or Electric Generation Distribution Facilities, Compressor Stations, or Substations
4	Hazardous Waste Storage or Treatment Facility
3	Heliport
4	Incinerator, Commercial
3	Media Production
2	Parking Lots, Surface, Underground, as Principal Use
4	Power Generation Plants
2	Public Transportation Facility
3	Public Utility, Storage and Service Yards
2	Radio and Television Broadcasting or Recording Studio
2	Solar Energy, commercial
1	Solar Energy, noncommercial
1	Waste Collection
4	Solid Waste Landfill
2	Stormwater Management/Flood Control Facilities
1	Telecommunication (Wireless)
1	Telephone and Other Wired Telecommunications
2	Utility Facilities, Principal Use
2	Water Supply Facilities
2	Wind Energy, Commercial

Buffer Use Groups	
Use Group	**Uses**
1	Wind Energy, Noncommercial
Agriculture and Environmental Protection	
1	Agriculture and Agricultural Support Functions (including Raising of Crops and Pasturing Livestock)
3	Agro-Industrial
4	Concentrated Animal Feeding Operations
4	Forestry, Commercial
1	Noncommercial Agriculture/Community Gardens
1	Greenhouse
1	Greenhouse, Accessory to Florist Shop
3	Hatcheries and Poultry Houses
4	Livestock Sales and Markets
4	Logging
2	Riding Academies and/or Stables (Commercial)
1	Wildlife Area

Table 3.10.3

Buffer Zone Groups		
Zone Group	**Zones**	**Abbreviation**
1	Rural	R
2	Agriculture-Industrial	A-I
1	Residential Single-family Rural Estates	R-E
1	Residential Single-family Large Lot	R-LL
1	Residential Single-family Medium Size Lot	R-ML 0.75
1	Residential Single-family Intermediate Size Lot	R-IL 0.5
1	Residential Single-Family Traditional Community	R-TC
2	Residential Multifamily	R-MF
2	Highway Corridor Mixed-Use Core Area	Hwy MU Core
3	Transitional Commercial Residential	Trans C/R
3	Highway Corridor Mixed-Use General Area	Hwy MU Gen
3	Mixed-Use Village Center	MU-Village
4	Industrial Light	I-L
4	Industrial Heavy	I-H
*	Planned Unit Development	PUD

3.9.A.5. **Street Buffers.** The edges of property adjacent to the following segments of streets shall contain a Type A buffer at least twenty (20) feet in width or a Type D buffer in accordance with Table 3.9.2 Buffer Width and Plantings. If a property is required to have a street buffer in accordance with this paragraph as well as a perimeter buffer in accordance with Section 3.9.F.4 above, only the wider required buffer is required.

3.10 NUISANCE STANDARDS

Purpose: This section establishes standards to avoid nuisance issues affecting abutting or adjacent properties.

3.10.A. Applicability. All uses in all zones shall comply with the standards established in this section unless any Supplemental Use Regulation in this code or federal, state, or County law, ordinance, or regulation establishes a different or more restrictive standard, in which case, the more restrictive standard shall apply. These standards do not apply to construction or temporary activity.

3.10.B. Hours of Operation. The reviewing authority may set limitations on hours of operation for development proposals where a proposed use is determined to have a nuisance impact on abutting uses.

3.10.B.1. **Residential Zones.** Allowed commercial uses may operate primarily between the hours of 7 a.m. and 8 p.m.

3.10.C. Noise. All equipment and other sources of noise must operate in accordance with federal, state, and County noise standards.

3.10.C.1. **Residential Zones.** No improvement or use is permitted that emits noises louder than sixty (60) dB (A scale) measure at the perimeter of the property. Short, infrequent exceptions are permitted.

3.10.D. Solar Access. No improvement or use shall produce shade that reduces the solar access for solar energy available to adjacent properties, except for early morning or late evening sun angles less than fifteen (15) degrees elevation.

3.10.E. Solid Waste. An area for solid waste storage and disposal shall be designated. The size and type of containers, and disposal area, shall be sufficient to accommodate the scale and type of operations proposed. Containers shall be covered and securable. The area shall be easily accessible to waste removal services. Waste containers shall be screened in a manner so as to not be visible from adjacent streets or properties and that meets the standards of Section 3.4 Fences & Screening. All residential uses shall register with Taos County Solid Waste Department, as per the current Taos County Ordinance 2014-7, the Taos County Solid Waste Ordinance, as amended.

3.10.F. Vibration

3.10.F.1. **Residential Zones.** No earthborn vibration from any operation of any use shall be detectable at any point off the lot on which the use is located.

3.11 OUTDOOR LIGHTING AND NIGHT SKIES PROTECTION

Purpose: The purpose of the Night Skies Protection section is:

- *To preserve the beauty of Taos's naturally dark sky for the benefit of residents, visitors, wildlife, and the environment.*
- *To protect and enhance the safety of areas designated for pedestrian and traffic use during evening hours.*

- *To protect the night sky consistent with the Night Sky Protection Act (NMSA 1978, §74-12-1 et seq.).*
- *To have lights at night that are directed where light is wanted, are a warm color, and produce the appropriate amount of light that will improve nighttime visibility, which contributes to safer, more secure, and attractive outdoor living space.*

Application of the Night Skies Protection section will be guided by adherence to the five (5) principles of responsible outdoor lighting:

- *Permit the use of outdoor lighting that does not exceed the levels specified in the Act and recommend practices for nighttime safety and security.*
- *Minimize adverse off-site impacts of lighting such as light trespass and glare.*
- *Reduce or prevent light pollution, reduce sky glow, and ensure aesthetically appropriate outdoor lighting fixtures in keeping with the historical character and night-sky beauty of Taos County.*
- *Help protect the natural environment from the adverse effects of night lighting from gas or electric sources, and by utilizing warmer color light rather than short wavelength light (blue violet).*
- *Conserve energy and resources to the greatest extent possible.*

3.11.A. Applicability

3.11.A.1. This section is in addition to and supplements the New Mexico Night Sky Protection Act.

3.11.A.2. All outdoor lighting installed or replaced within the unincorporated area of Taos County after the effective date of this UDC shall comply with its provision, except for those exemptions provided below.

3.11.A.3. All governmental agencies (i.e., federal, state, or County), including their security facilities, which operate within the limits of Taos County are encouraged by the County to comply with its provisions.

3.11.A.4. In the event of a conflict with any other section of the UDC, the more stringent requirement shall apply.

3.11.A.5. **Exemptions.** The following are exempt from the provisions of this section:

3.11.A.5.a. All existing lights as of the date of this UDC, unless specified elsewhere in this code.

3.11.A.5.b. Interior lighting.

3.11.A.5.c. Traffic control signals and devices.

3.11.A.5.d. Lighting for worker safety that is mandated by the Occupational Safety and Health Administration.

3.11.A.5.e. Lighting within the public right-of-way or easement for the principal purpose of illuminating streets.

3.11.A.5.f. Temporary emergency lighting used by law enforcement, fire, and other emergency services during emergency procedures.

3.11.A.5.g. Navigation lighting systems regulated by the Federal Aviation Administration (i.e., airports, heliports, cell towers).

3.11.A.5.h. Lighting of towers and associated facilities required by the Federal Aviation Administration or other federal or state agency, provided that slowly blinking red lights must be used at night. White strobe lights at night are prohibited.

3.11.A.5.i. Outdoor lighting that is required by federal or state laws and/or regulations, including but not limited to safety lighting or security lighting.

3.11.A.5.j. Underwater lighting of swimming pools and similar water features.

3.11.A.5.k. Existing industrial, mining, or rural agricultural compounds that require adequate lighting for safety, security, or to discourage theft of property. The lights should be hooded or shielded when possible.

3.11.A.5.l. Luminaries replicating time-period historical character and lighting effects that are protected by historical registration or otherwise permitted by an authority having jurisdiction.

3.11.A.5.m. Upward-directed accent lighting administratively approved for specific sites of historic, cultural, or artistic merit.

3.11.B. Prohibited Light Fixtures. The use of the following types of outdoor lighting is prohibited, except as specifically exempted here or elsewhere in this UDC.

3.11.B.1. Any lighting that dynamically varies its output by intermittently fading, flashing, blinking, or rotating. This type of lighting includes strobe lighting.

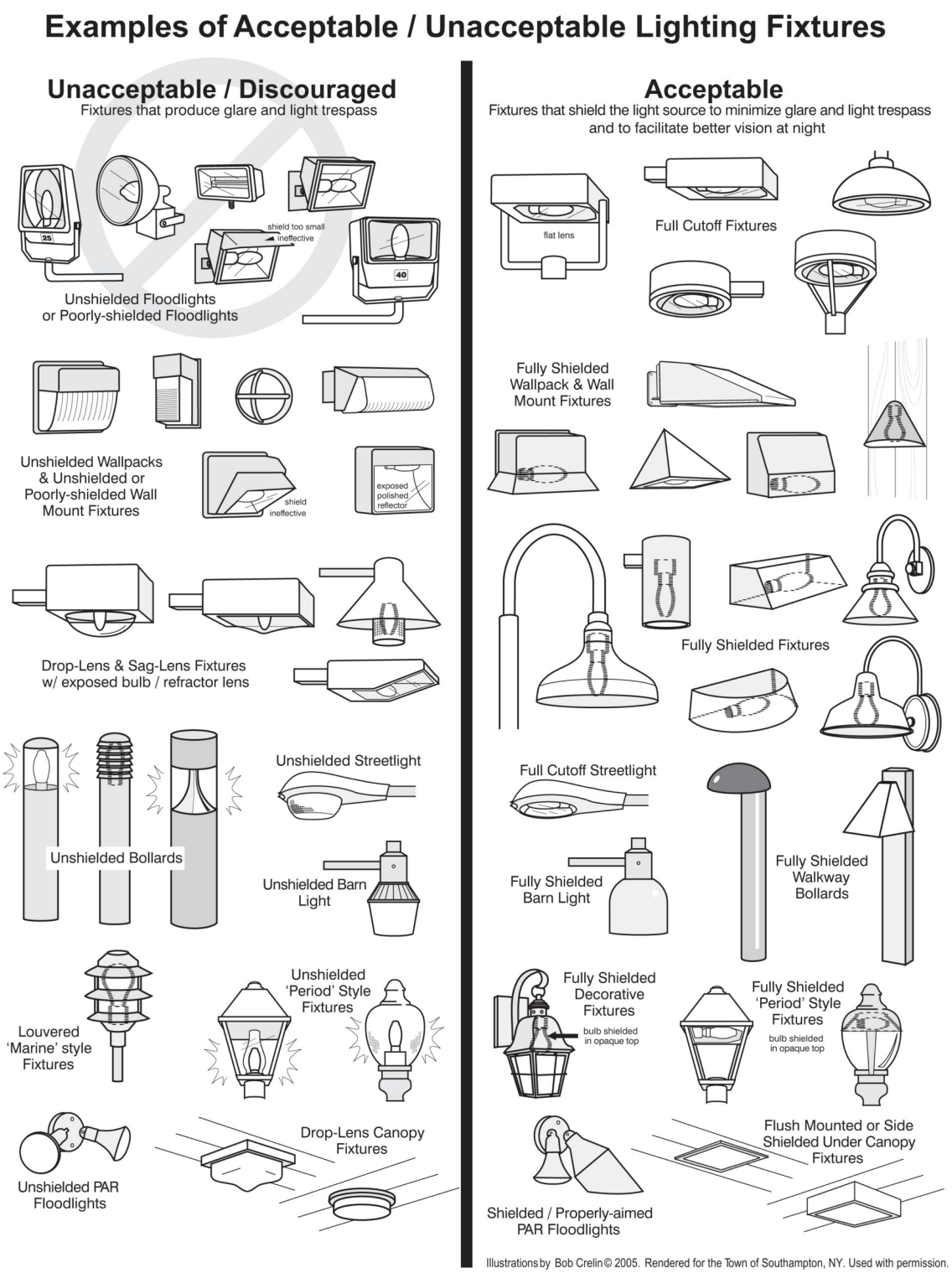
3.11.B.2. Searchlights, sky beams, floodlights, laser source lights, and similar lighting, except as required for emergency use by authorized law enforcement, fire, or medical personnel, or for meteorological data-gathering purposes.

3.11.B.3. Any luminaire that uses mercury vapor lamps.

3.11.B.4. Sag lens or drop lens fixtures.

3.11.B.5. All lighting fixtures that project a glare onto adjacent properties or roads.

Figure 3.11.1



3.11.C. General Standards. Unless otherwise specifically exempted by this section, all lighting shall be designed, installed, located, and maintained to conform with the following standards.

3.11.C.1. **Shielding and Light Output**

3.11.C.1.a. All lighting fixtures installed within the unincorporated area of Taos County shall be shielded, and shall be installed, located, and maintained to prevent glare onto other properties or streets. Direct illumination from any luminaire shall be kept within the boundaries of the property. Examples of acceptable and unacceptable shielding and hooding are shown in Figure 3.11.1.

3.11.C.1.b. Lighting fixtures must be positioned to ensure the illumination is only pointing downward onto the ground surface, with no escaping light permitted to contribute to light pollution by shining upward into the sky. See examples in Figure 3.11.2.

Figure 3.11.2



3.11.C.2. **Fixture Height**

3.11.C.2.a. The lowest fixture height that can serve the lighting purpose shall be used in all cases.

3.11.C.2.b. Maximum fixture height above adjacent grade for all outdoor fixtures shall be as follows:

1. Any pole-mounted lighting shall have a maximum height of twenty-five (25) feet.
2. Building-mounted light fixtures shall be attached only to walls, and the top of the fixture shall not be higher than the top of the parapet wall or roof, whichever is higher. Said lights shall be shielded and directed downward.

3.11.C.3. **Color Temperature.** Unless otherwise specified in the UDC, the maximum correlated color temperature (CCT) for street and outdoor luminaires is 2700 Kelvins (K). Exceptions are permitted if a public safety need or regulated industry standard is documented. Luminaries rated below 2500 K are highly encouraged for better nighttime visibility.

3.11.C.4. **Lumen Limits.** The lumen output values are an upper limit and not a design goal; design goals should be the lowest levels that meet the requirements of the task. Lumen output values exclude government-owned streetlights used for illumination of public rights-of-way.

3.11.C.5. **Light Trespass**

3.11.C.5.a. Unless otherwise specified in this section, all light fixtures, including motion-sensing lighting, shall be located, aimed, and shielded so that the direct illumination from the fixture shall be confined to the property boundaries, see Figure 3.11.3.

3.11.C.5.b. No luminaire installed within Taos County, except streetlights that are governmentally owned or governmentally approved, shall create light trespass within one hundred (100) feet of its installed location.

Figure 3.11.3



Table 3.11.1

Outdoor Lighting Standards					
Use/Lighting Type	**Maximum Lumens/ Luminaire**	**Maximum Lumens/ Property**	**Maximum Color Temperature (K)**	**Maximum Mounting Height: Pole-Mounted/ Building-Mounted**	**Curfew**
Residential	1,000	–	2,700	25'/roof or parapet height	–
Nonresidential	3,000	–	2,700	25'/roof or parapet height	–
Agricultural Areas	3,000	–	2,700	25'/roof or parapet height	–
Accent or Landscape Lighting	450	–	2,700	25'/roof or parapet height	–
Seasonal Holiday Lighting	50 / lf	–	–	–	November 15 through April 1
String, Festoon, or Bistro Lighting	50	6,000	–	–	–
Security Lights	–	–	–	Residential: Not permitted outside property perimeter; Nonresidential: No more than 10' from perimeter	Residential: Shutoff/Dimmed after 5 minutes activation; Nonresidential: Dimmed to 33% of outdoor light output within 5 minutes activation
Outdoor Sports	IESNA standards	IESNA standards	4,000	–	11 p.m. or within 1 hour at the end of active play
Fuel Pump Canopies	3,000	–		Not permitted on sides or top of canopy	
Flagpole – Downward Lighting	800	–		≥ 20' pole, illuminated from a structure within 15' of flagpole	
Flagpole – Uplighting	75 / lf of pole height	–		≤ 20' pole	
Parking Lot	4,000 Residential / 7,000 Nonresidential	–	4,000	25'	Nonresidential: Illumination reduced by at least 75% within one half-hour of the close of business

3.11.D. Requirements for Special Outdoor Lighting Fixtures

3.11.D.1. Accent Lighting or Landscape Lighting

3.11.D.1.a. Accent lighting or landscape lighting shall be directed downward onto the building or object and not toward the sky or adjacent properties. Direct light emissions shall not be visible above the roof line or beyond the edge of the building.

3.11.D.1.b. Upward directed accent lighting may be administratively approved for specific sites of historic, cultural, or artistic merit.

3.11.D.1.c. Spotlighting on landscaping and foliage shall be limited to 450 lumens per luminaire.

3.11.D.1.d. The lighting fixture shall be shielded and not create a disabling or nuisance glare.

3.11.D.2. **Seasonal Holiday Lighting.** Temporary, seasonal decorative holiday lighting shall be allowed from November 15 through the following April 1 and must comply with the following:

3.11.D.2.a. Flashing decorative holiday lights are prohibited on nonresidential properties.

3.11.D.2.b. Seasonal decorative holiday lights shall not interfere with the safe movement of motor vehicles or create dangerous glare conditions on adjacent properties or roadways.

3.11.D.2.c. Seasonal decorative holiday lights shall be maintained and shall not constitute a dangerous situation or fire hazard.

3.11.D.2.d. Seasonal decorative holiday lights shall not exceed fifty (50) lumens per linear foot.

3.11.D.2.e. Seasonal decorative holiday lights shall not be required to comply with lighting curfews, unless otherwise determined by the Planning Director.

3.11.D.3. **String, Festoon, Bistro Lighting.** String, festoon, bistro, and similar lighting shall be allowed, provided that the emission of no individual lamp shall exceed fifty (50) lumens, nor a total of six thousand (6,000) lumens on any singular property.

3.11.D.4. Motion Detectors and Security Lights

3.11.D.4.a. Residential Uses

Luminaires activated by motion detectors within a residential property shall automatically turn off or return to their dimmed state no more than five (5) minutes after the motion is detected.

3.11.D.4.b. Nonresidential Uses

1. Where security lighting is proposed in nonresidential uses, a security plan is required which delineates the area(s) to be illuminated for security purposes and outlines the need for and purpose of the security lighting.

2. Security lighting designed to illuminate a perimeter that includes adaptive controls may be used to activate lights when motion is detected and must be reduced back to 33 percent or less of the total outdoor light output allowed within five (5) minutes after activation has ceased, and the light shall not be triggered by activity off property.

3. Pole-mounted security lighting shall be installed no more than ten (10) feet from the perimeter of the designated area being illuminated. The poles cannot be located outside of the property boundaries.

3.11.D.5. **Outdoor Sports Facilities**

3.11.D.5.a. Lighting fixtures at all outdoor sports facilities (i.e., ball fields, ice rinks, arenas, tracks, swimming pools, parks, etc.) must provide levels of illuminance that are adjustable according to task, allowing for illuminating levels not to exceed nationally recognized Illuminating Engineering Society of North America (IESNA) standards according to the appropriate class of play, as well as for lower output during other times, such as when field maintenance is being actively performed or other events.

3.11.D.5.b. All lighting fixtures shall be provided exclusively for illumination of the surface of the play and adjacent viewing stands, and not for any other application, such as parking lot lighting.

3.11.D.5.c. The maximum correlated color temperature (CCT) may be rated up to four thousand (4000) K.

3.11.D.5.d. All lighting fixtures must be extinguished by 11 p.m. or within one (1) hour of the end of the active play or event, whichever is earlier. All lighting fixtures shall be fitted with mechanical or electronic timers to prevent lights from being left on accidentally overnight.

3.11.D.6. **Canopies, Building Overhangs, and Roof Eave Lighting**

3.11.D.6.a. All lighting fixtures shall be fully shielded and shall utilize flat lenses. Shielding must be provided by the luminaire itself, and not by surrounding structures such as canopy edges.

3.11.D.6.b. All light fixtures shall be mounted on or recessed into the lower surface of canopies for businesses, including but not limited to bank drive-throughs and service stations.

3.11.D.6.c. The CCT of luminaires that are angled to illuminate a fuel pump at service stations, shall not exceed four thousand (4,000) lumens per pump. Luminaires shall not be mounted on the sides or top of the canopy.

3.11.D.7. **Flagpoles.** Property owners are encouraged not to illuminate flagpoles at night, but rather to hoist flags after dawn and lower flags before sunset. If flags are illuminated at night, lighting of up to a total of two (2) flags per property is permitted with the following conditions:

3.11.D.7.a. Flagpoles with a height greater than twenty (20) feet above ground level shall be illuminated only from above. This may be achieved by utilizing a luminaire attached to the top of the flagpole or a luminaire mounted above the top of the flagpole on a structure within fifteen (15) feet of the flagpole and must comply with all sections of this Article. The total light output from

any luminaire mounted on top of or above a flagpole shall not exceed eight hundred (800) lumens.

3.11.D.7.b. Flagpoles with a height equal to or less than twenty (20) feet above ground level may be illuminated from below. If ground-level illumination is used, flagpoles may be illuminated with up to two (2) spotlight type luminaires, utilizing shields or diffusers to reduce glare, whose maximum combined lumen output is seventy-five (75) lumens per linear foot of pole height, measured from the level of the luminaire above grade to the top of the flagpole. Luminaires are to be mounted so that their lenses are perpendicular to the flagpole and the light output points directly toward the flag(s).

3.11.E. Parking Lot Lighting

3.11.E.1. **Generally.** Parking lot lighting shall be designed to provide the minimum lighting necessary to ensure adequate vision and safety.

3.11.E.2. **Mounting Height.** The lowest fixture height that can serve the lighting purpose shall be used in all cases. Maximum fixture height above adjacent grade shall not exceed twenty-five (25) feet.

3.11.E.3. **Color Temperature.** The maximum correlated color temperature (CCT) for outdoor parking lot lights shall be four thousand (4,000) kelvins (K). Exceptions are permitted if a public safety need is documented.

3.11.E.4. **Lumen Limit.** The lumen output values are an upper limit and not a design goal; design goals should be the lowest levels that meet the requirements of the task.

3.11.E.4.a. Nonresidential lighting fixtures shall not exceed seven thousand (7,000) lumens per luminaire.

3.11.E.4.b. Residential lighting fixtures shall not exceed four thousand (4,000) lumens per luminaire.

3.11.E.5. **Lighting Curfew.** Nonresidential parking area illumination shall be reduced by at least 75 percent within a 1/2 hour of the close of the business(es) the parking area serves.

3.11.F. Road Lighting

3.11.F.1. **Generally.** Streetlights that are required at intersections of any road with a highway or arterial and where necessary to protect the safety of motorists and pedestrians due to the particular characteristics or location of a site shall comply with this section.

3.11.F.2. **Standards.** All streetlights shall comply with the following standards:

3.11.F.2.a. Streetlighting shall comply with standards established in the Illuminating Engineering Society (IES) Lighting Handbook, latest revision, and the standards set forth in this section.

3.11.F.2.b. Spacing of lights shall be governed by the New Mexico Standard Specifications for Highway and Bridge Construction, latest edition.

3.11.F.2.c. LED lighting shall be used.

3.11.F.2.d. Streetlights shall be located and designed to enhance the safety of motorists and pedestrians and shall create a transition from unlit areas to illuminated areas, continuity and uniformity of lighting, and avoid blind spots or dark shadows.

3.11.F.2.e. All powerlines for streetlights must be designed and installed underground.

3.11.F.2.f. All government-owned streetlights shall be exempt from the requirements of this Article but are encouraged by the County to comply with its provisions.

3.11.F.3. **Operations and Maintenance.** Payments for the operation and maintenance of streetlights within subdivisions, multifamily developments, or nonresidential developments shall be the responsibility of the developer or the developer's designee. The disclosure statement, homeowner's association, or voluntary development agreement shall set forth an acceptable method for paying for operation and maintenance of the streetlights.

3.11.G. Nonconforming Existing Outdoor Lighting

3.11.G.1. **Generally.** All existing outdoor lighting fixtures that were legally installed and operative before the enactment of this UDC that do not conform to the standards specified by this section shall be considered nonconforming. Nonconforming outdoor lighting is allowed to remain until it is required to be replaced pursuant to the terms of this act.

3.11.G.2. All nonconforming lighting shall be brought into conformance with this section if any of the following occurs:

3.11.G.2.a. An existing luminaire or fixture becomes inoperable.

3.11.G.2.b. The land use on the property is changed.

3.11.G.2.c. The Planning Director determines that an outdoor light source constitutes a nuisance or disabling glare.

3.11.G.3. All new installations or modifications to an existing nonconforming fixture shall meet the requirements of this section. More stringent modifications to nonconforming fixtures in the traditional historic communities shall also apply where mandated.

3.11.G.4. Existing fixtures may be adapted to comply with this section by adding a properly designed hood or shield, or by repositioning any upward mounted fixture downward toward the ground surface and adding a properly designed hood or shield.

3.11.G.5. **Conformance Required.** Conformance with this section is required under the following circumstances:

3.11.G.5.a. **Destruction.** If more than 50 percent of the total appraised value of a structure (as determined from the record of the Taos County Assessor's Office) has been destroyed, the nonconforming status expires, and the structure's previously nonconforming outdoor lighting must be removed and may only be replaced in conformity with the standards of this section.

3.11.G.5.b. **Modifications, Replacements, or Change of Use**

1. All existing outdoor lighting located on a property that is part of an application for any zoning permit, subdivision application, or building permit is required to be brought into conformance with this section before a final inspection, permit approval, issuance of a certificate of occupancy, or final plat recordation.
2. Prior to the issuance of a new Business Registration, or a Sign Permit for an externally or internally illuminated outdoor sign, the applicant shall bring all existing nonconforming lighting into compliance with this section.
3. It is unlawful to expand, repair, or replace outdoor lighting that was previously nonconforming, but for which the prior nonconforming status has expired, been forfeited, or otherwise abandoned.

3.11.G.5.c. **Major Addition.** All existing outdoor lighting located on a property that is part of an application for a building permit for a major addition is required to be brought into conformance with this section before a final inspection and issuance of a certificate of occupancy. “Major” shall be defined as an increase of 25 percent or more in terms of additional dwelling units, gross floor area, seating capacity, or parking spaces, either with a single addition or with cumulative additions after the effective date of this UDC.

3.11.G.5.d. **Residential Addition or Remodel.** Nothing herein shall be construed to terminate a residential property’s nonconforming status as a result of an addition or remodel. However, all outdoor residential lighting that is affixed to a construction project requiring a building permit is required to meet the requirements of this section.

3.11.G.5.e. **Abandonment.** A nonconforming structure shall be deemed abandoned if the structure remains vacant for a continuous period of one (1) year. In that instance, the nonconforming status expires, and the structure’s previously nonconforming outdoor lighting must be removed and may only be replaced in conformity with the standards of this section.

3.11.G.5.f. **Prohibitions.** It is unlawful to expand, repair, or replace outdoor lighting that was previously nonconforming, but for which the prior nonconforming status has expired, been forfeited, or otherwise abandoned.

3.11.H. Temporary Lighting

3.11.H.1. **Generally.** All outdoor lighting that is needed for special events, including but not limited to rodeos, fairs, fiestas, carnivals, and film production, may be allowed subject to the approval of said lights during the review of a Special Events Permit, provided that the permitting lighting fixtures meets light trespass requirements and does not add further disruption to ecological migration or habitat.

3.11.H.2. **Removal.** All outdoor lighting approved with a Special Event Permit shall be removed from the property within twenty-four (24) hours of expiration of said permit.

3.11.H.3. **Conversion to Permanent Status.** Any lighting allowed by a Special Event Permit that remains installed after the expiration of said permit is declared permanent and is immediately subject to all the provisions of this Article.

3.11.I. Sign Lighting

3.11.I.1. **Generally**

3.11.I.1.a. All permanent signs may be non-illuminated, illuminated by internal, internal indirect (halo), or lit by external indirect illumination, unless otherwise specified in *Article V Signs*, or within this section.

3.11.I.1.b. Externally illuminated signs shall be lit only from the top of the sign, with fully shielded luminaires designed and installed to prevent light from spilling beyond the physical edges of the sign.

3.11.I.2. **Requirements.** All outdoor internally illuminated signs shall be subject to all the following requirements:

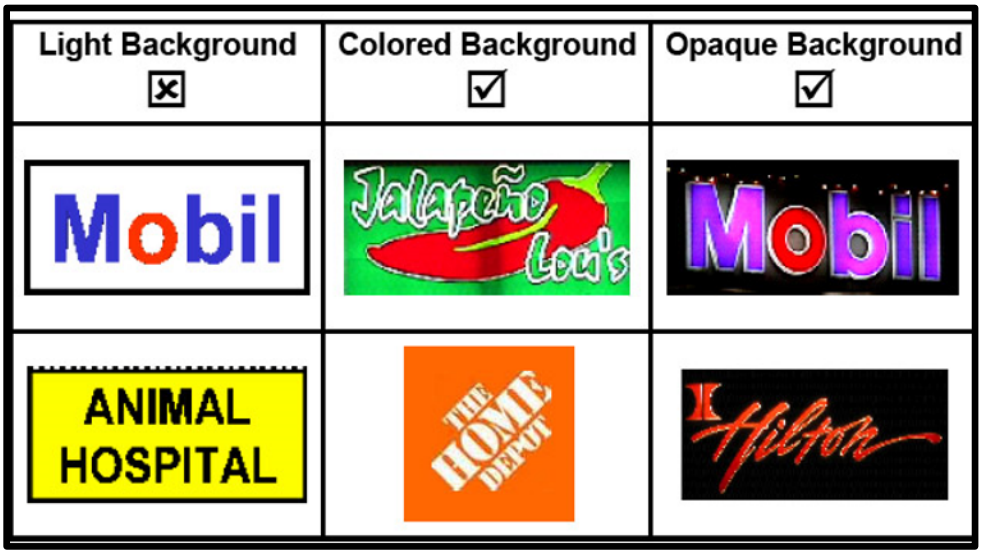
3.11.I.2.a. The sign must be constructed with an opaque background and translucent letters and symbols or with a dark colored background and lighter letters and symbols. See examples in Figure 3.11.4.

3.11.I.2.b. The internally illuminated portion of the sign cannot be white, cream, off-white, light tan, yellow or any light color unless it is part of a registered logo that does not have an alternative version with dark tones, and provided that such colors in the logo shall represent not more than 33 percent of the total sign area permitted.

3.11.I.2.c. The internal illumination, between sunset and sunrise, is to be the lowest intensity needed to allow the sign to be visible for up to a 1/2 mile from its installation.

3.11.I.2.d. All illuminated signs shall be extinguished at 11 p.m. or within one (1) hour of the end of normal business hours, whichever occurs later.

Figure 3.11.4



3.11.J. Lighting Curfews

3.11.J.1. **Generally**

3.11.J.1.a. All nonresidential properties must comply with the following requirements unless the luminaires are exempt by this section for public safety and security.

3.11.J.1.b. All outdoor lighting is encouraged to be turned off when no one is present to use the light.

3.11.J.2. **Privately Owned Lighting**

3.11.J.2.a. Exterior lighting not adaptively controlled shall be extinguished by 11 p.m. or within one (1) hour of the end of normal business hours, whichever occurs later.

3.11.J.2.b. Exterior lighting with adaptive controls shall dim all lighting to 33 percent or less of the total outdoor light output allowed during the hours of 11 p.m. to 6 a.m. or within one (1) hour of the end of normal business hours to 6 a.m., whichever occurs later.

3.11.J.2.c. Businesses whose normal operating hours are twenty-four (24) hours per day are exempt from this provision.

3.11.J.3. **Government-Owned Lighting.** All government-owned lighting not adaptively controlled should be fully extinguished by midnight, or within one (1) hour of the end of occupancy of the structure or area to be lit, whichever is later.

3.12 CIRCULATION AND ACCESS

Purpose: The purpose of this section is to:

- *Ensure reasonable and adequate accommodations for access and circulation;*
- *Maintain or improve the level of service of roads;*
- *Minimize the number of access points to roads;*
- *Promote access sharing and travel between sites;*
- *Encourage connectivity for new developments, both internal to the project and to surrounding properties, in order to improve public safety response times, reduce travel times and distances between developments, support safe and convenient non-vehicular travel options, and maintain the traffic-carrying capacity of roads;*
- *Ensure development occurs at a scale proportionate to the capacity of existing and proposed transportation facilities;*
- *Ensure that appropriate traffic mitigation measures are provided;*
- *Enhance safety and convenience for the public.*

3.12.A. **Applicability.** This section applies to:

3.12.A.1. New development in all zones;

3.12.A.2. **Expansion of Existing Building.** At the time any principal structure is enlarged or increased in gross square feet for the purposes of adding capacity for dwelling units, guest rooms, outdoor seating area, or floor area and results in changes to off-street parking.

3.12.A.3. **Change of Use.** If a change of use causes an increase in the required number of off-street parking, stacking, or loading spaces, circulation and access shall be provided in accordance with the requirements of this section.

3.12.A.4. **Exemptions**

3.12.A.4.a. In the case of a single-family residence, home occupation, or agricultural use, the requirements in this section may be waived by the Planning Director.

3.12.B. Generally

3.12.B.1. The street, road, and access systems shall be designed and located on the proposed site in a safe, efficient, convenient, and attractive manner that considers all modes of transportation (e.g., cars, trucks, buses, bicycles, equestrians, and pedestrians), as well as emergency vehicles.

3.12.B.2. All designs for parking, crosswalks, and sidewalks shall meet the most recent American with Disabilities Act (ADA) design requirements, which shall include the most recent version of the New Mexico Building Codes, the International Building Code (IBC), the ICC A117.1, and the NM Accessible Parking Checklist prepared by the State of New Mexico Governor's Commission on Disability.

3.12.B.3. Roads, streets, parking areas, intersections, crosswalks, and all improvements required for vehicular, pedestrian, and bicycle traffic as well as associated rights-of-way shall be designed to the New Mexico Department of Transportation (NMDOT) and American Association of State Highway and Transportation Officials (ASHTO) standards and meet the road design requirements of the most recent version of the International Code Council (ICC) International Fire Code, as adopted by the State of New Mexico Construction Industries Division (NMCID), as applicable.

3.12.B.4. All roads within the project, and all access roads from County roads to the project, shall be developed in accordance with the design standards set forth in these regulations. Roads and streets shall be located, aligned, and designed to:

3.12.B.4.a. Preserve natural features, vegetation, and topography and protect the natural environment;

3.12.B.4.b. Require the appropriate amount of road surface necessary to adequately serve the type and intensity of the proposed uses within the project, calculating the future traffic demand according to vehicle type and anticipated volume, and providing access for public service and emergency vehicles;

3.12.B.4.c. Provide for proper revegetation for cut and fill slopes;

3.12.B.4.d. Provide speed control features, where specified by the County Planning Department.

3.12.B.4.e. All roads and streets shall be engineered for proper drainage that will minimize erosion. All drainage must be engineered to avoid flood runoff to contiguous or adjacent properties and/or public roads and rights-of-way.

3.12.B.4.f. The minimum culvert size shall meet the flow requirements of a fifty (50)-year storm.

3.12.C. Vehicular Access

3.12.C.1. Direct access to a development may be individual or shared and may be provided by, but not limited to, one or more of the following:

3.12.C.1.a. An existing or planned road, access road, or private drive; or

3.12.C.1.b. The internal circulation of a shopping center, office complex, or similar group of buildings having access in accordance with an approved site plan.

3.12.C.2. To the maximum extent feasible, access points along primary streets should be coordinated with adjacent properties to promote efficient traffic operations and to minimize the need for multiple curb cuts.

3.12.C.3. Access road(s) to a condominium project sufficient and adequate for the ingress and egress of emergency vehicles.

3.12.C.4. **Access Design**

3.12.C.4.a. **Site Triangle Area.** Objects shall not block the line of sight consistent with the definition of Sight Triangle Area and Figure 3.13.1.

3.12.C.4.b. **Grade.** Access roads or driveways:

1. Shall not exceed a finished grade of 12 percent.
2. If an applicant cannot achieve a finished grade of 12 percent, the applicant may install a fire protection water storage system as per the specifications or may install a sprinkler system throughout the residential structure (attached to a sufficient water source for effective operation), which shall be approved by the Taos County Fire Marshal as an alternative to obtaining a variance.

3.12.D. Internal Vehicular Circulation. Safe and appropriate vehicular circulation on-site and between adjacent properties shall be provided, as approved by the Public Works Director.

3.12.D.1. The development's interior access and circulation plan shall incorporate the following requirements and prohibitions:

3.12.D.1.a. Parking shall not be permitted on the roads, streets, or fire lanes.

3.12.D.1.b. The development's interior traffic plan shall make a reasonable effort to avoid a single ingress/egress road or street.

3.12.D.1.c. All buildings shall be sited to allow for proper fire suppression. In the event that building unit sites are constructed to the edge of required setbacks, then the applicant shall dedicate right-of-way and construct an adequate fire lane within the setback area.

3.12.D.1.d. The interior traffic plan shall designate pedestrian walkways and bicycle paths or lanes, which may be Class 1, Class 2, or Class 3 USDOT-designed bicycle lanes.

3.12.E. Transportation Impacts. The development shall be served by roads constructed to County standards with adequate capacities for the proposed development.

3.12.E.1. The development shall be designed to minimize any adverse impact that additional traffic would have on the surrounding land uses.

3.12.E.2. **Traffic Impact Analysis.** A traffic impact study may be required and prepared by a licensed New Mexico engineer, including a written analysis of the traffic and congestion impact with mitigation procedures approved by the New Mexico Department of Transportation and/or the Taos County Public Works Department.

3.12.E.2.a. Unless the Public Works Director or NM Transportation Authority approves specific mitigating road improvements without a traffic impact analysis (TIA), a TIA shall be submitted to, and approved by, the Public Works Director when a development is expected to:

1. Generate at least five thousand (5,000) average daily trips (ADT), based on trip generation rates as defined by the Institute of Transportation Engineers, Trip Generation Manual - latest edition, as amended; or
2. Significantly impact the transportation network.

3.12.E.2.b. **Functional Road Classification.** The impact study shall determine the existing functional road classification.

3.12.E.3. **Required Improvements.** Where determined by the County to be necessary due to the direct impact of the proposal, the existing road network serving the project area shall be augmented or extended to accommodate the development. The Public Works Director or designee shall determine the improvements necessary to accommodate a development in accordance with, but not limited to, the following:

3.12.E.3.a. The Comprehensive Plan or other planned transportation facilities;

3.12.E.3.b. Maintaining a minimum D level of service based upon a six (6)-year traffic demand projection, after build-out, which may be extended or reduced, as determined by the Public Works Director or designee or, in designated areas, a level of service no lower than that which currently exists; and

3.12.E.3.c. Safe and efficient access.

3.12.F. Right-of-Way Width. The right-of-way width shall be:

3.12.F.1. A minimum of thirty (30) feet; or

3.12.F.2. According to an adopted Comprehensive Plan, Master Plan, or other adopted road network plan; or

3.12.F.3. According to the Fire Marshal having jurisdiction; or

3.12.F.4. As otherwise determined by the Public Works Director or designee at the time of development review.

3.12.F.5. It shall be assumed that the road will be widened equally on both sides of the established centerline to the ultimate right-of-way width.

3.12.G. Pedestrian Circulation and Access

3.12.G.1. **Generally.** Pedestrian accommodations shall be designed to minimize conflicts with vehicular traffic.

3.12.G.2. **Walkways.** A development shall provide an on-site system of pedestrian walkways to establish direct visual and physical access to and between:

3.12.G.2.a. Sidewalks in the right-of-way;

3.12.G.2.b. The primary entrance or entrances to each building;

3.12.G.2.c. On-site parking areas;

3.12.G.2.d. On-site open space areas;

3.12.G.2.e. Any sidewalks, trails, or walkways on adjacent properties that extend to the boundaries shared with the development;

3.12.G.2.f. Any lakes, tributary waterways, or rivers;

3.12.G.2.g. Any adjacent public park, greenway, or other public or civic use such as schools, public recreational facilities, or government offices; and

3.12.G.2.h. Any transit stop or related facility.

3.12.G.3. **Sidewalks**

3.12.G.3.a. **Applicability**

1. Sidewalks shall be installed for all new construction and/or at the time of conversion of a residential use to a more intense use, on all lots having frontage on public streets classified as a major or minor arterial.
2. Unless required by a final plat, sidewalks are not required on single-dwelling or two-dwelling residential lots used for residential purposes with frontage on public streets classified as major or minor arterial streets.

3.12.G.3.b. **Generally**

1. Sidewalks shall be required at the time of building permit and completed before a certificate of occupancy is issued.
2. All sidewalks shall be designed to meet the most recent requirements of the Americans with Disabilities Act (ADA).
3. Existing sidewalks shall not be removed except for the purpose of replacement. A New Mexico licensed engineer shall certify that all existing sidewalks meet the requirements of applicable building codes and regulations.

3.12.G.3.c. **Width.** All sidewalks shall be a minimum of three (3) feet clear in width and free from obstructions.

3.12.G.3.d. **Placement and Design.** Sidewalks along street frontages shall be detached from the curb and separated by a buffer zone at least five (5) feet in width. If there is insufficient right-of-way to provide the minimum separation between curb and sidewalk, the buffer may be reduced to accommodate the required sidewalk width.

3.13 PARKING AND LOADING

Purpose: The purpose of these off-street vehicular parking and loading standards is to ensure that development provides adequate facilities for off-street parking and loading. In particular, the intent of these standards is to:

- *Ensure that off-street vehicular parking and loading facilities are well designed and meet the needs of their users and the County residents and businesses;*
- *Provide adequate facilities for off-street loading in proportion to the varying demand of the zone districts and uses allowed by this code;*
- *Provide flexibility in how developments meet minimum off-street vehicular parking requirements;*
- *Minimize the amount of impervious surface devoted to off-street vehicular parking and loading;*
- *Accommodate future demand for electric vehicle parking; and*
- *Ensure that off-street vehicular parking and loading areas do not encroach on or interfere with the public use of streets and alleys.*

3.13.A. Applicability. Applications for Commercial Zoning Clearance, Administrative Zoning Clearance, Special Use Zoning, and/or Major Development Zoning Permits shall comply with the requirements of this section under the following conditions:

3.13.A.1. Any new development; or

3.13.A.2. Proposed expansion or enlargement of an existing use (whether or not the existing use is conforming). Parking spaces will be required only to serve the enlarged or expanded area, not the entire building or use, provided that in all cases the number of off-street parking spaces provided for the entire use (preexisting plus expansion) shall equal at least 75 percent of the minimum number of spaces established in this section.

3.13.A.3. Any change in use. If a change of use causes an increase in the required number of off-street parking, stacking, or loading spaces, such additional spaces shall be provided in accordance with the requirements of this section. However, if a change in use would require an increase of less than 5 percent of the required number of parking spaces, or less than five (5) spaces, no additional off-street parking is required.

3.13.B. General Requirements. All off-street parking spaces shall meet the following standards set:

3.13.B.1. The provision and maintenance of off-street parking and loading facilities shall be a continuing obligation of the owners of a use and/or parcel of property so long as the use of the property is in existence and so long as parking and loading facilities are required in connection with such given use.

3.13.B.2. It shall be unlawful to discontinue, reduce, modify, or otherwise dispense with parking and loading facilities that comply with the requirements of this section.

3.13.B.3. The parking space requirements for any use not specifically listed in this section shall be determined by the Planning Director based on requirements for similar uses.

3.13.B.4. Where the application of the off-street parking requirements results in a fractional number of spaces required, a fraction of 1/2 or greater shall be resolved to the next higher whole number.

3.13.B.5. Off-street parking spaces shall be designed, maintained, and regulated so that no parking or maneuvering incidental to parking shall be on any street, walk, or alley.

3.13.B.6. Off-Street parking spaces shall be designed so that vehicles may be removed without moving another vehicle.

3.13.B.7. Required spaces shall be available at all times for parking the personal vehicles of employees and customers or residents and guests for which the spaces are required. Required parking spaces shall be unobstructed and shall not be used for storage, display, sales, or parking of commercial or other vehicles used by employees in the conduct for the use for which the spaces are required.

3.13.C. Minimum Number of Off-Street Parking Spaces. Applications for Commercial Zoning Clearance, Administrative Zoning Clearance, Special Use Zoning, and/or Major Development Zoning Permits shall provide and maintain the following minimum number of off-street parking spaces during the life of the respective uses:

Table 3.13.1

Parking Requirements		
Uses	**Spaces**	**Unit**
Residential		
Accessory Dwelling Unit	1	per dwelling unit
Cluster or Conservation Development	1	per dwelling unit
Cohousing	1	per dwelling unit
Condominium	1.5	per dwelling unit
Duplex	2	per dwelling unit
Manufactured (Mobile) Home	2	per dwelling unit
Manufactured/Mobile Home, Tiny Homes, and Recreational Vehicle Park	2	per dwelling unit
Modular Home	2	per dwelling unit
Multifamily Residence	1.5	per dwelling unit
Single-Family Residence (Dwelling Unit)	2	per dwelling unit
Sustainable Development	1.5	per dwelling unit
Tiny Home	1	per dwelling unit
Townhouse	1.5	per dwelling unit
Triplex	1.5	per dwelling unit
Zero-Lot Line	1.5	per dwelling unit
Accommodations and Group Living		
Assisted Living Facilities	1	per 400 sf
Bed and Breakfast	1	per guest room plus 1 per 400 sf of restaurant space
Community Residential Facility	1	per 400 sf
Day care Center	1	per 400 sf
Day care, Residential	1	per 400 sf
Group Boarding Home, Commercial	1	per 500 sf
Group Boarding Home, Residential	1	per 500 sf
Homeless Shelter	1	per 500 sf
Hotel/Motel - Lodging, Guest Cabins, Tipis, Glamping	1	per guest room plus 1 per 2 employees
Nursing Home	1	per 500 sf
Resort		Parking analysis needed
Rooming House	1	per guest room plus 1 per 2 employees
Short-Term Rental	1	per dwelling unit
Commercial		
Animal and Pet Care Services	1	per 1,500 sf
Antique Shop	1	per 500 sf
Apparel and Accessory Stores	1	per 500 sf
Auto Supply (Parts) Stores	1	per 400 sf
Bail Bonding	1	per 400 sf
Bakery, Retail	1	per 300 sf
Bars, Taverns and Drinking Establishments	1	per 300 sf
Bicycle Sales and Service	1	per 400 sf
Bookstore	1	per 400 sf
Business Service Centers/Business Support	1	per 400 sf
Café and Coffee Houses	1	per 300 sf
Camera and Film Shop; Photography Studio; Frame Shop	1	per 400 sf
Car Care Center	1	per 2,000 sf
Car Wash	1	per 2,000 sf
Convenience Stores, with Gas Sale	1	per 300 sf
Convenience Stores, without Gas Sale	1	per 300 sf

Parking Requirements		
Uses	**Spaces**	**Unit**
Department Store or General Merchandise	1	per 500 sf
Dry Cleaning Establishments	1	per 400 sf
Farmers Markets		Parking analysis needed
Farm Supplies Merchant Wholesalers	1	per 300 sf
Financial Institution	1	per 400 sf
Flea Market		Parking analysis needed
Flex Space (Office and Warehouse Building)	1	per 300 sf
Florist or Floral/Gift Shop	1	per 400 sf
Food Park	1	per 300 sf
Furniture Stores	1	per 500 sf
Gas Station (Note: Also See Convenience Stores with Gas Sales)	1	per 1,000 sf
Grocery Store	1	per 300 sf
Gun Shops and Gunsmiths	1	per 400 sf
Hardware Store, Lumber Yard, and Building Supplies	1	per 500 sf
Iterant Vendor	1	per 400 sf
Laundry and Garment Services (Pick-up Only)	1	per 500 sf
Laundry, Coin-Operated	1	per 500 sf
Leasing, Commercial and Industrial Machinery and Equipment	1	per 500 sf
Leasing/Rental – Consumer or Recreational Goods	1	per 500 sf
Live-Work Units	1	per dwelling unit and 1 per 500 sf nonresidential space
Medical Equipment Sales, Rental or Leasing	1	per 500 sf
Mixed Use	1	per 300 sf
Mobile Business	1	per 500 sf
Monument Dealers (Tombstones, Markers, and Memorials)	1	per 1,000 sf
Motor Vehicles, All Types, Sales/Leasing/Rental	1	per 1,000 sf

Parking Requirements		
Uses	**Spaces**	**Unit**
Musical Instrument and Supplies Stores	1	per 500 sf
Nursery, Lawn, Garden Center, and Farm Supply Store	1	per 1,000 sf
Office	1	per 250 sf net useable floor area
Office Supply and Equipment Store	1	per 500 sf
Optical Goods Store	1	per 500 sf
Outdoor Display and Storage	1	per 500 sf
Pawnshops	1	per 500 sf
Personal Services	1	per 500 sf
Pet Store	1	per 500 sf
Pharmacy and Drugstore	1	per 300 sf
Professional Services	1	per 500 sf
Real Estate Services	1	per 500 sf
Repair Services	1	per 500 sf
Restaurant with drive-through	1	per 3 seats, plus stacking for 5 cars
Restaurant without drive-through	1	per 3 seats
Retail Sales, Generally (Not Otherwise Listed)	1	per 300 sf
Shooting Range, Indoors	1	per 500 sf
Shooting Range, Outdoors	1	per 500 sf
Specialty Food Stores	1	per 300 sf
Sporting Goods Shop	1	per 300 sf
Tailor/Shoe Repair	1	per 300 sf
Tattoo Parlor/Tattoo Studio and/or Body Piercing	1	per 400 sf
Travel Agency	1	per 500 sf
Travel Plaza/Truck Stop	1	per 300 sf
Temporary Uses and Structures		Parking analysis needed
Upholstery and Furniture Refinishing	1	per 500 sf
Used Merchandise Stores	1	per 500 sf
Vehicle Painting and Body Shops	1	per 1,500 sf

Parking Requirements		
Uses	**Spaces**	**Unit**
Warehouse Club or Superstore	1	per 300 sf
Woodworking Shops	1	per 1,500 sf
Industrial/Production		
Alcoholic Beverage Manufacturing/Distillery	1	per 1,500 sf
Assembly Plant, General		N/A
Automobile Storage or Towing (Excluding Junked Vehicles)	1	per 1,500 sf
Bakery, Wholesale	1	per 1,500 sf
Bottling Works	1	per 1,500 sf
Brewery	1	per 1,500 sf
Brewpub, Tap Room, or Artisanal Alcohol Manufacturing	1	per 1,000 sf
Candy or Confectionary Making (Retail)	1	per 1,500 sf
Catering/Food Service	1	per 1,500 sf
Computer and Electronic Product Manufacturing	1	per 1,500 sf
Crematories	1	per 1,500 sf
Data Processing, Hosting and Related Services	1	per 1,500 sf
Distribution Warehouse Center	1	per 1,500 sf
Excavation, Noncommercial		N/A
Explosive Manufacturing/Storage	1	per 1,500 sf
Extractive Industries (Mining, Gravel Pits, Other Mineral Extraction)		Parking analysis needed
Food and Beverage Manufacturing	1	per 1,500 sf
Fuel Oil Distribution	1	per 1,500 sf
Jewelry and Silverware Manufacturing	1	per 1,500 sf
Junkyards, Salvage Yards, and Auto and Scrap Processing		Parking analysis needed
Laboratories - Medical and Diagnostic		Parking analysis needed

Parking Requirements		
Uses	**Spaces**	**Unit**
Laboratories - Research and Testing		Parking analysis needed
Limited Sales in Industrial Districts/Uses on Site	1	per 1,500 sf
Manufacturing, General (Excludes Other Uses Listed in This Category)	1	per 1,500 sf
Manufacturing, Light Accessory to Retail Use	1	per 1,500 sf
Meat Packing and Poultry Processing	1	per 1,500 sf
Medical Equipment and Supplies Manufacturing	1	per 1,500 sf
Milling or Canning of Agricultural Products	1	per 1,500 sf
Mini Warehouse		Parking analysis needed
Office Supply, Inks, etc., Manufacturing (except paper)	1	per 1,500 sf
Oil and Gas Well Drilling		Parking analysis needed
Paper Manufacturing		Parking analysis needed
Petroleum and Coal Products Manufacturing		Parking analysis needed
Petroleum Bulk Stations and Terminals		Parking analysis needed
Printing/Publishing	1	per 1,500 sf
Production Plant - Chemicals	1	per 1,500 sf
Production Plant, General	1	per 1,500 sf
Production Plant - Metal	1	per 1,500 sf
Recycling Centers	1	per 1,500 sf
Refrigerated Warehouse or Cold Storage	1	per 1,500 sf
Sign Makers	1	per 1,500 sf
Stone Cutting/Mason Manufacturing	1	per 1,500 sf
Storage Area or Lot		Parking analysis needed
Textile, Clothing, and Leather Manufacturing		Parking analysis needed
Wholesale Warehouse Facilities		Parking analysis needed
Wood or Wood Products Manufacturing		Parking analysis needed

3.13.D. Parking Design

3.13.D.1. Dimensional Standards

3.13.D.1.a. Minimum parking stall dimensions shall be 9 feet by 18 feet.

3.13.D.1.b. Standard vehicle parking spaces and aisles shall comply with the minimum dimensional standards established in Table 3.13.2 below. The dimensional standards are illustrated in Figure 3.

Table 3.13.2

Minimum Dimensional Standards for Parking				
Parking Angle (Degree) A	**Stall Width (ft) B**	**Aisle Width (ft) Two-Way / One-Way C**	**Stall Length (ft) D**	**Double Row + Aisle, Curb to Curb (ft) Two-way / One-way E**
0	8	22/11	22	38/27
45	9	24/12	13	56/44
60	9	24/15	10	60/51
90	9	24/22	9	64/62

3.13.D.1.c. **Compact Parking Spaces**

1. Compact parking stall dimensions shall be according to Table 3.13.3 below.
2. Compact spaces are permitted subject to the following:
   a. A maximum of 10 percent of the spaces in any parking facility may be designated and labeled as compact car spaces.
   b. A compact car parking space must be designated with a sign.

Table 3.13.3

Compact Dimensional Standards for Parking			
Parking Angle (Degree) A	**Stall Width (ft) B**	**Aisle Width (ft) Two-Way / One-Way C**	**Stall Length (ft) D**
0	8	18/12	16
45	8	18/15	16
60	8	18/18	16
90	8	22/22	16

3.13.D.2. **Wheel Stops.** Barriers shall be installed that prevent vehicles from extending over the public sidewalks, abutting lots, or the minimum required landscaped area, and that prevent vehicles from obstructing building entries and ADA-accessible routes.

3.13.D.3. **ADA Parking Spaces.** Where off-street parking is provided, accessible parking spaces shall be provided in compliance with the most recently adopted International Building Code, ICC A117.1 Accessible and Usable Building and Facilities, New Mexico Building Codes, and the NM Accessible Parking Checklist prepared by the NM Governor's Commission on Disability.

3.13.D.4. **Parking Lot Entrances.** Parking lots for all uses other than an attached residential dwelling or a dwelling with fewer than five (5) units in a single building shall be designed to provide queuing lanes measured between the edge of the street right-of-way and the first entrance into the parking area, in accordance with Table 3.13.4 below, measured from the intersection of the driveway with the street right-of-way, along the center line of the queuing lane, to its intersection with the centerline of the first entrance into a parking lot or other intersecting driveway.

Table 3.13.4

Minimum Queuing Distance for Parking Lot Entrance	
Number of Parking Space in Lot	**Minimum Distance of Queuing Lane (ft)**
Up to 49	40
50–250	60
250–500	100
500 or more	100+15 for every additional 50 spaces above 500

3.13.E. Nonconforming off-street parking. Developed lots or parcels in existence prior to the adoption of this code may not meet the off-street parking requirements of this section and will be considered nonconforming as to the off-street parking requirements. All such sites shall be required to conform to the requirements of this section at the time any of the following events take place:

3.13.E.1. Any building on a lot served is enlarged;

3.13.E.2. A new building is constructed on a lot;

3.13.E.3. An original building is removed or demolished and a new building is constructed; or

3.13.E.4. The use of a structure is changed, creating a greater impact on the property and requiring more parking spaces.

3.13.F. Shared Parking. Developments may join in establishing shared parking areas, provided that each of the following qualifications are met:

3.13.F.1. A written agreement assuring the joint usage of the shared parking spaces shall be drawn and executed by the owners of the properties for which parking will be shared. The shared parking agreement shall include:

3.13.F.1.a. The names and addresses of the owners;

3.13.F.1.b. Legal descriptions, uses, and available parking spaces for each of the properties covered by the agreement;

3.13.F.1.c. The term of the agreement, which shall continue for at least the period any or all of the uses for which parking is shared exist;

3.13.F.1.d. A provision stating that the agreement is binding upon the owners of the properties, their successors and assigns, and that the agreement shall run with the land;

3.13.F.1.e. A provision granting from each owner to the other the rights to shared use of the parking facilities;

3.13.F.1.f. A provision for the maintenance of the parking facilities by both owners;

3.13.F.1.g. Such other provisions, not inconsistent with this section, as the parties may deem advisable; and

3.13.F.1.h. A provision specifying that, for the properties together, an aggregate minimum number of off-street parking spaces will be provided and maintained.

3.13.F.2. Uses sharing parking shall be within five hundred (500) feet of a pedestrian entrance for its associated land use and shall have direct access to a street or an alley.

3.13.F.3. The Board of County Commissioners may rescind approval of said shared parking spaces and require additional spaces if it is found that such shared parking is inadequate or is resulting in a public nuisance adversely affecting the public health, safety, and welfare.

3.13.F.4. The shared parking shall provide the combined total number of spaces required for each use separately.

3.13.F.5. Cumulative parking space requirements of mixed-use occupancies or adjoining mixed uses may be reduced if the applicant demonstrates that the peak requirements of the several occupancies occur at different times.

3.13.F.6. Reduction in the total number of spaces required by the addition of all uses may be approved if the reduction is supported by a parking demand study.

3.13.G. Off-Street Bicycle Parking. Off-street bicycle parking is required for new development, or when existing development increases in intensity by 25 percent or more as measured by increases in floor area, seating capacity, or required parking spaces and shall comply with the following:

3.13.G.1. Bicycle parking shall be provided in a convenient and visible area at least fifty (50) feet but no more than 120 feet from the principal entrance of the building served.

3.13.G.2. At least one (1) bicycle parking space shall be provided for every five (5) vehicle parking spaces.

3.13.G.3. Bicycle supports (racks and posts) shall be securely anchored in concrete.

3.13.G.4. Spaces shall be delineated by striping, curbing, or by other method and protected from damage by motor vehicles by use of bollards, curbs, concrete planters, landscape buffers, or other suitable barrier devices.

3.13.G.5. Spaces shall measure a minimum of two (2) feet wide by six (6) feet long to allow for secure parking of both the frame and wheels of the bicycle and shall provide at least a four (4)-foot corridor to provide enough room for riders to freely walk side by side with their bike. An aisle at least five (5) feet wide behind all bicycle parking spaces shall be provided to allow riders room for maneuvering.

3.13.G.6. Bicycle spaces shall not obstruct sidewalks, leaving at least a three (3)-foot passage for pedestrians, and shall not be located on an accessible route.

3.13.H. Loading and Unloading Space Requirements. All uses requiring a loading and unloading space for normal operations shall comply with the following:

3.13.H.1. Loading and unloading areas shall be located and designed so that vehicles intended to use them can maneuver safely and conveniently to and from a public right-of-way; complete loading and unloading operations without obstructing or interfering with any public right-of-way or any parking space or parking lot.

3.13.H.2. No area designated for loading and unloading may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading or unloading area.

3.13.H.3. The minimum dimensions of the loading and unloading space shall be scaled to accommodate the largest vehicle used for pickups and deliveries, including vertical clearance.

3.13.H.4. At least one (1) loading and unloading space for normal operations shall be provided.

3.13.H.5. The development shall provide an adequate number of loading space areas so that no vehicles being loaded or unloaded in connection with normal operations shall stand in or project into any public street, sidewalk, alley, bicycle path, or way.

3.13.H.6. High-volume retail, manufacturing, and industrial services shall provide more than two (2) loading and unloading spaces.

3.13.H.7. Loading spaces shall not be located within the front yard setback.

3.14 FIRE PROTECTION AND PREVENTION FOR WUI

Purpose: The purpose of this section is to minimize and mitigate the fire problems created by development and to reduce impact on the community's fire protection delivery system.

3.14.A. Applicability. Wildland Urban Interface (WUI) Impact Areas. All developments determined by the Planning Department to be within a County WUI area as designated on the adopted County zoning map, that have a Community At Risk (CAR) rating of "High" or "Very High" as described within the Taos County Community Wildfire Protection Plan shall meet the standards in this section consistent with the most recent version of the ICC WUI Code by the State of New Mexico, unless amended by adoption by Taos County.

3.14.A.1. **Exceptions.** The County may waive such levels of required prevention measures as are deemed appropriate to the development application, proposed site, and conditions, and consistent with the purposes of the regulations outlined in this section, the ICC Fire Code, ICC WUI Code, and Taos County CWPP for the protection of public safety.

3.14.A.2. **Limitations on Variances.** Various agreements by MOUs, grant agreements, interjurisdictional service agreements, and local, state, or federal agencies and partners may prohibit the granting of variances to required fire prevention standards within certain high-hazard, high-risk, or sensitive areas. Fire prevention, preservation, watershed, or environmental agreements may prohibit the granting of variances.

3.14.B. Prohibited Uses. The following uses are prohibited within High or Very High WUI areas:

3.14.B.1. Heavy Industrial

3.14.B.2. Hospitals

3.14.B.3. Storage of Flammable or Combustible Materials

3.14.C. Fire Protection Plan. All projects within Wildland Urban Interface areas with a High or Very High rating shall submit a fire protection plan to include a defensible space to the County and the local fire district thirty (30) calendar days before the public hearing on preliminary plat approval.

3.14.C.1. The plan shall be based upon a site-specific, wildfire risk assessment by the County, US Forest Service, Bureau of Land Management, and/or local fire district and shall include considerations of location, topography, flammable vegetation, climatic conditions, and fire history. The plan shall address defensible space, vegetation management, water supply, access, building ignition, fire-resistance factors, and fire protection systems and equipment.

3.14.C.2. The cost of the fire protection plan preparation shall be the responsibility of the applicant.

3.14.D. Defensible Space

3.14.D.1. Persons owning, leasing, or renting water storage or water pumping facilities are responsible for clearing and removing non-fire-resistant vegetation and maintaining the defensible space on the property.

3.14.D.2. Any vacant land, within the boundaries of the project, shall be maintained by the landowner, or homeowners association, in order to reduce the possibility of fire escalating to nearby homes and structures.

3.14.D.3. To qualify as a conforming defensible space, fuel modification shall be provided within a distance from buildings or structures as specified in Table 3.14.1, the Defensible Space Table below.

3.14.D.3.a. For all other purposes, the fuel reduction distance shall not be less than ten (10) feet, or to the property line; whichever is less.

3.14.D.3.b. Defensible space is intended to clear flammable vegetation within a minimum of thirty (30) feet of a structure and limit its density within one hundred (100) feet, without disturbing the natural setting beyond.

3.14.D.3.c. Distances specified in the Defensible Space Table below may be increased by the County, or upon recommendation of the local fire district because of site-specific analysis based on local conditions and the fire protection plan.

Table 3.14.1

Defensible Space	
Wildland Urban Interface Area	**Required Fuel Reduction Distance (feet)**
Moderate Hazard	30 feet Clean Zone
High Hazard	50 feet Clean Zone
Very High Hazard	100 feet Clean Zone

3.14.D.4. Water storage and pumping facilities shall be provided with a defensible space not less than a fifty (50) foot semicircular radius that is clear of non-fire-resistant vegetation or growth around and adjacent to such facilities.

3.14.D.5. Vegetation control means the removal of brush and non-fire-resistant vegetative growth. Vegetation control is required:

3.14.D.5.a. From areas within ten (10) feet of each side of fire apparatus access roads and driveways.

3.14.D.5.b. From areas of electrical transmission or distribution lines, poles, or towers to provide a combustible-free space consisting of a clearing not less than ten (10) feet in each direction from the outer circumference of such pole or tower.

3.14.D.6. Trees are allowed within the defensible space, provided the horizontal distance between crowns of adjacent trees and crowns of trees and structures, overhead electrical facilities, or unmodified fuel is not less than ten (10) feet. Deadwood and litter shall regularly be removed from the ground surface and trees.

3.14.D.7. Maintenance of defensible space shall include keeping non-fire resistant vegetation or growth, leaves, needles, and other dead vegetative materials clear of any buildings or structures; tree crowns extending to within ten (10) feet of any buildings or structures pruned to maintain a minimum horizontal clearance of ten (10) feet; tree crowns pruned to remove limbs located less than six (6) feet above the ground surface adjacent to the trees in a manner so as to provide a clear area for fire suppression.

3.14.D.8. **Storage of Firewood and Combustible Materials within Defensible Space**

3.14.D.8.a. An excess of a one (1)-week supply of firewood or combustible materials shall not be placed adjacent to a residential structure, or underneath any type of attached decking, awning, porch, or the like.

3.14.D.8.b. Storage of firewood and combustible materials is prohibited within thirty (30) feet of a structure during peak fire season (May 1 to November 1) unless stored within a certified flame-retardant covering.

3.14.D.9. Chimneys serving fireplaces, incinerators, barbecues, or decorative heating appliances in which solid or liquid fuel is used shall be equipped with an approved spark arrester. Spark arresters shall be constructed of woven or welded wire screening of twelve (12) USA standard gauge (0.1046 inch) having openings not exceeding 1/2 inch.

3.14.E. Water Supply Access

3.14.E.1. **Water Supply.** All projects may be required to have an approved water source with an adequate water supply for the use of the fire suppression service to protect all buildings and structures from exterior fire sources, or to suppress structure fires within a Wildland Urban Interface area of Taos County. Adequate water supply shall be determined for purposes of initial attack and flame control.

3.14.E.2. **Water Sources.** The point at which a water source is available for use shall be located not more than one thousand (1,000) feet from the building or structure and shall be approved by the local fire district. The distance shall be measured along an unobstructed line of travel. Water sources shall comply with the following:

3.14.E.2.a. Man-made water sources shall have the minimum usable water volume determined by water supply requirements herein. Swimming pools and ponds that may freeze during the winter months are not considered adequate for fire suppression. No gray water or treated liquid waste shall

be used for fire suppression. The water supply shall be equipped with any approved dry hydrant(s) with the proper hose fittings. The water level of the water source shall be maintained by rainfall, water pumped from a well, water hauled by tanker, or by seasonal high-water of a stream or river. The design, construction, location, water level maintenance, access, and access maintenance of man-made water sources shall be approved by the local fire district.

3.14.E.2.b. No gray water or treated liquid waste shall be used for fire suppression.

3.14.E.2.c. Natural water sources shall have a minimum water level or flow sufficient to meet water supply needs identified herein. This water level or flow shall not be approved, if rendered unusable because of freezing. The site of the water source must be approved, as well as dry hydrant(s) and hose fittings by the Taos County Fire Chief. Adequate water flow and rights for access to the water source shall be ensured by a form acceptable to Taos County.

3.14.E.2.d. Connections to all dry hydrants shall be determined by the local fire district with jurisdiction.

3.14.E.3. **Wells.** Any application for drilling of a water well or a water system made to the New Mexico Office of the State Engineer shall state that the well or system is intended to be used for water for fire protection and suppression, in addition to any other connected or planned uses.

3.14.F. Building Ignition

3.14.F.1. **Ignition-Resistant Construction.** Buildings and structures hereafter constructed, modified, or relocated into or within Wildland Urban Interface areas shall meet certain construction requirements. All building and structures within high or extreme fire hazard areas shall be constructed of ignition-resistant rated materials, with particular attention paid to roofs, eaves, fascias, exterior walls, unenclosed underfloor areas, and attached, unenclosed accessory structures, such as decks, doors, windows, vents, and skylights.

3.14.F.1.a. Roofs shall be constructed with Class 1 or 2 ignition-resistant materials: either metal or composite roof material approved by the certified official.

3.14.F.1.b. Eaves and soffits shall be protected on the exposed underside by materials approved for a minimum of 1-hour fire-resistance-rated construction. Fascias are required and shall be protected on the backside by materials approved for a minimum of 1-hour fire-resistance-rated construction or two (2)-inch (51mm) nominal dimension lumber.

3.14.F.1.c. Gutters and downspouts shall be constructed of noncombustible material.

3.14.F.1.d. Buildings or structures shall have all underfloor areas enclosed to the ground with exterior walls built, at minimum, of one (1)-hour fire-resistance-rated materials.

3.14.F.1.e. Unenclosed accessory structures attached to a building with habitable spaces and projections such as decks shall be a minimum of one (1)-hour fire-resistance-rated construction, heavy timber construction, or approved noncombustible materials.

3.14.F.1.f. Exterior windows, window walls, and glazed doors, windows within exterior doors and skylights, shall be multi-layered glazed panels, glass block, or have a fire protection rating of not less than twenty (20) minutes.

3.14.F.1.g. Exterior doors shall be approved, noncombustible construction, solid core wood not less than 1.5 inches thick (45mm) or meet a one (1)-hour fire protection standard.

3.14.F.1.h. Attic ventilation openings, foundation or underfloor vents, or other ventilation openings in vertical exterior walls and vents through roofs shall not exceed 144 square inches each. Such vents shall be covered with noncombustible corrosion-resistant mesh with openings not to exceed 1/4 inch.

1. Detached accessory structures located less than fifty (50) feet from a building containing habitable space shall have exterior walls constructed with materials approved for a minimum of one (1)-hour fire-resistance-rated construction, heavy timber, log wall construction, or be constructed with approved noncombustible materials on the exterior side.
2. When the detached structure is located and constructed so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have all underfloor areas enclosed to within six (6) inches of the ground, with exterior wall construction of approved minimum one (1)-hour fire-resistance-rated materials.

3.14.G. Site Design and Access

3.14.G.1. **Applicability.** Permissive Development Review, Conditional Use Zoning, Major Development Zoning Permit Applications, or Subdivisions.

3.14.G.2. **Access.** All developments shall be provided with fire access roads. Unobstructed ingress and egress for fire vehicles, fire lanes, cul-de-sacs, or hammerhead turns within the project shall be approved by the Taos County Fire Chief. The minimum required design standards for access roads are as follows:

3.14.G.2.a. All fire access roads shall be all-weather roads with a minimum driving surface width of twenty-two (22) feet;

3.14.G.2.b. A clear height of 13.5 feet from vegetation;

3.14.G.2.c. Shall be designed to accommodate the loads and turning radii for fire apparatus, consistent with the ICC International Fire Code; and

3.14.G.2.d. Have a gradient with a maximum of 12 percent that is negotiable by the fire apparatus normally used at that location.

3.14.G.2.e. There shall be a fifty (50)-foot turning circle, a right/left hand hammerhead turn, sixty (60) foot “Y,” or equivalent turnout every one thousand (1,000) feet along main access roads and a fifty (50)-foot diameter cul-de-sac at the end of any dead-end road or driveway longer than 150 feet to accommodate fire apparatus and emergency vehicles.

3.14.G.2.f. An all-weather road surface shall be applied with a surface material acceptable to Taos County that would allow passage of all emergency vehicles typically used to respond to that location.

3.14.G.3. **Driveways.** All driveways in the development shall meet the following standards:

3.14.G.3.a. Driveways shall be provided when any portion of an exterior wall of the first story of a building is located more than 150 feet from a fire apparatus access road.

3.14.G.3.b. Driveways shall provide a minimum unobstructed driving width of eighteen (18) feet and a minimum unobstructed height clearance of 13.5 feet.

3.14.G.3.c. Driveways in excess of 150 feet in length shall have turnarounds at their end.

3.14.G.3.d. A driveway serving three (3) or more dwellings shall be named as a private street with each dwelling numbered, and the road shall be constructed and maintained consistent with applicable County road requirements set forth in these regulations.

3.14.G.3.e. Driveways in subdivisions shall not serve more than five (5) dwellings.

3.14.G.3.f. Driveway turnarounds shall have an inside turning radii of not less than fifty (50) feet and an outside turning radii of not less than sixty (60) feet.

3.14.G.3.g. Driveways that connect with a road or roads at more than one point may be considered as having a turnaround, if all changes of direction meet the radii requirements for driveway turnarounds.

3.14.G.3.h. Driveway turnouts shall be an all-weather surface at least twelve (12) feet in driving width and forty (40) feet in length. Driveway turnouts shall be located as required by the Authority Having Jurisdiction (AHJ).

3.14.G.3.i. The gradient for all driveways shall not exceed the maximum of 12 percent.

3.14.G.4. Marking of access roads, driveways, fire protection equipment, and fire hydrants is required as follows:

3.14.G.4.a. Marking of roads with County-approved signs meeting standards of the Federal Highway Administration Manual on Uniform Traffic Control Devices (FHWA MUTCD) and/or Taos County Public Works approval shall be provided and maintained for access roads and driveways to identify such roads and driveways and prohibit the obstruction of both. All dead-end roads shall be marked at the entrance of the road.

3.14.G.4.b. Fire protection equipment and fire hydrants shall be clearly marked and identified in a manner approved by the AHJ to prevent any obstruction.

3.14.G.4.c. All buildings shall have permanently posted addresses which shall be placed at each driveway entrance and be visible from both directions of travel along the road. In all cases, the addresses shall be posted at the beginning of construction, shall be maintained free of obstruction thereafter, and shall be visible and legible from the road on which the address is located.

3.14.G.4.d. Address signs along one-way roads shall be visible from the intended direction of travel as well as the opposite direction.

3.14.G.4.e. Where multiple addresses are required at a single driveway, they shall be mounted on a single post, and additional signs shall be posted where driveways divide.

3.14.H. Fire Protection Systems and Equipment

3.14.H.1. For Commercial Zoning Clearance, Administrative Zoning Clearance, Special Use Zoning, Major Development Zoning Permit Applications, or Subdivisions the following are required:

3.14.H.1.a. Fire suppression hydrated water tanks that accommodate the number of units or lots based on the construction type, materials, and square footage of each unit.

3.14.H.1.b. The construction of water storage tanks shall follow the requirements of the adopted ICC *International Fire Code (IFC)*, or such code or standard as is referenced by the IFC.

3.14.H.1.c. In order to meet the minimum standard for grading of a water system, each system shall deliver 250 gallons of water per minute for two (2) hours. This means thirty thousand (30,000) gallons of stored water for fire protection above the daily peak demand for domestic use.

3.14.H.1.d. If, because of location or fire hazard danger, it is deemed necessary by the local fire district, and the Planning Department, the Planning Commission, or the Board of County Commissioners, the applicant shall provide water storage tank(s) including a properly installed hydrant and hose fittings for fire suppression as required herein.

3.14.H.1.e. Should it be deemed necessary for the applicant to provide fire suppression water storage tank(s), hydrant, and fire hose fittings, the applicant shall provide the Planning Department with a detailed Maintenance Agreement that outlines who is responsible for monitoring the level of the water storage tank(s), and conducting perpetual maintenance and periodic testing of all hydrants and fittings.

3.14.H.1.f. If the property should have to have water storage for fire suppression, the property owner must sign a document stating it is okay if fire districts utilize the system anytime while it is on the property for any type of fire suppression, even if the fire is not on their property.

3.14.H.1.g. All other requirements deemed necessary by the reviewing authority shall be applicable.

3.14.H.2. For single-family residences the following is required:

3.14.H.2.a. Defensible space regulations as required by the Taos County WUI Coordinator, depending on the dwelling location.

3.14.H.2.b. If, due to location, there is a lack of water supply or a fire hazard danger, a water storage tank, including a properly installed hydrant and hose fittings for fire suppression.

3.14.H.2.c. All other requirements deemed necessary by the reviewing authority shall be applicable.

3.15 RESOURCE PROTECTION

Purpose: This section establishes standards to control potential negative impacts from development on existing resources in recognition that environmentally sensitive and cultural areas have special attributes worthy of retention or special care to:

- *Maintain habitat, open space, and wildlife corridors;*

- *Protect cultural resources;*
- *Provide stormwater management, filtration, flood, and erosion control benefits; and*
- *Protect surface and groundwater quality.*

3.15.A. Generally. Where evidence is presented of an area at risk of being a stream corridor or critical management area as defined herein, but which is not yet so designated by the New Mexico State Engineer, the Board of County Commissioners may solicit the opinions of the New Mexico State Engineer, the New Mexico Bureau of Geology and Mineral Resources, other experts, and Taos County residents, as well as consider any existing Taos County Regional Water Plan, to determine whether such a designation, if proposed by the New Mexico State Engineer, should be supported or disputed by the Board of County Commissioners.

3.15.B. Wetlands

3.15.B.1. **Applicability.** This section applies to development activity on sites that contain wetlands and are in addition to the development standards pertaining to terrain and stormwater management. Wetlands comprise a specific subset of surface waters that meet certain hydrologic, vegetative, and soil criteria.

3.15.B.2. **Regulated Activity**

3.15.B.2.a. Proposed development sites containing wetland areas shall obtain approval and/or applicable permits from the US Army Corps of Engineers. No alteration shall occur in, on, or over a surface water or wetland area or buffer, and no alteration shall occur adjacent to or connected to a surface water or wetland area unless approved and/or permitted by the US Army Corps of Engineers.

3.15.B.2.b. Developments on tracts that contain wetlands shall adhere to all federal, state, and all other governmental regulations or requirements.

3.15.B.2.c. No alteration shall occur in, on, or over a wetland area or buffer, and no alteration shall occur adjacent to or connected to a wetland area, such that the water regime is modified in a way that precludes the area in question from maintaining surface water or hydro period necessary to sustain wetland structure and function equivalent to pre-alteration levels.

3.15.B.2.d. No proposed development may disturb the natural collection of water in a wetlands area or buffer, the source of water for the wetlands area or buffer, or contribute any contamination as a result of construction or development.

3.15.B.2.e. A man-made runoff shall not be allowed in a wetlands area without the prior approval by the US Army Corps of Engineers.

3.15.B.2.f. Proposed development on tracts that contain wetlands shall obtain a New Mexico licensed engineer to certify plans and specifications for all projects, including single-family residences and their accessory uses.

3.15.B.3. **General Criteria.** Each of the following criteria will be met:

3.15.B.3.a. There shall be no net loss of wetland values and functions.

3.15.B.3.b. The project is designed to minimize adverse impacts regarding the conservation of populations of fish, wildlife, or their habitats.

3.15.B.3.c. The project is designed to control and will not cause excessive erosion.

3.15.B.3.d. The project will not adversely impact historic resources or paleontological resources.

3.15.B.3.e. The project does not conflict with any other federal, state, or local designated preserve or conservation area.

3.15.B.3.f. Any structure proposed in, on, or over a water surface is water dependent. If not water dependent, the structure must clearly demonstrate an overriding public purpose.

3.15.B.3.g. The project shall comply with state and local water quality rules and standards.

3.15.B.3.h. The project will not result in cumulative impacts that in the aggregate fail the criteria of this subsection.

3.15.B.4. **Mitigation**

3.15.B.4.a. Mitigation may be permitted for new wetland loss only where the applicant demonstrates that the activity cannot practically be located on the upland portion of the parcel or contiguous parcels under common ownership or control. The applicant must show that one of the following applies:

1. Minimal impact activity;
2. Overriding public interest;
3. All economically viable use of the property is otherwise precluded; or
4. The existing wetlands that are to be converted to upland uses are of minimal function and value based on their size, soils, hydrology, plant and animal life, and that the measures necessary to sustain or restore the existing wetlands would be less feasible than the proposed mitigation plan.

3.15.B.4.b. Development impact area shall not exceed the rate of 1/10 of wetland area, including the footprint of principal and accessory structures and parking, allowing for reasonable access.

3.15.C. Floodplain. In areas of special flood hazard, development shall be in accordance with the Taos County Flood Damage Prevention Ordinance No. 2009-01, as amended, as certified by the County Floodplain Manager.

3.15.C.1. **Floodplain and Elevation Certificate.** All development shall obtain a determination as to whether any property identified in the application is located within a Federal Emergency Management Agency (FEMA)-designated floodplain. If it is determined that the property does lie within the floodplain, the boundaries of the floodplain must be delineated on the project site plan map. Applications shall not be approved by the County until the applicant has completed and received an approved floodplain permit from the Planning Department. The applicant must comply with the provisions of the permit and the Taos County Floodplain Regulations, Taos County Ordinance No. 2009-09, as amended.

3.15.C.2. **Development within a Floodplain.** Subdivisions and developments shall be planned, constructed, and maintained so that:

3.15.C.2.a. Dwellings shall not be located within the one hundred (100)-year floodplain.

3.15.C.2.b. Structures, material deposits, or excavations, alone or in combination with present or future works, shall not adversely affect the capacity of the floodplain.

3.15.C.2.c. Roads are not to be located in the floodplain, unless specifically approved by the New Mexico Department of Transportation, and roads shall not conflict with Section 3.15.C.2.b above.

3.15.C.2.d. Structures with the potential for high flood damage and confining animal shelters shall not be located in the floodplain.

3.15.C.2.e. Existing utilities and proposed utilities shall be free from threat of flood damage.

3.15.C.2.f. The platting of a natural water course with a perpetual easement for facilitating the natural water patterns shall be encouraged or required when deemed necessary.

3.15.D. Water Pollution Hazards. The following land uses and/or activities are designated as potential water pollution hazards and must be set back from any stream or water body by the distance indicated:

Table 3.15.1

Water Pollution Hazards	
Land Use/Activity	**Setback from Water Body**
Drain Fields from On-Site Sewage Disposal and Treatment Systems (i.e., Septic Systems)	100’
Land Application of Biosolids	100’
Subsurface Discharges from a Wastewater Treatment Plant	100’
Storage of Hazardous Substances (including aboveground or underground petroleum storage facilities)	150’
Raised Septic Systems	250’
Confined Animal Feedlot Operations (CAFO)	250’
Solid Waste Landfills or Junkyards	300’

3.15.E. Wildlife Areas

3.15.E.1. **Applicability.** This subsection applies to Major Development Projects, Planned Unit Developments, and Type 1 and 2 Subdivisions where proposed development sites contain areas identified by the New Mexico Department of Game and Fish or the most recently adopted New Mexico State Wildlife Action Plan as a US Fish and Wildlife Service (USFWS) Critical Habitat or a NM Riparian Corridor, including wildlife habitat, natural food sources, migratory bird corridors, nesting areas, wintering areas, wildlife watering sources, riparian areas, wetlands, etc.

3.15.E.2. **Development Standards.** Proposed developments shall preserve or restore identified critical habitat or riparian corridor areas with the following requirements:

3.15.E.2.a. Provide conservation/restoration measures specific to the natural resource on the site to be employed as part of the development proposal. Refer to the New Mexico Wildlife Division for assistance. Strategies might include:

1. Cluster housing development;
2. Tree preservation;
3. Conservation easement;
4. Restoration/daylight buried or culverted streams;
5. Habitat restoration; or
6. Native/pollinator/water-tolerant planting plan.

3.15.E.2.b. Place all proposed accessory structures, septic tanks and drain fields, storage of hazardous waste, and impervious paving outside the wildlife area(s) to be preserved.

3.15.E.2.c. **Provide Riparian Area Buffers (RAB).** Where any Riparian Corridor exists on the development site, a minimum total buffer width of one hundred (100) feet from the top of the stream bank into the development site is required and may include up to three types of zones (see Figure 3.15.).

1. **Buffer Zones.** The Planning Director or designee may approve a reduced buffer width based on the quality and condition of vegetation, animal and plant species, watershed level issues, and adjacent land uses.
   a. Zone 1 (thirty [30] feet) – Protect and preserve existing vegetation and habitat immediately adjacent to the stream.
   b. Zone 2 (twenty [20] feet) – Retain a transition area of native lower vegetation beyond the protected area adjacent to the stream.
   c. Zone 3 (fifty [50] feet) – Maintain or reestablish plantings and pervious materials to allow for filtration of sediment and pollutants from runoff.
2. **Measurement**
   a. For streams, the RAB is measured perpendicular and landward from the top of the streambank.
   b. For ponds, lakes, and reservoirs, the RAB is measured from the normal water level.
   c. The RAB width may be established on an average width basis, with a minimum width of at least 80 percent of the width of each zone required at any measured location.
3. **Maintenance.** The RAB must remain undisturbed in a natural or enhanced state regardless of property size or type of land use, unless the use or activity is listed as exempt.

4. **Uses and Activities within Riparian Area Buffers.** Permitted and prohibited uses within riparian area buffers are established in Table 3.15.2 below, subject to compliance with zoning requirements and the FEMA National Flood Insurance Program and approval by the US Army Corps of Engineers, if applicable. Uses not expressly listed in Table 3.15.2 are not permitted within an RAB.

Table 3.15.2

Riparian Area Buffers			
Use or Activity	**Zone 1 (30')**	**Zone 2 (20')**	**Zone 3 (50')**
Building or Structure	–	–	–
Yards	–	20%	P
Picnic Areas	–	P	P
Walking Trail	–	P	P
Greenways	P	P	P
Landscaped Areas	–	P	P
Wildlife Habitat	P	P	P
Roadway and sidewalk stream crossing	P	P	P
Riprap/Hard armor	C	–	–
Parking Spaces (if they incorporate LID measures and/or pervious paving)	–	–	10%
Water-dependent Uses + Structures	C	P	P
Agricultural Uses	–	–	P

Key:

"P" signifies permitted use.

"C" signifies a conditional use that is subject to the approval of the Planning Director with any conditions that the Planning Director requires for protection of habitat.

"–" signifies prohibited use.

3.15.F. Agricultural Areas. Proposed development located on land currently used for or designated as Agricultural by the County Assessor's office shall make every effort to preserve a significant portion of the proposed development site for agricultural use. "Significant portion" means more than 50 percent of the lot land area. The Planning Director or designee may approve a lesser portion of land area be preserved if it can be demonstrated that the agricultural use is no longer viable or active.

3.15.G. Cultural Properties. To provide for the preservation, protection, and enhancement of structures, sites, and objects of historical significance within the County, pursuant to the Cultural Properties Act [18-6-1 to 18-6-17, NMSA 1978] and in a manner conforming with but not limited by the National Historic Preservation Act of 1996 (P.L 89-665 as amended), the following applies to development sites where cultural resources are known, suspected, or discovered:

3.15.G.1. **Archaeological Report.** Applicants are responsible for obtaining archaeological reports required under the Cultural Properties Act and the National Historic Preservation Act of 1996.

3.15.G.2. **Archaeological Discoveries.** For project sites where cultural resources are discovered during development review or construction:

3.15.G.2.a. A report of any discoveries of cultural remains during development review or construction activities shall be made to the County Planning Department and to the New Mexico Historic Preservation Division.

3.15.G.2.b. Construction activities shall temporarily cease within the area of the discovery that in any way endangers the cultural remains.

3.15.G.2.c. The developer or property owner shall retain a professional archeologist to determine the architectural significance and data potential of the site. The archeological consultant shall prepare a brief report on the findings and submit the report to the New Mexico Historic Preservation Division for review and comment.

3.15.G.2.d. If the site is determined to be significant and to have data potential, then:

1. The archeologist shall determine a buffer area wherein construction activities shall temporarily cease;
2. The developer or property owner shall present a treatment plan to the New Mexico Historic Preservation Division for approval. The treatment plan shall meet minimum requirements as outlined in regulations and guidelines issued by the Cultural Properties Review Committee and State Historical Preservation Division for preparation of research designs for data recovery from archeological sites; and
3. The presence of an archeological site(s) shall be disclosed to potential buyers of lots within a subdivision in order to protect the site and to afford the buyer the opportunity to accept or reject responsibility for the site, which might include restrictions on groundbreaking activities.

3.15.G.3. **Human Remains.** Human remains are considered part of an archaeological record and should be afforded special treatment pursuant to NMSA 1978, §24-11-5 and NMSA 1978, § 30-12-12. If human remains are discovered, any construction activities affecting the remains shall cease and County officials shall be contacted.

Division 2 Subdivision Standards

3.16 GENERAL SUBDIVISION STANDARDS

3.16.A. Generally

3.16.A.1. Subdivision plats must conform to the applicable zoning regulations for the district where the parcel is located.

3.16.A.2. Subdivision standards in this subsection are in addition to the development standards within this section. Wherever there is a discrepancy between minimum standards or dimensions noted herein and those contained in the UDC regulations or other agencies' regulations, the more stringent standards shall apply.

3.16.A.3. Previously approved subdivisions, including those approved under summary review procedures, may not be further divided, unless the final plat of the previously approved subdivision or supporting documentation that is part of the previously approved subdivision includes an express provision for further division of the lots on the final plat, and the number of further divisions shall be limited to the number expressed on the plat, with the exception of a lot line adjustment dealing with the alteration of parcel boundaries as defined and regulated by Section ___ of this code, which may be used within a previously approved subdivision.

3.16.A.4. If the proposed plat is the first or an integral part of an overall large-scale development, then the proposed plat cannot be considered until a Master Development Plan is submitted for Planning Commission approval. The Master Development Plan shall comply with provisions specified in Section 4.__ of these regulations.

3.16.B. Applicability

3.16.B.1. The standards within this section apply to all subdivision types and resubdivisions within the unincorporated land within the County.

3.16.B.2. **Exemptions.** The following are exempt from the standards within this section:

3.16.B.2.a. Those activities listed as exempt under the subdivision definition (*Article IX Definitions & Rules of Interpretation*); and

3.16.B.2.b. **Approved Claims of Exemption, including Claims of Family Exemption.** The Claim of Exemption process is provided in *Article VI Procedures* Section 6.24.

3.17 BLOCKS AND STREETS

3.17.A. Blocks

3.17.A.1. **Block Length.** Block lengths shall adhere to the standards in Table 3.17.1 below.

Table 3.17.1

Block Dimensional Requirements	
Minimum Average Block Length	600 feet
Maximum Block Length	750 feet
Maximum Block Perimeter	2,300 feet

3.17.A.2. **Block Length Exceptions.** The block and street layout for subdivisions shall comply with the block length requirements except in the following situations:

3.17.A.2.a. The Planning Director determines that one or more of the following conditions prevents a through connection and there are no other practical alternatives, and mid-block connections of other facilities are provided through excessive block lengths to provide additional connectivity:

1. Physical obstacles, such as prior platting of property from another landowner;
2. Construction of existing buildings or other barriers;
3. Steep slopes (over 15 percent);
4. Wetlands and water bodies;
5. Utility rights-of-way;
6. Existing limited-access motor vehicle right-of-way; or

3.17.A.2.b. To accommodate parks or dedicated open space, civic uses, or other similar pedestrian-oriented, civic, or large-scale assembly uses which exceed the typical block length.

3.17.A.3. **Block Width.** Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic.

3.17.A.4. **Through-Block Connections.** A pedestrian/bicycle accessway shall be required near the center and entirely across any block in excess of eight hundred (800) feet in length where deemed essential by the Planning Director to provide adequate access to any school, shopping center, church, park, transportation facility (such as a trail, sidewalk, or bike lane), or other community resource. Such connections shall be owned and maintained by an approved homeowners association.

3.17.B. **Streets.** The subdivision street design shall comply with the following regulations.

3.17.B.1. **Generally**

3.17.B.1.a. The Board of County Commissioners shall not approve the grading or construction of roads unless and until the subdivider can reasonably demonstrate that the roads to be constructed will receive use and that the roads are required to provide access to lots or improvements within twenty-four (24) months from the date of construction of the road.

3.17.B.1.b. It is unlawful for a subdivider to grade or otherwise commence construction of roads unless such construction conforms to the schedule of road development directed by the Board of County Commissioners or its designee.

3.17.B.2. **Legal Access.** A subdivision is required to have legal access from a public or private street right-of-way, such as a County Road, or from an easement to an Access Road or other right-of-way.

3.17.B.2.a. **Types of Right-of-Ways**

1. A County Road is any road that is listed on the most current Inventory of County Maintained Roads provided to the State under state statute.

2. Access Roads are those roads that are necessary to access the property within the subdivision and are not County Roads. The subdivider must provide the Planning Department with proof of the subdivider's legal right to use the Access Road and to improve the Access Road in accordance with these road improvement design standards.

3.17.B.2.b. **Requirements**

1. The applicant shall demonstrate legal access to a right-of-way; and

2. The subdivision is required to grade and improve new streets for access according to the standards in this subsection.

3.17.B.3. **Dedication of Roads.** As required by the Planning Department, the subdivider shall dedicate access roads and roads within subdivisions as follows:

3.17.B.3.a. "Dedicated to private use" is an easement or land conveyance granted by the property owner for use by the owners of property within the subdivision and accepted by a Homeowners Association. All roads that are accepted by Homeowners Associations will be maintained under a recorded Road Maintenance Agreement entered into by and between the owners of the subdivision. The agreement shall assess sufficient annual dues to owners so that the shared roads can be properly maintained.

3.17.B.3.b. "Dedicated to public use" is an easement or land conveyance granted by the property owner for use by the public and accepted by a Homeowners Association or Taos County. All roads that are accepted by Homeowners Associations shall be maintained under a recorded Road Maintenance Agreement entered into by and between the owners of the subdivision that is binding on owners and their successors in interest.

3.17.B.3.c. "Dedicated to public use and accepted by the County" is an acceptance of land or easement by the County on behalf of the public for public use.

3.17.B.3.d. "Dedicated to the County and accepted for maintenance" is an acceptance of land or easement by the County on behalf of the public for public use and an acceptance of responsibility to maintain the road.

1. The preliminary plat shall contain a certificate stating that the Board of County Commissioners or a Homeowners Association has accepted, accepted subject to improvement, or rejected, on behalf of the public any land or easements offered for dedication for public use in conformity with the terms of the offer of dedication. If the subdivision is subject to a Road Maintenance Agreement, it shall be filed along with the approved plat. If the dedication is made to a Homeowners Association and accepted, then the Homeowners Association articles and restrictive covenants shall be filed along with the approved plat at the office of the County Clerk. Acceptance of offers of dedication on a final plat shall not be effective until the final plat is filed in the Office of the County Clerk and a resolution of acceptance by the Board of County Commissioners or Homeowners Association is filed in such office.

3.17.B.4. **Adequacy of Roads.** The subdivider shall demonstrate the adequacy of roads serving the subdivision. See Section 3.12.E Transportation Impacts.

3.17.B.4.a. The subdivision design is required to:

1. Provide the appropriate amount of road surface necessary to adequately serve the type and intensity of the proposed uses within the subdivision;
2. Calculate and design roads for future traffic demand according to the vehicle type and anticipated volume; and
3. Provide adequate access for public service vehicles.

3.17.B.4.b. Where the roads serving the subdivision are found to be inadequate, the subdivision application may be denied, or the applicant may be required to improve or contribute to off-site road improvements to provide the adequate level of service.

3.17.B.4.c. **Shared Cost to Improve Access Roads.** It is the intent of these regulations to require subdividers to share in the cost of all improvements to access roads; however, Taos County shall be held harmless in any disputes between subdividers regarding shared costs. To that end, the following requirements shall apply:

1. The first subdivider(s) requiring the use of an Access Road will be financially responsible to improve the road in accordance with the standards set forth in this Section 3.17.B Streets.
2. Any subsequent application for a subdivision that requires the use of any access road that was improved under these regulations must submit proof to the Planning Department that the subsequent subdivider has offered to reimburse the original subdivider, who bore the cost of the improvement of the access road, a proportional amount of that cost, including engineering costs. The proportional amount shall be determined by the number of lots using the access road. For example, if the original subdivision contained ten (10) lots and the cost to improve the access road, including engineering, was $1,000, and the subsequent subdivision contains a total of five (5) lots, then the second subdivider must deliver proof that he or she offered the original subdivider $333 as his or her share of the cost of installation of the access road improvements ($1,000 divided by 15 lots equals $66 times 5 lots for a total of $333 for the 5 lot subdivision).
3. **Access Road Maintenance.** Obligations for maintenance of any access road improved pursuant to these regulations shall be included in the Road Maintenance Agreement required under these regulations.

3.17.B.5. **Road Improvements Requirements.** All roads within the subdivision, and all access roads from County Roads to the subdivision, shall be developed in accordance with the following design standards:

3.17.B.5.a. All plans for road improvements required under this section shall be drawn by a New Mexico licensed engineer at the subdivider's expense and submitted to the Planning Department in accordance with the procedures set forth in *Article XII Submittal Requirements*.

3.17.B.5.b. The arrangement, character, extent, width, grade, and location of all roads within the subdivision shall conform to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed use of the land to be served by such streets.

3.17.B.5.c. The proposed street layout within the subdivision shall be coordinated with the street system of the surrounding areas. All streets must provide plans for the continuation and appropriate projections of principal streets in surrounding areas and provide reasonable means of ingress and egress for surrounding acreage tracts.

1. The arrangement of streets shall provide for the alignment and continuation of existing or proposed streets onto adjoining lands where the adjoining lands are undeveloped and deemed appropriate for future development or are developed and include the opportunities for such connections.
2. Street rights-of-way shall be extended to or along adjoining property boundaries such that a street connection or street stub shall be provided for development where practicable and feasible in each direction (north, south, east, and west) for development that abuts vacant lands.
3. The final plat shall identify all stub streets and include a notation that all street stubs are intended for connection with future streets on adjoining undeveloped or underdeveloped lands.
4. Stub streets that exceed 150 feet in length shall include a turn-around that shall be removed when the stub street is connected.

3.17.B.5.d. Streets and alleys shall be arranged to minimize hardship to the owners of the adjoining property and offset streets shall be avoided.

3.17.B.5.e. The dedication of half streets at the perimeter of a new subdivision is prohibited. If circumstances render the dedication of full street right-of-way impracticable, then adequate provisions for the concurrent dedication of the remaining half shall be provided by the proposed development.

3.17.B.5.f. Where a proposed residential subdivision contains lots abutting or adjacent to a major highway, it shall be planned to prohibit having driveways entering or exiting on the highway.

3.17.B.5.g. Subdivisions shall be laid out to have a minimum number of street intersections with highways. Such intersections shall be designed according to Department of Transportation Traffic Design Standards. The "sight distance" at any intersection must provide for adequate "stopping distance." Where the subdivision contains or is adjacent to a state or federal highway, the subdivision must satisfy the New Mexico Department of Transportation guidelines for land subdivision.

3.17.B.5.h. Roads shall be located, aligned, and designed to:

1. Preserve natural features, vegetation, and topography and protect the natural environment;
2. Protect public health and safety;

3. Require the appropriate amount of road surface necessary to adequately serve the type and intensity of the proposed uses within the subdivision, calculating future traffic demand according to the vehicle type and anticipated volume, and providing adequate access for public service vehicles;

4. Provide to the extent feasible, for the separation of motor vehicle, bicycle, and pedestrian traffic;

   a. Type I and Type II Subdivisions are required to provide sidewalks (thirty-six [36] feet minimum width) on at least one side of each road internal to the subdivision.

   b. Where bicycle or pedestrian facilities are provided internal to the subdivision, they must connect to adjacent external bicycle or pedestrian facilities, open space, or recreation facilities where they exist.

5. Install proper signs, i.e., stop, yield, pedestrian crossing, speed limits, bus stops, street signs, or any other needed signs;

6. Provide for proper revegetation for cut and fill slopes; and

7. Provide proper drainage for protection against erosion of roads and road surfaces.

3.17.B.5.i. Culvert size shall be based on at least a fifty (50)-year storm. Road overflow sections will only be permitted when they are in accordance with good engineering practices.

3.17.B.5.j. No street grade shall be less than 0.5 percent. Grades approaching intersections shall not exceed 5 percent, for a distance of not less than fifty (50) feet each way from each intersection.

3.17.B.5.k. **Curve Radii and Super Elevation.** Vertical and horizontal curves and the super elevation of the horizontal curves shall conform to the requirements set forth in the American Association of State Highway Officials publication "A Policy on Geometric Design of Rural Highways."

3.17.B.5.l. **Intersections.** No intersection angle shall be less than seventy (70) degrees. No two opposing street intersections shall be less than 125 feet between centerlines.

3.17.B.5.m. **Cul-de-sacs (dead-end streets).** Permanent cul-de-sacs shall be no longer than one thousand (1,000) feet and shall be provided at the closed end with a turnaround having an outside roadway diameter of at least fifty (50) feet and a street property line diameter of at least fifty (50) feet.

3.17.B.5.n. All streets and roads shall be named and signed in compliance with County Addressing Ordinance (2017-1).

3.17.B.5.o. Subdivision roads will be designed according to the dimensional specifications in *Table 3.17.2 Subdivision Road Specifications*.

Table 3.17.2

Subdivision Road Specifications									
Type of Subdivision	**Right-of-Way Width** **See note 3**	**Driving Surface Width**	**Maximum Grade** **See note 5**	**Design Speed MPH**	**Compacted Subgrade (inches) Pit Run** **See note 6**	**Compacted Basecourse (inches) Crushed Aggregate See note 6**	**Surface Course** **See note 7**	**Roadfill Construction Material** **See note 2**	**Type of Road-way**
TYPE ONE 500 or more Parcels, less than 10 acres	70 ft.	24 ft.	12%	35 MPH	6 inches	6 inches	2 inches Hot Mix	SEDILLO or other compar-able material	A
TYPE TWO 25 to 499 Parcels, less than 10 acres	70 ft.	24 ft.	12%	25 MPH	12 inches	6 inches	2 inches Hot Mix	SEDILLO or other compar-able material	B
TYPE THREE 6 to 24 Parcels, less than 10 acres	50 ft.	20 ft.	12%	25 MPH	6 inches	6 inches	N/A	SEDILLO or other compar-able material	C
TYPE FOUR 25 or more Parcels, 10 acres or more	50 ft.	22 ft.	12%	25 MPH	6 inches	6 inches	N/A	SEDILLO or other compar-able material	C
TYPE FIVE 2 to 24 Parcels, 10 acres or more	50 ft.	22 ft.	12%	25 MPH	6 inches	6 inches	N/A	SEDILLO or other compar-able material	C
SUMMARY REVIEW 5 parcels or less See note 4	40 ft.	20 ft.	12%	25 MPH	6 inches	6 inches	N/A	SEDILLO Or other compar-able material	D

NOTES:

1. See also the following Cross Section of Roadway for Type One, Two, Three, Four, Five, and Summary Review Subdivisions.

2. The analysis of the soil survey shall conform to the standards of the New Mexico Department of Transportation (NMDOT).

3. Easement for ingress/egress and utilities.

4. The Planning Director may, in his or her discretion, approve an eighteen (18)-foot road for one (1) or two (2) parcels accessed at a dead end, so long as a forty (40)-foot easement is maintained.

5. Or as approved by the Fire Marshal having jurisdiction.

6. Or as determined by a New Mexico licensed engineer.

7. The requirement for paved road(s) shall only apply to those roads that intersect with an already-existing paved road or as deemed appropriate by the Planning Director.

3.17.B.6. **Access for Emergency Vehicles**

3.17.B.6.a. All roadways and access shall be subject to the provisions of the International Fire Code and to the policy established by the Fire Marshal having jurisdiction.

3.17.B.6.b. The subdivision shall include a fifty (50)-foot turning circle, a hammerhead turn, or an equivalent turnout every one thousand (1,000) feet along main access roads and a fifty (50)-foot diameter cul-de-sac at the end of any dead-end road within the subdivision, to accommodate fire apparatus and emergency vehicles.

3.17.B.7. **Sight Distance Easements at Intersections.** (See Section 3.2 Dimensional Standards F. Sight Triangle Area)

3.17.B.7.a. **Required Sight Distance Easement.** Sight distance easements shall be in accordance with the requirements of NMDOT where applicable or the standards set forth in Section 3.2 Dimensional Standards F. Sight Triangle Area.

3.17.B.7.b. **Identification on Plat.** Triangular sight distance easements at all public and private street intersections shall be shown in dashed lines and so noted on the Final Plat.

3.17.B.7.c. **Maintenance.** These easements must remain free of all structures, trees, shrubbery, driveways, and signs, except utility poles, fire hydrants, and traffic-control devices.

3.17.B.8. **Road Maintenance Agreement.** Except when roads have been accepted for maintenance by Taos County, the maintenance of all roads within the subdivision, and access roads where applicable, shall be governed by a Road Maintenance Agreement prepared by the subdivider. The agreement shall require payment of sufficient dues from the owner of every lot within the subdivision to provide for adequate and continuing maintenance of the roads. The form of the Road Maintenance Agreement shall be subject to approval by the Planning Director.

3.18 LOTS

3.18.A. Limitation on Subdivision.

A lot that does not meet the minimum development regulations of a zone shall not be subdivided to create more lots.

3.18.B. Legal Access

3.18.B.1. The subdivision shall provide legal access to each lot. The documentation required to make this demonstration shall be in the form of a recorded legal conveyance of real property or rights in real property or a court order.

3.18.B.2. All lots created under this section shall be provided with adequate access for ingress and egress, utility service, fire protection, and emergency services whether by a road meeting County requirements constructed within an easement and utility easement or by direct access to a public right-of-way.

3.18.B.2.a. Provisions of easements may also be accomplished by contiguous access easements along the property line of adjacent parcels or lots, which when added together, provide the total required width.

3.18.C. Lot Merger

3.18.C.1. Contiguous parcels that are owned by a single owner shall not be required by the Board of County Commissioners to be merged into one parcel if:

3.18.C.1.a. Each of the contiguous parcels:

1. Is shown on the official plat map of the County; or
2. Was created by a deed or survey recorded in the Office of the County Clerk; or

3.18.C.1.b. The chain of title to the contiguous parcels clearly demonstrates that the parcels have been considered separate prior to transfer into common ownership; and

3.18.C.1.c. The owner of the contiguous parcels has taken no action to consolidate the parcels.

3.18.C.2. Nothing in this section limits the Board of County Commissioners, pursuant to notice and public hearing, from requiring consolidation of contiguous parcels in common ownership for the purpose of enforcing minimum zoning or subdivision standards on the parcels. Notice of such public hearing shall be communicated by written notice to the owner(s) of the land that is proposed to be merged, via certified mail, return receipt requested, as well as by publication twice in a newspaper of general circulation in Taos County, the first notice being published at least twenty-one (21) days before the hearing date.

3.18.D. Adequate Building Site. Each lot shall contain a building site suitable to meet the zoning district standards for lot size, density, and setbacks provided in *Article II Zoning Districts*.

3.18.D.1. **Multifamily Residential and Other Planned Developments.** In a conditional zoning district, the Board of County Commissioners may approve a multifamily, group housing, or other unified and planned development, including unified design and construction of units together with necessary drives and ways of access. The design of the project does not need to include standard streets, lots, and subdivision arrangements, if the departure from these standards can be made consistent with their intent.

3.18.D.2. **Cluster Housing Subdivision.** All minimum lot size requirements are subject to adjustment under the cluster housing development standard that permits reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision or increase in overall density, and the remaining land area is devoted to open space, active recreation, or preservation of environmentally sensitive areas or agriculture.

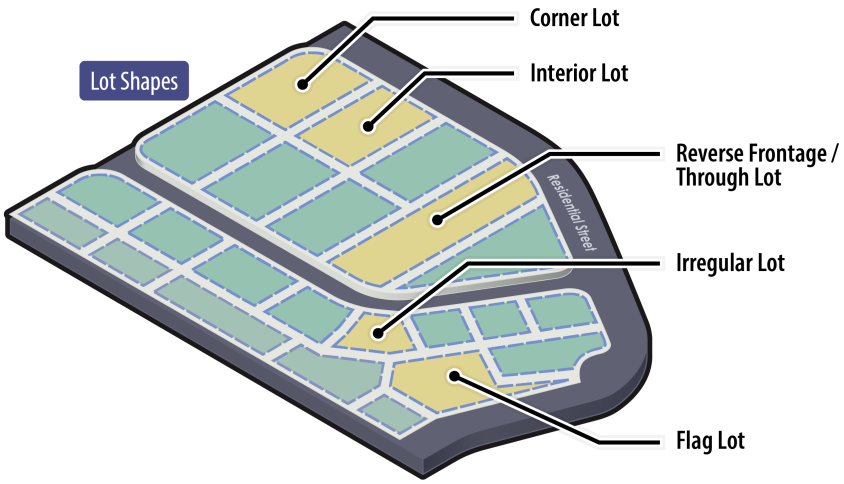
3.18.E. Lot Arrangement. To the greatest extent practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines.

3.18.E.1. **Cul-de-Sac Lots.** Lots located on a cul-de-sac must be at least thirty (30) feet in width at the front lot line. The zoning district minimum lot width must be met at the front setback required for the district.

3.18.E.2. **Corner Lots.** Corner lots may be required to have greater area to allow for adequate sight triangle visibility or sight easements required by the NMDOT.

Figure 3.18.1

Taos County Irregularly Shaped Lots



3.19 OTHER IMPROVEMENTS

3.19.A. Monuments and Lot Markers

3.19.A.1. **Corner Monuments.** All corners of all lots and blocks within a subdivision shall be permanently marked with metal stakes in the ground in accordance with minimum standards for surveying in New Mexico.

3.19.A.1.a. Monuments and lot markers must be set prior to submittal of the Final Plat so that all necessary inspections may be made by the various agencies involved in the review of the subdivision.

3.19.B. Subdivision Name. The proposed name of a subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivisions in the County's jurisdiction. The Planning Commission shall have final authority to approve or deny the name of the subdivision, which shall be determined at preliminary plat approval.

3.19.C. Open Space

3.19.D. Overflow Parking

3.19.D.1. **Applicability.** Type 1 and Type 2 Subdivisions are required to provide additional parking for overflow and visitors.

3.19.D.2. **Requirement.** Subdivisions shall provide one additional parking space for every five (5) dwelling units in a separate lot for overflow parking.

3.19.D.3. **Location.** Overflow parking lots shall be interspersed throughout the subdivision. At least one parking lot provided must be located within five hundred (500) feet of all residential lots in the subdivision.

3.19.D.4. **Design.** Parking lot design must conform with Section 3.13 Parking & Loading, Section 3.12 Access & Circulation, and Section 3.8 Landscape & Vegetation as applicable.

3.19.E. Terrain Management. The subdivision shall be designed to provide for adequate terrain management according to the standards in Section 3.7 Terrain & Stormwater Management.

3.19.E.1. If the subdivision is located in an area where there are slopes of 20 percent or greater, the subdivision shall be designed to provide for adequate terrain management according to the standards in Section 3.8 Development on Steep Slopes (greater than 20 percent) and Ridgelines.

3.19.F. Fire Protection. Adequate fire protection for the subdivision shall be provided as follows:

3.19.F.1. **Water Supply for Firefighting.** On-site water for firefighting shall be provided unless the subdivider can demonstrate to the Fire Marshal having jurisdiction that each of the lots within the subdivision has the right to use a water supply of sufficient capacity (at least thirty thousand [30,000] gallons) for firefighting that is located within one mile of the subdivision boundary closest to the supply. In the event that no such supply is available, the subdivider shall install a water tank of sufficient capacity for firefighting in accordance with specifications approved by the Fire Marshal having jurisdiction. Every application for drilling a water well made to the New Mexico Office of the State Engineer shall list water for fire protection as part of the application and include a map depicting all storage tanks to be used for fire protection.

3.19.F.1.a. **Hydrant and Hose Fittings.** All water supplies to be used for firefighting shall be equipped with a hydrant with hose fittings that will accommodate the hoses that are used by the fire department where the subdivision is located.

3.19.F.1.b. **Shared Cost to Install Water Supply and Storage.** These regulations require subdividers to share in the cost of the installation of water supply and storage for the purposes of firefighting. Taos County shall be held harmless in any disputes between subdividers regarding shared costs. The following requirements apply:

1. The first subdivider who is required to install a water supply tank for firefighting will be financially responsible for the installation and all associated costs. Any subsequent application for a subdivision that is located within a one (1)-mile radius of the previously installed water supply and storage that proposes to use that water in order to comply with these regulations, must submit proof to the Planning Department that the subsequent subdivider has agreed to pay the original subdivider, who bore the cost of the installation of the water supply and storage, a proportionate amount of that cost. The proportionate amount shall be determined by the number of lots using water. For example, if the original subdivision contained ten (10) lots and the cost to install the water supply and storage was $1,000, and the subsequent subdivision contains a total of five (5) lots, then the second subdivider must deliver proof that he or she offered the original subdivider $333 as his or her share of the cost of installation. ($1,000 divided by 15 lots equals $66 times 5 lots for a total of $333 for the 5 lot subdivision.)

2. All on-site water storage for firefighting will be maintained under a recorded Maintenance Agreement that binds all owners and successors in interest of lots within the subdivision where the water storage is located, and any other property owners who have the right to use the water for fire suppression. The Maintenance Agreement shall require payment of sufficient dues in order to properly maintain the water storage to ensure that it is filled and in working order at all times. The agreement shall also indemnify the County from any liability associated with the maintenance of the water supply.

3.19.F.1.c. **Sprinkler System.** Any subdivision located in an area that can only be accessed by a road containing grades in excess of 12 percent, where such grades extend for five hundred (500) linear feet and are located in a forested area, must include a restrictive covenant requiring all residences in the subdivision to be equipped with an interior sprinkler system with sufficient pressure and supply for fire suppression.

3.19.F.1.d. **Maintenance Agreement.** Should it be deemed necessary for the subdivision to provide fire suppression water storage tank(s), hydrant and fire hose fittings, the subdivider shall provide the Planning Department with a Maintenance Agreement to be recorded with the Taos County Clerk, which agreement will bind all owners of property who have the right to use the water for fire suppression and their successors in interest.

1. The Maintenance Agreement shall require payment of sufficient dues to properly maintain the water storage system and to ensure that it is filled and in working order at all times.

2. The agreement shall also indemnify the County from any liability associated with maintenance of the water storage system and water supply.

3.19.F.2. **Fire Prevention Plan.** A fire prevention plan shall be provided for review by the local fire department. The fire prevention plan will address defensible space, vegetation management, water supply, access, building ignition, fire-resistance factors, and fire protection systems and equipment.

3.19.F.3. **Wildland Urban Interface Areas (WUI).** Any subdivision located in whole or in part of a Wildland Urban Interface Area, shown on the Taos County Wildland Urban Interface Area Map, shall be required to comply with the standards in Section 3.14 Fire Protection & Prevention for WUI).

3.19.G. Cultural Properties. The subdivider shall contact the State Historic Preservation Division to determine whether properties entered into the State Register of Cultural Properties are within the boundaries of the proposed subdivision.

3.19.G.1. If there are no such properties, a copy of the letter to that effect from the State Historic Preservation Division shall be provided in the application packet for subdivision approval; or

3.19.G.2. If any such properties exist within the boundaries of the proposed subdivision, a copy of the letter to that effect from the State Historic Preservation Division shall be provided in the application package for subdivision approval. Taos County will then consult with the Historic Preservation Division pursuant to the Cultural Properties Act, NMSA 1978, Section 18-6-1 through 18-6-17.

3.19.G.3. A cultural resource survey shall be prepared by a professional archeologist holding a current New Mexico Archeological Survey Permit, to determine if significant archeological sites are identifiable prior to commencement of construction. If significant archeological sites are identified in the cultural resource survey, the requirements of *Section 3.1.E Cultural Properties* shall be met by the subdivider.

3.19.H. Off-Site Improvements. If the Planning Director or Planning Commission determines that it is necessary for health, safety, or welfare reasons, the applicant may be required to construct improvements to existing off-site facilities or to construct planned facilities or portions of planned facilities which can provide relief to existing facilities. The purpose of requiring such improvements is to assure that such facilities which may be negatively impacted, either individually or cumulatively, by the addition of new development, will function efficiently. For the purposes of this section, off-site facilities include, but are not limited to, water systems and sewer systems.

3.20 UTILITIES

3.20.A. Generally

3.20.A.1. **Underground Utilities.** All utilities will be buried a minimum of twenty-four (24) inches below grade.

3.20.A.2. **Utility Easements.** The subdivision shall contain adequate and legal utility easements to each lot.

3.20.B. Water. No water usage limitation contained in this section shall affect any surface water rights that attach to any lot with the subdivision.

3.20.B.1. **Maximum Water Use.** The maximum annual water usage of the subdivision shall conform with the following limitations:

3.20.B.1.a. For each lot within the subdivision, the maximum annual water usage will be 0.5 acre-feet per lot. All commercial subdivisions will prepare an annual

water budget in accordance with the Office of the State Engineer standards and in accordance with the limitations set forth in these regulations.

3.20.B.1.b. In Critical Management Areas and Stream Corridor Areas, water use may be further limited from the standards set forth herein. In areas where groundwater would be supplied from geologic formations that yield minimal amounts of water, i.e., less than three (3) gallons per minute, use may be further limited from 0.50 acre-feet per lot. In areas where the seasonal high-water table is four (4) feet or less, use may be further limited from the 0.50 acre-feet per lot.

3.20.B.1.c. In areas where the seasonal high-water table is four (4) feet or less, Taos County may reject the application or require larger lot sizes, less density as in cluster housing, or a community water system.

3.20.B.2. **Water Availability.** The proposed subdivision shall have a sufficient source of water to meet the fully developed needs of the subdivision for a period of fifty (50) years as demonstrated in a Water Availability Assessment. In addition, the following limitations apply:

3.20.B.2.a. In areas where groundwater would be supplied from geologic formations that yield minimal amounts of water, i.e., less than three (3) gallons per minute, fail to recover from pump tests, experience seasonal depth to water, or experience excessive draw downs, the County may reject the application, require larger lot sizes, require that water availability be proven for every well to be used, or require a community water system.

3.20.B.2.b. In areas where the seasonal high-water table is four (4) feet or less, the County may reject the application, or require larger lot sizes, less density as in cluster housing, or require a community water system.

3.20.B.2.c. In areas within a Critical Management Area or Stream Corridor Area, where each lot will be served by one (1) individual well or two (2) or more lots will share a domestic well, the subdivider shall obtain, prior to the approval of a proposed subdivision by the Board of County Commissioners, a valid water right from within the Critical Management Area or Stream Corridor Area that changes the place or purpose of use of the water to offset depletions within the area.

3.20.B.2.d. If the analysis of the historical runoff record indicates possible shortages in the projected water supply available for the subdivision requirements, the subdivider shall provide for either storage or a supplemental groundwater supply sufficient to meet the shortage.

3.20.B.3. **Water Quality.** The water supply of the subdivision shall meet all applicable environmental standards and shall be of an acceptable quality for human consumption and sufficiently protected from contamination. This demonstration must be provided to the Planning Department in the form of data derived from professional water quality testing and a written assessment by a qualified professional regarding the water quality and protection of the water supply from contamination.

3.20.B.4. **Water System Requirements.** All water supply systems shall conform to appropriate regulations of any governmental agency having jurisdiction.

3.20.B.4.a. **Water Conservation Measures.** The water conservation measures as required below shall be included in the subdivision disclosure statement, covenants, and deed restrictions.

1. All subdivisions shall contain covenants requiring use of plumbing fixtures that conform to the Uniform Plumbing Code, and any other applicable regulations.
2. Where water pressure at the customer service connection exceeds eighty (80) pounds per square inch (psi), a pressure-reducing valve shall be installed.

3.20.B.4.b. **Community Water Systems**

1. **Applicability.** The regulations in this section shall apply to:
   a. Type I and Type II subdivisions in which the smallest parcel is less than five (5) acres;
   b. Subdivisions of 25-99 lots of three (3) acres or less; and
   c. Subdivisions of 100+ lots of five (5) acres or less.
2. Requirements. A community water system shall be required according to Table 3.20.1 Required Improvements for Community Water Systems, unless otherwise determined by the Water Availability Assessment.

Table 3.20.1

Required Improvements for Community Water Systems by Lot Size				
Number of Lots	**Less than .75 acre**	**.75 acre to 3 acres**	**3 to 5 acres**	**More than 5 acres**
2-5	–	–	–	–
6-24	–	–	–	–
25-99	A	A	–	–
100+	A & B	A & B	A	–

Notes: A = Community Water Systems B = Community Liquid Waste Disposal System

   a. The utility shall be ready, willing, and able to provide the maximum annual water requirements for the subdivision for at least fifty (50) years.
   b. The subdivider shall provide water rights where required by the utility.
   c. The quantity of water presently produced annually, quantity of water supply commitments to date, and water rights shall be sufficient to meet the existing commitments and requirements of the proposed subdivision for a period of no less than fifty (50) years.
   d. Size and capacity of the water system components shall be sufficient to meet the capacity and water requirements of the proposed subdivision.
3. **Existing Community Water Systems.** For existing community water systems, the subdivider shall provide a copy of a water right permit issued by the Office of the State Engineer for sufficient surface or groundwater to meet the maximum annual water requirement of the proposed subdivision.
4. **Well Shares**

a. **Applicability.** For subdivisions where the source of water will be domestic wells permitted pursuant to Section 72-12-1, shared well systems shall be required for all parcels containing three (3) acres or less.

b. **Requirements.** Shared wells shall be in accordance with the following standards:

i. The maximum number of lots to be served by one well shall not exceed six (6). The determination of the number of lots to be served by a single well will be dependent upon the topography of the subdivision, water availability, and the size of the lots within the subdivision. At the discretion of the Planning Director and, to the extent practicable, shared wells will serve the greatest number of lots up to six (6) lots.

ii. The subdivider shall drill the well that will serve each cluster of homes, install the pump and pressure tank, and water distribution line to the pump and pressure tank, and water distribution line to the perimeter of each lot.

iii. All shared wells shall be governed by a shared well agreement. All shared wells shall be metered. Land and water use covenants and restrictions prepared by the subdivider shall stipulate that lot purchasers in each cluster of homes will be entitled to use the maximum portion allowable under these regulations of the permitted water right associated with each well; and lot purchasers will be responsible for the assessment and collection of fees, and the operation and maintenance of the water system.

3.21 WASTE DISPOSAL

3.21.A. Generally

3.21.A.1. **Underground Utilities.** All utilities will be buried a minimum of twenty-four (24) inches below grade.

3.21.A.2. **Utility Easements.** The subdivision shall contain adequate and legal utility easements to each lot.

3.21.B. Liquid Waste. The subdivision shall contain adequate liquid waste disposal based on the use, and number, density, and size of lots.

3.21.B.1. **Community Liquid Waste System**

3.21.B.1.a. **Applicability.** A community waste system is required for:

1. Type I Subdivisions with lots or lot densities less than three (3) acres per lot; and
2. Type II Subdivisions with lots or lot densities less than three (3) acres per lot.

3.21.B.1.b. **Requirements**

1. Installation of all liquid waste disposal systems shall conform to appropriate regulations of any governmental agency having jurisdiction;

2. Documentation of approval for the discharge from a community liquid waste disposal system from the New Mexico Environment Department; and

3. The cost of the system must be part of an Agreement to Assure Completion of Infrastructure with Taos County prior to recording the final plat or a system construction permit being issued.

3.21.B.1.c. **Existing Community Liquid Waste System**

1. **Applicability.** Taos County recommends connecting to an existing community waste disposal system whenever possible. Development or construction on lots within four hundred (400) feet of a public liquid waste disposal system should be connected to that public system, provided easements are available.

2. **Requirements.** The design of the connection shall be approved by the public waste disposal system authority and the New Mexico Environment Department.

3.21.B.2. **Individual Liquid Waste System**

3.21.B.2.a. **Applicability.** These standards apply where the subdivider proposes individual liquid waste disposal systems.

3.21.B.2.b. **Requirements**

1. New Mexico Environment Department lot size requirements shall be met.

2. For any lot with a capacity and expected waste discharge of less than two thousand (2,000) gallons per day, a liquid Waste Disposal Permit issued by the New Mexico Environment Department must be submitted by the applicant prior to issuance of preliminary plat approval.

3. If septic location is known, septic tanks shall be noted with adequate access to accommodate vehicles transporting septage.

4. Setbacks are required according to Table 3.21.1 below.

Table 3.21.1

Setback Distances for Individual Liquid Waste Systems		
Object	**Required Minimum Setback Distance (feet)**	
	Treatment Unit	Disposal System
Individual Water Supply	50	100
System Source		
Public Water Supply	100	200
Edge of Watercourses Except Canals and Arroyos	50	100
Edge of Unlined Canals and Arroyos	15+ depth of channel	25+ depth of channel
Edge of Lined Canals	10+ depth of channel	10+ depth of channel
Public Lakes	50 (A)	100 (A)

Notes: (A) Setback distance to artificially controlled lakes and reservoirs is measured from the closest projected shoreline at the maximum controlled water level.

3.21.C. Solid Waste. The subdivision shall provide adequate solid waste disposal based on the use, and number, density, and size of lots.

3.21.C.1. **Existing Solid Waste Collection Service**

3.21.C.1.a. The ability for a subdivision to meet this requirement using existing services is subject to availability of solid waste collection and disposal service verified by the solid waste collection service.

3.21.C.1.b. The existing service facility must be within a thirty (30)-mile travel distance from the center of the subdivision.

3.21.C.2. **Solid Waste Disposal & Recycling Requirements**

3.21.C.2.a. The subdivision shall have a plan for disposal of solid waste at an approved solid waste disposal facility.

3.21.C.2.b. Recycling shall be encouraged within the subdivision with appropriately sized and located facilities and services provided.

3.21.C.2.c. Communal solid waste collection points may be established for subdivisions that include townhouses, compact lots, or are nonresidential. Where such facility is provided, no sublot shall be located more than five hundred (500) feet from the most distant solid waste collection point.

3.21.C.3. **Screening.** Communal and nonresidential solid waste facilities are required to be screened according to Section 3.4 Fences & Screening.

3.22 SPECIAL SUBDIVISION TYPES

3.22.A. Generally

3.22.B. Mobile Home Subdivision. The following requirements shall apply to all mobile home subdivisions in addition to the standards set forth in *Article III Development Standards*:

3.22.B.1. **Minimum Lot Size.** Minimum lot size requirements set forth in these regulations are waived for purposes of mobile home park subdivisions. Other dimensional standards or requirements set forth in *Article II Zoning Districts* and *Article IV Supplemental Use Regulations* shall apply to mobile home park subdivisions.

3.22.B.2. **Design Standards.** All mobile home parks shall comply with the design standards as follows:

3.22.B.2.a. Location of the mobile home park shall be on a well-drained site, properly graded to ensure rapid drainage of the site.

3.22.B.2.b. Lots throughout shall be well-defined and delineated.

3.22.B.2.c. Each mobile home shall be supported in such manner as provided in the rules and regulations specified by the New Mexico Mobile Housing Commission.

3.22.B.2.d. **Density.** A mobile home park subdivision shall be limited to a maximum of eight (8) mobile home spaces per acre.

3.22.B.2.e. **Setbacks.** Location of mobile home on each lot to provide:

1. A twenty (20)-foot minimum clearance between the mobile homes;
2. A ten (10)-foot minimum setback from any mobile home lot line or from any building on any adjacent property within the park, including small individual storage units, or other structures such as porches or portals or any property line of the park which does not abut upon a public street or highway;
3. A twenty-five (25)-foot minimum setback from any property line of the park abutting a public right-of-way, or other distance as may be established by ordinance or regulation as front yard setback with respect to conventional buildings in the district in that the mobile home park is located.
4. For the purpose of this section, the distance between mobile homes must be calculated to include any porch, attached room or deck, or any similar addition or improvement.

3.22.B.2.f. **Parking Requirement.** Two (2) off-street parking spaces for each mobile home lot shall be provided. Parking spaces shall be paved or graveled.

3.22.B.2.g. **Pedestrian Connectivity.** Walkways shall be provided from each mobile home lot to all common areas within the mobile home park. Walkways shall be not less than thirty-six (36) inches in width and constructed of hard surface material (e.g., concrete, asphalt, brick, or flagstone).

3.22.B.2.h. A step pad located adjacent to the mobile home shall be provided and constructed of hard surface material (e.g., concrete, asphalt, brick or flagstone).

3.22.B.2.i. **Lighting.** All mobile home parks shall meet the requirements of Section 3.11 Outdoor Lighting Standards.

3.22.B.2.j. **Street Design.** Public dedicated roads shall meet all right-of-way requirements and subdivision design standards set forth in *Article III Development Standards*.

1. Entrance roadways to the mobile home subdivision shall be designed in accordance with current traffic engineering criteria and shall be subject to the approval of the Planning Director.

3.22.B.2.k. **Landscape & Screening.** The perimeter of the mobile home subdivision and any open spaces within the subdivision shall be landscaped with a Type C buffer and fenced (six [6] feet minimum).

3.22.B.2.l. **Accessory Structures.** Service buildings, if provided, shall comply with the standards prescribed by *Article IV Supplemental Use Standards* and Taos County building standards for Accessory Structures.

3.22.B.2.m. **Maintenance.** All service buildings and common areas of the mobile home park subdivision shall be maintained in a clean condition and kept free of a condition or conditions that might endanger the health and safety of any occupant and the public.

3.22.B.2.n. **Fire Protection**

1. Mobile home lots and subdivision site musts meet the requirements of Section 3.19.F Fire Protection as applicable.

2. Any mobile home must be skirted with fire-resistant materials with at least a one (1)-hour fire rating.

3.22.B.3. **Disclosure Statement.** Prior to renting, leasing, or selling any lot within a mobile home park subdivision, the developer shall provide the prospective tenant, lessee, or purchaser with the required written disclosure statement in order that the prospective tenant, lessee, or purchaser may make an informed decision whether or not to rent, lease, purchase, or otherwise accept a conveyance of the lot(s) in the mobile home park subdivision.

3.22.C. Cluster Housing Subdivision. Clustered Housing is a form of development that permits reduction in lot area and bulk requirements so that homes may be built closer together to preserve land area, provided there is no increase in the number of lots permitted under a conventional subdivision or increase in overall density. The remaining land area is required to be used as open space, active recreation, or preservation of environmentally sensitive areas or agriculture. The following requirements shall apply to all cluster housing subdivisions in addition to the standards set forth in *Article III Development Standards*:

3.22.C.1. Clustered Housing developments are subject to all the requirements of Division 2 Subdivision Standards.

3.22.C.2. **Dimensional Requirements.** Cluster Housing developments are expressly allowed without requiring variance approval for minimum lot sizes or zoning dimensional requirements.

3.22.C.2.a. **Lot Size.** No minimum lot size.

3.22.C.2.b. **Setbacks.** Lots shall be adequate to provide for minimum setbacks and any required infrastructure or fire and building code requirements.

1. Front yard setback (minimum): five (5) feet.

2. Side yard setback: None required. Structures may be placed as close together as allowed by state building and fire codes.

3.22.C.3. **Open Space Requirement.** At least 45 percent of the subdivision land area is required to be set aside as commonly held and accessible open space. Required perimeter setbacks, buffers, or resource protection areas may be included in the required open space area. The open space area must include one or a combination of the following uses:

3.22.C.3.a. Passive open space;

3.22.C.3.b. Active recreation space;

3.22.C.3.c. Environmental conservation area (e.g., riparian area buffer, habitat, tree preservation, wetland); or

3.22.C.3.d. Agriculture.

3.22.C.4. **Open Space Connectivity**

3.22.C.4.a. At least 50 percent of the proposed open space shall consist of a contiguous area.

3.22.C.4.b. The open space should adjoin any neighboring areas of open space on other parcels whenever practicable.

3.22.C.5. **Conservation Open Area Requirements**

3.22.C.5.a. A person may not perform grading and land clearing operations in the areas reserved for environmental conservation.

3.22.C.5.b. Violation of this provision will result in the denial of approval for a cluster subdivision and will require the subdivision to use the other subdivision types available in this UDC.

3.22.C.6. **Identification of Open Space.** The required open space areas shall be identified on the recorded plat. Unless accessible to the public, required open space shall be permanently set aside for the sole benefit, use, and enjoyment of present and future occupants of the development. Applicants shall demonstrate ownership of open space, as well as to identify a mechanism for permanently restricting development acceptable to the Planning Department (e.g., conservation easement, deed restrictions, conditions, or restrictions in CC&Rs).

3.22.C.7. **Open Space Maintenance.** The applicant shall identify and establish an organization for ownership and maintenance of the required open space. The organization shall not be dissolved and shall not dispose of the required open space, by sale or otherwise, except to an organization conceived and established to own and maintain the open space as required and for the benefit of the development.

3.22.C.8. **Buffers**

3.22.C.8.a. A perimeter buffer Type C is required along the entire project boundary.

3.22.C.8.b. Perimeter buffer area may count toward the required open space area.

3.23 IMPROVEMENT GUARANTEES

3.23.A. Applicability. This section applies to all subdivision types.

3.23.B. Improvement Requirements. The subdivider shall install and construct all improvements required by these regulations in the manner and to the design standards provided in these regulations. Before the construction of any improvements, or the submission of any bond or other improvement guarantee, the subdivider shall furnish the County with all plans necessary for the construction of such improvements. These plans shall be reviewed by the County Planning Director and, if in accordance with these regulations, shall be approved by the County, allowing the subdivision development to proceed.

3.23.C. Agreement to Assure Completion of Infrastructure. If the subdivider wishes to obtain final plat approval for the subdivision prior to completing all the improvement requirements under these regulations, the County may enter into an Agreement to Assure Completion of Infrastructure with the subdivider. This agreement shall constitute a binding contract between the subdivider and the County and shall be based on the form "Agreement to Assure Completion of Infrastructure."

3.23.C.1. The agreement shall be secured by bond, letter of credit, escrow deposit, or other method acceptable to the County in an amount not less than 110 percent of the estimated cost of the required improvements.

3.23.C.2. A New Mexico licensed engineer shall complete the estimate of costs.

3.23.C.3. **Timing of Request.** The applicant must submit the request, including a detailed construction cost estimate, at the time of submittal of the Final Plat or Certificate of Occupancy for other development types to which this section applies.

3.23.C.4. **Approval and Recording of Final Plat.** The Final Plat may be signed and recorded if:

3.23.C.4.a. The County and the applicant have executed the contract;

3.23.C.4.b. The applicant has provided the required performance guarantee; and

3.23.C.4.c. All requirements of this UDC, except the completion of the required improvements, have been met.

Article IV Supplemental Use Regulations

4.1 GENERALLY

Purpose: This article establishes standards for individual uses or activities that supplement the use definitions and other requirements of UDC. It establishes restrictions, requirements, additional allowances, or review procedures associated with the listed uses.

4.1.A. Definitions of land uses in *Article X Definitions & Rules of Interpretation* clarify characteristics of each use listed in Table 2.7.1.

4.1.B. In addition to use definitions, this Article clarifies issues related to uses and implements state and federal law with regard to certain uses.

4.1.C. Table 2.7.1 may specify that a use is allowed in a particular zone district, while the use-specific standard may restrict that use in particular contexts or in specified areas.

4.1.D. This article addresses requirements that are unique to those uses. In addition, this chapter can streamline development approval by:

4.1.D.1. Replacing discretionary review (such as Conditional Use Permits) with clear predictable standards, which avoids the need for additional permit review, and

4.1.D.2. Establishing additional permissions or options for location or design that meet the unique needs of the use.

4.1.E. This Article establishes standards for particular uses.

4.1.E.1. The use regulations apply to any use addressed in this article in addition to the standards established elsewhere in the zoning regulations, including any applicable development standards. All uses shall comply with all other applicable requirements of the UDC.

4.1.E.2. If a requirement of this chapter conflicts with a requirement established elsewhere in this title, the most stringent requirement governs.

4.2 ACCESSORY STRUCTURES AND USES

4.2.A. Accessory structures and uses are accessory to the principal use of the premises. A use or structure is “accessory” when it is associated in conjunction with the principal use and is incidental and integrally related to the principal use.

4.2.B. The lists in the following subsections provide examples of accessory-type uses that may be permitted, upon review by the County, in the various zone districts. These lists do not represent an exhaustive set of possible accessory uses.

4.2.B.1. **Rural, Agriculture/Rural Residential, and Agriculture-Industrial**

4.2.B.1.a. All uses and structures as listed in Subsection 4.2.B.2 below (Residential Districts)

4.2.B.1.b. Artist studio

4.2.B.1.c. Storage areas for equipment and materials for any agricultural operation

4.2.B.1.d. Sheds, garages, barns, silos, and other outbuildings

4.2.B.2. **Residential**

4.2.B.2.a. Accessory dwelling units

4.2.B.2.b. Automotive repair for property owner or renter where four (4) or less automobiles are repaired or restored by an auto mechanic in an accessory structure that is 50 percent of the principal dwelling

4.2.B.2.c. Childcare or day care services

4.2.B.2.d. Decks, patios, and terraces

4.2.B.2.e. Fences, walls, or retaining walls

4.2.B.2.f. Flagpoles under forty (40) feet in height

4.2.B.2.g. Garages, carports, and sheds

4.2.B.2.h. Gardens and home agriculture for the benefit of the family residing on the premises that are kept clean and not injurious to the health, safety, or comfort of adjacent neighbors

4.2.B.2.i. Gates or guardhouses for subdivisions or multifamily projects

4.2.B.2.j. Garage sales, up to six (6) events during any one calendar year on any one premise. Each garage sale may occur for no more than three (3) continuous days.

4.2.B.2.k. Gazebos or trellises

4.2.B.2.l. Greenhouses or hoop houses

4.2.B.2.m. Home occupations

4.2.B.2.n. Keeping of animals, not for sale, in accordance with ___

4.2.B.2.o. Play equipment

4.2.B.2.p. Recreation areas and buildings

4.2.B.2.q. Satellite dish antennas

4.2.B.2.r. Shipping containers used for storage

4.2.B.2.s. Noncommercial solar collectors

4.2.B.2.t. Swimming pools

4.2.B.2.u. Tennis courts

4.2.B.2.v. Television and radio antennas

4.2.B.2.w. Utility facilities accessory to permitted use

4.2.B.3. **Mixed-Use, Transitional Commercial Residential, and Industrial**

4.2.B.3.a. All noncommercial excavation and grading, clearing, and grubbing for nonagricultural activity

4.2.B.3.b. All uses and structures as listed in Section 4.2.B.2 (Residential Districts) associated with residential uses where allowed on mixed-use properties

4.2.B.3.c. Alternative vehicle recharging station

4.2.B.3.d. Containers used to collect charitable or clothing donations

4.2.B.3.e. Bars and lounges associated with hotel/motel, guest cabins, tipis, and glamping

4.2.B.3.f. Car washes associated with gas stations

4.2.B.3.g. Parking lots accessory to principal use

4.2.B.3.h. Restaurant and live entertainment associated with alcoholic beverage manufacturing and brewery/tasting rooms

4.2.B.3.i. Recycling containers for public collection

4.2.B.3.j. Fences or walls

4.2.B.3.k. Flagpoles under fifty (50) feet

4.2.B.3.l. Parking and loading areas accessory to principal use

4.2.B.3.m. Recreation areas and facilities

4.2.B.3.n. Noncommercial solar collectors or wind power generation

4.2.B.3.o. Trash, recycling containers, service and loading containers use and approved associated accessory and ancillary uses directly related to the principal use.

4.2.C. Home Occupation Use of An Accessory Structure

4.2.C.1. An accessory structure that is utilized for a home occupation shall not utilize more than 50 percent of the accessory structure floor area, unless the accessory structure is either less than one thousand (1,000) square feet or is no more than 50 percent of the square footage of the primary residential structure, whichever is smaller.

4.2.C.2. The use of the primary residential structure or accessory structure for home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupant(s), except for day care or childcare services.

4.2.C.3. Additional regulations of home occupation use are set in Section 4.__.

4.3 ACCESSORY DWELLING UNIT

4.3.A. A detached accessory dwelling unit shall comply with any applicable provisions of accessory structures.

4.3.B. A detached accessory dwelling may not be any larger in square footage than 50 percent of the square footage of the heated portion of the principal single-family dwelling.

4.3.C. Building façades of an accessory dwelling unit shall be the same or similar in color to that of the primary building on the lot.

4.3.D. An accessory dwelling may be rented.

4.4 ADULT BUSINESS ESTABLISHMENTS

4.4.A. Separation from Selected Uses

4.4.A.1. The use can only be established when it is separated by one thousand (1,000) feet from a school, park, religious institution, group home, nursing facility, hospital, library, or property zoned or used for residential purposes.

4.4.B. Age Restriction

4.4.B.1. Only adults over eighteen (18) years of age shall be permitted on the premises of any adult business establishment. If alcoholic or cereal malt beverages are sold or served on the premises, only persons twenty-one (21) years of age or older may be permitted on the premises.

4.4.C. Hours of Operation

4.4.C.1. It shall be unlawful for any adult business establishment to be conducted, operated, or otherwise open to the public, customers, or members between the hours of 12 a.m. midnight and 10 a.m., Monday through Saturday. No adult business establishment shall be open on any Sunday.

4.4.D. Exterior Display

4.4.D.1. The premises of all adult business establishments shall be so constructed as to ensure that the interior of the premises is not observable from the exterior of the building. In addition, all windows will be covered to prevent viewing of the interior of the building from the outside and all exterior doorways must be constructed with an anteroom or foyer so as to prevent observation of the interior of the premises from the exterior of the building.

4.4.E. Lawfully Operating Adult Business Establishment

4.4.E.1. An adult business establishment lawfully operating as a conforming business is not rendered nonconforming by the location, subsequent to the granting or renewal of the adult business license, of a school, park, religious institution, group home, nursing facility, hospital, library, or property zoned or used for residential purposes within one thousand (1,000) feet of the adult business establishment. This provision applies only to the renewal of a valid adult business establishment license and does not apply when an application for a new business license is submitted after a previous license has lapsed or has been revoked.

4.4.F. A permitted manager shall be on duty at all adult business establishments at all times the premises are open for business. The name of the manager on duty shall be prominently posted during business hours.

4.5 AGRICULTURE AND AGRICULTURAL SUPPORT FUNCTIONS (INCLUDING RAISING OF CROPS AND PASTURING LIVESTOCK)

4.5.A. Exemptions from Land Use Permit Requirements

4.5.A.1. The following uses and activities are exempt from a requirement to obtain a land use permit review under this code:

4.5.A.1.a. Agriculture, except structures requiring building permits and excluding agro-industrial as defined in this code.

4.5.A.1.b. A major development is not a single-family residential use or an allowed agricultural use, but it may be multifamily dwellings or condominiums as defined herein.

4.6 BED AND BREAKFAST

4.6.A. Use Regulations

4.6.A.1. The owner/manager shall reside in the Bed and Breakfast inn.

4.6.A.2. Provision of food and meals shall meet all applicable state and local regulations and shall be served only to guests of the Bed and Breakfast inn.

4.7 CANNABIS ESTABLISHMENT

4.7.A. Applicability

4.7.A.1. The New Mexico State Legislature enacted the Cannabis Regulation Act (Section 26-2C-1 through 42 NMSA) in 2021, which legalized the recreational use of cannabis in all counties of New Mexico. Counties within New Mexico may regulate the time, place and manner of cannabis production, manufacture, retail sales, and commercial on-site consumption. Taos County recognizes commercial cannabis enterprises offer the County the benefit of increased revenue through new businesses, heightened tourist activity, and the availability of recreational cannabis to its citizens.

4.7.A.2. Taos County simultaneously has an obligation to protect its unique historic and multicultural environment, embodied in the numerous churches, community centers, and schools within the County. Taos County finds that the purpose for a separation of cannabis businesses from schools and day care facilities identified by Section 26-2C-12(A)(2)(d) of the Cannabis Regulation Act applies equally to other land uses in Taos County. Churches and community centers are designed and used for families and children every bit as much as schools and day care facilities and deserve the same separation from cannabis businesses in Taos County.

4.7.A.3. Furthermore, cannabis remains a Schedule I substance under Federal law. Cannabis poses a risk to the health, welfare, and safety of the citizens of Taos County when mishandled or misused. As such, the production, manufacture, and consumption of cannabis and cannabis products carry a potential for abuse and adverse effects that can be harmful to children. Accordingly, these regulations are hereby enacted. These regulations were designed to balance the health, welfare, and safety of the citizens of Taos County and to allow the establishment of ample locations for commercial cannabis activities that adhere to the parameters set forth in these regulations.

4.7.B. General Criteria

4.7.B.1. All commercial cannabis activity is subject to an administrative zoning clearance, Conditional Use Permit, or Major Development Permit, subject to the *Article II* Section 2.7.__ Use Matrix and Article Procedures requirements.

4.7.B.2. For purposes of obtaining an Administrative Zoning Clearance Permit as a Small Cannabis Producer, the applicant shall provide:

4.7.B.2.a. A certified survey plat depicting the proposed location for the growth of cannabis, including outdoor and indoor growing, that identifies the total area to be covered and establishing that the required setbacks have been met.

1. Cannabis producers seeking to grow cannabis outdoors must ensure the plants are located no fewer than fifty (50) feet from the property line on all sides.
2. Cannabis producers seeking to grow cannabis indoors must ensure that the building(s) or greenhouse(s) that will house plants are located no fewer than thirty (30) feet from the property line on all sides.

4.7.B.2.b. A map that identifies two types of uses that a cannabis producer shall be separated from:

1. Facilities for religious worship and community centers, and evidence that the nearest facilities for religious worship and community centers are greater than three hundred (300) feet from the perimeter of the property proposed for cannabis production.
2. Schools or day care centers, and evidence that the nearest school or day care is greater than three hundred (300) feet from the perimeter of the property proposed for cannabis production.

4.7.B.2.c. The document(s) provided to the Cannabis Control Division (CCD), which applicant(s) will utilize to apply for a producer's license pursuant to the Cannabis Regulation Act, or a copy of the actual license issued to the applicant by the CCD.

4.7.B.2.d. If the applicant fails to provide documentation or provides incomplete or otherwise insufficient documentation regarding the information to be provided to CCD pursuant to their license application, the Planning Director shall inform the applicant of the deficiencies in writing and shall take no further action on the application until the deficiencies are remedied. If the applicant fails to correct the deficiencies indicated in the letter deeming the application incomplete within sixty (60) calendar days of receipt of notice of deficiencies, the application shall be considered withdrawn, and it will be returned to the applicant.

4.7.B.2.e. All other documentation required for a Permissive Development Review as set forth in *Article IV*, Section 4.__.

4.7.B.3. **Large Cannabis Production**. For purposes of obtaining a Conditional Use Permit as a large cannabis producer, the applicant shall provide:

4.7.B.3.a. A certified survey plat depicting the proposed location for the growth of cannabis, including outdoor and indoor growing, that identifies the total area to be covered and establishing that the required setbacks have been met:

1. Large cannabis producers seeking to grow cannabis outdoors must ensure the plants are located no fewer than fifty (50) feet from the property line on all sides.

2. Large cannabis producers seeking to grow cannabis indoors must ensure that the building(s) or greenhouse(s) that will house plants are located no fewer than thirty (30) feet from the property line on all sides.

4.7.B.4. A map that identifies two types of uses that a large cannabis producer shall be separated from:

4.7.B.4.a. Facilities for religious worship and community centers, and evidence that the nearest facilities for religious worship and community centers are greater than three hundred (300) feet from the perimeter of the property proposed for cannabis production.

4.7.B.4.b. Schools or day care centers, and evidence that the nearest school or day care is greater than three hundred (300) feet from the perimeter of the property proposed for cannabis production.

4.7.B.4.c. The document(s) provided to the CCD, which applicant(s) will utilize to apply for a producer's license pursuant to the Cannabis Regulation Act, or a copy of the actual license issued to the applicant by the CCD.

4.7.B.4.d. If the applicant fails to provide documentation or provides incomplete or otherwise insufficient documentation regarding the information to be provided to CCD pursuant to their license application, the Planning Director shall inform the applicant of the deficiencies in writing and shall take no further action on the application until the deficiencies are remedied. If the applicant fails to correct the deficiencies indicated in the letter deeming the application incomplete within sixty (60) calendar days of receipt of notice of deficiencies, the application shall be considered withdrawn, and it will be returned to the applicant.

4.7.B.5. **Major Cannabis Production.** Any individual growing more than eighty thousand (80,000) square feet of cannabis, as measured from the canopy, including all floor levels, or on five (5) acres or more must obtain a permit pursuant to this subsection, in addition to a Major Development Permit as required in 4.__ through 4.__ of this Article. The applicant shall provide:

4.7.B.5.a. A certified survey plat depicting the proposed location for the growth of cannabis, including outdoor and indoor growing, that identifies the total area to be covered and establishing that the required setbacks have been met.

1. Major cannabis producers seeking to grow cannabis outdoors must ensure the plants are located no fewer than one hundred (100) feet from the property line on all sides.

2. Major cannabis producers seeking to grow cannabis indoors must ensure that the building(s) or greenhouse(s) that will house plants are located no fewer than fifty (50) feet from the property line on all sides.

4.7.B.5.b. A map that identifies two types of uses that a Major Cannabis Producer shall be separated from:

1. Facilities for religious worship and community centers, and evidence that the nearest facilities for religious worship and community centers are greater than three hundred (300) feet from the perimeter of the property proposed for cannabis production.

2. Schools or day care centers, and evidence that the nearest school or day care is greater than three hundred (300) feet from the perimeter of the property proposed for cannabis production.

4.7.B.5.c. The document(s) provided to the CCD, which applicant(s) will utilize to apply for a producer's license pursuant to the Cannabis Regulation Act, or a copy of the actual license issued to the applicant by the CCD.

4.7.B.5.d. If the applicant fails to provide documentation or provides incomplete or otherwise insufficient documentation regarding the information to be provided to CCD pursuant to their license application, the Planning Director shall inform the applicant of the deficiencies in writing and shall take no further action on the application until the deficiencies are remedied. If the applicant fails to correct the deficiencies indicated in the letter deeming the application incomplete within sixty (60) calendar days of receipt of notice of deficiencies, the application shall be considered withdrawn, and it will be returned to the applicant.

4.7.B.5.e. **Cannabis Manufacturing.** This subsection shall apply to all applicants seeking a permit to allow for the manufacture of cannabis products, packaging of cannabis products, and the purchase, acquisition, sale, or transport of wholesale cannabis products to other cannabis establishments. The applicant shall provide:

4.7.B.5.f. A map that identifies two types of uses that a cannabis manufacturer shall be separated from:

1. Facilities for religious worship and community centers, and evidence that the nearest facilities for religious worship and community centers are greater than three hundred (300) feet from the perimeter of the property proposed for cannabis manufacture.

2. Schools or day care centers, and evidence that the nearest school or day care is greater than three hundred (300) feet from the perimeter of the property proposed for cannabis manufacture.

3. The document(s) to be provided to the CCD which applicant(s) shall utilize to apply for a manufacturing license pursuant to the Cannabis Regulation Act, or a copy of the actual license issued to the applicant by the New Mexico Regulation & Licensing Department (RLD).

4.7.B.6. If the applicant fails to provide documentation or provides incomplete or otherwise insufficient documentation regarding the information to be provided to CCD pursuant to their license application, the Planning Director shall inform the applicant of the deficiencies in writing and shall take no further action on the application until the deficiencies are remedied. If the applicant fails to correct the deficiencies indicated in the letter deeming the application incomplete within sixty (60) calendar days of receipt of notice of deficiencies, the application shall be considered withdrawn, and it will be returned to the applicant.

4.7.B.7. **Cannabis Retailers**. This subsection shall apply to all applicants seeking a permit to allow for the sale of cannabis and cannabis products to qualified patients, primary caregivers, reciprocal participants, or directly to consumers. Cannabis consumption rooms or areas shall be allowed commercially only in a designated, colocated area of a cannabis retailer. The applicant shall provide:

4.7.B.7.a. A map that identifies three types of uses that a cannabis retailer shall be separated from:

1. Facilities for religious worship and community centers, and evidence that the nearest facilities for religious worship and community centers are greater than three hundred (300) feet from the perimeter of the property proposed for cannabis retail.
2. Schools or day care centers, and evidence that the nearest school or day care is greater than three hundred (300) feet from the perimeter of the property proposed for cannabis retail.
3. Other existing cannabis retail locations and evidence that the proposed cannabis retail location is not within six hundred (600) feet, as measured from the nearest property line, of any other cannabis retail location that was in operation at the time of the application submission to the County.
4. The document(s) to be provided to the CCD, which applicant(s) shall utilize to apply for a cannabis retail license pursuant to the Cannabis Regulation Act, or a copy of the actual license issued to the applicant by the CCD.

4.7.B.7.b. If the applicant fails to provide documentation or provides incomplete or otherwise insufficient documentation regarding information to be provided to CCD pursuant to their license application, the Planning Director shall inform the applicant of the deficiencies in writing and shall take no further action on the application until the deficiencies are remedied. If the applicant fails to correct the deficiencies indicated in the letter deeming the application incomplete within sixty (60) calendar days of receipt of notice of deficiencies, the application shall be considered withdrawn, and it will be returned to the applicant.

4.7.B.7.c. Cannabis retailers shall have business hours no longer than 7 a.m. until 2 a.m. on the following day, Monday through Saturday, and 7 a.m. until 12 a.m. midnight on Sunday.

4.7.B.7.d. Cannabis and cannabis products may be sold by a dispenser or a retailer in unbroken packages for consumption off the licensed premises and not for resale from 7 a.m. until midnight.

4.7.B.7.e. Cannabis and cannabis products for consumption on the premises may be sold between 7 a.m. and 2 a.m. the following day.

4.7.B.7.f. A vertically integrated cannabis establishment or an integrated cannabis microbusiness must apply for a permit pursuant to the provisions of this subsection, provided the establishment or microbusiness intends to sell cannabis or cannabis products to qualified patients, caregivers, reciprocal patients, or consumers, regardless of an existing permit for cannabis production or cannabis manufacture.

4.7.B.7.g. The sale of homegrown or homemade cannabis and cannabis products without a valid license issued by the State Regulation & Licensing Department is prohibited.

4.7.B.7.h. The sale of cannabis or cannabis products grown as a permissive agricultural use without a valid license issued by the State Regulation & Licensing Department is prohibited.

4.7.C. Cannabis Consumption Prohibited

4.7.C.1. The smoking of cannabis products is not allowed in public outdoor spaces or in public places.

4.7.C.2. The smoking of cannabis products is only allowed within a licensed cannabis consumption area that occupies a stand-alone building from which smoke does not infiltrate other indoor workplaces or other indoor public places where smoking is otherwise prohibited pursuant to the Dee Johnson Clean Indoor Air Act, NMSA 1978, Chapter 24, Article 16.

4.7.C.3. Nothing in this section shall be interpreted to restrict the rights of an individual to smoke or otherwise consume cannabis or cannabis products on their own private property or within their own home.

4.7.D. Provisions for Nuisance Abatement

4.7.D.1. Greenhouses or other structures incidental to the production of cannabis or cannabis products shall be equipped with an activated carbon filtration HVAC system appropriately sized to abate odor emissions.

4.7.D.2. Activated carbon filters shall be changed regularly such that odor abatement remains effective.

4.7.D.3. Cannabis producers, including cannabis producer microbusinesses and major cannabis producers, shall keep a maintenance record for their filtration system(s) that shall include, at a minimum: the specific filter(s) changed, the date the new filter(s) was installed, location of the filter(s) changed, and the estimated date of next service to the filtration system.

4.8 CLUSTER/CONSERVATION DEVELOPMENTS

4.8.A. Purpose and Applicability

4.8.A.1. Cluster/conservation subdivisions are an alternative to traditional design of checkerboard or cookie-cutter housing development in order to advance preservation of open space, reduce costs of site development, decrease farmland loss, increase habitat for wildlife, reduce wildfire danger, and generally protect the environment.

4.8.A.2. Setbacks from acequia systems, including the acequias, laterals, and venitas, shall be counted as protected open space areas within cluster/conservation subdivisions.

4.8.A.3. Cluster/conservation subdivisions are a permitted use in many residential zones that may be suitable on smaller tracts of land without requiring the creation of a Planned Unit Development.

4.8.B. Use Regulations

4.8.B.1. The same number of homes is allowed clustered on a smaller portion of the total available land, while the remaining land is converted to protected open space, whether used for farming, open space for the benefit of residents of the subdivision, or possibly for open space use of the entire community.

4.8.B.2. At least 30 percent of the total area of the tract shall be reserved for the preservation of contiguous open space.

4.8.B.3. Allowed uses within the preserved open space include maintenance of any acequia infrastructure for maintenance, removal of vegetation, bank stabilization, removing or eradicating invasive vegetation, replanting with native vegetation, removal of existing impervious cover, picnic areas, walking trails, greenways, landscaping, and sidewalk or roadway crossings.

4.8.B.4. No clearing or grading of wetlands or aquatic habitat is allowed without a prior issuance of a grading permit.

4.8.B.5. Access by the acequia or acequia association to any acequia infrastructure shall be provided.

4.8.B.6. The applicant for a cluster/conservation subdivision must show a method for ongoing maintenance of required open space.

4.9 COMMUNICATION, WIRELESS, AND TELECOMMUNICATIONS

4.9.A. Basic Requirements. In addition to a Conditional Use Permit or Major Development Permit review and application requirements, all wireless telecommunications facilities, unless otherwise stated, in addition to the applicable compatibility and performance standards set forth in Section 4.__ and Section 4.__ and application requirements in Section 4.__ or Section 4.__, whichever is applicable, shall comply with the following:

4.9.A.1. **Setbacks.** A freestanding wireless telecommunications facility shall be set back a minimum of eighty-five (85) feet from any property boundary, or a distance equal to at least 110 percent of the potential fall radius (hereafter "radius"), whichever is greater, as certified by a New Mexico licensed engineer. These setback requirements may be met by easements on adjacent property and in such case property boundary shall mean easement boundary. No structures, roads, or driveways shall be permitted within such an easement.

4.9.A.2. **Setback Exemption for New Substation Facilities**. New freestanding wireless telecommunications facilities in electric substations are exempt from the setback requirements, but only if they are no taller than the existing utility poles in the substation.

4.9.B. Lighting and Signage

4.9.B.1. Only security lighting or lighting required by a state or federal agency is allowed. All artificial lighting shall be shaded to meet the most current standards in Section 3.11 of the Unified Development Code except when federal or state laws or regulations make compliance impossible. All lighting shall be directed downward from the source, and the bulb shall not be visible beyond the parcel boundaries, except for motion detector lighting. The motion sensor cannot be activated beyond the parcel boundaries.

4.9.B.2. The only signage permitted is that required or allowed by federal or state laws or regulations or by the most current Taos County Sign Code.

4.9.B.3. **Telecommunications Equipment Building or Cabinet.** No equipment building or cabinet shall exceed 750 square feet in area and/or ten (10) feet in height. All such sheds shall be screened with vegetation or other aesthetically pleasing materials. Furthermore, all such sheds shall be secured with approved fencing and a locked gate.

4.9.C. Abandonment. All wireless communications facilities that are not in use for six (6) consecutive month's period commencing after the date of enactment of this code shall be removed by the wireless telecommunications facility owner. This removal shall be completed within three (3) months after the end of such six- (6) month period. Upon removal, the site shall be revegetated to blend with the existing surrounding vegetation.

4.9.D. Interference. Every wireless telecommunications facility shall meet the regulations of the Federal Communications Commission regarding physical and electromagnetic interference.

4.9.E. Health Issues. Every wireless telecommunications facility shall meet the health and safety standards for electromagnetic field emissions as established by the Federal Communications Commission and any other federal, state, or local agency.

4.9.F. Tower Height. There is no height limitation. The general County height limit of twenty-seven (27) feet shall not apply. Height shall be determined by technical requirement and the applicable compatibility and performance standards.

4.9.G. Tower Locations. The following hierarchy of tower locations shall apply, and applicants must demonstrate, based on technical, practical, or financial considerations, the need to move down the list and locate in areas of lower preference:

4.9.G.1. Areas of existing commercial development.

4.9.G.2. Undeveloped highway corridors, residentially zoned areas, or residential communities.

4.9.G.3. Only concealed wireless telecommunications facilities are allowed within one thousand (1,000) feet of traditional communities, historic districts listed in the State Register of Cultural Properties or the National Register of Historic Places, or any historic routes listed in the State or National Registers.

4.9.H. Colocation. In all applications for construction of a new facility, the applicant must prove that a bona fide need exists for the facility and that no reasonable combination of existing locations, techniques, or technologies will obviate the need. The applicant must further provide that he or she has made all reasonable efforts to procure antenna space on existing facilities and that the cost of the colocation exceeds the cost of a new facility by a least 50 percent, or that:

4.9.H.1. No existing tower, structure, or public utility structure is located within the radius that meets the applicant's engineering requirements; or

4.9.H.2. No existing tower, structure, or public utility structure is located within the radius that has sufficient structural strength or space available to support the applicant's proposed telecommunications facility and related equipment; or

4.9.H.3. The applicant's proposed telecommunications facility would cause significant, unavoidable electromagnetic interference with the antenna(s) on the existing towers, structures, or public utility structures or the antenna(s) on the existing towers, structures, or public utility structures would cause interference with the applicant's proposed telecommunications facility; and

4.9.H.4. The owners of existing towers, structures, or public utility structures within the radius will not allow the applicant to place his or her telecommunications facility thereon, or such owners are requiring payments for the use of their tower that substantially exceed commercially reasonable rates; and

4.9.H.5. The applicant shall submit evidence to the County demonstrating that a genuine effort has been made to solicit additional users for the proposed new tower. Evidence of this shall include, at a minimum, copies of notices sent by registered mail, return receipt required, to all other providers of wireless communication services within Taos County and adjacent counties, advising of the intent to construct a new tower, identifying the location, inviting the joint use and sharing of costs, and requiring a written response within fifteen (15) business days; and

4.9.H.6. The applicant shall sign an instrument, approved by the County, agreeing to encourage and promote the joint use of telecommunications towers within the County and, to that extent, committing that there shall be no unreasonable act or omission that would have the effect of excluding, obstructing, or delaying joint use of any tower where fair and reasonable compensation is offered for such use.

4.9.I. Criteria for Concealed Wireless Telecommunications Facilities. Concealed wireless telecommunications facilities must be:

4.9.I.1. Architecturally integrated with existing buildings, structures, and landscaping, including height, color, style, clustering, placement, design, and shape.

4.9.I.2. Located to avoid a dominant silhouette of a wireless telecommunications facility on escarpments and mesas, and to preserve view corridors.

4.9.I.3. Located on existing vertical infrastructure, such as utility poles or public utility structures, if possible.

4.9.I.4. Located in areas where the existing topography, vegetation, buildings, or other structures provide the greatest amount of screening.

4.9.J. Landscaping and Screening. The following regulations shall apply to landscaping and screening:

4.9.J.1. Freestanding wireless telecommunications facilities shall be surrounded by a six (6)-foot-tall fence or wall.

4.9.J.2. Any freestanding wireless telecommunications facility facing or abutting a property used for residential purposes shall include landscaping along the outside of the required fence or wall that is planted and maintained according to a landscape plan approved by the Planning Director or his or her designee. The Planning Director may waive this requirement if the freestanding wireless telecommunications facility is not readily visible from surrounding properties or rights of way.

4.9.J.3. All disturbed areas shall be revegetated and/or stabilized as necessary to control erosion and dust.

4.9.K. Horizontal Separation of Freestanding Wireless Telecommunications Facilities

4.9.K.1. Freestanding wireless telecommunication facilities shall be separated by a distance of five (5) miles.

4.9.L. Color and Camouflage

4.9.L.1. All wireless telecommunication facilities, support structures, accessory buildings, poles, antennas, and other external facilities shall be painted upon installation and thereafter repainted as necessary with a "flat" paint. Except where dictated by the FAA, paint color shall, at the discretion of the Planning Director, be designed to minimize visibility and blend with the surrounding environment.

4.9.L.2. Improvements that will be primarily viewed against soils, trees, or grasslands shall be painted colors matching these landscapes, while elements that rise above the horizon shall be painted white.

4.9.L.3. Alternative and creative design that allow the structure to blend into its surrounding area, but which deviates from the above requirements, may be permitted by the Planning Director at his or discretion and in writing.

4.9.M. Access Roads. All wireless telecommunications facilities shall have access roads.

4.9.N. Emergency Backup Power. Emergency backup power shall be required for timed power outages and testing/maintenance only.

4.10 DRY CLEANING ESTABLISHMENTS

4.10.A. Dry cleaning establishments must adhere to the following restrictions:

4.10.A.1. Flammable or combustible materials shall not be used in any cleaning process;

4.10.A.2. All activities shall be conducted within a completely enclosed building;

4.10.A.3. No outdoor storage;

4.10.A.4. Such establishment shall be operated principally as a retail business; and

4.10.A.5. That portion of the building in which any cleaning process shall be undertaken shall be at least fifty (50) feet from any dwelling unit in a residential zone.

4.11 DWELLING, MULTIFAMILY

4.11.A. Applicability

4.11.A.1. This section applies to condominium development and multiple family development.

4.11.A.2. The references to state law contained in this section, as they pertain to condominiums, reflect state statutes in effect as of the adoption of these regulations. It is the applicant's responsibility to conform to all relevant and current statutes, including but not limited to the New Mexico Condominium Act [47-7A-I to 47-7D-20 NMSA 1978], as amended.

4.11.A.3. Taos County regulations for condominium development and multiple family developments include all of the New Mexico State Statutes for condominiums. In addition to the requirements of a Conditional Use Permit review and application requirements outlined in *Article IV* Section 4.__ or a Major Development Zoning Permit review outlined in *Article IV* Section 4.__ (whichever is applicable depending on the size, scope, or cost of the project), and the performance standards and requirements set forth in *Article IV* Sections 4.__, and 4.__. The following performance standards shall be made a part of the application and shall be incorporated into the applicant's condominium disclosure statement:

4.11.B. Density. Density applicable to condominiums and multiple family dwellings shall be determined by zone district dimensional standards in *Article II* and the current water availability and liquid waste discharge as determined by the New Mexico State Engineer and the New Mexico Environment Department Liquid Waste Disposal Regulations, unless otherwise limited in a zone.

4.11.C. Water. The applicant shall meter each unit in the condominium and include in the declaration the amount of water needed for maintaining the common area, as well as fire protection and suppression requirements for the full project. Where applicable, a permit from the New Mexico State Engineer shall be required. The application and declaration shall also identify whether the condominium will be installing a domestic well, its own approved water system, utilizing a mutual domestic water consumers association, a community water system, water and sanitation district system, or a municipal water system.

4.11.D. Liquid Waste Discharge. The applicant shall present a letter of certification from a municipal or community sanitation services provider that liquid waste can be collected and treated, or obtain a permit from the New Mexico Environment Department for all liquid waste discharge generated by the project and shall indicate whether the condominium will install its own liquid waste discharge system, utilize a community discharge system, a water and sanitation district discharge system, or a municipal treatment and discharge system.

4.11.E. Fire Protection and Suppression. The applicant shall provide a statement of fire protection and suppression, including the number of units each hydrant water tank can accommodate based on the design engineer's evaluation of construction type.

4.11.F. Access Roads and Fire Lanes. Access roads and fire lanes within the multifamily development or condominium shall be adequate to accommodate the unobstructed ingress and egress of all emergency and fire vehicles. Refer to *Article III Road Standards*.

4.11.G. Any amendment to the disclosure statement must be submitted to the Planning Director for review and hearing by the Planning Commission.

4.12 DWELLING, SINGLE-FAMILY

4.12.A. Single-family dwellings include site-built, modular, mobile home, and off-site constructed homes.

4.12.B. Each parcel that allows a single-family residential use shall be restricted to two (2) dwelling units.

4.13 EXCAVATION/GRADING, NONCOMMERCIAL

4.13.A. Applicability

4.13.A.1. These use regulations apply to noncommercial excavation, grading, clearing, and grubbing.

4.13.B. Use Regulations

4.13.B.1. All noncommercial excavation and grading clearing, including clearing and grubbing for nonagricultural activity development uses are subject to review including the requirements outlined below.

4.13.B.1.a. Grading operations or clearing and grubbing for nonagricultural activity shall be in accordance with Appendix Chapter 33 of the 1997 Uniform Building Code as adopted by Ordinance 2024-5, as amended, and the following requirements:

1. **Protection of Utilities.** All laws and regulations promulgated to protect public utilities or services from damages by the applicant's noncommercial excavation and grading shall be observed by the applicant.

2. **Protection of Adjacent Property.** Adjacent properties shall be protected from damage caused by grading operations. No person shall excavate on land sufficiently close to the property line to endanger any adjoining public street, sidewalk, alley, or other public or private property, without supporting and protecting such property from any damage that might result.

3. **Temporary Erosion Control.** Precautionary measures necessary to protect adjacent watercourses and public or private property from damage by water erosion, flooding, or deposition of mud or debris originating from the site shall be taken. Precautionary measures shall include provision of properly designed sediment control facilities so that downstream properties are not affected by upstream erosion.

4.13.B.1.b. **Traffic Control and Protection of Streets.** Flaggers, signs, barricades, and other safety devices to ensure adequate safety when working in or near public streets shall be provided.

4.13.B.1.c. **Hazard from Existing Grading.** Whenever any existing excavation, embankment, or fill has become a hazard to life or limb, endangers structures, or adversely affects the safety, use, or stability of a public way or drainage channel, such excavation, embankment, or fill shall be eliminated.

4.13.B.1.d. **Tracking of Dirt onto Public Streets.** Adequate cleaning of equipment to prevent the tracking of dirt and debris onto public streets shall be provided.

4.13.B.1.e. **Maintenance of Waterways and Irrigation Canals**. Precautionary measures to protect and maintain the flow of waterways and irrigation canals shall be taken.

4.13.B.1.f. **Revegetation.** The loss of trees, ground cover, and topsoil shall be minimized on any grading project. In addition to mechanical methods of erosion control, graded areas shall be protected to the extent practical from erosion damage by planting drought-resistant grass or ground cover plants and/or trees. Such plantings shall provide for rapid short-term coverage of the slopes as well as long-term permanent coverage. A plan by a registered design professional shall be provided where required by the Planning Director for his or her review.

4.13.B.1.g. **Dust Control.** Dust control measures shall be instituted during the excavation of the property.

4.13.B.1.h. **Design Standards**. The grading design standards required herein shall be those found in the1991 Uniform Building Code as adopted by Ordinance 2024-5 by Taos County, as amended.

4.13.B.1.i. **Reclamation Plan.** A reclamation plan, acceptable to the Planning Director, shall be submitted as a requirement of the application.

4.14 FLEA MARKET

4.14.A. No person shall operate the business of a flea market or of renting space or allocating space to flea market sellers without first obtaining a business license.

4.14.B. Applications for licenses shall be made to the County Treasurer on forms provided by the County Treasurer. Only one license shall be required for each flea market, and the individual flea market sellers shall not be required to obtain a license under this section.

4.14.C. Records to be kept by licensee. Each person required by this chapter to obtain a license shall keep accurate records of the names and addresses of each flea market seller together with a brief description of the type or types of merchandise offered for sale by that seller.

4.14.D. More than one market. Any person renting or allocating space to flea market sellers in more than one market or place of business shall be required to obtain a license for each place of business, provided that one license shall be adequate for locations that are on the same lot, adjacent lots, or lots separated only by an alley.

4.14.E. Unlawful transactions. No person shall sell or offer for sale at any flea market any goods known to the person to be stolen.

4.15 GROUP HOMES AND COMMUNITY RESIDENTIAL FACILITY WITH ON-SITE STAFF, STATE LICENSED OR OPERATED

4.15.A. The Planning Director may render an interpretation that any other facility, which is protected by the federal FHA, 42 U.S.C. § 3601 et seq., but not expressly enumerated in § 7.21.1 Applicability of this chapter, is subject to the protections provided by this section. The Planning Director may waive any provision of this section upon determination that the waiver is necessary to afford handicapped persons equal opportunity to use and enjoy a dwelling.

4.16 HOME OCCUPATION

4.16.A. Types of Home Occupations

4.16.A.1. Three categories of home occupations shall be allowed as described below. Home occupation categories shall be allowed in residential areas as described in *Article II Zoning Districts*.

4.16.A.1.a. **Low-Impact Home Occupation.** A low-impact home occupation includes business activity by the resident and up to two (2) nonresident employees. All business activity shall occur within the home and any permitted accessory buildings. A low-impact home occupation is one in which there is no exterior evidence that a business is occurring on the property and does not require any customers to visit the home occupation business.

4.16.A.1.b. **Medium-Impact Home Occupation.** A medium-impact home occupation includes business activity by the resident and shall allow for up to four (4) nonresident employees. A limited number of visitors/appointments and a small identification sign is also allowed. The only exterior evidence of the home business is in the form of slightly increased visitation and/or traffic.

4.16.A.1.c. **High-Impact Home Occupation.** A high-impact home occupation includes business activity by the resident and up to six (6) nonresident employees and shall require a Conditional Use Permit as described in Section 6.__.

4.16.B. Size, Subordinate Use, Outside Appearance, and Environmental Characteristics of Home Occupation

4.16.B.1. A home occupation shall not exceed the lesser of one thousand (1,000) square feet or 50 percent of the floor area of the primary residential structure in which the home occupation is to be conducted at the time of permitting.

4.16.B.2. The storage of materials associated with a home occupation shall be screened from the view of adjacent properties by fencing or other type of enclosure and the materials shall be stored in a manner that does not create a threat to health, safety, public welfare, or a nuisance.

4.16.B.3. An accessory structure that is utilized for a home occupation shall not utilize more than 50 percent of the accessory structure floor area, unless the accessory structure is the lesser of one thousand (1,000) square feet or 50 percent of the size of the primary residential structure.

4.16.B.4. The use of the primary residential structure or accessory structure for home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupant(s), except for day care or childcare services.

4.16.B.5. There shall be no change in the outside appearance of the building or premises, nor other visible evidence of the conduct of the home occupation, except for one non-illuminated nameplate sign that is six (6) square feet in area or less.

4.16.B.6. The home occupation shall not create any smoke, odors, dust, or noise at a level discernible beyond any of its lot lines.

4.16.B.7. No equipment or process shall be used that creates a nuisance or adversely impacts the existing uses and properties in the neighborhood. If any home occupation has become dangerous or unsafe; presents a safety hazard to the public, pedestrians on public sidewalks, or motorists on a public right-of-way; or presents a safety hazard to adjacent or nearby properties, residents, or businesses, the Planning Director shall issue an order to the dwelling owner and/or tenant on the property on which the home occupation is being undertaken, directing that the home occupation immediately be made safe or be terminated. The property owner and/or tenant shall take the necessary corrective steps or measures, but in the event of a failure to do so by the owner and/or tenant, after notice and a reasonable period of time, the Planning Director may take any and all available enforcement actions to render the home occupation and dwelling safe. Costs incurred by the Planning Director, if forced to take enforcement actions, shall be borne by the property owner and shall be treated as a zoning violation.

4.16.C. Home Occupation Parking and Delivery Requirements

4.16.C.1. Parking for employees, customers, and clients of the home occupation shall be provided off-street; that is, any vehicles or equipment associated with the business shall not be parked or stored on a public or private street, alley, drive, or other access to the property.

4.16.C.2. No more than one (1) parking space per permitted employee associated with the home occupation may be provided on the property, unless it can be demonstrated that the additional vehicles are garaged and that they do not create an adverse impact on the neighborhood and its surrounding character.

4.16.C.3. No more than two (2) customer or client vehicles shall be parked at the property at any one time, except for instructional service, day care or childcare services.

4.16.C.4. One lightweight commercial vehicle with a gross vehicle weight of no more than ten thousand (10,000) pounds is allowed to be parked at the residence for use by the home occupation employees. Lightweight package delivery vans shall be permitted for delivery and pickup services associated with a home occupation. Semitrailer trucks, cabs, and trailers with heavy weights shall not be used or stored in conjunction with a home occupation.

4.16.C.5. Deliveries and pickups by tractor trailers to a home occupation business, for home occupation purposes, shall be restricted to Monday through Friday during the hours of 8 a.m. to 5 p.m.

4.16.D. Business Registration and Compliance with Laws. The business shall comply with all applicable federal, state, and County laws, ordinances and regulations.

4.16.D.1. Retail sales shall be limited to those products produced by the person with the home occupation. Parts incorporated into repairs need not be manufactured by the person with the home occupation.

4.16.E. Approved Activities. Home Occupations shall be allowed for the following activity categories:

4.16.E.1. Professional offices, which shall include offices for accountants, appraisers, architects, attorneys, contractors, engineers, financial planners, insurance agents, consulting services, real estate sales, and similar office uses.

4.16.E.2. Professional services, which shall include computer programming and internet/website development, beautician/hairdresser/barber services, direct distribution, maid services, mail order, massage therapy, tattoo/body piercing, ironing, pet grooming, telephone/fax answering, word processing, and similar service uses. Beauticians/hairdressers/barbers, tattoo/body piercing, and massage therapists shall be limited to one customer station per residential property for the home occupation.

4.16.E.3. Instructional services, which shall include educational tutoring, music instruction, and similar instructional services. A maximum of five (5) students may be at the dwelling at any one time.

4.16.E.4. Home artisan businesses, which shall include business-related artist studios, cabinet making, dressmaking, engraving, furniture making, crafting, jewelry making, sewing, tailoring, writing studios, small-scale pickling/canning activity, and similar uses.

4.16.E.5. Small item repair services, which includes bicycle, computer, television, vacuum cleaner, locksmith, watch, tool, shoe, and similar repair services.

4.16.E.6. Day care and childcare services must be in compliance with state licensing regulations and shall not serve more than six (6) children.

4.16.E.7. Motor vehicle repair services shall be limited to no more than two (2) vehicles parked or stored on the property, unless it can be demonstrated that the additional vehicles are garaged.

4.16.E.8. Any activity not specially enumerated within this section may be permitted by the Planning Director if the applicant for home occupation permit can establish that the proposed activity is reasonably similar in size, scope, use, and intensity as an enumerated home occupation activity.

4.16.F. Prohibited Activities. The following activities shall be prohibited as home occupations: cannabis manufacturing activities, adult business establishments, health and exercise facilities, large appliance repair, internal combustion engine repair, and similar activities.

4.16.G. Revocation of Permit

4.16.G.1. A home occupation permit may be revoked for the violation of, or noncompliance with, the provisions of this code or any other statute, ordinance, or regulation relevant to the home occupation activity. In addition, a home occupation permit may be revoked upon one or more of the following:

4.16.G.1.a. A non-permitted material change in home occupation activity or a change in location or a material increase in the permitted activities' size, scope, or intensity from that originally permitted;

4.16.G.1.b. Failure by the applicant to maintain a valid business registration or other license required for the home occupation.

4.16.G.1.c. A failure by the applicant to allow reasonable inspection of the approved premises at reasonable times for the purpose of determining compliance with the home occupation provisions of this code.

4.16.G.1.d. The submission of false or materially misleading information on a home occupation permit application.

4.16.G.1.e. Any home occupation permit shall, upon revocation, become null and void, and any use of the property approved under such home occupation permit shall immediately cease.

4.16.H. Renewal. The business registration associated with a home occupation permit must be renewed on an annual basis on an official form developed by the Taos County Clerk's Office for that purpose. A home occupation permit need not be renewed unless there is a material change in the home occupation activity, or its location, or there is a material increase in the permitted activities' size, scope, or intensity from that originally permitted.

4.16.I. Expiration. The home occupation permit shall remain in effect until such time as the home occupation activity is no longer in operation as originally approved, the annual business registration is not renewed or approved, or it is determined that a violation of the home occupation provisions of this code or the provisions of any other applicable statute, ordinance, or regulation has occurred, and the home occupation permit or business registration is revoked.

4.17 JUNKYARDS, SALVAGE YARDS, AND AUTO AND SCRAP PROCESSING

4.17.A. Hours of Operation

4.17.A.1. Junkyards, salvage yards, and auto and scrap processing shall not be open to the public earlier than 8 a.m. nor remain open later than 5 p.m.

4.17.B. Setbacks

4.17.B.1. Junk, refuse, and salvage material shall not be placed or stored either temporarily or permanently closer than three hundred (300) feet from the property boundaries and from all public road rights-of-way, public recreational easement, and bodies of water.

4.17.B.2. The property boundaries shall not be located closer than one-quarter (1/4) mile from any existing dwelling or land subdivided for residential development.

4.18 LODGING—HOTEL, MOTEL, AND CABINS FOR RENT, AND GLAMPING

4.18.A. All lodging facilities shall have on-site management.

4.18.B. A site plan of lodging facilities shall show topography, major vegetation, parking, walking paths or sidewalks, and any bars, taverns, and drinking establishments.

4.18.C. Waste and wastewater facilities shall be provided.

4.18.D. Tipis, dome tents, yurts, recreational vehicles such as Airstreams, and glamping shall be subject to a conditional use in all zones where lodging is allowed.

4.18.D.1. If intended for winter use, tipis, dome tents, yurts, and recreational vehicles must be equipped with gas or wood-burning stoves and ventilation that meets safety standards for clearance between stove and stove pipe from flammable materials, installation, carbon monoxide detectors, spark arrestor, fire extinguisher, and fireproof mats. On-site management is responsible for supervision and monitoring of stove use.

4.19 LOGGING OPERATIONS

4.19.A. Logging operations must designate protected areas, such as riparian buffer strips, that shall be preserved.

4.19.B. Logging operations must create a plan for mitigating noise, traffic, and environmental impacts.

4.19.C. The County may require tree planting to replace harvested trees for new development projects.

4.20 MANUFACTURING OPERATIONS

4.20.A. Applicability

4.20.A.1. Light industrial uses can be located closer to commercial and residential uses than their heavy industrial counterparts. Light industrial uses include packaging, and certain types of manufacturing and distribution facilities, which do not typically produce a significant amount of noise, water use, and environmental pollution.

4.20.A.2. Heavy industrial uses can only be located in the Heavy Industrial Zone. Heavy industrial uses include chemical manufacturing, mining, power production that may generate noise pollution, smoke, smell, waste, significant water usage, and other similar elements that could have a negative impact on the surrounding environment.

4.20.B. Solid Waste. Solid waste generated by manufacturing or industrial processes must be safely and properly disposed of, including but not limited to waste resulting from the following processes: electric power generation; fertilizer/agricultural chemicals; food and related products/byproducts; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals, plastics, and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and water treatment.

4.20.C. Impacts of industrial uses shall be mitigated to the extent needed to not adversely affect neighboring uses, including but not limited to noise, smoke, noxious odor, lighting, glare, vibration, toxic and liquid wastes, fire and explosion potential, excessive water usage, radioactivity, visual impacts that may be screened or buffered on the property perimeter. Mitigation measures will be established in the Conditional Use Permit, Major Development Permit, if applicable, and environmental impact statement, if applicable, based upon location in relation to nearby uses and environmental conditions.

4.20.D. No material shall be placed in an industrial property in such a manner that it is capable of being transferred off the site by wind, water, or other natural causes. The loose storage of paper and the spilling of flammable or other liquids into streams or sewers are prohibited.

4.20.E. All materials shall be stored in such a manner as to prevent the breeding or harboring of rats, insects, or other vermin. Where necessary, this shall be accomplished by enclosure in containers, raising of materials above the ground, separation of types of materials, prevention of the collection of stagnant water, extermination procedures, or other means.

4.20.F. Storage yards shall be enclosed by a non-climbable fence or wall at least six (6) feet in height; and screened from view along any property line abutting a residential zone district.

4.21 MANUFACTURED HOMES

4.21.A. Placement. Any manufactured home placed on a parcel of land within Taos County shall be installed by persons licensed as a manufactured home installer or repairman pursuant to Section 14.12.5., of the most recently adopted New Mexico Administrative Code (NMAC).

4.21.B. Transportation of Homes

4.21.B.1. The owner of any manufactured home, titled or untitled, with the sole intention of installing said manufactured home to be used for residential purposes, shall obtain a Manufactured Home Transport and Installation Permit (MHTIP) from the Planning Director prior to installation of the home. This section shall also apply to such units that are specifically manufactured for commercial purposes and are manufactured to meet National Manufactured Housing Construction and Safety Standards, but do not meet the requirements of the International Building Code.

4.21.B.2. Transportation of Manufactured Homes is governed by Sections 66-7-401 through 66-7-416 NMSA 1978 and Title 18, Chapter 19 Part 8 issued by the New Mexico Department of Public Safety. The transportation, delivery, and setup of manufactured homes shall be allowed only during daylight hours and allowed only if properly permitted. The movement of manufactured homes is restricted in accordance with the New Mexico Department of Public Safety regulations that are delineated.

4.21.C. Manufactured Homes Allowed

4.21.C.1. Homes manufactured prior to 1976 shall not be permitted without inspection and approval for occupancy by the State of New Mexico Manufactured Housing Division. These structures must comply with all current applicable codes for manufactured homes as these are enforced by the State of New Mexico Manufactured Housing Division.

4.21.C.2. Any manufactured home not constructed to the standards of the National Manufactured Housing Construction and Safety Standards Act of 1974 (effective 1976), are prohibited from being transported and reset within Taos County.

4.21.D. Fireplaces and Stoves. All solid fuel-burning, factory-built fireplaces and stoves must be installed according to the manufacturer's installation instructions for use in a manufactured home and in compliance with the HUD Manufactured Housing Construction and Safety Standards. Each installation shall be permitted and inspected by a State of New Mexico Manufactured Housing Inspector.

4.21.E. Extension of Utilities to Other Manufactured Homes. Utility connections meant for single residential use shall not be allowed to be installed permanently or temporarily to another manufactured home.

4.21.F. Joining or Merging of Single-Wide Homes. Single-wide homes shall not in any way be joined or merged to create one larger unit.

4.21.G. Foundation and Skirting. The mobile/manufactured home unit shall be anchored to a concrete foundation and shall be skirted within ninety (90) days from the date of installation or relocation.

4.21.H. Storage or Commercial Use. Manufactured homes shall not be used for storage or for a commercial endeavor, unless modified to comply with all requirements of the currently adopted New Mexico Building Code, the New Mexico NEC Code, and the New Mexico Plumbing/Mechanical Code, pursuant to 14.12.1.10 NMAC, as amended. Manufactured homes are constructed to HUD standards only and do not comply with the current State of New Mexico adopted building codes for commercial use.

4.21.I. Compliance with Installation Requirements. All provisions of 14.12.5 NMAC, State of New Mexico Manufactured Housing Division Installation Requirements, as amended, shall be complied with. Any violation not covered by this code or not under the jurisdiction of Taos County shall be reported to the State of New Mexico Manufactured Housing Division.

4.21.J. Abandoned or Uninhabitable Homes. Manufactured homes that have been abandoned or have been deemed uninhabitable by the Building Official shall be removed and disposed of at the expense of the homeowner or landowner. The property owner shall apply for a Demolition Permit prior to the commencement of any activity to remove the manufactured home.

4.22 MANUFACTURED/MOBILE HOME, RV, AND TINY HOMES PARK

4.22.A. Applicability. Provisions of this section apply to manufactured home parks, recreational vehicles (RV) parks, and tiny home parks. Where stated manufactured homes below, provisions also apply to RVs and to tiny homes, except where specified in Section 4.25.

4.22.B. Site Conditions. Condition of soil, groundwater level, drainage, and topography shall not create hazards to the property or the health and safety of the occupants.

4.22.C. Minimum Area of Tract. The tract for a manufactured home park must be at least 1/2 acre in size.

4.22.D. Access to the Site. Direct vehicular access to the park shall be provided by means of an approved public street. The width and construction of the access streets or ways shall be suitable for the vehicular traffic requirements of the properties served.

4.22.E. Design of Entrances and Exits. Entrances and exits shall be designed for safe and convenient movement of traffic into and out of the park, and to minimize marginal friction with free movement of traffic on adjacent streets. All traffic into and out of the park shall be through such entrances and exits.

4.22.F. Internal Streets and Walkways. Internal streets shall be provided to furnish principal traffic-ways for safe and convenient access to all spaces and to facilities for common use by park occupants. Fencing or other suitable barriers shall restrict direct access from those spaces and facilities onto streets that are outside of the park. Such streets shall be privately owned, constructed, and maintained and shall meet all of the following requirements:

4.22.F.1. **Street width.** Street widths shall be sufficient to permit free movement from or to the stream of traffic or the public streets, and no parking shall be permitted that in any way interferes with such free movement. All two-lane roads shall allow at least twenty-two (22) feet free width. Space for roadside parking shall not be taken from this width. All one-lane, one-way roads shall allow at least sixteen (16) feet free width. Space for roadside parking shall not be taken from this width.

4.22.F.2. **Street alignment and gradient.** Street alignment and gradient shall be properly adapted to topography, to safe movement of types of traffic anticipated, and to satisfactorily control surface and groundwater.

4.22.F.3. **Street surfacing and maintenance.** A sound all-weather driving surface shall be provided and maintained.

4.22.F.4. **Walkways.** From each entrance and exit, all spaces for manufactured homes and all facilities for common use by park occupants shall be accessible by sidewalks. These sidewalks shall be constructed to the standards specified in Section ___.

4.22.F.5. **Driveways**. Driveways shall be provided on the site where necessary for convenient access to service entrances of buildings and to delivery and collection points for refuse and other materials. Driveways serving a single facility or single manufactured home space shall have a minimum full width of eight (8) feet where it does not serve as a walk, or ten (10) feet where it is also used as a walk.

4.22.F.6. **Access to manufactured home space.** Convenient access shall be provided to each manufactured home space by means of an access way reserved for maneuvering manufactured homes into position. The minimum width of the access way shall be twelve (12) feet, plus extra width as necessary for maneuvering a manufactured home on a curve.

4.22.F.7. **Manufactured home space.** The manufactured home space shall provide for practical placement on and removal from the space of both the manufactured home and its appurtenant structures and the retention of the home on the lot in a stable condition. A space shall be provided for every manufactured home in the park.

4.22.F.8. **Size.** The size of the space shall be suitable for the general market to be served by the individual proposal, and it shall fit the dimensions of the manufactured homes anticipated, including their appurtenant structures or appendages. The space area established for each manufactured home shall be in conformance with the dimensions of the manufactured home placed therein.

4.22.F.9. **Location.** The location of each manufactured home space shall be at such elevation, distance, and angle in relation to the access street and the manufactured home access way that placement and removal of the manufactured home is practical.

4.22.F.10. **Gradient**. Each space shall have a 0-5 percent longitudinal and adequate crown or cross-gradient for surface drainage.

4.22.F.11. **Construction.** The space shall be properly graded, placed, and compacted so as to be durable and adequate for the support of the maximum anticipated loads during all seasons.

4.22.F.12. **Manufactured home space setbacks.** The minimum side-to-side spacing between manufactured homes or any permitted building or structure shall be at least fifteen (15) feet. The minimum end-to-end spacing between manufactured homes shall be at least fifteen (15) feet. No manufactured home shall be closer than twenty (20) feet from the right-of-way of a main thoroughfare, unless separated from the thoroughfare by a substantial fence or wall, and no manufactured home shall be closer than ten (10) feet from the manufactured home park property line.

4.22.F.13. **Special external setback requirement**. Where a parcel adjoins at a lot line (without an intervening street or alley) the boundary of a more restrictive or less restrictive zone district, the setback requirement of the manufactured home park will be in accordance with the setback requirements of the zone where the manufactured home park is located. The Community Development Director shall require walls, fences, or vegetative screening at the outer edges of such setbacks.

4.22.F.14. **Skirting.** All manufactured homes shall be fully skirted within ninety (90) days from the date of installation or relocation.

4.22.F.15. **Recreation area.** Not less than 15 percent of the gross site area shall be devoted to open space for recreational purposes, and at least 50 percent of the required open space shall be located in one contiguous area.

4.22.F.16. **Pedestrian circulation.** The pedestrian circulation system shall be designed, constructed and maintained by the owner for safe and convenient movement from all spaces to principal destinations within the park and, if appropriate, shall provide access to pedestrian ways leading to destinations outside the park. Minor streets and collector streets that are privately owned may be used as pedestrian ways except where concentration of either pedestrian or vehicular traffic appears likely to lead to congestion or hazards.

4.22.F.17. **Exterior lighting.** All exterior lights shall comply with Outdoor Lighting and Night Skies Protection Standards, Section 3.11.

4.22.F.18. **Landscaping.** All manufactured home parks must comply with Landscaping and Vegetation, Section 3.8.

4.22.F.19. **Buffering.** A minimum buffer of twenty (20) feet in depth shall be installed along the boundary of the development site and any abutting lot or parcel zoned Rural (R), Rural Estate (R-E), Residential Large Lot (R-LL), Residential Medium Size Lot - 0.75 (R-ML 0.75), Residential Intermediate Size Lot - 0.5 (R-IL 0.5), and Residential Traditional Community (R-TC).

4.22.F.20. **Residential occupancy.** No space shall be rented for any use other than residential use of a manufactured home, RV, tiny home, or for a storage trailer in any manufactured home park.

4.23 MANUFACTURED/MOBILE HOME, RV, AND TINY HOMES SUBDIVISION

4.23.A. Codes and Requirements

4.23.A.1. The manufactured home subdivision shall comply with the regulations, restrictions and requirements of the UBC, Plumbing Code and the Electrical Code of the State of New Mexico and shall comply with all those standards for a subdivision set forth in *Article V Signs*.

4.23.A.2. **Minimum area of tract.** The tract shall contain at least five (5) acres of land and all land involved shall be so dimensioned and related so as to facilitate efficient design.

4.23.A.3. **Lot area.** The minimum lot area established for each manufactured home shall not be less than two thousand (2,000) square feet with a width of at least fifty (50) feet along the front yard setback line.

4.23.A.4. **Subdivision procedure**. Manufactured home subdivisions shall be approved in accordance with the subdivision process set forth in Section 6.3.16.

4.23.A.5. **Skirting**. All manufactured homes shall be fully skirted within ninety (90) days from the date of installation or relocation in accordance with subsection (R)(1) above.

4.23.A.6. **Design Standards.** All mobile home parks shall comply, and be reviewed for compliance, with design standards set forth as follows:

4.23.A.6.a. Location of the mobile home park shall be on a well-drained site, properly graded to ensure rapid drainage of the site.

4.23.A.6.b. Lots throughout shall be well-defined and delineated.

4.23.A.6.c. Each mobile home shall be supported in such manner as provided in the rules and regulations specified by the New Mexico Mobile Housing Commission.

4.23.A.6.d. A mobile home park subdivision shall be limited to a maximum of eight (8) mobile home spaces per acre.

4.23.A.7. Location of mobile homes on each space must provide:

4.23.A.7.a. At least a twenty (20)-foot clearance between the mobile homes;

4.23.A.7.b. Location of mobile homes not closer than ten (10) feet from any mobile home lot line or from any building on any adjacent property within the park, including small individual storage units, or other structures, such as porches, portals, or any property line of the park which does not abut upon a public street or highway; and

4.23.A.7.c. Location of mobile homes not closer than twenty-five (25) feet from any property line of the park abutting upon a public street or highway, or such other distance as may be established by ordinance or regulation as front yard setback with respect to conventional buildings in the district in which the mobile home park is located.

4.23.A.7.d. For the purpose of this section, the distance between mobile homes must be calculated to include any porch, attached room or deck, or any similar addition or improvement.

4.23.A.8. Two (2) off-street parking spaces for each mobile home lot shall be provided. Such parking spaces shall be paved or graveled.

4.23.A.9. Walkways from all mobile home lots to all common areas within the mobile home park shall be provided, and such walkways shall be not less than thirty-six (36) inches in width and constructed of hard surface material (e.g., concrete, asphalt, brick, or flagstone).

4.23.A.10. All mobile home parks shall provide shielded lighting.

4.23.A.11. Public dedicated roads shall meet all right-of-way requirements and subdivision design standards set forth in *Article III Development Standards.*

4.23.A.12. The perimeter of the mobile home subdivision and any open spaces within the subdivision shall be landscaped and fenced (six [6] feet at minimum) to blend as closely as possible with the surrounding land contours and vegetation.

4.23.A.13. A step pad located adjacent to the mobile home shall be provided and constructed of hard surface material (e.g., concrete, asphalt, brick or flagstone}.

4.23.A.14. Entrance roadways to the mobile home subdivision shall be designed in accordance with current traffic engineering criteria and shall be subject to the approval of the Planning Director.

4.23.A.15. Service buildings, if provided, shall comply with the standards prescribed by the Planning Director and Taos County building standards.

4.23.A.16. All service buildings and common areas of the mobile home park subdivision shall be maintained in a clean condition and kept free of a condition or conditions that might endanger the health and safety of any occupant and the public.

4.23.A.17. Any manufactured home must be skirted with fire-resistant materials with at least a one (1)-hour fire rating.

4.24 RV CAMP

4.24.A. Generally

4.24.A.1. A campground shall have an area of not less than five (5) acres and sites for no less than thirty (30) recreational vehicles.

4.24.A.2. RV camps must be sited outside FEMA high-risk plains and floodways and restricted to safe areas in WUI areas.

4.24.A.3. The maximum gross density within a campground shall be fifteen (15) campsites per acre. Land not accessible to campers shall not be included in the calculation of gross density.

4.24.B. Campsites

4.24.B.1. All recreational vehicles or tents parked or attached to the ground for use as an overnight accommodation shall be on a campsite, as defined by this section.

4.24.B.2. Each campsite shall be at least 1,650 square feet in area.

4.24.B.3. Each campsite shall provide parking space of adequate size to accommodate the vehicles allowed at the same site. Such parking space shall be so constructed that no portion of such vehicle shall extend onto any street within the campground.

4.24.B.4. Campsites shall comply with the following minimum setback requirements:

4.24.B.4.a. From the perimeter of the campground: twenty (20) feet.

4.24.B.4.b. From the boundary of a public right-of-way other than a local street: one hundred (100) feet.

4.24.B.4.c. The minimum setback requirements above may be reduced if the campsite is totally obscured from sight from off-site by natural barriers or a solid wall or fence at least six (6) feet high.

4.24.B.4.d. Where a campground abuts a mobile home park, the minimum setback may be reduced to ten (10) feet along the boundary between the mobile home park and the campground.

4.24.C. Streets

4.24.C.1. A campground shall be serviced by a private street system, paved at least to the off-street parking regulations of this Zoning Code, and providing safe and convenient access to all campsites.

4.24.C.2. If such road system is for one-way traffic only, directional signs shall be installed.

4.24.D. Screening

4.24.D.1. On any side of the premises contiguous or across the street from a residential zone, a solid wall or fence at least six (6) feet high shall be erected and maintained. However, this requirement need not be met until a dwelling unit is built on the residentially zoned land.

4.24.E. Toilet and lavatory facilities

4.24.E.1. Water-flush toilets and urinals shall be provided and shall not be farther than three hundred (300) feet from any campsite not provided with an individual sewer connection.

4.24.E.2. A minimum of four (4) toilets shall be provided for the first twenty-nine (29) campsites. For each additional twenty-five (25) campsites not provided with sewer connections, an additional toilet shall be provided.

4.24.E.3. One lavatory shall be provided for up to six (6) toilets. One additional lavatory shall be provided for each two toilets when more than six (6) toilets are required.

4.25 TEMPORARY SHELTER

4.25.A. Recreational Vehicle (RV). In the construction of a single-family residence, or in the event a fire or other natural disaster has made a single-family residence unfit for human habitation, the temporary use of a recreational vehicle located on the same parcel during rehabilitation or new construction is allowed, subject to the following conditions:

4.25.A.1. Water, utilities, and sanitary facilities must be provided unless RV is self-contained.

4.25.A.2. A manufactured home unit shall not be skirted, nor shall the wheels, axle, or tongue be removed.

4.25.A.3. Rental or lease is prohibited.

4.25.A.4. A Letter of Request is required for use and shall be submitted prior to transporting any mobile recreational vehicle onto the property and shall include the following:

4.25.A.4.a. Physical address of the location where the RV will be parked;

4.25.A.4.b. Estimated time frame as to how long the RV will be utilized; and

4.25.A.4.c. Notarized signature of property owner(s).

4.25.A.5. Said permit shall expire one year after the date of issuance or upon the completion of construction, whichever occurs first.

4.25.A.6. The temporary single-family residence recreational vehicle may be stored on the property but must be vacated and disconnected from all utilities prior to receiving a certificate of occupancy for the new or rehabilitated structure.

4.25.A.7. Recreational vehicles are not allowed to be occupied as a permanent single-family residence, except in a manufactured/mobile home park or RV park. They may be stored on the property but must be vacated and be disconnected from all utilities.

4.26 MINING AND PROCESSING — MINERALS AND RAW MATERIALS

4.26.A. Applicability and Purpose. These regulations apply to the operational, location, and general regulations and standards specific to Mineral Resource Exploration and Extraction and Processing. The purpose of the regulations is:

4.26.A.1. To protect the health, safety, and welfare of the citizens of the County, including their quality of life, economy, cultural heritage, history and traditions, infrastructure, and natural resources, including air, water, wildlife, and scenic beauty.

4.26.A.2. To protect the citizens and environment of the County from harmful, hazardous, and toxic effects and nuisances resulting from Mineral Resource Exploration and Extraction and Processing, including the degradation of air quality, surface and groundwater quality and quantity, visual quality, soil erosion and land subsidence, noise and vibration, fire and explosion hazards, traffic, road impact safety and deterioration, and other potential effects.

4.26.A.3. To protect wildlife, wildlife corridors, wildlife habitat, and native biological diversity.

4.26.A.4. To protect the scenic quality of the County, which is critically important to its economy, from the potentially adverse effects of mining and processing.

4.26.A.5. To assure that public roads and utilities required for Mineral Resource Exploration and Extraction and Processing are adequately funded, built, improved, and maintained.

4.26.A.6. To assure that mining and processing are compatible with other uses in the County, including traditional patterns of land use and development, recreational uses, and existing or planned urban or metropolitan areas.

4.26.A.7. To assure that the remediation, reclamation, and closure of areas used or affected by Mineral Resource Exploration and Extraction and Processing complies with the requirements and standards of the UDC in this Article.

4.26.A.8. To assure that sufficient Financial Assurance is provided to cover all potential costs of impacts associated with mining and processing, remediation, and reclamation, and to protect the County's taxpayers from bearing any cost related to mineral resource extraction and processing.

4.26.A.9. To provide applicants with notice of the process and issues that affect the County's review and decision-making regarding proposals to conduct mining and processing.

4.26.A.10. To provide for a fair and efficient system for the regulation of Mineral Resource Exploration and Extraction and Processing.

4.26.B. Environmental Impact Statement. In addition to the requirements of this section, the EIS shall include additional analyses, hydrologic and contaminant-transport modelling, maps, cross sections, and such other information as required to fully describe the environmental and site conditions expected to occur during and after the cessation of active mining operations, including during construction, operations, reclamation, closure, and post-closure using geological, meteorological, hydrological, geochemical, and mineralogical modeling for each baseline condition, including:

4.26.B.1. The mineral composition of the rock, ore, and soil to be extracted, processed, stored, deposited, exposed, or disposed of within the site.

4.26.B.2. The potential of the proposed mine units to contaminate air, soil, and water through any means, including leaching, acid mine drainage, percolation, run-on and runoff, or surface exposure; a description of the types of contaminants; an explanation as to how contamination will be prevented; and a description of the nature, likely concentrations, and extent of any unpreventable contamination.

4.26.B.3. Hydrologic gradient maps showing the effect of the mine units, dewatering, intended discharges, and any intended alteration of the subsurface on the water table and any confined aquifers.

4.26.C. Stormwater Management Plan. A Stormwater Management Plan that complies with state and federal law shall be included in the application. The plan shall demonstrate how stormwater runoff will be managed to, among other things, prevent clean water from entering areas containing materials that have been extracted, processed, stored, deposited, exposed, or disposed of, and that captures and contains contaminated stormwater.

4.26.D. Erosion Management Plan. An Erosion Management Plan shall be included in the application describing the proposed methods of controlling sediment transport. This plan may be combined with the Stormwater Management Plan.

4.26.E. Wastewater Management Plan. A Wastewater Management Plan shall be included in the application describing the proposed methods for managing domestic waste, including the location and design of septic tanks and leach fields.

4.26.F. Solid Waste Management Plan. A Solid Waste Management Plan shall be included in the application describing the proposed methods for management of disposal of domestic and industrial solid waste in accordance with state and federal law, including the implementation of best practices for minimization and recycling. This plan may be combined with the Wastewater Management Plan.

4.26.G. Extraction and Processing. A description and maps showing the proposed mining, stockpiling, and mineral processing methods and locations of all existing and proposed mine units and other facilities, including:

4.26.G.1. Open pits and underground mining facilities, including location, depth, size, acreage, and geology;

4.26.G.2. Material handling and processing facilities, including crushing, milling, concentrating, smelting, and solvent extraction and electrowinning;

4.26.G.3. Ancillary facilities, including sumps, tanks, pipelines, transportation, location, purpose, construction material, and dimensions and capacity;

4.26.G.4. Storage and disposal facilities, including tailing, process water, stormwater impoundments, drainage channels, leach pads, waste rock stockpiles, and slag and residue piles. The description shall include the location, purpose, liner material, and storage or disposal capacity; and

4.26.G.5. Process and domestic water, including the location, construction method and material, dimension, and capacity of wells, meters, and pipes.

4.26.G.6. A mass balance table describing the quantity of each type of material mined or disturbed each year, including but not limited to soil, overburden, barren waste (less than 0.1 percent sulfur), waste, ore, tailings, and quantities of material disturbed for roads and site grading into and out of stockpiles.

4.26.H. Storage, Disposal, and Maintenance of Ore Stockpiles, Tailings, Waste Rock, and High Walls. A plan for handling each material extracted, processed, stored, deposited, exposed, or disposed of, and each facility proposed for such use, in a manner that will not cause or contribute to the contamination of surface or groundwater above applicable standards, signed and sealed by a Professional Engineer, taking into consideration the amount, intensity, duration, frequency of precipitation, and the watershed area, including the topography, geomorphology, soils, and vegetation. Liners with secondary containment and leak detection shall be required in accordance with Section 11 ___. for all mine units that have the potential to discharge contaminants into groundwater and contaminate it above applicable standards.

4.26.I. Operating Plan. A plan describing the procedures for operating the facilities for Mineral Resources Extraction and Processing, including:

4.26.I.1. A schedule of anticipated periods of temporary cessation, including holidays or anticipated regular maintenance;

4.26.I.2. Notification of appropriate regulatory authorities of temporary cessations, both scheduled and unscheduled;

4.26.I.3. A description of processes for containing leachate and runoff from materials that have been extracted, processed, stored, deposited, exposed, or disposed;

4.26.I.4. A description of processes and protocols for managing all fluids in the operation, including routine inspections of each facility;

4.26.I.5. A protocol for managing the facilities and fluids during emergencies and nonroutine operations, temporary cessation, and closing, including:

4.26.I.5.a. Emergency bypass and containment procedures for each facility, including treatment facilities damaged or unable to keep up with demand;

4.26.I.5.b. Procedures to cease operations during emergencies and nonroutine operations;

4.26.I.5.c. Labor requirements, including management and security, to cease operations and manage facilities during emergency and nonroutine operations;

4.26.I.5.d. Identification of potential hazards, including the generation and release of hazardous materials, during emergency and nonroutine operations;

4.26.I.5.e. Monitoring plan to identify and characterize hazardous materials generated or released during emergency and nonroutine operations;

4.26.I.5.f. Pump energy usage;

4.26.I.5.g. Estimated cost to cease operations and manage facilities during emergencies or nonroutine operations;

4.26.I.5.h. A Health and Safety Plan complying with Mine Safety and Health Administration requirements; and

4.26.I.5.i. Procedures to stabilize facilities and return to regular operations.

4.26.J. Blasting Plan. A plan created by a qualified blasting firm or engineer that is knowledgeable of State of New Mexico requirements and National Fire Protection Association NFPA 495 (Explosive Materials Code), which identifies the maximum weight of explosives to be detonated on each occurrence, the type of explosive agent, maximum pounds per delay, method of packing, type of initiation device to be used for each hole, blasting schedule, and noise and vibration limits.

4.26.K. Monitoring Plan. In addition to the requirements of Section ____, the Applicant shall submit a Monitoring Plan, including Quality Assurance/Quality Control ("QA/QC") procedures, describing the collection and evaluation of data to ensure compliance with the standards of this Article, including:

4.26.K.1. Representative samples of each material extracted, processed, stored, deposited, exposed, or disposed;

4.26.K.2. Representative samples of ground and surface water, including each point of potential contact with a material that could leach, generate, or release a water contaminant;

4.26.K.3. Hydrological tests to evaluate changes in flow, gradient, and water table; and

4.26.K.4. Monitoring of operations to detect leaks and ensure proper function of facilities.

4.26.L. Wildlife Impact Mitigation Plan. The applicant shall submit a Wildlife Impact Mitigation Plan developed by a professional biologist with expertise in wildlife impact mitigation and approved by the Administrator. The plan shall describe how wildlife impacts attributable to the proposed Major Development Permit will be eliminated or mitigated to the greatest extent possible.

4.26.M. Closure and Post-Closure Plans. The applicant shall submit Closure and Post-Closure Plans and shall update the plans annually. The plans shall be certified by a professional engineer approved by the administrator. Following closure, a professional engineer shall prepare a final report describing the actions taken by the permittee, the results of closure and post-closure monitoring, and a certification that the Major Development Permit will comply with all applicable standards in perpetuity. The plans shall demonstrate compliance with the following standards:

4.26.M.1. **Removal**. Except as otherwise provided in the Major Development Permit approval order, all buildings, structures, infrastructure, and facilities not required for reclamation and environmental protection shall be removed.

4.26.M.2. **Secondary Containment Systems.** Liner systems that are not required for reclamation, closure, and environmental protection shall be tested for any potentially contaminating materials, remediated to comply with Section 11.__, and removed.

4.26.M.3. **Leach (Spent Ore and Lean Ore) Facilities**. Materials in leach facilities shall be detoxified using rinse/rest cycles and chemical oxidation. Following detoxification, leach facilities shall be closed by covering the materials; ponds associated with a heap-leach facility shall be closed by folding in the synthetic liners and filling and contouring the pits with inert material; residual sludge, spent ore, and lean ore shall be removed and disposed in an approved facility; and piping shall be removed.

4.26.M.4. **Cover Systems.** Cover systems that are capable of containing the contaminant in perpetuity shall be installed on waste rock piles, leach and spent ore facilities, tailing impoundments, and any other unit that has the potential to yield a contaminant.

4.26.M.4.a. The cover system shall be constructed of thirty-six (36) inches of earthen materials that are capable of sustaining plant growth without perpetual care and have erosion-resistant characteristics. The pile shall be shaped to minimize erosion and maintain slope and vegetation stability. Erosion rates shall be equal to or less than stable slopes in the surrounding area after the vegetation has reached near-equilibrium cover levels;

4.26.M.4.b. The cover system shall have the capacity to store within the fine fraction at least 95 percent of the long-term average winter precipitation (December, January, and February) or at least 35 percent of the long-term average summer precipitation (July, August, and September), whichever is greater. The water-holding capacity shall be determined by multiplying the thickness of the cover by the incremental water holding capacity of the fine fraction of the cover. The incremental water-holding capacity of the fine fraction of the

cover shall be determined by field or laboratory tests or published estimates;

4.26.M.4.c. These design criteria may be modified only upon a demonstration that an alternate cover system, including a composite or layered cover incorporating a liner, will provide an equal or greater level of protection for surface and groundwater standards; and the cover system shall include monitoring and reporting for surface and groundwater under and adjacent to the unit.

4.26.N. Reclamation Plan. Applicants shall provide within the Reclamation Plan the following:

4.26.N.1. A detailed description of the proposed post-mining land use, including the written approval of each surface owner for the proposed use;

4.26.N.2. A plan and cost estimate certified by a professional engineer with expertise in reclamation and approved by the Administrator, to reclaim the mining site, including:

4.26.N.2.a. A description of the methods to be used;

4.26.N.2.b. A description and map showing the schedule and acres to be reclaimed;

4.26.N.2.c. A topographic map of the anticipated surface configuration after the completion of reclamation, including cross sections on one hundred (100)-foot centers showing the existing ground and the proposed reclaimed surface;

4.26.N.2.d. A description of the potential for the generation of water contaminants after reclamation and how contaminants will be eliminated;

4.26.N.2.e. A description of the measures for siting, designing, constructing, and managing facilities to ensure the success of reclamation;

4.26.N.2.f. A mass balance table showing for each phase and year of operation, the quantity of topsoil salvaged and replaced, quantity of topsoil estimated to remain, the quantity of ore mined, and quantity of waste generated and placed in each storage facility; and

4.26.N.2.g. A plan for salvaging and storing topsoil for use in reclamation.

4.26.N.3. **Additional Information.** Any additional information the Administrator and the Board deems necessary to review the application.

4.26.O. Application Review. The Planning Director may contract with, and the Applicant shall pay for, any consultant retained by the County to provide assistance in its review of the application in accordance with this section, as the same may be amended from time to time.

4.26.P. Hours of Operation. Hours of operation are limited to the period between sunrise or 7 a.m. whichever is latest, and sunset or 6 p.m., whichever is earliest, Monday through Saturday, unless the Administrator recommends and the Board determines that other hours of operation are more appropriate to meet the standards of this section and the UDC.

4.26.Q. Setbacks. Mineral Resource Extraction and Processing, and all related equipment, structures, and facilities:

4.26.Q.1. Shall be no closer than three hundred (300) feet to the boundaries of the property and five hundred (500) feet from all public road rights-of-way, public recreational easements, and one hundred (100)-year flood zones; and

4.26.Q.2. Shall be no closer than one thousand (1,000) feet to the seasonal high-water mark of any water body or seasonal watercourse, including a minimum one hundred (100)-foot buffer zone of natural vegetation measured from the annual high-water mark of a surface water, including a perennial, ephemeral, and intermittent body.

4.26.R. Hazardous Materials. All facilities containing a Hazardous Material, including ponds, tanks, pits, and piles, shall be covered and fenced to prevent contact with wildlife. The handling, storage, use, and disposal of hazardous materials shall conform to the highest standards of care, industry best practices, and applicable law.

4.26.S. Mining and Processing. Mining and processing shall comply with the following standards:

4.26.S.1.a. Open pits shall be backfilled unless the Planning Director recommends and the Board of County Commissioners determines that another method of open pit closure will be more effective to comply with Section __;

4.26.S.1.b. Surface water run-on and runoff from undisturbed areas shall be controlled to prevent contact with and contamination by disturbed areas and process and waste materials;

4.26.S.1.c. Surface water run-on and runoff from disturbed areas and process and waste materials shall be controlled to prevent contact with undisturbed areas using the most effective techniques identified in the best available science; and

4.26.S.1.d. All reclaimed landforms shall be geomorphologically stable and blend into the surrounding terrain.

4.27 OIL AND GAS DRILLING AND PRODUCTION

4.27.A. To be developed not as part of this project but at a later date.

4.28 SHOOTING RANGE — INDOORS

4.28.A. The facility shall provide a noise attenuation study certified by a licensed professional engineer. Noise attenuation shall meet the requirements of 45 dB(A) during nighttime and 55 dB(A) daytime in residential areas, or 60 dB(A) during nighttime and 70 dB(A) in daytime in commercial and mixed-use areas.

4.28.B. The facility shall follow best management practices for lead as outlined by the Environmental Protection Agency (EPA-902-B-01-001) or as updated.

4.29 SHOOTING RANGE — OUTDOORS

4.29.A. A required buffer from the property line to shooting areas will be determined as part of Conditional Use Permit.

4.29.B. A forty (40)-acre minimum lot size is required.

4.29.C. Site operations must follow best management practices for lead, as outlined by the Environmental Protection Agency (EPA-902-B-01-001) or as updated.

4.29.D. The applicant must provide a noise attenuation study certified by a licensed professional engineer. Noise attenuation shall meet the requirements of 45 dB(A) during nighttime and 55 dB(A) daytime in residential areas, or 60 dB(A) during nighttime and 70 dB(A) in daytime in commercial and mixed-use areas.

4.30 SHORT-TERM RENTAL

4.30.A. General Provisions and Registration Requirements

4.30.A.1. A short-term rental (STR) within the County of Taos shall not be permitted except as set forth in this supplemental use regulation.

4.30.A.2. No Owner/Operator shall operate a STR without a valid STR permit issued by the Planning Director after submission, review, and approval of an STR application approved by the Planning Director, a completed Lodging Establishment Application, and a valid Taos County Business Registration issued by the Taos County Clerk's Office:

4.30.A.2.a. Permit required in accordance with Section 4.__;

4.30.A.2.b. Each separate dwelling unit used as a STR shall require a New Mexico State Taxpayer ID Certificate that demonstrates the physical address of the STR Unit;

4.30.A.2.c. Business registrations shall be renewed annually through the Taos County Clerk's Office, unless earlier revoked in accordance with this code;

4.30.A.2.d. STR units shall be registered to pay lodgers' tax with the Taos County Clerk's Office;

4.30.A.2.e. STR permits are good for one (1) year after issuance, unless revoked in accordance with this code.

4.30.A.3. The Owner/Operator of the STR shall be a natural person who is either the record title owner of the property or dwelling unit, or who has legal authority to act on behalf of a legal business or entity, which is the record title owner of the property or dwelling unit;

4.30.A.4. Only one STR permit shall be approved per unique Taos County Assessor's Office-assigned Owner Number;

4.30.A.5. No more than one STR permit will be issued per Owner/Operator;

4.30.A.6. STR units are allowed in any legal dwelling unit, accessory dwelling unit, or bedroom.

4.30.A.7. No more than one dwelling unit, accessory dwelling unit, or bedroom, with its own unique rural address, shall be subject to any individual STR permit.

4.30.A.8. STR units are permitted in zones as shown in the *Article II Zoning Districts* Use Matrix or in any County-designated Neighborhood Overlay Zone, provided that STR units shall comply with the regulations and performance standards of any Neighborhood Overlay Zone in which the STR unit is located.

4.30.A.9. STR units are not allowed in any structure or vehicle that is not permitted as a residential structure or which would not be eligible for a building permit pursuant to the most recent adoption of the New Mexico Residential Building Code. If deemed necessary, the Planning Director may require a health and safety inspection prior to the issuance of a STR Permit to ensure code compliance.

4.30.B. Standards of Operation

4.30.B.1. STR units that possess a valid STR permit pursuant to this code, or which are considered legal nonconforming STR units, shall adhere to the following operating rules:

4.30.B.1.a. All STR units shall require a local contact person, residing in Taos County, who is available twenty-four (24) hours a day, seven (7) days a week during any period the STR Unit is occupied by short-term lodgers;

4.30.B.1.b. Off-street parking shall be provided for each STR unit as follows:

1. A minimum of one parking space per bedroom, with the total number of parking spaces not to exceed 50 percent of the occupancy load of the dwelling unit; and
2. In multi-unit buildings or developments, only parking spaces that are specifically designated for the STR unit shall be used as STR unit lodger parking. Guest or overflow parking for the development shall not be used as parking for STR unit lodgers.

4.30.B.1.c. STR units shall comply with all applicable sections of Ordinance 2018-2 Taos County Land Use Regulations, and subsequent amendments, including all applicable rules within Neighborhood Overlay Zones;

4.30.B.1.d. The total number of persons that may occupy a STR unit overnight shall not exceed the Occupancy Load, as established by the Planning Director;

4.30.B.1.e. Excessive noises, such as outdoor parties, loud music, or other disturbances outside of the STR Unit, including on decks, portals, porches, balconies, patios, yards, pools, driveways, or carports of a STR unit, are prohibited after 10 p.m. and before 9 a.m.;

4.30.B.1.f. Lodgers shall be informed in writing of relevant County ordinances, by the Owner/Operator prior to or during check-in. All STR lodgers shall comply with all applicable County ordinances;

4.30.B.1.g. The Owner/Operator shall keep records from the three most recent years, and these records must be available for the County upon request. Records must include the following:

1. Date of each reservation and the number of nights per reservation;

2. The amount of rent paid by guests per month, including cleaning fees, and the amount of each type of tax and fee paid to the County and/or State by the month;

4.30.B.1.h. Each STR unit shall be thoroughly cleaned and disinfected following each use;

4.30.B.1.i. All STRs shall be considered commercial property for purposes of the fire code and have up-to-date fire inspections at all times, as deemed necessary by the Authority Having Jurisdiction (AHJ);

4.30.B.1.j. STR permits only allow overnight accommodation, with or without the service of breakfast, to registered overnight lodgers only. No property for which an STR permit has been issued shall be used as an event center for parties, weddings, or other gatherings where additional persons other than registered overnight guests are present;

4.30.B.1.k. The Owner/Operator shall require the primary lodger of the STR to be an adult twenty-one (21) years of age or older. The primary lodger shall provide a telephone number to the Owner/Operator and shall be accessible to the owner by telephone at all times;

4.30.B.1.l. Each STR Unit shall clearly display the assigned rural address as verified by the Taos County Planning Director's Rural Addressing Division.

4.30.C. Registration Contents, Display, and Notice

4.30.C.1. The STR permit shall be displayed in a prominent and visible location within the STR, along with the Taos County Business Registration certificate, and the following information on a form prepared by the Taos County Planning Director:

4.30.C.1.a. The name and contact information of the Owner/Operator or Owner/Operator's local contact who can be reached 24/7 to respond to emergencies and code compliance complaints;

4.30.C.1.b. The physical address of the STR Unit;

4.30.C.1.c. The Taos County Business Registration number and expiration date;

4.30.C.1.d. The Occupancy Load of the STR Unit;

4.30.C.1.e. A notice of the maximum number of vehicles to be parked at the STR Unit, and the location of available parking spaces;

4.30.C.1.f. A summary of the regulations contained in this section of the Taos County Land Use Regulations, and other applicable Taos County ordinances, including, but not limited to the Taos County Open Burn Ordinance;

4.30.C.1.g. Contact information for the Taos County Planning Director in order to report any possible violations of this section of the Taos County Land Use Regulations;

4.30.C.1.h. Solid waste storage and disposal requirements; and

4.30.C.1.i. Quiet hours applicable to the STR Unit.

4.30.C.2. Marketplace providers responsible for all listings and advertisements for a STR shall require the Owner/Operator to include the following:

4.30.C.2.a. The STR permit number for the STR Unit and its expiration date;

4.30.C.2.b. The occupancy load for the STR Unit;

4.30.C.2.c. A notice of the maximum number of vehicles to be parked at the STR Unit;

4.30.C.2.d. Open Burn Ordinance regulations and any applicable fire restrictions;

4.30.C.2.e. Upon notice from the County that a permit has become invalid, the marketplace provider shall deactivate the listing within five (5) business days.

4.30.D. Number of Permits and Legal Nonconforming STR Units

4.30.D.1. The number of active permits allowed for STR units in unincorporated Taos County, including owner-occupied and nonowner-occupied but not including legal nonconforming permits or permits that meet the exemption requirements under Section 4.__, is limited to four hundred (400) at any one time:

4.30.D.1.a. Permits will be issued on a first-come, first-served basis. Once four hundred (400) permits have been issued, no new permits will be issued;

4.30.D.1.b. STR zoning clearance applications shall be reviewed in the order that they are received;

4.30.D.1.c. STR permits shall be issued in the order that eligible applications are deemed to be in compliance with the terms of this code;

4.30.D.1.d. A waitlist shall be established for applications submitted after the four hundred (400) permit cap has been reached, and as permits expire and/or are revoked, those applications will be reviewed in the order that they are received;

1. If an applicant waits on the list for a year or longer, the Planning Director may require the applicant to indicate a continued interest in remaining on the list;

2. If at any time an applicant on the waitlist is to be found to be in violation of this code, the application shall be denied, and the applicant shall not be allowed to apply for an STR permit for a period of two (2) years and the STR unit shall cease to operate. Once the two (2)-year period has ended, a new zoning clearance application will be required for consideration for a permit.

4.30.D.2. **Legal Nonconforming STR Units permitted under Section 4.16**

4.30.D.2.a. STR units permitted under Section 4.16 home occupation standards prior to the passage of Ordinance 2024-4 on August 20, 2024, for which the Owner/Operators have maintained an up-to-date Taos County Business Registration will be considered legal nonconforming STR Units;

1. Legal nonconforming STR Units will not count toward permit cap;

2. Legal nonconforming STR permits are not transferrable to another person or property; upon transfer of ownership of a legal nonconforming STR Unit, the STR home occupation permit shall immediately terminate without the necessity of notice. If a new Owner/Operator wishes to use the property as an STR unit, a new application conforming with Section 4.__ shall be required;

3. Legal nonconforming STR Units must adhere to the Standards of Operation outlined in Section 4.__;

4. Legal nonconforming STR Units are subject to the enforcement provisions of Section 4.__ and *Article X Definitions & Rules of Interpretation*.

4.30.E. STRs on Commercial Property

4.30.E.1. STR Units located in a Commercial Property, not defined by this code as a lodging establishment or Bed and Breakfast, are permitted under the terms of the original Commercial Zoning Clearance Permit, Special Use Zoning Clearance Permit, or Major Development Zoning Permit, only if the allowance of STRs was part of the original or amended approval; otherwise, units within the Commercial Property are subject to the conditions of this section of the Taos County Land Use Regulations;

4.30.E.2. STR of dwelling units within a mixed-use or commercial zoning district or in Community subzones is permitted only if the applicable zoning is satisfied, and the appropriate permits are in place. Otherwise, units within described properties will be subject to the conditions of this section of the Taos County Land Use Regulations;

4.30.E.3. Such STR Units, as described in Section 4.__ must be registered with the County pursuant to the guidelines of Section 4.__;

4.30.E.4. STR Units as described within this section must comply with this section, report occupancy, and pay all applicable taxes;

4.30.E.5. STR Units, as described in Section 4.__will not count toward the STR cap;

4.30.E.6. With proper documentation, as requested by the Taos County Planning Director, STR Units in legal nonconforming resort facilities can be considered STR Units as described in Section 4.__;

4.30.E.7. Units within lodging establishments, or a Bed and Breakfast, may be advertised on STR advertising platforms so long as the lodging establishment has been permitted through administrative zoning clearance, a Conditional Use Permit, or a Major Development Permit or is considered legal nonconforming. Units in lodging establishments, or a Bed and Breakfast, as described, are not considered STRs.

4.30.F. STR Cap Exemptions

4.30.F.1. **Affordable Housing Exemption**. Owner/Operators who provide one (1) dwelling unit for long-term rent that meets the definitions of “Affordable,” as defined by Ordinance 2022-4 The Taos County Affordable Housing Ordinance, and subsequent amendments, may operate one (1) STR that does not count toward the STR Cap. Applicants who plan to provide multiple Affordable units for long-term rent can also claim an exemption to Sections 4.__ and 4.__ as applicable;

4.30.F.1.a. For an applicant to be considered by the Taos County Planning Director for an affordable housing cap exemption, the applicant must submit the following:

1. An Affordable Housing Development Agreement that specifies the terms of the Agreement and how the Applicant plans to satisfy the requirements of the Taos County Affordable Housing Ordinance;

2. Any other documentation deemed necessary by the Taos County Planning Director;

4.30.F.1.b. Documentation required to enact and continue the affordable housing cap exemption may include:

1. Proof that the unit meets the definition of “Affordable,” as defined by the Taos County Affordable Housing Ordinance;
2. Proof that the tenant(s) meet the qualifications of the Taos County Affordable Housing Ordinance;
3. Copies of deed restrictions, which would require that the dwelling unit is rented to an individual or individuals who work at least thirty (30) hours a week at an entity based in Taos County;
4. Up-to-date copies of lease agreements with qualifying tenant(s), which must be for a minimum of one year;
5. Proof of acceptance of housing choice vouchers, as required by the Taos County Affordable Housing Ordinance;
6. Any other form of proof deemed acceptable by the Planning Director that shows the applicant meets the requirements of Section 4.__, and the requirements of the Taos County Affordable Housing Ordinance;

4.30.F.1.c. In the event that a lease is terminated at the end of the lease term, or terminated early, either the landlord or tenant needs to notify the Taos County Planning Director;

1. The landlord will have a period of sixty (60) days to find a new tenant that meets the requirements of Section 4.__;
2. If the landlord does not successfully place a new tenant within 60 days, then the exemption granted becomes null and void and the exempt STR Unit will adhere to Section 4.__;
3. If no STR permits are available at the time of application under Section 4.__, then short-term rental of unit will cease until a permit becomes available, provided that applicant is on the waitlist;
4. If an Owner/Operator loses his or her STR zoning clearance due to violations and penalties outlined in Section 4.__, the terms of affordability for the related affordable unit must be honored through the end of the current lease;

4.30.F.1.d. **Long-Term Residence Exemption.** Owner/Operators who can demonstrate both Primary Residence and ownership of the property for ten (10) years or longer can submit an application adherent to Section 4.__ and obtain an Owner-Occupied STR Permit that does not count toward the STR cap;

4.30.F.1.e. **Limitations on Exemptions.** STR units permitted under exemptions A or B will adhere to all the relevant sections of this code other than Section 4.__.

4.30.G. Violations, Enforcement, and Enforcement Procedures

4.30.G.1. County staff shall document all alleged violations of this section and shall pursue enforcement procedures as specified in *Article X Definitions & Rules of Interpretation* of the UDC in addition to the following:

4.30.G.1.a. If the Planning Director determines a violation has occurred, then a written notice of violation that includes a corrective action will be sent to the Owner/Operator. If the corrective action is not commenced within fifteen (15) days of the date of written notice of violation, the County may revoke the STR Permit and use of the STR Unit must cease within fifteen (15) days following revocation of permit;

4.30.G.1.b. Any Owner/Operator who fails to report all applicable taxes, including gross receipts tax and lodgers' tax, shall be subject to any and all penalties set forth in Section 4.__ and *Article X* of the UDC, and any other applicable penalties existing under County, state, or federal law or statute;

4.30.G.1.c. Any person operating a STR Unit without a valid permit, or found to be violating the terms of the permit or any provision of the UDC, shall be guilty of a petty misdemeanor and shall be punished as set forth in Section 10.__ [A] of the UDC, and will be prohibited from applying for a STR Unit permit for a period of two (2) years;

4.30.G.1.d. If an STR Unit has three (3) or more instances of violations of County ordinances or state statutes within a twelve (12)-month period, the STR permit shall be revoked for a period of two (2) years and the STR shall cease to operate. Once the two (2)-year period has ended, a new application will be required for consideration of a new permit; and

4.30.G.1.e. An Owner/Operator may appeal the revocation of an STR Unit Permit, pursuant to the processes and requirements laid out in Section 9.__ of the UDC.

1. The appeal of revocation of an Owner-Occupied STR Permit will follow the procedures laid out in Section 4.__ of the UDC;
2. The appeal of revocation of a Nonowner-Occupied STR Permit will follow the procedures laid out in Section 4.__ of the UDC.

4.31 STORAGE — GENERAL

4.31.A. Applicability

4.31.A.1. Storage incidental to construction activities is permitted in all zoning districts. Upon completion of construction, all construction equipment and surplus building materials shall be removed from the premises, stored in an appropriate storage space, or stored in an outdoor enclosure screened from view.

4.31.A.2. The following regulations pertain to commercial outdoor storage (with the exception of Junkyards, Salvage Yards, and Auto and Scrap Processing as defined and regulated in Section __, contractors' yards, building supply sales, landscape materials, coal sales and storage, and paper and rag storage in areas in Mixed-Use zones, Transitional zones, and permanent storage areas in "I-L" [Industrial Light] and "I-H" [Industrial Heavy] zoning districts).

4.31.B. Storage yards shall be enclosed by:

4.31.B.1. Non-climbable fence or wall at least six (6) feet in height; or

4.31.B.2. Landscaped buffer strip, as described in *Article III Development Standards*.

4.31.C. The presence of garbage, trash, litter, debris, rubbish, or junk that has fallen or spilled out of storage or collection containers meant for the same, or the failure to visually screen a collection area for outdoor garbage or trash storage by a solid wall or fencing shall be a violation of the UDC.

4.32 SOLAR ENERGY — COMMERCIAL AND COMMUNITY

4.32.A. Natural & Biological Resources. Noxious weed control is required. Appropriate fire measures as required by the Taos County Fire Marshal shall be implemented. Solar project towers shall not use lattice-type construction or other designs that provide perches for avian predators.

4.32.B. Soil Erosion & Water Quality. Construction and maintenance shall be done in strict accordance with the erosion and sediment control plan submitted with the Special Use/Major Development Permit application so as to minimize soil erosion and damage to existing vegetation. If vegetation is damaged during construction, in areas not occupied by the solar projects and related facilities and roads, it shall be restored after construction is complete. Disturbed areas shall be reseeded as to Taos County Soil and Water Conservation District requirements. Dust control on the project site is required.

4.32.C. Safety. Individual solar panels shall be set back from all property lines a distance equal to thirty (30) feet. Individual solar panels shall be set back from all public roads a distance equal to at least thirty (30) feet.

4.32.D. Removal of solar facility and equipment. Any solar project facility that is not in continuous and uninterrupted operation for twelve (12) consecutive months or longer shall be deemed nonoperational and abandoned, and, upon written notice by the County to the owner, shall be removed within ninety (90) days of said notice.

4.32.D.1. Both the construction and operation phases will be carried out.

4.32.D.2. **Site Guidelines.** The following guidelines shall be considered in evaluating the appropriateness of proposed locations for solar projects and the proposed project components. The purpose of these guidelines is to assist decision-makers in uniformly analyzing the site-specific impacts of each proposed project and thereby arrive at consistent and balanced decisions.

4.32.D.2.a. **Natural and Biological Resources.** Solar projects should not be located in areas that have a large potential for biological conflicts. Solar projects should not be located in large impact areas such as wilderness study areas, floodplains, wetlands, and other areas of critical environmental concern, County and state parks, historic trails, and special management areas.

4.32.D.2.b. **Visual Impacts.** Solar projects should avoid visual corridors that are designated as essential view sheds or scenic areas. A solar project should

maintain visual unity among clusters of solar panels. To promote visual uniformity, the solar panels in an array should appear similar. To avoid visual clutter, intra-project power lines having a voltage of 34,500 volts or less, should be buried or otherwise be hidden from public view, unless the applicant can demonstrate that burying the lines will violate other guidelines/standards, violate applicable law, or render the project economically unfeasible. To avoid cluttering the skyline, transformers and other electric equipment should be hidden from view or otherwise constructed in harmony with the surrounding landscape.

4.32.D.2.c. **Soil Erosion and Water Quality.** Solar projects should avoid erosion. Disturbance and construction on erodible slopes should be minimized. The number of improved roads and construction staging areas should be kept to a minimum. The grading width of roads should be minimized. One-lane roadways with turnouts are recommended. The number and size of staging areas and crane pad sites should be minimized.

4.32.D.2.d. **Historical, Cultural, and Archeological Resources.** Solar projects should avoid sites with known sensitive historical, cultural, or archeological resources.

4.32.D.2.e. **Public Safety.** Solar projects shall be developed in a manner that utilizes sound engineering practices and considers public safety in regard to the potential hazards to adjacent properties, public roadways, communities, aviation, etc., that may be created. A fire protection plan shall be developed for construction and operation of the facility.

4.32.E. In a Conditional Use Permit or Major Development Zoning Permit, an applicant shall submit the following:

4.32.E.1. **Project Rationale**. Relevant background information on the project, including time frame and project life, phases of development, likely markets for the electricity produced, and the possibilities for future expansion.

4.32.E.2. **Plat and Development Plan.** A conceptual development plan of the proposed project drawn to scale and in sufficient detail to provide a clear description of the project, including structure location showing setbacks, use, and means of access for the following structures:

4.32.E.2.a. **Existing structures within the project boundary.** Show the location of all existing structures within the property of the proposed project, including setbacks to the proposed project.

4.32.E.2.b. **Existing structures outside of the project boundary.** All occupied/manned structures and all unoccupied structures within one thousand (1,000) feet of the project boundary.

4.32.E.2.c. **Proposed Accessory Structures.** Accessory structures include support offices, facilities, and structures related to the operation of the solar project. A general statement of how the developer will address potable water, sewage/waste disposal, and fire protection for these accessory structures is required.

4.32.E.2.d. **Existing Utilities, Pipelines, and Related Structures.** Show the location of all existing underground and above ground utilities, electrical lines, transmission lines, pipelines, and accessory support facilities.

4.32.E.2.e. **Proposed Utilities, Electrical/Transmission Lines, and Related Structures.** Show all proposed utility lines, transmission lines, electrical lines, and any related accessory support facilities. The applicant must submit a statement that states the approximate voltage of each transmission line and whether the facilities are proposed to be located above or below ground. Provide a general region/area-wide map clearly showing the proposed route of transmission lines and accessory facilities.

4.32.E.2.f. **A map showing the existing topography of the site.** US Geological Survey topographic maps shall be utilized, unless the Planning Director approves an equivalent.

4.32.E.3. **Project Impacts.** Provide an accurate report of the project components by showing the impact of the project on the local and state economy with respect to the following:

4.32.E.3.a. Amount of property taxes to be generated by the project.

4.32.E.3.b. Amount of sales taxes to be generated by the project.

4.32.E.3.c. Amount of other applicable taxes to be generated by the project.

4.32.E.3.d. Construction dollars to be spent.

4.32.E.3.e. Number of construction jobs and estimated construction payroll.

4.32.E.3.f. Number of permanent jobs and estimated continuing payroll.

4.32.E.3.g. Costs associated with the impact on roads and other infrastructure.

4.32.E.4. **Conceptual Transportation Plan for Construction and Operation Phases**. Provide a conceptual construction and operation transportation plan that shows the following:

4.32.E.4.a. Anticipated locations of the project's service road ingress and egress access points onto state or County roads. Any proposed access onto the state or County road system must meet respective requirements.

4.32.E.4.b. The general layout of the proposed solar project service road system and the extent to which roads are planned to be upgraded. All roads servicing manned or occupied accessory buildings need to be constructed to the standards of the International Fire Code.

4.32.E.4.c. The plan for utilizing existing roadways 1) that will serve the project area and 2) that are within the project area. To the greatest extent possible, the applicant must make use of existing roadways. The anticipated volume and designated route for traffic, including routes for oversized and heavy equipment needed for construction, maintenance, and repairs.

4.33 SOLAR ENERGY — NONCOMMERCIAL

4.33.A. Applicability. This section only applies to solar generation for small-scale private individual or neighborhood cooperative production and not to large-scale or for-profit commercial applications.

4.33.B. Supplemental Requirements. Noncommercial solar energy shall be considered an accessory structure and shall be permitted in any area under the jurisdiction of the Taos County Land Use Regulations by the issuance of an approved Permissive Development Review; and is subject to compliance with the standard application requirements and all of the following noncommercial wind power generation requirements:

4.33.B.1. **Codes.** The solar energy system shall meet all applicable County and State building, plumbing, mechanical, and electrical codes.

4.33.B.2. **Interconnections.** A photovoltaic system intended to be connected to the electric utility grid shall not be operated until the electric utility provider has been notified in writing of the machine owner's intent to interconnect, the appropriate written approvals have been granted by the electric utility, and NM State Construction Industries Division (CID) has inspected and issued written approval.

4.33.B.3. **Building Permit.** A building permit is required per the NM building codes as amended. A plan must be submitted showing the framing and any proposed alteration along with panel support of the system, plus the following:

4.33.B.3.a. Freestanding noncommercial apparatus and apparatus mounted on existing or new structures shall not exceed twenty-seven (27) feet.

4.33.B.3.b. Electrical, plumbing, and mechanical permits must be obtained, if required.

4.33.B.3.c. The maximum area covered by solar panels may not exceed the square footage of the roof of the principal structure whether placed on the roof or elsewhere.

4.34 SUSTAINABLE DEVELOPMENT, RESIDENTIAL

4.34.A. Applicability

4.34.A.1. Sustainable development, residential is intended for the safe, effective, efficient, and sustainable use of land and to encourage the testing of alternative methods of sustainable development, i.e., "a live-in environment composed of structures and systems that inherently produce utilities and life-support systems free of existing conventional grids and disposal systems," as defined in the New Mexico Sustainable Development Testing Site Act, §§ 71-8-1, et seq. NMSA 1978.

4.34.A.2. Sustainable development includes:

4.34.A.2.a. The inherent provision of on-site energy needs via renewable resources;

4.34.A.2.b. The inherent provision of water needs while minimizing the withdrawals from groundwater and surface water systems in accordance with state water law and the rules and policies of the state engineer;

4.34.A.2.c. The inherent provision of sewage treatment needs with zero discharge;

4.34.A.2.d. The reuse of materials discarded by modern society; and

4.34.A.2.e. The development of organic foods and fuel.

4.34.B. Application Requirements. The applicant shall submit a permissive development review application or conditional use application whether sustainable development, residential is designated in Table 3._as a permitted or CUP use. The applicant must comply with the following:

4.34.B.1. Letter from the Office of the State Engineer that it has reviewed and approved the proposal.

4.34.B.2. Letter from the New Mexico Environment Department that it has reviewed and approved the proposal.

4.34.B.3. Letter from all local, state, and federal agencies that will be affected by the test site that they have reviewed and approved the proposal.

4.34.B.4. Reclamation plan, if applicable, shall be submitted indicating how the site will be reclaimed to its original state prior to the test site.

4.34.B.4.a. The reclamation of the site shall be in accordance with local, state, and federal regulations.

4.35 THEATER AND PERFORMANCE SPACE — OUTDOOR

4.35.A. Temporary Use Permit. A Temporary Use Permit (TUP), as described in *Article VI Procedures* shall be required for events that are less than ___ days in duration over a __ period.

4.35.B. Noise. Performances shall not exceed __ dB(A) during evening hours and in locations adjacent to residential zones.

4.35.C. Large Tents. If the outdoor space involves tents larger than four hundred (400) square feet, Fire Marshal approval shall be required.

4.35.D. Alcohol Sales. Selling and serving alcoholic beverages requires a special permit from ___.

4.35.E. Buffers and Screening. If bordering residential or mixed-use zones, landscape buffers or screening shall be required.

4.35.F. Lighting. All outdoor lighting shall comply with the Night Skies Development Standards in Section 3.11 of the UDC.

4.35.G. Temporary Structures. Any temporary structures, such as stages or tents, shall adhere to setback requirements and be identified in the outdoor performance space management plan submitted in the application for the Temporary Use Permit.

4.35.H. Parking. Off-street parking shall be provided, meeting the type of use and seating capacity established in Section 3.13 of the UDC.

4.35.I. Sanitation. Adequate sanitary facilities shall be required to accommodate the users of the space.

4.35.J. Security. Adequate public security shall be provided to control access and manage the event for safety of users.

4.35.K. An environment impact statement may be required for large venues.

4.36 VENDING — ITINERANT

4.36.A. Location

4.36.A.1. An itinerant vendor shall not obstruct, or cause or permit the obstruction of the passage of any sidewalk, road, alley, or any other public place by reason of people congregating at or near the place where goods, wares, food, or merchandise of the vendor is being sold or offered for sale.

4.36.A.2. An itinerant vendor shall locate outside of any public right-of-way and shall not locate a vehicle, other conveyance, temporary stand, or merchandise within twenty (20) feet of any public road or within twenty (20) feet of the intersection of any public road and private driveway. Access to the itinerant vendor's vehicle, conveyance or stand from a public right-of-way shall be clear and unobstructed and shall not impede the ordinary flow of traffic on said right-of-way.

4.36.A.3. Itinerant vendor locations will be reviewed for parking requirements, and traffic and pedestrian safety issues that vending on said location may cause, as determined by a Planning Director.

4.36.B. Trash

4.36.B.1. All itinerant vendors shall place at least one (1) thirty (30)-gallon garbage receptacle upon the site.

4.36.B.2. Itinerant vendor sites shall be cleaned of all debris, trash, and litter at the conclusion of daily business activities.

4.36.C. Displays

4.36.C.1. Vendors may have a small canopy not greater than ten feet by ten feet (10'x10'), or an umbrella to afford shade over tables or racks.

4.36.C.2. Vendors shall keep tables and displayed items restricted to an area ten feet by twenty feet (10'x20') in size, not including the area taken up by vehicle or trailer. Christmas tree vendors may exceed a ten-foot by twenty-foot (10'x20') area. No aerial display of merchandise higher than ten (10) feet is permitted.

4.36.C.3. Fireworks vendors may use a tent to house fireworks as allowed by the State Fire Code and approved by the Fire Marshal.

4.36.C.4. No vendor shall display or offer for sale any weapon, knife, brass knuckles, or any other instrument designed for use as a weapon at any TUP event.

4.36.C.5. No vendor shall display, or offer for sale any spray paint, smoke bombs, fireworks, stink bombs, silly string, or other items that may be considered offensive to the visitors during any TUP event.

4.36.D. Number of Vendors Per Property. Only one vendor shall be allowed per property unless allowed in a park.

4.36.E. Sales on conforming or nonconforming commercial property are allowed.

4.36.F. Alcoholic Beverages. The sale and/or possession of alcoholic beverages shall only be allowed within a licensed premises permitted pursuant to state law. A copy of a valid liquor license and picnic license shall be provided.

4.37 WIND ENERGY — COMMERCIAL

4.37.A. Site Guidelines. The purpose of these guidelines is to assist decision-makers in uniformly analyzing the site-specific impacts of each proposed project and thereby arriving at consistent and balanced decisions. The following guidelines shall be considered by the Planning Director, the Planning Commission, and the Board of County Commissioners in evaluating the appropriateness of proposed locations for wind farms and the proposed project components:

4.37.A.1. **Natural and Biological Resources.** Wind farms should not be located in areas that have a large potential for biological conflicts. Wind farms should not be located in large-impact areas, such as wilderness study areas, areas of critical environment concern, County and State parks, historic trails, and special management areas. Wind farms should not significantly impact important wildlife habitat.

4.37.A.2. **Visual Impacts.** Wind farms should avoid those visual corridors that are designated by the Board of County Commissioners as essential view sheds or scenic areas. Essential view sheds or scenic areas are those areas designated by the Board of County Commissioners after analyzing the applicant's wind farm visual simulations and considering public hearing comments. A wind farm project should maintain visual uniformity among clusters of turbines. To promote visual uniformity, the rotors, nacelles, and towers of all turbines in an array should appear similar. To avoid visual clutter, intra-project power lines having a voltage of 34,500 volts or less, should be buried, unless the applicant can sufficiently demonstrate that burying the lines will violate other guidelines/standards, violate applicable law, render the project economically infeasible, or that the lines are sufficiently hidden from public view aboveground. To avoid cluttering the skyline, transformers and other electric equipment should be hidden from view or otherwise constructed in harmony with the surrounding landscape.

4.37.A.3. **Soil Erosion and Water Quality.** Wind farms should avoid erosion. Disturbance and construction on erodible slopes should be minimized. The number of improved roads and construction staging areas should be kept to a minimum. The grading width of roads should be minimized. One-lane roadways with turnouts are recommended. The number and size of staging areas and crane pad sites should be minimized.

4.37.A.4. **Historical, Cultural and Archeological Resources.** Wind farms should avoid sites with known sensitive, historical, cultural, or archeological resources.

4.37.A.5. **Public Safety**. Wind farms shall be developed in a manner that utilizes sound engineering practices and considers public safety in regard to the potential hazards to adjacent properties, public roadways, communities, aviation, etc., that may be created.

4.37.B. Site Development Standards. The following standards are to be achieved by each wind farm project without exception. The final decision on whether or not a particular standard is achieved by a wind farm project shall be made by the Planning Commission or the Board of County Commissioners.

4.37.B.1. **Height.** There is no height limitation. The general County height limit of twenty-seven (27) feet shall not apply. Height shall be determined by technical requirements and the applicable compatibility and performance standards.

4.37.B.2. **Noise Management.** The noise level caused by the operation of the project, measured at five (5) feet above ground level at the property line coincident with or outside the project boundary, shall not exceed sixty-five (65) decibels (A-weighted) and shall not exceed fifty (50) decibels (A-weighted) if it is determined that a pure tone noise is generated by the project.

4.37.B.2.a. The noise level, however, may be exceeded during short-term events such as utility outages and/or severe windstorms.

4.37.B.2.b. Upon receipt by the Planning Director of a complaint regarding noise from an existing wind farm project, the Planning Director will investigate the complaint. If the Planning Director determines the complaint to be reasonable, the project owner shall be required, at the owner's expense, to have prepared, by an independent acoustical consultant approved by the Planning Director, an acoustical study that shall demonstrate compliance with the above noise standard on the basis of equivalent sound pressure levels. "Equivalent sound pressure levels" means the steady sound level that, over ten (10)-minute measurement periods, would produce the same energy equivalence as the fluctuating sound level actually occurring.

4.37.B.3. **Wind Farm Design.** Wind farms must be designed in "accordance with proven good engineering practices," including but not limited to:

4.37.B.3.a. Upwind rotor;

4.37.B.3.b. No furling, where "furling" means that the wind turbine is designed to limit its power output in high winds by changing the rotor's plane of rotation to a plane that is not perpendicular to the prevailing wind direction;

4.37.B.3.c. Tapered and twisted blades; and

4.37.B.3.d. A well-designed braking system.

4.37.B.4. **Natural & Biological Resources.** Noxious weed control is required. Appropriate fire measures as required by the County Fire Marshal shall be implemented. No perches are permitted on the nacelles of turbines. Wind farm towers shall not use lattice-type construction or other designs that provide perches for avian predators.

4.37.B.5. **Visual Impacts.** To provide visual order to a wind farm project, all individual turbines shall have the same number of rotor blades and all rotor blades shall spin in the same direction (i.e., clockwise or counterclockwise) in relation to the wind. To promote visual uniformity, all turbines at a similar ground elevation shall have the same height from blade tip to the ground. Except during construction, reconstruction, or removal, outdoor storage is not permitted within the project boundary except at locations that are screened from view.

4.37.B.6. **Cluttering the Skyline.** To avoid cluttering the skyline, inverters and pendant power cables shall be located inside the wind turbine tower, nacelle, or structure. No telecommunications dishes, antennas, cellular telephone repeaters or other similar devices shall be attached to wind turbine towers. Aircraft obstruction markings of the turbines by use of alternating red and white bands shall be prohibited, unless required by federal and state laws or regulations. No billboards, logos, and advertising signs of any kind shall be located on the turbines.

4.37.B.7. **Soil Erosion and Water Quality.** Construction and maintenance shall be done in strict accordance with the erosion and sediment control plan submitted with the Special Use or Major Development Permit application so as to minimize soil erosion and damage to existing vegetation. If vegetation is damaged during construction in areas not occupied by the wind farms and related facilities and roads, it shall be restored after construction is complete. Disturbed areas shall be reseeded to the landowner's or manager's requirements. Dust control on the project site is required.

4.37.B.8. **Safety.** Individual wind turbines shall be set back from all property lines coincident with or outside of the project boundary a distance equal to 1.5 times the highest point of the turbine structure including the blades. Individual wind turbines shall be set back from all public roads a distance equal to at least 1.5 times the highest point of the turbine structure including the blades. Individual wind turbine heights and markings shall comply with Federal Aviation Administration (FAA) regulations. All turbines and towers shall be a shade of white in color. These setback requirements may be met by easements on adjacent property and, in such cases, property boundary shall mean easement boundary. No structures, roads, or driveways shall be permitted within such an easement.

4.37.C. All commercial wind farm developments require a Major Development Zoning Permit and an Environmental Impact Statement.

4.37.C.1. A Conditional Use Permit is required for the temporary use of an anemometer to determine the feasibility of a project and shall comply with the requirements of this section. The Planning Director may, at his or her discretion, waive any of the criteria under this section.

4.37.C.2. Any anemometer proposed for permanent commercial installation shall be considered for the purposes of this application to be a Major Development, and shall fulfill the requirements of this section, and the requirements for a Major Development Zoning Permit.

4.37.D. Submittal Requirements

4.37.D.1. **Application Requirements for Permanent Wind Power Installations.** In addition to a Conditional Use Permit review or Major Development Permit application requirements, the applicant shall follow the application requirements in Section 4.__ or Section 4.__ whichever applies, and in addition, all applications for wind farms shall be accompanied by the following information:

4.37.D.1.a. **Project Rationale.** Relevant background information on the project, including time frame and project life, phases of development, likely markets for the electricity produced, and the possibilities for future expansion.

4.37.D.1.b. **Plat and Development Plan.** A conceptual development plan of the proposed wind farm drawn to scale and in sufficient detail to provide a clear description of the project:

1. Drawing sheets must show the scale, a north arrow and the number of sheets in the sequence. Twelve (12) copies (24"x36") of the development plan must be submitted with the application.
2. Property description, which includes a general vicinity map of the project and a legal description of the project boundary (i.e., NW l/4, SE l/4 Sec 2, T 42N, R6W) and property acreage.
3. Structure location showing setbacks, use, and means of access for the following structures:
   a. **Existing structures within project boundary.**
   b. **Existing structures outside of project boundary.** All occupied and unoccupied structures within one thousand (1,000) feet of the project boundary.
   c. **Proposed Accessory Structures.** Accessory structures include support offices, facilities, and structures related to the operation of the wind farm. A general statement of how the developer will address potable water, sewage/waste disposal, and fire protection for these accessory structures is required.
   d. **Proposed Wind Turbine Towers.** Include a conceptual site plan of a typical individual wind turbine site and a map showing the approximate location of each turbine. If the exact number or dimensions of wind turbines is not known at the time of application, the site plan shall identify a maximum number and maximum dimensions that shall not be exceeded and a range from minimum to the maximum number expected. For review purposes, all wind turbines shall be assigned a reference number.
   e. **Existing Utilities, Pipelines, and Related Structures.** Show the location of all existing underground and aboveground utilities, electrical lines, transmission lines, pipelines, and any accessory support facilities.
   f. **Proposed Utilities, Electrical Transmission Lines, and Related Structures.** Show all proposed utilities, electrical lines, transmission lines, and any related accessory support facilities. State the approximate voltage of each electrical/transmission line and whether the facilities are proposed to be located above or below ground. Provide a general region/area-wide map clearly showing the proposed route of transmission lines and their accessory facilities.
   g. A map showing the existing topography of the project site. US Geological Survey topographic maps shall be utilized, unless the Planning Director approves an equivalent.
   h. A map showing the approximate proposed drainage, grading, and natural vegetation removal plan.

i. A map showing wind characteristics and dominant wind direction, which is the direction from which 50 percent or more of the energy contained in the wind flows.

j. A map showing the location of any delineated one hundred (100)-year floodplains or wetlands.

4. **Visual Simulation.** Provide an accurate visual simulation of the project components by showing views from a reasonable number of key vantage points as determined by the applicant in consultation with staff and approved by the Planning Director. These vantage points must consider a 360-degree view of the project site.

5. **Economic Analysis.** Provide an estimated economic analysis describing the impact of the project on the local and state economy with respect to the following:

   a. The amount of property taxes to be generated by the project.

   b. The amount of sales taxes to be generated by the project.

   c. The amount of other applicable taxes to be generated by the project.

   d. The construction dollars to be spent locally.

   e. The number of in- and out-of-County construction jobs and the estimated construction payroll of each group.

   f. The number of permanent jobs and estimated continuing payroll.

   g. Costs associated with the impact on roads or other County infrastructure in the area.

6. **Impacts and Mitigation Measures.** If an environmental analysis by a state or federal agency is not required, an environmental analysis shall be required that encompasses the entire project area and provides a project impact review and a proposed impact mitigation plan. The project impact review and proposed mitigation plan shall address all of the following:

   a. Wildlife and wildlife habitat on the site and in a biologically significant area surrounding the site.

   b. Any endangered or threatened species on the site and in a biologically significant area surrounding the site.

   c. Avian population, including migratory birds.

   d. Flora on the site.

   e. Soil erosion.

   f. Water quality and water supply in the area.

   g. Historic, cultural, or archaeological resources within the wind farm project area.

   h. Dust from project activities.

   i. A-weighted and C-weighted noise levels at the single-family residence nearest to the project boundary and at the property line of such single-family residence nearest to the project boundary.

j. Any wastes, either municipal solid waste or hazardous waste, generated by the project.

k. Electromagnetic fields and communications interference generated by the project.

l. Public safety in regard to the potential hazards to adjacent properties, public roadways, communities, aviation, etc., that may be created.

m. A general discussion of any potential changes to the above assessment items that could be anticipated when considering the cumulative impacts of other adjacent wind energy projects.

7. **Life of Project and Final Reclamation of Project.** Provide a statement of the useful life of the project, a general description of the decommissioning, and the final land reclamation plan in the event the project is abandoned or terminated.

8. Evidence acceptable to the Planning Commission or the Board of County Commissioners shall be presented demonstrating that the developer has entered into an agreement with the property owner that ensures proper final reclamation of the wind farm project. If the developer does not have a reclamation agreement with the landowner that is approved by the Board of County Commissioners, the developer shall comply with all the provisions of Section 4.__ of these regulations.

a. **Conceptual Transportation Plan for Construction and Operation Phases.** Provide a conceptual construction and operation transportation plan that shows the following:

i. Anticipated locations of the project's service road ingress and egress access points onto State or County roads. Any proposed access onto the State or County road system must meet respective requirements.

ii. The general layout of the proposed wind farm service road system and the extent to which roads are planned to be upgraded. All roads servicing manned or occupied accessory buildings need to be constructed to the standards of the International Fire Code.

iii. The plan for utilizing existing roadways to service the project area. To the greatest extent possible, the applicant must make use of existing roadways. The anticipated volume and designated route for traffic, including routes for oversized and heavy equipment needed for construction, maintenance, and repairs, shall be depicted. The proposed methodology for assuring that road and bridge repairs, and ongoing maintenance of roads and bridges to be used in both the construction and operation phases of the project, will be carried out.

iv. The plan for utilizing existing roadways within the project area.

4.38 WIND ENERGY — NONCOMMERCIAL

4.38.A. Noncommercial wind power generation shall be considered an accessory structure and shall be permitted in any area under the jurisdiction of the Taos County UDC by the issuance of a building permit. Noncommercial Wind Power Generation is subject to compliance with following requirements:

4.38.A.1. **Maximum Height.** The height shall not exceed twenty-seven (27) feet measured consistent with its definition herein. Freestanding noncommercial apparatus and apparatus mounted on existing or new structures shall not exceed twenty-seven (27) feet, inclusive of turbines.

4.38.A.2. **Setback.** The wind energy system shall be set back a distance equal to 110 percent of the combined height of the tower plus the length to the tip of the blade from all adjacent property lines. Additionally, no portion of the small wind energy system, including guy wire anchors, may extend closer than twenty (20) feet to the property line.

4.38.A.3. **Clear Zone.** The wind energy system shall maintain a circular clear zone that has a radius equivalent to 110 percent of the combined distance of the tower height plus the length to the tip of the blade. This clear zone shall be maintained free of any occupied structures, tanks containing combustible/flammable liquids, and aboveground utility/electrical lines.

4.38.A.4. **Noise.** Wind energy systems shall not exceed a noise level of sixty (60) dB, as measured at any adjacent property line. The noise level, however, may be exceeded during short-term events such as utility outages and/or severe windstorms.

4.38.A.5. **Tower Security.** Any climbing apparatus must be located at least twelve (12) feet above the ground, and the tower must be designed to prevent climbing within the first twelve (12) feet.

4.38.A.6. **Lighting.** For the protection of the flight patterns of aircraft and the protection of heliports, airports, and landing strips, wind energy systems must be lighted in accordance with the regulations and guidelines of the Federal Aviation Administration (FAA) or other appropriate government authorities. No other artificial lighting shall be allowed. Lighting mandated by FAA or other appropriate government authorities shall not be subject to the Taos County Night Sky Ordinance.

4.38.A.7. **Signs/Advertising.** No tower shall have any sign, writing, or picture that may be construed as advertising.

4.38.A.8. **Multiple Wind Energy Systems.** Multiple wind energy systems are allowed on a single parcel as long as the Owner/Operator complies with all noncommercial wind power generation provisions of these regulations. Units shall be installed in compliance with minimum setback and site triangle requirements. The minimum distance between wind energy systems shall be equivalent to 110 percent of the combined height of the tower plus the blade length.

4.38.A.9. **Approved Wind Turbines.** At the time of application, the applicant must present a certification from the manufacturer that the system's turbine and other components equal or exceed the standards of one of the following national certification programs: California Energy Commission, National Electrical Code (NEC), American National Standards Institute (ANSI), Underwriters Laboratories (UL), or any other small wind certification program recognized by the American Wind Energy Association.

4.38.A.10. **On-Site Electrical Use.** The applicant must certify that the power generation will not be for the sale or transfer of electrical power for commercial purposes, other than sale of excess power to the electric utility connected to the turbine.

4.38.A.11. **Safety Compliance**

4.38.A.11.a. **Compliance with FAA Regulations.** Small wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.

4.38.A.11.b. **Compliance with the National Electric Code (NEC).** Applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. This information is frequently supplied by the manufacturer.

4.38.A.11.c. **Plans — Compliance of Wind Energy System Plans with NM Adopted Building Codes as amended**. Applications for noncommercial wind energy systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with the most recently adopted International Building Codes, and the New Mexico Building Codes, as amended, and certified by a New Mexico licensed professional engineer shall also be submitted.

4.38.A.11.d. **Installation — Compliance of Wind Energy System.** Installation with current adopted building code as amended. Property owner must submit a written statement verifying the proposed wind energy system was installed in accordance with the most recently adopted International Building Codes as amended.

4.38.A.11.e. **Utility Notification.** No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

4.38.B. Removal of Unsafe or Abandoned Wind Energy Systems. Any wind energy system found to be unsafe by the Planning Director shall be repaired by the owner to meet federal, state, and local safety standards or removed within 120 calendar days of written notice by the Planning Director. If any wind energy system is not operated for a continuous period of twelve (12) months, the County will notify the landowner by registered mail and provide forty-five (45) calendar days for a response. In such a response, the landowner shall set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If the County deems the timetable for corrective action unreasonable, it must notify the landowner, and such landowner shall remove the turbine within 120 calendar days after receipt of such notification.

Article V Signs

5.1 GENERAL PROVISIONS

5.1.A. Purpose

5.1.A.1. All signs shall comply with the requirements of these regulations in order to:

5.1.A.1.a. Improve pedestrian and motorist safety by minimizing distractions and obstacles to clear views of the road and of directional or warning signs used for traffic safety.

5.1.A.1.b. Provide businesses with effective and efficient opportunities for identification by reducing competing demands for visual attention.

5.1.A.1.c. Protect and enhance economic viability by assuring that Taos County will be a visually pleasant place in which to live or to visit.

5.1.A.1.d. Protect the views of the natural landscape and sky.

5.1.A.1.e. Allow for expression by signage required by state and federal law.

5.1.A.1.f. Protect the community by ensuring emergency vehicles are able to identify and respond to emergency situations by having all structures identified with numerical street address markings that are easily identifiable.

5.1.B. Applicability

5.1.B.1. The requirements of these regulations shall apply to all signs. All signs requiring a permit shall comply with Section 6.__.

5.1.B.2. Routine maintenance and repairs shall not require any type of permitting as long as the basic parts of the sign remain the same.

5.1.B.3. Every applicant shall pay the fee imposed upon all signs as listed in the Planning Department Fee Schedule Resolution, as amended. All fees shall be nonrefundable and the permit shall not be issued until the said fees have been paid.

5.1.C. Permanence

5.1.C.1. All signs shall be permanently affixed or attached to the ground or to a structure, except for temporary signs allowed under these regulations.

5.1.D. Illumination

5.1.D.1. All signs internally or externally illuminated shall comply with the requirements of Section 3.__ Sign Lighting.

5.1.E. Electrical

5.1.E.1. All electrical service to a freestanding sign shall be underground.

5.1.F. Adoption by Reference of State Highway Rules

5.1.F.1. Taos County adopts the right-of-way rules and regulations of the New Mexico Department of Transportation regarding uses of the right-of-way (ROW) owned by the State of New Mexico. Refer to the New Mexico Administrative Code Section 18-20-5, as amended.

5.1.G. Additional Requirements

5.1.G.1. Signs and sign structures may be subject to and must comply with any additional requirements of the New Mexico Administrative Code.

5.1.H. Sign Maintenance

5.1.H.1. All signs shall be maintained to remain in good condition at all times, and shall be kept neatly finished and repaired, including all parts and supports.

5.1.I. Right of Inspection

5.1.I.1. The Planning Director shall have the right to inspect all signs in the County for the purpose of ascertaining whether they are safe, secure, in need of repair, or conforming to this code.

5.1.I.2. The Planning Director shall have the authority to enter upon any lot, property, or premises, at any reasonable time and with reasonable notice to the property owner, to inspect the sign thereon or within.

5.2 TYPES OF SIGNS

5.2.A. Permanent Signs Allowed

5.2.B. Types of Signs Permitted

5.2.B.1. **Cutout Letter Signs.** Cutout letter signs consist of cutout lettering and logo, with no borders or background defined on the building wall or signs constructed of carved wood or similar material that provides articulation and depth to the sign, or signs painted on the building wall.

5.2.B.2. **Freestanding Signs.** Freestanding signs are signs that are permanently affixed to the ground, supported by uprights, braces, or a base structure that rests on the ground and are not supported by or attached to a building. Freestanding signs include but are not limited to monopole signs and monument signs.

5.2.B.3. **Hanging Signs.** Hanging signs are signs that are suspended from a bracket, ceiling, awning, or structure, designed to hang overhead for high visibility.

5.2.B.4. **Projecting Signs.** Projecting signs are signs other than a wall sign, that is supported by a structure that is attached to a building and projects outward beyond the façade of the building.

5.2.B.5. **Temporary Signs.** Temporary signs used as promotional signs consist of but are not limited to portable signs, banners, and pennants. Temporary signs shall remain on the property with the property owner’s permission and shall not be erected or located in a public right-of-way, utility poles, traffic control signs, street signs, or on other property of the foregoing nature.

5.2.B.6. **Wall Signs.** Wall signs are signs that are attached to, painted on, embedded, carved, or incised into the wall of a building or structure in such a manner that the wall is the supporting structure for or forms the background surface of the sign.

5.2.C. Exempt Signs

5.2.C.1. The provisions of this code shall not apply to the following signs, provided that said signs shall be subject to the provisions of Section 6.__ of this code, and shall comply with the design criteria defined in this section:

5.2.C.1.a. **A-Frame Signs.** A-frame signs is a portable, self-standing sign with two (2) hinged panels that form an “A” shape when viewed from the side. These signs, also known as sidewalk signs or sandwich board signs, shall not have a sign area greater than six (6) square feet on each face and shall be placed in a specific location approved by the Planning Director. A-Frame signs must only be displayed during business hours.

5.2.C.1.b. **Bulletin Boards.** A bulletin board is a cork board or a board made from similar material, which is intended for the posting of paper notices, announcements, information, etc. Exterior bulletin boards shall be limited to a maximum of eight (8) square feet and five (5) feet in height and shall be located in an area that does not impede vehicular or pedestrian traffic. The use of digital boards shall be prohibited.

5.2.C.1.c. **Construction Site Signs.** Construction site signs provide important information, such as warnings about potential hazards, instructions for entering or leaving the site, and safety guidelines that workers and visitors need to follow. Construction site signs must be placed within the property boundaries of the construction site and must not exceed twenty-four (24) square feet in area, and six (6) feet in height. Such signs shall be removed upon completion of the project.

5.2.C.1.d. **Directional Signs.** Directional signs are signs that are used as a visual tool designed to help people navigate an area, typically including arrows, icons, or brief text that points individuals toward specific destinations such as entrances, exits, etc. Directional signs shall not exceed six (6) square feet nor three (3) feet in height, and the name of the business shall be allowed to appear on directional signs.

5.2.C.1.e. **Event Signs**. An event sign is a sign that is intended to help notify the public about an event’s location and purpose. Event signs are usually used for but not limited to a public festival, community event, or a special occasion, and shall not exceed sixteen (16) square feet in area and eight (8) feet in height. Such signs may be placed at least thirty (30) days prior to the event and must be removed within three (3) days after the event.

5.2.C.1.f. **Flags.** A Flag is a sign made of cloth, bunting, plastic, paper, or similar non-rigid material attached to any structure, staff, pole, line, or framing. Flags not exceeding twenty (20) square feet are permitted for any period of time.

5.2.C.1.g. **Garage Sale and Yard Sale Signs.** Garage and yard sales signs are typically used to announce or advertise an event or sale of personal merchandise and are often used to direct traffic to the place of sale. Any person utilizing garage or yard sale signs shall be permitted to contain one sign on the premises of said sale, and no more than three (3) off-site signs announcing the event, with the permission of the property owner. Such signs shall not be displayed for period of more than two (2) consecutive

days prior to the event and must be removed within one day of the conclusion of the event. They shall not be used for commercial ventures.

5.2.C.1.h. **Gasoline Station Price Signs.** Gasoline station price signs are signs that display the current prices of fuel at the station. One single or double-faced on-site gasoline station price sign may be mounted upon a freestanding sign that complies with the requirements of these regulations but shall not exceed twelve (12) square feet per sign face and shall not bear any advertising or logo other than a gasoline brand name and price.

5.2.C.1.i. **Illuminated Window Signs.** Illuminated window signs are signs designed to give forth artificial light directly or through transparent or translucent material from a source of light within such sign. Illuminated window signs shall not exceed three (3) square feet in total sign area.

5.2.C.1.j. **Indoor Signs**. Signs that are located inside a building or structure, that is not located as to be conspicuously visible and readable without intentional effort from outside the building or structure.

5.2.C.1.k. **Marquee Signs.** Marquee signs are signs that feature interchangeable letters on a reader board designed for maximum long-distance attention. Every motion picture theater or a motel with an assembly or a meeting room shall be allowed a marquee and shall comply with the following:

1. The sign shall not be counted towards the number of signs allowed as described in Section 5.3.B.
2. The area of the marquee shall not exceed twenty-four (24) square feet in area.
3. The sign shall not consist of a digital display, nor shall it flash, blink, or rotate.
4. The sign shall comply with the regulations of Section 3.__ in relation to illumination.

5.2.C.1.l. **Memorial Signs or Tablets.** A memorial sign or tablet is a plaque or sign that commemorates a person, usually honoring the person that the building is named after. Memorial signs or tablets shall not exceed three (3) square feet and must be permanently attached to the building or structure.

5.2.C.1.m. **Street Address Signs.** Every property within the unincorporated areas of Taos County must mark their property using numerals that identify the address of the property so that emergency responders can easily identify the address from the street. Street address signs shall not exceed three (3) square feet per each sign area and shall be clearly visible to the public.

5.2.C.1.n. **Street Banners.** Street banners are usually made of fabric, vinyl, or similar material, designed to be suspended across a public street or attached to utility poles within the public right-of-way. Street banners shall be used to advertise public entertainment or civic events and may be displayed beginning thirty (30) days prior to and shall be removed within three (3) days after the public entertainment or civic event. Street banners must obtain the approval of the New Mexico Department of Transportation or Taos County Public Works, as applicable, prior to the placement of said sign.

5.2.C.1.o. **Subdivision Signs.** Subdivision signs are signs that identify the name of the development and are located at the main intersection or intersections entering the subdivision. Subdivision signs shall not exceed twelve (12) square feet in sign area, nor six (6) feet in height.

5.2.C.1.p. **Temporary Signs.** Temporary signs are signs such as posters, pennants, banners, or displays of constructed paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood, or other similar materials. Temporary signs are permitted on private property with the property owner's permission and shall meet the following requirements:

1. Signs shall be allowed for a timeframe not to exceed sixty (60) days and shall not exceed six (6) square feet per sign face.
2. Signs shall not exceed three (3) feet in height.
3. Signs shall not be erected or located in a public right-of-way, on utility poles and equipment, traffic control signs, street signs, and on other property of the foregoing nature.
4. Signs on or as part of moving vehicles are also bound by this sixty (60)-day timeline.
5. Signs shall be removed within five (5) days after sale/event.

5.2.C.1.q. **Time and Temperature Signs.** Time and temperature signs shall comply with the following:

1. The total area shall not exceed sixteen (16) square feet per each sign face, with a maximum of two faces.
2. The hands of the clock and the motive mechanism shall not be considered as moving parts.
3. Illuminated numerals shall not be classified as blinking or flashing lights.
4. Only the display of time and temperature will be allowed, no other text or content may be displayed.
5. All time and temperature signs shall keep accurate time and accurately record the temperature. If these conditions are not complied with, the instruments shall be promptly repaired or removed.

5.2.C.1.r. **Window Signs.** The total area of all window signs shall not exceed 20 percent of all of the window area visible to the public.

5.2.C.2. The following signs are completely exempt from these sign regulations:

5.2.C.2.a. Government, school, or hospital signs.

5.2.C.2.b. Historic or commemorative markers.

5.2.C.2.c. Picketing signs.

5.2.C.2.d. Signs required by law.

5.2.D. Prohibited, Unsafe, and Obsolete Signs

5.2.D.1. The following types of signs are prohibited in the County under this article:

5.2.D.1.a. Any sign or part thereof erected, constructed, and maintained wholly upon or over the roof on any building

5.2.D.1.b. Any wall or projecting sign or part thereof which extends above the roofline, eave, or parapet of the building or canopy to which it is attached.

5.2.D.1.c. Any wall sign or part thereof that projects more than twelve (12) inches from the building wall at a height lower than seven (7) feet.

5.2.D.1.d. Any projecting sign which extends more than four (4) feet from the building to which it is attached at a height lower than seven (7) feet except that no projecting sign may extend beyond the curb line.

5.2.D.1.e. Any sign or part thereof having a luminance or that is partially or wholly illuminated by floodlights or spotlights not in compliance with Section 3.__.

5.2.D.1.f. Exterior exposed, gas-filled (neon, etc.) tubing that is visible to the public view and is used to graphically outline any sign, building, exterior walls, fence, or other structure.

5.2.D.1.g. Any sign or part thereof that flashes, blinks, rotates or any changes of degree of illumination.

5.2.D.1.h. Any sign or part thereof that moves or has moving parts.

5.2.D.1.i. Any sign or part thereof that contains any audible devices.

5.2.D.1.j. Any inflatable or animated signs.

5.2.D.1.k. Any sign that is not located upon the premises for which the advertisement exists.

5.2.D.1.l. Any sign or part thereof that obstructs the view or path of a driver of any motor vehicle, cyclist, or pedestrian on a public right-of-way, or signs within the clear sight triangle.

5.2.D.1.m. Any sign or part thereof that restricts free ingress or egress from any street, alley, sidewalk, door, window, or fire escape.

5.2.D.1.n. Any part of a sign erected or placed on the ground within, or suspended over or partially over a public walkway, street, alley, line, or other public place. Directional, safety, and construction-related signs shall be exempted from this prohibition, provided there is a valid and substantial public health, safety, or welfare reason for such sign.

5.2.D.1.o. Any sign over or partially over a public walkway or public access area whose lower edge is less than seven (7) feet high.

5.2.D.1.p. Any sign or part hereof that might be confused with any authorized traffic sign, signal, or device or which makes use of the words "Stop," 'Look," "Danger," or other word phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse pedestrian or vehicular traffic.

5.2.D.1.q. Any commercial sign made of cardboard, paper, cloth, or nondurable material.

5.2.D.1.r. Any sign attached to trees, fences, utility poles, or street furniture that are in the public right-of-way.

5.2.D.1.s. Any signs that are hazardous, or in a dilapidated and dangerous physical condition, or from which nails, tacks, wires, or other sharp objects protrude.

5.2.D.1.t. Any sign that is in poor repair as determined by the Planning Director.

5.2.D.1.u. Any temporary signs placed on public property, such as but not limited to community centers and the County Complex, without prior permission of the property owner.

5.2.D.1.v. Any temporary signs placed on private property without the express permission of the property owner.

5.2.E. Legal Nonconforming Signs

5.2.E.1. All legal nonconforming signs shall be deemed allowable to the following extent:

5.2.E.1.a. An existing permitted sign that is not in compliance with these regulations shall be allowed to be used as a legal nonconforming sign until such time as the sign is altered, replaced, improved, or found to be unsafe or obsolete by the Planning Director.

5.2.E.1.b. Alteration, replacement, or improvement of any one legal nonconforming sign located on the premises shall require all signs of the business to conform to these sign regulations.

5.2.E.1.c. Temporary signs, including window signs, may not possess legal nonconforming status. All such signs must adhere to the requirements of this section within thirty (30) days from the date of adoption.

5.2.E.2. **Existing Off-Premises Billboard Signs.** Existing off-premises billboard signs shall be considered to be a legal nonconforming sign and shall be allowed to remain in service if the sign is maintained in good repair and does not adversely have an impact on the general health, safety, welfare, and aesthetic quality of the community. All existing off-premises billboard signs shall comply with the following:

5.2.E.2.a. The maximum size of said signs shall be limited to ninety-six (96) square feet, per sign face.

5.2.E.2.b. Existing single-sided off-premises billboard signs shall not be made double-sided by adding a new face to the back side of the existing sign.

5.2.E.2.c. The sign shall remain in the exact location noted as of the effective date of this code.

5.2.F. Multi-Tenant Center Signs

5.2.F.1. Any property owner of a multi-tenant center shall be required to submit a Master Sign Program to the Planning Director prior to the issuance of any sign permit for the overall premises, or for any individual business within the multi-tenant center. The Master Sign Program must include signs that are compatible in design among all tenant businesses in order to foster integration of all signs with the architectural style of the building or complex of the buildings.

5.2.F.2. Multi-tenant centers shall be permitted the following forms of signage:

5.2.F.2.a. One freestanding sign per street frontage shall be permitted to display the name and street address of the center and the names of the tenants of the center provided the following is complied with:

1. The street address shall be no less than three (3) square feet and shall be excluded from the calculation of the sign area;
2. The name of the center shall be no greater than 10 percent of the total sign area and shall not be included in the calculation of the total sign area;
3. The maximum sign area for a multi-tenant freestanding sign shall be as follows:
   a. Multi-tenant centers that have two (2) to five (5) tenants, the maximum sign area shall be sixty (60) square feet.
   b. Multi-tenant centers that have six (6) to nine (9) tenants, the maximum sign area shall be eighty (80) square feet.
   c. Multi-tenant centers that have ten (10) or more tenants, the maximum sign area shall be one hundred (100) square feet.
4. The sign area of a sign for each tenant in a multi-tenant center shall be distributed evenly among all tenants.
5. Multi-tenant center freestanding signs may contain two (2) faces, although only one face shall be calculated as the total sign area;

5.2.F.2.b. One multi-tenant center wall sign shall be allowed and shall not exceed 10 percent of the building façade to which it is affixed and shall not extend above the roofline or parapet of the structure.

5.3 SIGN STANDARDS

5.3.A. Area and Height

5.3.A.1. All signs must adhere to the following minimum standards:

5.3.A.1.a. The maximum total sign area of all permanent signs for each place of business must not exceed sixty (60) square feet.

5.3.A.1.b. The maximum total sign area of a temporary sign must not exceed twenty-four (24) square feet and shall not count toward the sixty (60) square foot maximum sign area for permanent signs.

5.3.A.1.c. The area of the façade of the building shall be measured by multiplying the average height times the total length of the wall for the specified business.

5.3.A.1.d. The maximum height of any sign shall not exceed twenty (20) feet.

5.3.A.2. The following signs shall comply with the special regulations, particular restrictions, or prohibitions of this section in addition to the applicable general provisions of these sign regulations. Where applicable:

5.3.A.2.a. A-frame signs shall not have a sign area greater than six (6) square feet on each face.

5.3.A.2.b. Signs consisting of cutout lettering and logo, with no borders or background defined on the building wall, or signs constructed of carved wood, signs painted on the building, or similar material that provides articulation and depth to the sign, will be calculated at 1/2 the area of the smallest rectangle that would wholly contain each of the letters and logo, if applicable.

5.3.A.2.c. Freestanding signs may display two (2) faces, although only one face shall be utilized in the calculation of the total sign area and shall not exceed forty (40) square feet when utilized for a single business. Freestanding signs shall not create a hazard and must not extend into the public right-of-way.

5.3.A.2.d. Hanging signs may display two (2) faces, although only one face shall be utilized in the calculation of the total sign area, and shall provide a minimum of 7.5 feet of vertical clearance from the average grade to the bottom of the sign.

5.3.A.2.e. Projecting signs may display two (2) faces, although only one face shall be utilized in the calculation of the total sign area and may not project above the height of the building nor more than three (3) feet from the building, and shall have a minimum clearance of eight (8) feet from the ground.

5.3.A.2.f. Wall-mounted signs shall not exceed 10 percent of the building façade upon which it is affixed but shall be allowed to be a minimum of twelve (12) square feet in sign area regardless of the total area of the façade.

5.3.A.2.g. Internal lit signs shall be no larger than thirty-two (32) square feet in area.

5.3.B. Number of Signs Allowed

5.3.B.1. Any applicant applying for a sign permit shall be permitted to have a maximum of three (3) permanent signs for each place of business of any combination of signs as described in Section 5.3.C.

5.3.B.2. Any applicant applying for a sign permit for temporary signage shall be permitted a maximum of four (4) signs per year and shall comply with the following:

5.3.B.2.a. Only one temporary sign can be displayed at any given time;

5.3.B.2.b. A temporary sign permit shall be valid for a maximum of sixty (60) days;

5.3.B.2.c. The temporary sign must be removed by the expiration date of the sign permit;

5.3.B.2.d. A wait period of at least thirty (30) days shall be held before a new application for a temporary sign can be accepted by the Planning Director.

5.3.C. Design, Trim, Color, Lettering, etc.

5.3.C.1. All signs erected, placed or maintained in the County shall meet the following design standards:

5.3.C.1.a. No sign or part thereof shall contain any shining metal.

5.3.C.1.b. All freestanding signs shall have a base, i.e., planter box, wall, banco, trees, bushes, or other landscaping material, so long as it is not so large to create a hazard, which shall be compatible in color with the building it advertises. Said base shall be equal in area to at least the length of the sign and may not be less than two (2) feet wide and must extend at least sixteen (16) inches in height. This provision shall not apply to any sign less than twelve (12) feet in height, but such treatment is encouraged.

5.3.C.1.c. All new signs erected shall contain a decorative trim of wrought iron, wood, or simulated wood, which trim shall not be counted in measuring the area of the sign. Said trim shall not exceed the following dimensions:

Table 5.3.1

Area of Sign	Width of Trim
Sixty (60) square feet	Six (6) inch width
Forty (40) square feet	Five (5) inch width
Twenty (20) square feet	Four (4) inch width

5.3.C.1.d. All new internally lit signs erected shall have their faces recessed within the decorative trim a minimum of two (2) inches.

5.3.C.1.e. No sign or part thereof shall contain any of the following colors:

1. Blaze Orange
2. Hot Pink
3. Fluorescent Colors
4. Chartreuse
5. Metal Flake Paints

5.3.C.1.f. Wall signs shall not project more than one (1) foot from the wall on which it is mounted.

5.3.D. Construction of Signs. All signs in the County, except those exempted in Section 5.1.C of this code, shall be designed and constructed to withstand the wind loads, snow loads, and dead loads as set forth in the most recently adopted building codes and shall also conform to the most recently adopted electrical codes.

5.3.E. Variances

5.3.E.1. Any person wishing to apply for a variance of the standards and provisions of these regulations for any sign shall follow the procedures of Section 6.__.

Article VI Procedures

Division 1 General Procedural Requirements

6.1 GENERAL PROCEDURAL REQUIREMENTS

6.1.A. Generally

6.1.A.1. The standard development approval procedures of this Article shall apply to all applications for approvals or permits. Building permits and certificates of occupancy are the final forms of approval for most developments within Taos County.

6.1.B. Applicability

6.1.B.1. Any change in land use; any division of land; any building or structure erected, added to, or structurally altered or occupied, shall obtain a permit from the Planning Director before commencing any development or land division associated with the land use activity. Permits mistakenly issued or issued on the basis of an applicant's misrepresentations are void.

6.1.C. Standard Development Approval Procedures

6.1.C.1. The procedures for all applications have the following common elements, although individual procedures may not apply to every application type:

6.1.C.1.a. Pre-Application Meeting

6.1.C.1.b. Informal Public Meeting

6.1.C.1.c. Submittal of Application and Review

6.1.C.1.d. Types of Approval

6.1.C.1.e. Public Notice Provisions

6.1.C.1.f. Public Hearings

6.1.C.1.g. Issuance of Decision

6.1.C.1.h. Appeal

6.1.D. Violation

6.1.D.1. Failure to obtain any required permit prior to commencing development or the division of land, as specified in these regulations, shall be considered a violation of the regulations, and is subject to enforcement action as outlined in *Article VIII*, to include required compliance, fines, a doubling of permit fees, and such other penalties and remedies as may be authorized under law.

6.1.E. Payment of Fees

6.1.E.1. Permit applications must be accompanied at the time of submission by the required fee(s). A resolution adopted by the Board of County Commissioners for the Planning Department Fee Schedule is available through the Planning Department.

6.2 PRE-APPLICATION MEETING

6.2.A. Generally

6.2.A.1. Applicants required to conduct a pre-application meeting shall do so by contacting the Planning Director prior to filing an application. During the meeting, the applicant shall discuss the project in general, but in enough detail so that relevant code requirements and development standards can be addressed upon submittal of the application.

6.2.B. Land Use Development Pre-Application Meeting

6.2.B.1. **Materials/Documents.** The applicant shall prepare the following materials for the pre-application meeting:

6.2.B.1.a. **Sketch Plan.** A sketch plan which shows the proposed layout of the project with dimensions, clearly identified boundary lines with distance of structure(s) to boundary lines, ingress and egress, parking lots, utilities, any on-site features such as acequias, natural and artificial drainage ways, and any other information that may be relevant site information.

6.2.B.1.b. **Location Map.** The location of the proposed project must be adequately described on a general map of the area.

6.2.B.1.c. **Preliminary Related Information.** The applicant shall provide any preliminary floor plans, elevation plans, or any other relevant information which may be beneficial to help explain the proposed project.

6.2.B.2. **Meeting.** During the meeting the Planning Director will explain the application procedures, public notice requirements, timeframes for application review and hearings, the materials required for submittal including any technical studies, reports, plans, and/or assessments to be undertaken, as well as any other information deemed relevant to the specific application request.

6.2.C. Subdivision Pre-Application Meeting

6.2.C.1. **Materials/Documents.** The applicant shall prepare the following materials for the pre-application meeting:

6.2.C.1.a. **Sketch Plan.** A sketch plan which shows the proposed layout of streets and lots showing estimated dimensions, the accessibility of the site to roads and utilities, all the applicable information required in Section 6.2.B.1.a., and other relevant site information.

6.2.C.1.b. **Location Map.** The location of the proposed subdivision must be adequately described on a general map of the area.

6.2.C.1.c. **Preliminary Related Information.** The subdivider shall provide information including, but not limited to, the following:

1. Name and mailing address of the subdivider and designated agent.
2. Name of owner or owners of land to be subdivided.
3. A written description of the proposed subdivision.
4. A description of surrounding land uses.

6.2.C.2. **Meeting.** During the meeting the Planning Director will explain:

6.2.C.2.a. Application procedures.

6.2.C.2.b. Public notice requirements.

6.2.C.2.c. Timeframes for application review and hearings.

6.2.C.2.d. Materials required for submittal, including any plans, technical studies, reports or assessments to be undertaken.

6.2.C.2.e. Determine the type of proposed subdivision and if the proposed subdivision qualifies for approval under the summary review procedures provided in Section 6._. of this Article.

6.2.C.2.f. Determine the agencies that shall review the required submittals.

6.2.C.2.g. Determine whether a Master Development Plan is required as described in Section 6._. of this Article.

6.2.C.2.h. Any other information deemed relevant to the specific application request.

6.2.D. Requirements for Technical Studies

6.2.D.1. During the pre-application conference, the Planning Director will identify, discuss, and clarify the technical studies that shall be required to be submitted with the application, as outlined in Table 6.2.1. The applicant shall bear the costs of all studies.

6.2.D.2. **Types.** The following are the types of technical studies that may be required for a particular project as set forth in the table below:

6.2.D.2.a. **Environmental Impact Report (EIR).** This report analyzes adverse effects and impacts on natural habitats and wildlife corridors; floodplains, floodways, stream corridors, and wetlands; steep slopes and hillsides; air and water pollution; and archeological, historical, and cultural resources.

6.2.D.2.b. **Terrain Management Report and Plan (TMR).** This plan outlines the applicant's proposal for the control of floods, drainage, and erosion and the planned measures required for adapting the proposed development to existing soil characteristics and topography.

6.2.D.2.c. **Traffic Impact Study (TIS).** This assessment determines the effects of traffic created by the development upon County, State, and local roads and highways.

6.2.D.2.d. **Water Availability Assessment Report (WAAR).** This assessment evaluates how much water is available for human and ecological needs by looking at both water quantity and quality.

6.2.D.3. **Discretion of the Planning Director.** If it is determined that the results from the study, report, or assessment are already known and can be applied by other means or will have no reasonable bearing on the evaluation of the application, the Planning Director shall have the authority to exempt the applicant from the required technical study.

Table 6.2.1

Technical Studies Required				
Application Type	**EIR**	**TMR**	**TIS**	**WAAR**
Permissive Development Reviews (nonresidential)	as needed*	as needed*	as needed*	as needed*
Conditional Use Permit	as needed**	as needed**	as needed**	as needed**
Major Development Permit	YES	YES	YES	YES
Planned Unit Development (PUD)	YES	YES	YES	YES
Rezoning, Private Party Initiation	as needed**	as needed**	YES	YES
Subdivision:				
Claim of Exemptions	as needed**	as needed**	as needed**	as needed**
Summary Plat	as needed**	as needed**	as needed**	as needed**
Type I Subdivision	YES	YES	YES	YES
Type II Subdivision	YES	YES	YES	YES
Type III Subdivision	as needed**	as needed**	YES	as needed**
Type IV Subdivision	as needed**	as needed**	as needed**	as needed**
Type V Subdivision	as needed**	as needed**	as needed**	as needed**
Master Development Plan/Phased Developments	as needed**	as needed**	YES	YES
Resubdivision and Succeeding Subdivisions	as needed**	as needed**	as needed**	as needed**
Claim of Exemptions	as needed**	as needed**	as needed**	as needed**
*** As part of the review process, the Planning Director shall determine if a study will be required based on the scope and impact of the proposed project.**				
****During the pre-application meeting, the Planning Director shall determine if a study will be required based on the scope and impact of the proposed project.**				

6.3 INFORMAL PUBLIC MEETING

6.3.A. Generally

6.3.A.1. The Planning Director or the applicant may request an informal public meeting to allow for both public input and an opportunity for the applicant to explain the proposed project. The applicant shall be responsible for all costs associated with this meeting and shall be responsible for organizing and hosting the meeting.

6.3.A.2. The meeting shall be held after the pre-application meeting and filing of the application, but prior to the application being deemed complete. This is not a decision-making meeting, and neither County staff nor the Hearing Body shall be expected to attend any informal public meeting.

6.3.B. Location

6.3.B.1. The meeting shall be held at a convenient meeting space near the land that is subject to the application.

6.3.C. Notice

6.3.C.1. The applicant shall notify all entities and persons, as fully described in Section 6.6 of these regulations, by sending a letter by first class mail and posting at least one (1) poster on the property at least fifteen (15) days prior to the public meeting.

6.3.D. Materials/Documents

6.3.D.1. During the meeting, the applicant shall present the draft plans of the proposed project, all the materials and/or documents presented to the Planning Director during the pre-application meeting, and any other documents or plans that may be relevant to assist with the presentation of the project.

6.3.E. Report

6.3.E.1. A written report shall be submitted to the Planning Director providing the results of the informal public meeting and shall be included in the application packet. The report must include the following:

6.3.E.1.a. Date and location of the informal public meeting(s).

6.3.E.1.b. A list of all property owners, entities invited to the meeting(s).

6.3.E.1.c. A copy of the notice of the informal public meeting(s) issued together with copies of the envelopes mailed.

6.3.E.1.d. A copy of the sign-in sheet(s) listing the names, physical addresses, entity name (if applicable) of all the interested parties who attended the meeting(s).

6.3.E.1.e. A copy of all the materials presented and/or distributed at the meeting.

6.3.E.1.f. A summary of all concerns, issues, and problems identified at the meeting, including how the applicant has addressed or intends to address the concerns and whether the applicant is able to address them. Specific attention should be paid to any conditions or mitigating measures agreed to at the meeting.

6.4 SUBMITTAL OF APPLICATION AND REVIEW

6.4.A. Generally

6.4.A.1. The applicant shall submit a completed application to the Planning Director, in writing on a form provided by the Planning Director, that includes an explanation of all proposed land uses and development activities, required forms, plans, and supporting documentation as described in *Article XII Submittal Requirements*.

6.4.A.2. A complete application includes all the materials required on the application forms and at the pre-application meeting, any required professional certifications, any technical studies identified, and all applications fees required for processing.

6.4.A.3. The Planning Director shall accept and review the application for compliance of these regulations, including but not limited to the Development Standards in *Article III* and Use Regulations in *Article IV*.

6.4.B. Review Timeline

6.4.B.1. The Planning Director shall review the application for completeness and shall notify the applicant in writing as to whether the application is deemed complete or incomplete within the time periods specified in Table 6.4.1.

Table 6.4.1

Notification of Completeness Time Period		
Levels of Review	Days to Determine Completeness	Days to Resubmit Incomplete Applications
Zoning:		
Permissive Development Reviews	Runs concurrent with building permit application	
Administrative Reviews:		
Home Occupation	15	10
Short-Term Rental Permit	45	15
Sign Permit	15	10
Small Cannabis Producer Permit	30	15
Special Event Permit	10	5
Conditional Use Permit	45	60
Major Development Permit	120	60
Rezoning, Private Party Initiation	90	30
Subdivision:		
Preliminary Plat	60	30
Final Plat	45	20
Claim of Exemption	20	10
Summary Plat	30	15
Master Development Plan/Phased Development	120	60
Vacating Plats, Streets, or Reservations	45	20
Resubdivision and Succeeding Subdivisions	45	20

6.4.C. Agency Review and Opinions

6.4.C.1. **Review.** The Planning Director may transmit a copy of the application and any relevant supporting documentation to any Local, State or Federal agency; any appropriate engineers or consultants; and any other agencies as deemed appropriate based on the nature of the proposed development or division of land, requesting a review and opinion of the application.

6.4.C.1.a. The applicant shall be responsible for all fees associated with any agency review including but not limited to any review fees, any mailing fees, and additional permit fees.

6.4.C.1.b. A copy of the application shall be mailed to the appropriate agencies by certified return receipt mail. The referral agency shall have thirty (30) days from the date of return receipt to review and return an opinion regarding the application.

6.4.C.2. **Agencies Required.** The following agencies shall be provided a copy of the application as required by the type of application under review:

6.4.C.2.a. New Mexico Office of the State Engineer.

6.4.C.2.b. New Mexico Environment Department.

6.4.C.2.c. New Mexico Department of Transportation.

6.4.C.2.d. New Mexico Department of Game and Fish.

6.4.C.2.e. Historic Preservation Division, Office of Cultural Affairs.

6.4.C.2.f. Fire Marshal of the jurisdiction in which the proposed project is located.

6.4.C.2.g. Taos County Public Works Department.

6.4.C.2.h. Wildland Urban Interface Coordinator for all proposed projects located in a High-Risk Rating Area.

6.4.C.2.i. Any Acequia Commission in which the acequia runs through or adjacent to any proposed project boundaries.

6.4.C.2.j. Any Neighborhood Advisory Board that has been established and complies with these regulations.

6.4.C.2.k. Federal Emergency Management Agency (FEMA) where the proposed project is located within a floodplain, as determined by the Rural Addressing Division.

6.4.C.2.l. United States Army Corps of Engineers where the proposed project is located within a wetland area.

6.4.C.2.m. Municipality, when a proposed subdivision site is within the planning and platting jurisdiction of the municipality.

6.4.C.2.n. The Soil and Water Conservation District in which the proposed subdivision is located.

6.4.C.2.o. Any other agencies the Planning Director considers necessary for processing the application.

6.4.C.3. **Tribal Engagement.** Any tribe or pueblo with a historical, cultural, or resource tie within Taos County shall submit a written request for notification to the Board of County Commissioners, via certified mail return receipt requested. The request must be submitted at least annually and shall:

6.4.C.3.a. Indicate the historical, cultural, or resource tie within Taos County.

6.4.C.3.b. Provide contact information.

6.4.C.3.c. Indicate a listing of the types of documentation required to be submitted by an applicant that may be necessary for its review.

6.4.C.4. **Affirmative Opinions.** If the determination of the referral agency is that the applicant can fulfill the requirements for their jurisdiction, the approving body shall weigh this opinion in making their final decision to approve, approve with conditions, or to deny the application.

6.4.C.5. **Adverse Opinions.** If the determination of the referral agencies is adverse, the applicant may decide whether he or she wants to go forward to a public hearing in the face of adverse opinion, or if he or she would like to address the opinion and submit a revised application. Submission of a revised application may require a new review for completeness by the Planning Director.

6.4.C.6. **No Opinion.** If the Planning Director does not receive the requested opinion within the specified thirty (30) days, the opinion of the referral agency shall be considered as “no comment” or “no objection.”

6.4.C.7. **Extension of Review Period.** If an application has been referred to an agency for review, and referral comments have not been received by the Planning Director within the review timeline, the Planning Director shall complete the application review absent of the comments.

6.4.C.7.a. Additional time may be granted to any referral agency if it is indicated in writing that more time is needed to complete the review. The Planning Director may extend the review time by an additional fifteen (15) days.

6.4.D. Further Information Requests

6.4.D.1. If, in the process of reviewing the application, questions or facts come to light that require verification, clarification, or additional information, the Planning Director shall inform the applicant, in writing, as soon as the need for verification, clarification, or additional information is identified.

6.4.D.2. The review period will be suspended during the time that the Planning Director is waiting for a response from the applicant. If the applicant fails to respond to the request within fifteen (15) days, the application will be considered as withdrawn.

6.4.E. Determination of an Incomplete Application

6.4.E.1. Upon determination that the application is incomplete, the Planning Director shall inform the applicant in writing, identifying the deficiencies, and shall take no further action on the applications until the deficiencies are remedied.

6.4.E.1.a. If the applicant fails to correct the deficiencies indicated in the letter, deeming the application incomplete within the time period specified in Table 6.4.1 of receipt of notice of deficiencies, the application shall be considered withdrawn.

6.4.E.1.b. An extension of time may be granted by the Planning Director for good cause, upon a written request submitted before the time period has expired.

6.4.E.1.c. Applicants for preliminary subdivisions shall be notified of incomplete applications in writing by certified mail with return receipt requested.

6.4.F. Determination of Completed Applications

6.4.F.1. Once the Planning Director determines that the application is complete, a site visit shall be conducted to ensure compliance with all applicable standards.

6.4.F.2. The Planning Director may take final action, make the appropriate recommendation to the Planning Commission or Board of County Commissioners, and shall follow the requirements of Section 6.__.

6.5 TYPES OF APPROVAL

6.5.A. Administrative

6.5.A.1. Administrative development decisions are ministerial decisions for permissive uses within a designated zone to enforce the unified development code, as well as reviews for approvals and permits that may be required to comply with other laws, statutes, or regulations, such as state or federal law, building codes, and business license regulations.

6.5.A.2. Administrative decisions include but are not limited to review of proposed projects for permissive uses in all zones; Home Occupation Permits; Special Events Permits; Short-Term Rental Permits; Sign Permits; Cannabis Producer Microbusiness Permits; Small Cannabis Producer Permits; Excavation Permits; Approvals for Claims of Exemptions; and interpretations of the code.

6.5.A.3. The Planning Director shall approve, approve with conditions, or deny the application. Any application that is an administrative decision may be referred to the Planning Commission for review and decision at the discretion of the Planning Director.

6.5.A.4. Any party aggrieved by the decision of the Planning Director may appeal the decision to the Planning Commission as set forth in Section 6.9 of this Article.

6.5.B. Quasi-Judicial

6.5.B.1. A quasi-judicial development decision is a decision by the reviewing body, either the Board of Adjustment, the Planning Commission, or the Board of County Commissioners, based on discretionary standards as specified in these regulations. Procedural rules apply to quasi-judicial decisions and require a public hearing consistent with the standards of procedural due process as established in Section 6.7 of this Article.

6.5.B.2. In making a quasi-judicial decision, the reviewing body shall investigate facts or ascertain the existence of facts; hold hearings; weigh evidence; make written findings of fact, conclusions of law, and recommendations; use discretion in applying the requirements of the UDC, state, and federal law; and exercise discretion of a judicial nature.

6.5.B.3. Any party aggrieved by the decision of the Board of Adjustment may appeal the decision to the Planning Commission as set forth in Section 6.__ of this Article.

6.5.B.4. Any party aggrieved by the decision of the Planning Commission may appeal the decision to the Board of County Commissioners as set forth in Section 6.9 of this Article.

6.5.B.5. Quasi-judicial reviews and approvals include but are not limited to Conditional Use Permits, Major Development Permits, Rezoning—in a limited area and affecting a limited number of people—Variances, Summary Plats, and Appeals of the decision of the Planning Director.

6.5.C. Legislative

6.5.C.1. Legislative development decisions are political decisions by the Taos County Board of County Commissioners that may amend land use and subdivision components of the United Development Code, amend zoning maps, rezone a piece of property, give subdivision approvals, give Planned Unit Development approvals, create zones, and adopt the Comprehensive Plan.

6.5.C.2. In advance of a legislative land use decision, the matter must be referred to the Planning Commission for recommendation. The Board of County Commissioners must hold a legislative public hearing, and prior to that hearing, there must be proper notice. Legislative hearings do not have the same level of procedural formality as a quasi-judicial evidentiary hearing.

6.5.C.3. When making a legislative decision, the Board of County Commissioners can exercise broad discretion to determine what is in the best interest of the community based on the policies and the community's priorities outlined in the Taos County Comprehensive Plan.

6.5.C.4. Legislative land use decisions may not be arbitrary and capricious, may not go beyond the statutory authority of development regulations, and may not be determined based on traits of the involved parties (race, religion, ethnicity, etc.). Such land use decisions must be reasonable, grounded in land use considerations, and in keeping with the statutory purposes of development regulations.

6.5.C.5. Any party aggrieved by the decision of the Board of County Commissioners may appeal the decision to the District Court as set forth in Section 6.9 of this Article.

6.6 PROCEDURES MATRIX

6.6.A.1. The following table describes the responsibilities by named parties for reviews and recommendations, decisions, appeals, and public hearings for each procedure in the UDC.

Table 6.6.1.

Summary of Permit Procedures					
Responsible Party, Type of Decision, and Public Hearing					
Types of Review	**Planning Director**	**Board of Adjustment**	**Planning Commission**	**Board of County Commissioners**	**Neighborhood Association**
Zoning					
Permissive Development Review	D				
Excavation Permit	D				
Administrative Reviews:					
Home Occupation	D*		AH		R
Short-Term Rental Permit	D*		AH		R
Sign Permit	D				
Small Cannabis Producer Permit	D*		AH		R
Special Event Permit	D*		AH		R
Conditional Use Permit	R		DH	AH	R
Major Development Permit	R		RH	DH	R
Rezoning Private Party Initiation	R		RH	DH	R
Subdivision					
Preliminary Plat	R		RH	DH	R
Final Plat	R			D	

Claim of Exemption	D*		AH		
Summary Plat	D*		AH		
Master Development Plan/Phased Development	R		RH	DH	R
Vacating Plats, Streets, or Reservations	R			D	
Resubdivision and Succeeding Subdivisions	R		RH	DH	R
General Code Allowances					
Administrative Adjustments	D		AH		
Variances	R	DH	AH		R
Interpretation of UDC Text and Zoning Map	D		AH		
Code Text Amendments and County Initiated Zoning Map Amendments	R		RH	DH	
Appeals**	R		DH	AH	
Administrative Adjustments	D		AH		
Key to Abbreviations: R - Review and Recommendation, D - Decision, A - Appeals with Decisions, H - Public Hearing					
* Planning Director may approve with conditions					
**Appeals shall be heard subject to the requirements of Section 6.__					

6.7 PUBLIC NOTICE PROVISIONS

6.7.A. Applicability

6.7.A.1. At the applicant's expense, applications that require public notice shall be provided according to standards of this section.

6.7.B. Types of Notice

6.7.B.1. It shall be the responsibility of any applicant required to comply with this section to publish, post, and/or mail the following types of notices. All notices shall be approved by the Planning Director prior to publication, posting, and/or mailing.

6.7.B.1.a. **Newspaper.** Notice of the public hearing in compliance with this section shall be published in a newspaper having general circulation in Taos County.

6.7.B.1.b. **Posting.** Notice of the public hearing in compliance with this section shall be posted on the property and shall comply with the following:

1. The notice shall be prominently displayed and shall be placed in such a manner as not to compromise public safety. If more than one property is the subject of the application, notice as required in this section shall be posted on each property.
2. The notice shall be visible from a public street or road. If no part of the property is visible from the public street or road, at least one (1) notice shall be placed at the entrance of the driveway or access to the property from the nearest public street or road.
3. If the property is visible from more than one public street or road, additional notices shall be prominently displayed, visible from each public street or road.
4. Size of the notice shall be 11”x17”, laminated and secured by stapling, nailing, or other secure means to a fixed post or object at least forty (40) inches above the ground.

6.7.B.1.c. **First-Class Mail.** Notice of public hearing in compliance with this section shall be mailed by US First-Class Mail to the following:

1. All property owners of record, as provided by records of the Taos County Assessor’s Office, owning property located within the notification area.
2. Neighborhood associations in which the proposed development is located within their jurisdiction.
3. Federal, state, local, and tribal government entities whose territory is within the notification distance of the subject property.
4. The agent of record for any National Heritage Site within one (1) mile of the proposed development.
5. Any Acequia Commission where an acequia is within or is contiguous to the subject property.

6.7.C. Contents of Public Notice

6.7.C.1. Public notice shall contain the following information:

6.7.C.1.a. The phrase “PUBLIC NOTICE” at the top of the notice.

6.7.C.1.b. Name of reviewing or decision-making body.

6.7.C.1.c. Day, date, time, and place of the hearing.

6.7.C.1.d. Name of the applicant, owner, and any agent(s) who will represent the applicant at the hearing. If the owner/applicant is a corporation, the notice shall specify that owners of the corporation are identified in the application.

6.7.C.1.e. Location, physical address, and legal description of the subject property.

6.7.C.1.f. A summary of what the applicant is requesting.

6.7.C.1.g. A brief description of the type of application, and indication that the public has an opportunity to review and comment on the application, within a specified time period as determined by the Planning Director, and shall also state that the full application and any staff report(s) are available for public inspection at the Planning Department with the Planning Department's phone number, mailing address, and website.

6.7.D. Notification Requirements

6.7.D.1. Applicants shall provide notification to all property owners and entities as follows:

6.7.D.1.a. Notification for applications for any Administrative Review Permit shall require posting the notice on the property.

6.7.D.1.b. Notification for applications for a variance or any public hearing for the possibility of revocation of a permit shall require mailing a notice by US First-Class Mail to all adjacent property owners of the proposed project property lines, as well as posting a notice on the property, and publication of notice in the newspaper of general circulation.

6.7.D.1.c. Notification for applications for Conditional Use or Major Development Permit shall require mailing a notice to all property owners within one thousand (1,000) feet of the proposed project property lines, as well as posting a notice on the property, and publication of notice in the newspaper of general circulation.

6.7.D.1.d. Notification for proposed zone change amendments to these regulations for an area that is one block or less shall require publication in a newspaper of general circulation. Notice by certified mail, return receipt requested, shall be required to all property owners within one hundred (100) feet of the proposed area to be changed.

6.7.D.1.e. Notification for proposed zone change amendments to these regulations for an area greater than one block shall require a notice by publication.

6.7.D.1.f. Notification for proposed amendments to these regulations, regardless of a zone change or no zone change proposal, shall require a notice published in a newspaper of general circulation once each week for two consecutive weeks prior to the date of the meeting.

6.7.D.1.g. Notification for applications for subdivision shall mail notice to all property owners within one thousand (1,000) feet of the proposed project property lines, as well as posting a notice on the property, and publication of notice in the newspaper of general circulation.

6.7.D.1.h. Notification for applications for a Claim of Exemption shall require posting the notice on the property.

6.7.D.1.i. Notification for informal public meetings shall follow the same requirements of this section for the public hearings based on application type.

6.7.D.1.j. Notification for an appeal of the decision of any reviewing body shall follow the same requirements of this section for the public hearings based on the application type.

6.7.D.1.k. It shall be the responsibility of the applicant to ensure that all agencies, tribal governments, neighborhood associations, Acequia Commissions, and any other entity who may be within the notification area are also notified by US First-Class Mail for public hearings and informal public meetings.

6.7.E. Determination of Notification Area

6.7.E.1. The notification area shall be determined from the boundary lines of the parcel of the proposed project. A notification area map shall be provided by the Taos County Assessor's Office to the applicant, using the most recent parcel data, identifying the Property Code Numbers and/or Owner Numbers, and shall also provide a Property Assessment for each property within the notification area.

6.7.E.2. It shall be conclusively presumed that only property owners whose Property Code Numbers and/or Owner Numbers appear on the maps maintained by the Taos County Assessor's Office are property owners within the notification area, even if those maps are inaccurate or incomplete.

6.7.E.3. The mailing address provided on the Property Assessment shall be used for mailing notifications.

6.7.F. Verification

6.7.F.1. The applicant shall provide the following documents for verification of public notice to the Planning Director, at least ten (10) days prior to the public hearing:

6.7.F.1.a. **Newspaper.** A copy of the posted notice with a copy of the affidavit or posting.

6.7.F.1.b. **Posting.** A photograph of the posted notice(s) showing the location and height of said postings.

6.7.F.1.c. **First-Class Mail.** A list of the names and addresses of the persons, entities, and agencies identified in the notification area with a copy of the notice that was mailed, and an affidavit certifying the applicant's mailing by first class mail with the date of the mailing.

6.8 HEARING PROCEDURES

6.8.A. Generally

6.8.A.1. The reviewing body—the Board of Adjustment, the Planning Commission, or Board of County Commissioners, as assigned in these regulations—shall conduct the hearing in accordance with Robert's Rules of Order and any additional guidelines that may be adopted by the Taos County Board of County Commissioners.

6.8.B. Quasi-Judicial Public Hearings

6.8.B.1. The reviewing body must hold an evidentiary hearing during their regularly scheduled meeting or a special meeting in compliance with the following:

6.8.B.1.a. The Planning Director shall present a description of the proposed development and describe the legal or factual issues to be determined.

6.8.B.1.b. The applicant shall make their presentation of the application, providing testimony of experts, consultants, or lay witnesses and documentary evidence, which shall be subject to cross examination by adverse parties with standing.

6.8.B.1.c. An agency, entity, and/or interested party with standing may provide testimony, including expert, consultant, or lay witnesses and relevant documentary evidence for or against the application, subject to cross-examination by the applicant or the reviewing body.

6.8.B.1.d. The reviewing body may impose reasonable limitations on the number of witnesses heard and on the nature and length of the testimony and questioning to avoid unnecessary duplicative testimony or questioning and to ensure that the testimony and questioning is relevant to the case.

6.8.B.1.e. Each person who appears at a public hearing shall take a proper oath and state, for the record, his or her name, physical address, and if appearing on behalf of an entity, the name and physical address of the entity.

6.8.B.1.f. The applicant may reply to any testimony or evidence presented, subject to cross-examination.

6.8.B.1.g. The reviewing body may pose questions to the applicant, the Planning Director, or any consultants or lay witnesses at any time during the hearing concerning any statements, evidence, or applicability of regulations of the UDC, other County ordinances and regulations, or other governmental law or regulations.

6.8.B.1.h. The Planning Director shall keep a record of the proceedings in all hearings heard by the Planning Commission. The County Clerk shall keep a record of the proceedings in all hearings heard by the Board of County Commissioners.

6.8.B.1.i. The reviewing body shall close the public portion of the hearing and conduct deliberations. The reviewing body may elect to deliberate in executive session, but final action shall occur in open meeting.

6.8.B.1.j. Upon making the final decision the reviewing body must base decisions on competent, material, substantial evidence in the record, and compliance with these regulations, as well as state and federal laws and regulations.

6.8.B.1.k. A written decision, signed by the chair, to reflect the reviewing body's determination of the contested facts and applicable standards shall be sent to the applicant and must be recorded with the County Clerk.

6.8.B.1.l. Written verbatim minutes shall be prepared and retained with the evidence submitted at the final hearing conducted on an application.

6.8.C. Legislative Public Hearings

6.8.C.1. The Board of County Commissioners shall hold a public hearing to consider a legislative application and shall consider the recommendation of the Planning Commission. The requirements of Section 6.7.B shall be followed as well as the following:

6.8.C.1.a. **Planning Commission Recommendations.** The Planning Commission shall make a written recommendation to approve, approve with conditions or to deny an application requiring final approval from the Board of County Commissioners. If the Planning Commission fails to make a quorum or to make a recommendation within two (2) meetings on the application, the application shall move to the Board of County Commissioners without a recommendation unless the applicant waives this requirement and agrees in writing to any additional Planning Commission meetings.

6.8.C.1.b. **Contested Zoning Matters.** When an area is proposed to be changed by a zoning regulation, and 20 percent or more of the owners of the lots or land within that area, or within one hundred (100) feet, excluding the public right-

of-way of the area proposed to be changed by a zoning regulation, the proposed change in zoning shall not become effective unless the change is approved by a 2/3 vote of all the members of the Board of County Commissioners.

6.8.D. Ex Parte Communications

6.8.D.1. **Generally.** It is the policy and practice of the County to decide applications only on the merits presented in the application, on-record public comments, and at public hearings, when required. Therefore, members of a reviewing body shall not privately discuss the merits of a pending application, appeals, or other matters under review or with the potential to be reviewed by the reviewing body.

6.8.D.2. **Period of Prohibition.** The prohibition against ex parte communications shall apply to all applicants, entities, or interested parties with standing, and all members of the reviewing bodies. The time period begins on the date of the submittal of the application to the Planning Director and ends when the final decision on the matter by the reviewing body is rendered in writing and filed and any appeal period has expired or the appeal process is exhausted to completion.

6.8.D.3. **Inadvertent Communications.** Any member of the reviewing bodies who may receive communication outside of the record of an application (i.e., information not in the application packet, agency comments, public comments, nor was it presented at a noticed public hearing) shall disclose the communication, including the speaker and the substance of the communication, on the record of the public hearing before the applicant is heard.

6.8.D.3.a. The contents of the ex parte communication shall not be considered part of the record for decision-making unless the information in the communication is also presented at the hearing—other than through the required disclosure.

6.8.D.4. **Sanctions.** Upon a written complaint to the County Attorney that an applicant or party knowingly and willfully engaged in or solicited ex parte communications, the continuation of processing the application shall be immediately suspended, and any potential hearing shall be canceled.

6.8.D.4.a. The County Attorney shall appoint a hearing officer to hold a public hearing on the complaint, the audio of which hearing shall be recorded.

6.8.D.4.b. If an applicant or party is found by a preponderance of the evidence to have knowingly and willfully violated these requirements the hearing officer may:

1. Disallow the applicant or party from presenting evidence or testimony on the application or appeal.
2. Delay the application or appeal by up to one (1) year after the hearing.
3. Deny the application or appeal without a hearing on its merits.

6.8.D.4.c. The hearing officer's decision, findings, and/or sanction shall be appealed to the Eighth Judicial District Court by filing a Notice of Appeal in District Court as set forth in Section 6.__ of this Article.

6.8.D.4.d. Upon a written complaint to the County Attorney that a member of the reviewing body knowingly and willfully engaged in or solicited ex parte communications, the Board of County Commissioners shall, in its

discretion, hold a public hearing on the complaint. If the Board of County Commissioners finds by a preponderance of the evidence to have knowingly and willfully violated these requirements, the Board of County Commissioners may issue an appropriate sanction, including but not limited to immediate withdrawal of the member's appointment. The Board of County Commissioners shall appoint a new representative, at which the decision of the Board of County Commissioners is final.

6.9 EFFECTIVE DATE, DURATION, AND OTHER REQUIREMENTS

6.9.A. Permit Effective Date

6.9.A.1. A land use development permit shall take effect upon the issuance of written approval that is signed and dated by the representative of the appropriate reviewing body, unless said permit is subject to an appeal pursuant to Section 6.__, at which time the permit shall take effect on the day after the time period to appeal the decision has expired. If an appeal is filed, then the permit will be suspended until the appeal process is finally resolved.

6.9.B. Commencement of Projects

6.9.B.1. Commencement of a project (including clearing and grubbing the site and installing utilities) shall not begin until all approvals and permits are obtained from the Planning Director in writing specifically stating the date work may commence.

6.9.C. Duration

6.9.C.1. Table 6.8.1, the Duration of Permits Table governs the effective period in which to complete any development and initiate the operation of a building, structure, or use authorized by the permit.

6.9.C.2. The effective period of any approval or permit begins on the date of the issuance of the permit. If the applicant fails to complete the development or initiate the allowed use of said permit, then the applicant must demonstrate substantial progress or unanticipated and unmitigable hardship in order to receive consideration for an extension. The County has no mandate to offer or grant any extension. Exceeding the effective time period shall require submittal of a new application and approval for a new permit.

Table 6.9.1.

Duration of Permits Table			
Permit	**Effective Period**	**Extension(s)**	**Approval Entity for Extension/Renewal**
Zoning:			
Administrative Reviews:			
Home Occupation	Life of Active Business Registration	NA	NA
Itinerant Vendor	90 days	90 days (unlimited)	Planning Director
Short-Term Rental	1 year	Renewal for 1 year	Planning Director
Sign Permit	Life of Active Business Registration	NA	NA
Small Cannabis Producer Permit	Life of Active Business Registration	NA	NA
Special Events Permit	2 weeks	NA	NA
Conditional Use Permit	24 mo.	6 mo. (limit of two)	Planning Commission
Major Development Zoning Permit	36 mo.	1 yr. (limit of two)	Board of Cnty. Commissioners
Planned Unit Development (PUD)	Runs with Land PUD transfers with property		
Subdivision and General Code Allowance Reviews:			
Preliminary Plat	2 years	1 year	Board of Cnty. Commissioners
Final Plat	2 years	3 years	Board of Cnty. Commissioners
Master Development Plan/Phased Developments		3 years	Board of Cnty. Commissioners
Administrative Adjustments	2 years	NA	NA
Variance			

6.9.D. Deviation from Original Permit

6.9.D.1. All permits shall be limited to the specified nature of the request. Any deviation from the original permit request shall require the applicant to submit the changes to the Planning Director in advance. If, in the judgment of the Planning Director, there is a significant deviation from the original permit, a new application by the applicant may be required by the Planning Director.

6.9.E. Transferability

6.9.E.1. Upon a change in ownership of any property within the unincorporated areas of Taos County, any approved use permitted under these regulations shall remain effective unless the use ceased and is deemed abandoned or a new use is proposed.

6.9.E.2. All nonconforming uses shall comply with the applicable requirements of *Article VII*.

6.9.F. Revocation or Suspension of Permits

6.9.F.1. In any case where the conditions of a zoning permit have not been or are not being complied with, or the terms of any law or ordinance are violated in connection therewith, the Planning Director shall give written notice to the applicant of the County's intention to suspend or revoke the permit; and within forty-five (45) business days following the mailing of such notice, the Planning Commission shall conduct a hearing thereon at which the Planning Commission shall either reinstate the permit (with or without additional conditions) or revoke the permit. The applicant shall refer to Section 6.6 for proper notice. The Planning Commission shall hold public hearing in accordance with Section 6.7.

6.9.G. Moratoriums

6.9.G.1. A moratorium on Major Development may be imposed by resolution of the Board of County Commissioners if:

6.9.G.1.a. An imminent threat to public health, safety, or welfare, as determined by federal, state, or county authorities will exist if Major Development projects continue; or

6.9.G.1.b. Modification of existing land use regulations affecting Major Development projects is under consideration or review.

6.9.G.2. Notice of consideration of a proposed resolution imposing a moratorium on Major Development projects shall be published in a newspaper of general circulation. The publication shall include the title and the general summary of the proposed resolution, as well as the time, date, and location of the meeting, and shall be published at least once a week for two (2) consecutive weeks prior to the date of the meeting of the Board of County Commissioners at which the resolution is to be considered for approval.

6.10 APPEALS

6.10.A. Applicability

6.10.A.1. Any person or entity aggrieved by the decision of the Planning Director, Board of Adjustment, Planning Commission, or Board of County Commissioners may appeal its decision as provided in this section.

6.10.A.2. The notice of the appeal shall describe how the appellant is a person or entity affected by the decision and the specific factual errors and legal errors allegedly made by the reviewing body.

6.10.B. What May Be Appealed

6.10.B.1. Only a final decision of the Planning Director, Board of Adjustment, Planning Commission, or Board of County Commissioners regarding any application may be appealed.

6.10.B.2. Recommendations to the Board of Adjustment, Planning Commission, or to the Board of County Commissioners, findings of fact, and/or conclusions of law may not be appealed. Nothing herein shall prevent an aggrieved party from appealing a final decision, accepting such recommendations, findings of fact, and/or conclusions of law.

6.10.B.3. In the event that an application requires multiple approvals, then a party aggrieved by a decision may not appeal until all decisions have been issued by all appropriate hearing bodies.

6.10.C. How to Appeal

6.10.C.1. All appeals of a decision of the Planning Director in the enforcement of these regulations shall be heard by the Board of Adjustment, de novo.

6.10.C.2. All appeals of a decision of the Board of Adjustment shall be heard by the Planning Commission, de novo.

6.10.C.3. All appeals of a decision of the Planning Commission shall be heard by the Board of County Commissioners, de novo.

6.10.C.4. All appeals of a decision of the Board of County Commissioners shall be filed in Eighth Judicial District Court pursuant to NMSA 1978, § 39-3-1.1.and Rule 74 of the Rules of Civil Procedure by filing a Notice of Appeal in the District Court within thirty (30) calendar days of the filing of the decision of the Board of County Commissioners with the County Clerk.

6.10.C.5. All appeals of a decision of the Planning Director, the Board of Adjustment, or the Planning Commission shall be initiated by filing a written notice of the appeal to the Planning Director, and recorded with the Taos County Clerk within thirty (30) calendar days from the date the Planning Director enters a written decision on the application, or of the filing of the decision of the Board of Adjustment or the Planning Commission.

6.10.C.5.a. The appeal shall specify the provisions of this code that are being improperly applied and the reasons in support of the claim that the challenged provisions were improperly applied. The notice of appeal shall be accompanied by the appropriate fees required and shall be made available to the public for review at the Planning Department. Any appeal that fails to adequately comply with this provision shall be dismissed, with prejudice.

6.10.D. Appeal Procedure

6.10.D.1. Upon the filing of a notice of appeal, the Planning Director shall schedule a hearing before the appropriate reviewing body (Board of Adjustment, Planning Commission, or Board of County Commissioners). The public hearing shall be held within no less than forty-five (45) days nor more than sixty (60) days after the date upon which the notice of the appeal was filed.

6.10.D.2. At the appellant's expense, notice of the public hearing on the appeal shall comply with the requirements of Section 6.6 of these regulations. Failure to give proper notice, or file proper proof thereof, shall cause the appeal to be withdrawn.

6.10.D.3. The appellant shall be responsible for creating all copies of the record, binding all information, and creating a table of contents and page numbers on all consecutive pages that will be presented to the reviewing body as a packet. Additional new evidence not considered in the previous decision being appealed may be offered and considered at the public hearing. Relevant evidence offered by the public may also be considered.

6.10.D.3.a. The Planning Director shall deliver the packet to the reviewing body at least ten (10) days but no later than three (3) days by prior to the proposed public hearing.

6.10.D.3.b. A review of the record shall be conducted by the reviewing body and shall be limited to evidence in the record of the proceeding and decision being appealed.

6.10.D.4. The reviewing body shall conduct the hearing in accordance with Robert's Rules of Order and any additional guidelines that may be adopted by the Taos County Board of County Commissioners.

6.10.D.5. The Planning Director shall present all materials which formed the basis of the previous decision that is being appealed, giving a brief description of the project.

6.10.D.6. The appellant(s) shall make their presentation and shall have a reasonable amount of time as determined by the reviewing body's chairperson in which to present their position.

6.10.D.7. The appellee(s) shall present their response and shall have a reasonable amount of time as determined by the reviewing body's chairperson in which to present their position.

6.10.D.8. The reviewing body may impose reasonable limitations on the number of witnesses heard as well as on the nature and length of the testimony to avoid unnecessary duplicative testimony and to ensure that the testimony is relevant to the case.

6.10.D.9. Members of the public shall have a reasonable amount of time, as determined by the reviewing body's chairperson, in which to comment and present relevant evidence. Time allotted to speakers shall be monitored by the Planning Director.

6.10.D.9.a. All speakers shall be sworn in by a notary public, and state, for the record, their names, physical addresses, and if appearing on behalf of an entity, the name and physical address of the entity.

6.10.D.9.b. The chairperson shall have the right to prevent repetitious and repetitive statements by asking any speaker who is being repetitious to end his or her remarks and, if appropriate, to leave the podium or floor.

6.10.D.10. The appellant(s) may reply to any testimony or evidence presented, subject to cross-examination.

6.10.D.11. The appellee(s) may reply to any testimony or evidence presented, subject to cross-examination.

6.10.D.12. Cross examination will only be allowed to the appellant and the appellee.

6.10.D.13. The reviewing body may pose questions to the appellant, the appellee, the Planning Director, or any consultants or lay witnesses at any time during the hearing concerning any statements, evidence, or applicability of these regulations, other County ordinances and regulations, or other governmental law or regulations.

6.10.D.14. The Hearing Body shall affirm, reverse, or affirm with conditions any previous decision made, which must be supported by findings of fact.

6.10.D.14.a. In their discretion, the Hearing Body may deliberate in executive session, but final action shall occur in open meeting.

6.10.D.14.b. The decision shall not be set aside unless it is found to be:

1. Arbitrary, capricious, or an abuse of discretion.
2. Not supported by substantial evidence.
3. Otherwise not in accordance with law.

6.10.D.15. A written decision, signed by the chairperson, to reflect the reviewing body's determination of the contested facts and applicable standards shall be sent to the applicant and must be recorded with the County Clerk within thirty (30) calendar days of the conclusion of the hearing.

6.10.D.16. The Planning Director shall keep a record of the proceedings in all appeals heard by the Board of Adjustment or the Planning Commission. The County Clerk shall keep a record of the proceedings in all hearings heard by the Board of County Commissioners.

6.10.D.17. Written verbatim minutes shall be prepared and retained with the evidence submitted at the final hearing conducted on an application.

6.10.D.18. The chairperson shall have the right to take any and all appropriate actions to ensure that appeal hearings are orderly and equitably conducted so that all persons having the right to speak shall have the opportunity to do so.

6.10.D.18.a. Only the speaker having the floor shall be allowed to speak. Members of the public attending the hearing shall not speak, comment, or disrupt when another has been given the floor by the chairperson.

6.10.D.18.b. The chairperson shall enforce the rules and may, at his option, appoint a Sergeant at Arms to assist in enforcing these rules.

Division 2 Zoning Procedures

6.11 PERMITTED USES

Purpose: Development with land uses identified as "permitted" in the Article II Section 2.7. Use Matrix shall require a Development Review Approval, which is a written document that authorizes a development of a permissive use provided that the proposed project meets all of the performance standards for the specific zone that the proposed project will be located within.

6.11.A. Applicability

6.11.A.1. All permitted uses shall meet the requirements of *Article III Development Standards*, *Article IV Use Regulations*, and all applicable sections of this Article.

6.11.A.2. Any proposed development or use that exceeds terms of the use regulations or development standards, either at its commencement or through growth, shall be subject to a conditional use permit if the use is so classified, or shall be located in or relocated to an appropriate zone that provides the allowance of the proposed use.

6.11.B. Permit Required

6.11.B.1. Any person wishing to develop or create a permitted use shall submit all the applicable documents outlined in *Article XII Submittal Requirements* of these regulations with an appropriate application as determined by the Planning Director. An appropriate application shall be but is not limited to a building permit application or a business registration application.

6.11.C. Review Procedures

6.11.C.1. Development reviews may include conditions of approval, inspections from various entities, and a certificate of occupancy for existing buildings. A development review may be conducted for multiple forms of development or for a single development project.

6.11.D. Criteria for Approval

6.11.D.1. The permitted use shall be consistent with the Taos County Comprehensive Plan, with the intent of the zone district in which it is proposed to be located and shall not conflict with any applicable sections of the Unified Development Code.

6.11.D.2. The permitted use shall comply with all performance standard requirements for the specific zone that the proposed use will be located within.

6.12 HOME OCCUPATION PERMIT

6.12.A. Purpose

6.12.A.1. The purpose of this section is to stimulate economic development in the County; promote energy efficiency by promoting home occupations and home businesses while ensuring the compatibility of home-based businesses with other uses permitted in the community; provide increased worker independence, self-sufficiency and motivation; decrease traffic congestion; increase the safety of the neighborhoods by promoting neighborhood activity; integrate the ideas of working and residing in the same environment; and protect the stability and character of the neighborhood.

6.12.B. Applicability

6.12.B.1. All home occupation uses are subject to an application as provided by the Planning Director and must comply with Development Standards of *Article III*, the Use Regulations of *Article IV*, and all applicable sections of this Article.

6.12.B.2. Any home-based business that exceeds terms of the use regulations or development standards, either at its commencement or through business growth, shall be subject to a conditional use permit if the use is so classified, or shall be located in or relocated to an appropriate zone which provides the allowance of said proposed business.

6.12.B.3. It is unlawful for any person to engage in business or offer for sale any goods or services without first obtaining a tax number from the New Mexico Taxation and Revenue Department. Evidence thereof of such tax number shall be provided to the Planning Department at the time of application and shall be prominently displayed.

6.12.C. Permit Required

6.12.C.1. Home occupations require an applicant to submit an application with all the requirements outlined in *Article XII Submittal Requirements*.

6.12.D. Review Procedures

6.12.D.1. The Planning Director shall review the application and shall inform the applicant in writing, as to whether the application is deemed complete, in compliance with the requirements of Section 6.4. Submittal of Application and Review, of this Article.

6.12.E. Appeals

6.12.E.1. Any party may appeal the decision of the Planning Director following the requirements of Section 6.9 of this Article.

6.12.F. Criteria for Approval

6.12.F.1. The home occupation use shall be consistent with the Taos County Comprehensive Plan, with the intent of the zone district in which it is proposed to be located and shall not conflict with any applicable sections of the Unified Development Code.

6.12.F.2. All businesses requiring a State of New Mexico license to operate said business shall provide a copy of said license and shall have a valid Taos County business registration for the physical address in which the home occupation business is located.

6.12.F.3. The home occupation business must not materially endanger the public health, safety, or welfare, nor shall it substantially injure the value of adjoining or abutting property.

6.12.F.4. The home occupation shall not create noise, vibration, glare fumes, or odors detectable to reasonable sensory perception outside the boundaries of the property.

6.12.F.5. The operator of the home occupation business shall reside in a dwelling unit located on the property of the approved home occupation permit and shall allow County officials, including but not limited to Planning Department staff, law enforcement, and Fire Inspectors, to inspect the approved premises at reasonable times for the purpose of determining compliance with the provisions of this code.

6.12.F.6. All employee and customer/visitor ingress/egress activity and deliveries shall occur between the hours of 8 a.m. and 8 p.m. Monday through Saturday.

6.12.F.7. The home occupation shall involve the primary sale of goods or services in connection with such home occupation, including but not limited to:

6.12.F.7.a. Goods that are prepared, produced, or grown on the premises.

6.12.F.7.b. Services that are developed on the premises and provided on or off the premises.

6.12.F.7.c. The sale of goods that are not produced on the premises and are only distributed off the premises.

6.12.F.7.d. Repair services that take place solely within the premises.

6.12.F.8. The home occupation use must comply with any supplemental use regulations in *Article IV* and development standards in *Article III*, including night skies development standards.

6.12.F.9. The home occupation use shall comply with *Article V Signs.*

6.12.F.10. Limited storage of business-related property is allowed outside of the residence, but the storage area shall count as part of the square footage allocation shown in Table ___ and shall be shielded from the view of nearby properties. Where additional storage is allowed in accessory buildings, no display of goods or merchandise shall be visible from outside the enclosed building space.

6.12.G. Approved Activities

6.12.G.1. Home occupations may be approved for the following activity categories:

6.12.G.1.a. Professional offices which shall include but are not limited to offices for accountants, appraisers, architects, attorneys, contractors, engineers, financial planners, insurance agents, consulting services, real estate sales, and similar office uses.

6.13 EXCAVATION PERMIT

6.13.A. Applicability.

6.13.A.1. Taos County Ordinance 1955-10 establishes the requirements for an excavation and grading permit as a part of the Building Code for Taos County. Nothing in this section of the UDC amends Ordinance 1955-10. The purpose for this redundancy is to summarize procedural provisions for a use that may be “stand-alone” and not a component of other uses in the UDC, create consistency and cross-reference to Ordinance 1955-10, and assure that excavation activity as defined in this section is not excluded from the need for a permit.

6.13.A.2. Grading in excess of five thousand (5,000) cubic yards, except where specified in Section 6.__.

6.13.A.3. A grading permit is not required for the following:

6.13.A.3.a. When approved by the building official, grading in an isolated, self-contained area if there is no danger to private or public property.

6.13.A.3.b. An excavation below finished grade for basements and footings of a building, retaining wall, or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation or exempt any excavation having an unsupported height greater than five (5) feet after the completion of such structure.

6.13.A.3.c. Cemetery graves.

6.13.A.3.d. Refuse disposal sites controlled by other regulations.

6.13.A.3.e. Excavations for wells, tunnels, or utilities.

6.13.A.3.f. Mining, quarrying, excavating, processing, stockpiling of rock, sand, gravel, aggregate, or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property.

6.13.A.3.g. Exploratory excavations under the direction of soil engineers or engineering geologists.

6.13.A.3.h. An excavation that 1) is less than two (2) feet in depth, or 2) that does not create a cut slope greater than five (5) feet in height and steeper than the ratio of 1.5 horizontal to one (1) vertical.

6.13.A.3.i. A fill less than one (1) foot in depth and placed on natural terrain with a slope flatter than the ratio of five (5) horizontal to one (1) vertical, or less than three (3) feet in depth, not intended to support structures, which does not exceed fifty (50) cubic yards on any one lot and does not obstruct a drainage course.

6.13.A.3.j. Exemption from the permit requirements of this chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter or any other laws or ordinances of this jurisdiction.

6.13.A.4. Grading involving less than five thousand (5,000) cubic yards shall be designated "regular grading" unless the permittee chooses to have the grading performed as engineered grading, or the building official determines that special conditions or unusual hazards exist, in which case grading shall conform to the requirements for engineered grading.

6.13.B. Criteria for Approval

6.13.B.1. Grading permit requirements in Ordinance 1995-10 are met.

6.13.B.2. Drainage and terracing do not damage any adjoining public street, sidewalk, alley, or other public or private property.

6.13.B.3. Public utilities and services are protected from any damages.

6.13.B.4. The loss of trees, ground cover, and topsoil is shown to be minimized on any grading project, and revegetation provides for rapid short-term coverage of slopes and long-term permanent coverage.

6.13.B.5. Payment of grading fees as set forth in the fee schedule adopted by Taos County.

6.14 SHORT-TERM RENTAL PERMIT

6.14.A. Purpose

6.14.A.1. Any person proposing to engage in operating a short-term rental must obtain a Short-Term Rental (STR) Permit for each separate dwelling unit used as a short-term rental and shall register to pay lodgers' tax and obtain Business Registration.

6.14.B. Applicability

6.14.B.1. All STR uses are subject to an application as provided by the Planning Director and must comply with Development Standards of *Article III* and the Use Regulations of *Article IV*.

6.14.C. Permit Required

6.14.C.1. Prior to the commencement of the operation of a STR, an Owner/Operator shall submit an application with all the requirements outlined in *Article XI*.

6.14.C.2. Any person operating a STR Unit without a valid permit shall be prohibited from applying for a STR Permit for a period of two (2) years.

6.14.D. Review Procedures

6.14.D.1. The Planning Director shall review the application and shall inform the applicant in writing as to whether the application is deemed complete in compliance with the requirements of Section 6.4. Submittal of Application and Review of this Article.

6.14.E. Appeals

6.14.E.1. Any party may appeal the decision of the Planning Director following the requirements of Section 6.9 of this Article.

6.14.E.2. An Owner/Operator may appeal the revocation of a STR Unit following the requirements of Section 6.9 of this Article.

6.14.F. Criteria for Approval

6.14.F.1. Only one STR Permit shall be approved per unique Taos County Assessor's Office-assigned Owner Number.

6.14.F.2. No more than one STR Permit shall be issued per Owner/Operator.

6.14.F.3. The STR Unit shall be consistent with the Taos County Comprehensive Plan, with the intent of the zone district in which it is proposed to be located and shall not conflict with any applicable sections of the Unified Development Code.

6.14.F.4. STR Units are allowed in any legal dwelling unit, accessory dwelling unit, or bedroom.

6.14.F.5. No more than one dwelling unit, accessory dwelling unit, or bedroom with its own unique Rural Address shall be subject to any individual STR Permit.

6.14.F.6. The permit will be valid for one year, from the date of approval to the same date of the following year, unless sooner terminated by the Owner/Operator or revoked by the County.

6.14.F.7. A permit may be issued at any time during the year so long as issuance of the permit does not exceed the number of permits specified in the STR cap provisions, Section ___.

6.14.F.8. The Owner/Operator of the STR shall be a natural person who is either the record title owner of the property or dwelling unit or who has legal authority to act on behalf of a legal business or entity that is the record title owner of the property or dwelling unit.

6.14.F.9. STR Units are not allowed in any structure or vehicle that is not permitted as a residential structure, or which would not be eligible for a building permit pursuant to the most recent adoption of the New Mexico Residential Building Code. If deemed necessary, the Planning Director may require a health and safety inspection prior to the issuance of a STR Permit to ensure code compliance.

6.14.F.10. Once issued, a permit is not transferable to another person or property. Upon transfer of ownership of a STR Unit, the STR Permit shall immediately terminate without the necessity of notice. If a new Owner/Operator wishes to use the property as a STR Unit, a new application shall be required.

6.14.G. Revocation of Permit

6.14.G.1. A STR Permit may be revoked for the violation of, or noncompliance with, the provisions of this code or any other statute, ordinance, or regulation relevant to the STR Unit. In addition, a STR Permit may be revoked upon one or more of the following:

6.14.G.1.a. If any Owner/Operator fails to report all applicable taxes, including gross receipts tax and lodgers' tax.

6.14.G.1.b. If a STR Unit has three (3) or more instances of violations or noncompliance with the provisions of this code or any other statute, ordinance, or regulations within a twelve (12) month period, the STR Permit shall be revoked for a period of two (2) years and shall cease to operate. After the two (2)-year period has ended, a new application will be required for consideration of a new STR Permit.

6.14.G.2. If the Planning Director determines that a violation has occurred, then a written notice of violation that includes corrective action will be sent to the Owner/Operator. If the corrective action is not commenced within fifteen (15) days of the date of written notice of violation, the County may revoke the STR Permit and use of the STR Unit must cease within fifteen (15) days following revocation of permit.

6.14.G.3. The Planning Director shall document all alleged violations of these regulations and shall pursue enforcement procedures as specified in *Article VIII* of this code.

6.14.H. Renewal

6.14.H.1. A permit may be renewed upon submitting a STR Permit Renewal Application, so long as the permit for the STR Unit is active and has not been revoked or withdrawn, the application complies with the terms of this code, and the unit is otherwise in compliance with the Taos County Land Use Regulations and all other applicable Taos County ordinances.

6.14.H.2. An application for renewal must be submitted to the County no later than one month prior to the anniversary of the date of approval or renewal from the previous year.

6.14.H.3. An Owner/Operator may continue to rent out a STR Unit after the expiration date if a renewal application was submitted prior to the expiration date, provided that the application is still under review and has not been deemed as withdrawn or denied.

6.14.H.4. A nonrefundable application fee will be charged for all STR Unit Permit Renewal Applications. Upon approval of said renewal application, an additional fee will be assessed to the Owner/Operator. Application and Permit fees are set by Resolution and approved by the Taos County Board of County Commissioners.

6.14.I. Expiration

6.14.I.1. An Owner/Operator of an expired permit shall submit an application for a new permit, subject to the availability of permits, and shall comply with all applicable requirements of these regulations.

6.15 SIGN PERMIT

6.15.A. Applicability

6.15.A.1. All signs are subject to an application as provided by the Planning Director and must comply with *Article V*, unless specifically exempt from these regulations.

6.15.B. Permit Required

6.15.B.1. Prior to the placement of any sign, an application must be submitted with all the requirements outlined in *Article XII*. Routine maintenance and repair shall not require a permit as long as the basic parts of the sign remain the same.

6.15.C. Review Procedures

6.15.C.1. The Planning Director shall review the application, plans, specifications, and any other data, including the premises upon which it is proposed to erect the sign. The applicant shall be informed in writing as to whether the application is deemed complete, as outlined in Section 6.4 of this Article.

6.15.D. Appeals

6.15.D.1. Any party may appeal the decision of the Planning Director following the requirements of Section 6.9 of this Article.

6.15.E. Criteria for Approval

6.15.E.1. The signs shall not conflict with any applicable sections of the Unified Development Code, and shall not endanger public health, safety, or welfare.

6.15.E.2. Every Sign Permit issued shall be allowed a maximum of two (2) signs as identified in Section ___.

6.15.E.3. Every sign that requires a permit shall be designed and constructed to withstand the wind loads, snow loads ,and dead loads as set forth in the most recently adopted New Mexico Building Codes and shall conform to the most recently adopted New Mexico Electrical Codes.

6.15.E.4. If work authorized has not been completed within three (3) months of issuance of the permit, the permit shall become null and void.

6.15.E.5. All rights and privileges granted by the issuance of a permit under this code or any amendment thereto, are mere licenses revocable for violation of this code at any time by the County. All permits issued under this code shall be deemed to contain this provision.

6.15.F. Issuance and Display of Sign Permit

6.15.F.1. It shall be the duty of the Planning Director to examine all sign permit applications for compliance with the provisions of this code.

6.15.F.1.a. Within ten (10) business days, the Planning Director shall determine if the application is complete and in compliance with all applicable codes and ordinances; if so, then the permit shall be issued.

6.15.F.1.b. If it is found that the application is incomplete, then the applicant shall be notified of the discrepancies, and no further action shall be taken until the

discrepancies are remedied. If the applicant fails to submit the required documentation within ten (10) of notification, the application shall be considered withdrawn.

6.15.F.1.c. If it is determined that the application must be denied, the applicant shall be notified in writing, citing the specific reasons for the denial.

6.15.F.2. An approved sign permit shall be prima facie evidence of compliance with these regulations and shall grant the holder thereof a nontransferable permit to display the approved sign(s) for the specific location indicated on the sign permit.

6.15.F.3. Each applicant shall be responsible for retaining said permit and shall provide evidence of the permit when requested by the Planning Director.

6.15.F.4. If the approved signs are not placed within three (3) months of issuance of the permit, the permit shall become null and void.

6.15.G. Notice to Remove

6.15.G.1. If the Planning Director finds that any sign is in violation of these regulations by reason of being unsafe, insecure, a menace to the public, or has been erected or is being maintained in violation of this code, a written notice shall be issued to the permittee or to the owner, agent, entity, or individual enjoying the beneficial use of the noncompliant sign. If the sign is not removed or altered, within ten (10) days after mailing the notice, such sign may be removed by the County, and the permittee or owner, agent, entity, or individual shall bear the expense of such removal. No person refusing to pay the costs so assigned shall be issued a sign permit. If a sign is an immediate peril to persons or property, the Planning Director may cause such to be removed summarily and without notice.

6.15.G.2. Upon removal of any noncompliant, unsafe, obsolete, or abandoned sign, the building or lot from which the sign is removed shall, within ten (10) days thereafter, be cleaned, patched, painted, or otherwise remediated by the owner, agent, entity, or individual responsible for the premises. If the owner or permittee fails to restore the building or lot, the County may cause such action to be taken and assess the costs to the owner of the building or land upon which said sign is located.

6.15.G.3. Any sign that is obsolete or abandoned or no longer advertises a bona fide, ongoing business conducted, or a product sold, or whose owner or permittee does not have a current occupational license, shall be removed within ten (10) days after mailing a notice thereof by the Planning Director. If the owner or permittee fails to remove the said sign, the County may cause such sign to be removed and assess the costs of removal to the owner of the building or land upon which said sign is located.

6.16 CANNABIS PRODUCER PERMITS

Purpose: In 2021, the New Mexico Legislature enacted the Cannabis Regulation Act (Section 26-2C-1 through 42 NMSA), which legalized the recreational use of cannabis in all Counties within New Mexico, and allows all Counties to regulate the time, place, and manner of cannabis production, manufacture, retail sale, and commercial on-site consumption. Taos County recognizes that commercial cannabis enterprises offer the County the benefit of increased revenue through new businesses, heightened tourist activity, and the availability of recreational cannabis to its citizens.

Cannabis remains a Schedule I substance under Federal Law and possesses a risk to the health, welfare, and safety of the citizens of Taos County when mishandled or misused. These regulations are designed to balance the health, welfare, and safety of the citizens of Taos County and to allow the establishment of ample locations for commercial cannabis activities that adhere to the parameters set forth in these regulations.

6.16.A. Applicability

6.16.A.1. Any cannabis establishment authorized to operate pursuant to the Cannabis Regulation Act (Section 26-2C-1 through Section 26-2C-42 NMSA 1978) or the Lynn and Erin Compassionate Use Act (Section 26-2B-1 through Section 26-2B-10 NMSA 1978) and identified within these regulations shall require a Cannabis Establishment Permit.

6.16.B. Permit Required

6.16.B.1. All person(s) engaging in or conducting a cannabis business or a cannabis-related business within the unincorporated areas of Taos County shall file a Cannabis Establishment Permit Application prior to engaging in or conducting business. Applications for a Cannabis Establishment Permit are subject to the requirements set forth in *Article XI* and shall be reviewed in accordance with the specific provisions of these regulations based on the size and prospective impact of the cannabis establishment seeking approval.

6.16.B.2. Cannabis Establishment Permits shall require payment of the initial permitting fee as set in the Taos County Planning Department Fee Schedule, pursuant to the type of cannabis establishment to be permitted. Permit Fees shall not be pro-rated for business conducted for only a portion of the year.

6.16.B.3. Cannabis establishments are classified based on the operation of the business and shall apply for the appropriate permit prior to the operation of the business as follows:

6.16.B.3.a. Permissive use cannabis operations shall require a development review permit that shall be reviewed administratively requiring the Planning Director to approve, approve with conditions, or deny the application. Cannabis establishments that qualify for an administrative approval are as follows:

1. Cannabis Producer Microbusiness
2. Small Cannabis Producer
3. Class I Manufacturer
4. Class II Manufacturer
5. Cannabis Retailers

6.16.B.3.b. The following cannabis establishments shall require a Conditional Use Permit requiring the Planning Commission to approve, approve with conditions, or deny the application:

1. Large Cannabis Production
2. Class III Manufacturer
3. Class IV Manufacturer

6.16.B.3.c. Cannabis establishments meeting the requirements of a Major Cannabis Production shall be required to obtain a Major Development Permit requiring the Board of County Commissioners to approve, approve with conditions, or deny the application.

6.16.C. Review Procedures

6.16.C.1. The Planning Director shall review the application and shall inform the applicant in writing, as to whether the application is deemed complete in compliance with the requirements of Section 6.4. Submittal of Application and Review, of this Article.

6.16.D. Appeals

6.16.D.1. Any party may appeal the decision of the Planning Director following the requirements of Section 6.9 of this Article.

6.16.E. Criteria for Approval

6.16.E.1. The Cannabis Establishment Permit shall be consistent with the Taos County Comprehensive Plan, with the intent of the zone district in which it is proposed to be located and shall not conflict with any applicable sections of the Unified Development Code.

6.16.E.2. The Cannabis Establishment Permit shall comply with all development standards and use regulations for the specific zone that the proposed use will be located in.

6.16.E.3. Applicants shall provide a copy of the cannabis license approved and issued by the State of New Mexico.

6.16.E.4. Cannabis establishments shall not be allowed within three hundred (300) feet of any school, day care, church, or community center.

6.16.E.5. Cannabis establishments shall only be allowed in zones as indicated in *Article II Zone Districts*.

6.16.E.6. Cannabis retailers shall have business hours no longer than 7 a.m. until 2 a.m. on the following day, Monday through Saturday, and 7 a.m. until midnight on Sunday. During this time cannabis and cannabis products for consumption on the premises may be sold.

6.16.E.7. Cannabis and cannabis products may be sold by a dispenser or a retailer in unbroken packages for consumption off the licensed premises and not for resale from 7 a.m. until midnight.

6.16.E.8. A vertically integrated cannabis establishment or an integrated cannabis microbusiness must apply for a permit pursuant to the provisions of this subsection, provided the establishment or microbusiness intends to sell cannabis or cannabis products to qualified patients, caregivers, reciprocal patients, or consumers, regardless of an existing permit for cannabis production or cannabis manufacture.

6.16.F. Prohibited Activities

6.16.F.1. The sale of homegrown or homemade cannabis and cannabis products without a valid license issued by the State Regulation and Licensing Department is prohibited.

6.16.F.2. The sale of cannabis or cannabis products grown as a permissive agricultural use without a valid license issued by the State of New Mexico is prohibited.

6.16.F.3. Smoking cannabis products is not allowed in public places or public outdoor spaces.

6.16.F.4. Smoking of cannabis products is only allowed within a licensed cannabis consumption area that occupies a stand-alone building from which smoke does not infiltrate other indoor workplaces or other indoor public places where smoking is otherwise prohibited.

6.16.G. Revocation of Permit

6.16.G.1. A Cannabis Establishment Permit may be revoked for the violation of, or noncompliance with, the provisions of this code or any other statute, ordinance, or regulation relevant to the cannabis establishment activity.

6.16.H. Renewal

6.16.H.1. Any person operating a Cannabis Establishment Permit shall be required to submit an application annually to renew the permit. The Cannabis Establishment Permit must be active and shall have maintained compliance with these regulations and all other applicable Taos County Ordinances.

6.16.H.2. An application for renewal must be submitted to the County no later than one month prior to the anniversary of the date of approval or renewal from the previous year.

6.16.H.3. The cannabis establishment may continue to operate after the expiration date if a renewal application was submitted prior to the expiration date, provided that the application is still under review and has not been deemed as withdrawn or denied.

6.16.H.4. A nonrefundable application fee will be charged for all Cannabis Establishment Permit Renewal Applications.

6.16.H.5. Upon review of the renewal application, if the Planning Director determines that the permit holder has expanded beyond the scope of the original permit either in operations, acreage, or plant count, the permit holder shall file a new Cannabis Establishment Permit Application, accompanied with the appropriate fees, for the applicable tier of cannabis establishment pursuant to the license type awarded by the State Regulation and Licensing Department.

6.17 TEMPORARY USE PERMIT

6.17.A. Applicability

6.17.A.1. Any person proposing to engage in any temporary commercial operation must obtain a Temporary Use Permit unless specifically exempted by this section.

6.17.B. Permit Required

6.17.B.1. All temporary uses required to obtain a permit are subject to an application as provided by the Planning Director and must comply with Development Standards of *Article III*, the Use Regulations of *Article IV*, and all the requirements outlined in *Article XI*.

6.17.C. Types of Temporary Uses

6.17.C.1. **Constructed Temporary Uses**. Temporary buildings and structures are permitted in any zoning district while approved building, land development, or redevelopment is occurring. Such buildings or structures may include offices, construction trailers or construction dumpsters and storage buildings. Temporary buildings and structures shall not require a permit provided that the following is complied with:

6.17.C.1.a. Temporary Use buildings and structures shall be removed prior to issuance of a certificate of occupancy by the Certified Building Official.

6.17.C.1.b. Construction dumpsters are subject to the following:

1. Construction dumpsters may not impede pedestrian or vehicular access to and from adjoining properties or otherwise create an unsafe condition for pedestrian and vehicular traffic.
2. Every construction dumpster shall clearly identify the owner of the dumpster and telephone number, and it shall be clearly labeled for the purpose of containment of construction materials only.
3. Every construction dumpster shall be routinely emptied so it does not create an unsightly or dangerous condition on the property, resulting from the deposit, existence, and accumulation of construction materials and stagnant water.

6.17.C.2. **Recreational Vehicles for Temporary Shelter.** The temporary use of a recreational vehicle (RV) shall be allowed for a homeowner builder during the construction of a single-family home subject to the following conditions:

6.17.C.2.a. The building permit remains active, and inspections are requested no more than every six (6) months.

6.17.C.2.b. The single-family residence will be occupied by the property owner for a minimum of two years after issuance of a certificate of occupancy.

6.17.C.2.c. The RV shall not be utilized as a temporary shelter for more than two (2) years.

6.17.C.2.d. Water, utilities, and sanitary facilities must be provided unless the RV is self-contained.

6.17.C.2.e. Prior to issuance of a Certificate of Occupancy, the RV must be disconnected from all utilities and shall be vacated.

6.17.C.3. **Yard/Garage Sales.** Outdoor yard/garage sales are allowed in all residential zoning districts and shall not require a permit, subject to the following:

6.17.C.3.a. Yard/garage sales shall be conducted at a dwelling in which personal items belonging to the residents of the dwelling are sold.

6.17.C.3.b. Yard/garage sales shall be limited to Fridays, Saturdays, and Sundays.

6.17.C.3.c. Goods intended for sale shall not be stored or displayed in the front or side yards of a dwelling except on the day or days of the sale.

6.17.C.3.d. Commercial outdoor sales activities are prohibited.

6.17.C.3.e. Items purchased elsewhere expressly for resale at a yard/garage sale are prohibited.

6.17.C.4. **Special Events.** Special events shall include but are not limited to carnivals, circuses, outdoor concerts, tent revivals, large parties or gatherings, and festivals. Organizers of any special event shall be required to obtain a Special Event Permit by submitting an application to the Planning Director with all of the applicable requirements of Article XI, and shall comply with the following:

6.17.C.4.a. Special events shall be allowed for up to two (2) weeks.

6.17.C.4.b. Special events shall not begin prior to 8 a.m. and shall conclude by 11 p.m. each day.

6.17.C.4.c. An active business registration is required for the organization or entity hosting the event.

6.17.C.4.d. Each business proposing to place a booth trailer or stand shall be required to obtain an Itinerant Vendor Permit as outlined in Section ___.

6.17.C.4.e. Portable toilets shall be provided, including Americans with Disabilities Act (ADA)-accessible portable toilets.

6.17.C.4.f. Portable dumpsters shall be provided for the disposal of trash and garbage generated at the event.

6.17.C.4.g. Every vendor participating in the event shall comply with Section 6.18 Itinerant Vendors.

6.17.C.4.h. A security plan shall be provided to the Taos County Sheriff's Office and must be approved prior to the event.

6.17.C.4.i. A parking plan shall be provided to the Planning Director and shall be approved prior to the event.

6.17.C.4.j. All special events must comply with any Supplemental Use Regulations in Article IV and Development Standards in *Article III*, including the Night Skies Development Standards.

6.17.C.4.k. All temporary buildings, structures, tents, booths, or trailers shall be removed from the site within forty-eight (48) hours of the conclusion of the event.

6.17.C.4.l. The Planning Director may impose any additional conditions required to ensure the health, safety, and welfare of the community.

6.17.C.5. **Film Production and Related Activity.**

6.17.C.5.a. Placeholder for future regulations.

6.17.D. Authority of the Fire Marshal and the Sheriff

6.17.D.1. The Fire Marshal and/or Fire Chief is empowered to revoke or suspend the Temporary Use Permit in the event that it is determined that a fire hazard exists, a violation of the fire codes exists, a violation of this code exists, or there is a threat to the health, safety, and welfare of the citizens.

6.17.D.2. The Fire Marshal and/or Fire Chief may also designate such areas as he or she deems necessary as fire lanes to allow for access by emergency vehicles.

6.17.D.3. The Sheriff is empowered to revoke or suspend the Temporary Use Permit, in the event that it is determined that a fire hazard exists, a violation of the fire codes exists, a violation of this code exists, or there is a threat to the health, safety, and welfare of the citizens. Nothing in this section shall prevent the Sheriff from closing any TUP at any time to maintain law and order.

6.18 ITINERANT VENDORS PERMIT

6.18.A. Applicability

6.18.A.1. Itinerant vendors operating within the unincorporated areas of the County shall be required to obtain an Itinerant Vendor Permit prior to the operation of the business, unless specifically exempted by this section.

6.18.B. Permit Required

6.18.B.1. An itinerant vendor shall operate at all times under an approved business registration issued by the County Clerk's Office and shall obtain an Itinerant Vendor Permit from the Planning Director subject to the provisions of these regulations.

6.18.C. Criteria for Approval

6.18.C.1. Itinerant Vendor Permits shall be valid for a maximum of ninety (90) days. Any vendor wishing to recommence the temporary business shall renew said itinerant vendor permit.

6.18.C.2. Itinerant Vendors shall comply with *Article IV Use Regulations*.

6.18.C.3. An itinerant vendor shall not obstruct, or cause or permit the obstruction of the passage of any sidewalk, road, avenue, alley, or any other public place, by reason of people congregating at or near the place where goods, wares, food, or merchandise of the vendor is being sold or offered for sale.

6.18.C.4. An itinerant vendor shall locate outside of any public right-of-way and shall not locate a vehicle, other conveyance, temporary stand, or merchandise within twenty (20) feet of any public road or within twenty (20) feet of the intersection of any public road and private driveway. Access to the itinerant vendor's vehicle, conveyance, or stand from a public right-of-way shall be clear and unobstructed and shall not impede the ordinary flow of traffic on said right-or-way.

6.18.C.5. No vehicle, other conveyance, or temporary stand of an itinerant vendor shall be located closer than twenty (20) feet from any building or structure on the licensed property or adjoining property.

6.18.C.6. No vehicle, other conveyance, or temporary stand of an itinerant vendor shall be located closer than fifty (50) feet from flammable combustible liquid or gas storage and dispensing structures.

6.18.C.7. Any proposed signage shall comply with all of the requirements of *Article V Signs*.

6.18.C.8. All sites must be cleaned of all debris, trash, and litter at conclusion of daily business activities, and all vehicles, trailers, displays, pushcarts, or other conveyances containing the wares of itinerant vendors shall be removed from the vendor site at the conclusion of each daily business activity.

6.18.C.9. Any vendor utilizing both electrical and liquefied gas products for its operation shall install a 2.5-pound fire extinguisher.

6.18.C.10. All food vendors shall be required to comply with the following:

6.18.C.10.a. At least one (1) 30-gallon garbage receptacle shall be provided for customers in the front of the stand as well as another garbage receptacle placed in the back of the stand or trailer.

6.18.C.10.b. A five (5) pound ABC fire extinguisher shall be installed in the stand or trailer.

6.18.C.10.c. Any vendor connected to a sewer or septic systems is required to have an approved grease trap.

6.18.C.11. A five (5)-pound ABC fire extinguisher shall be required to be placed at each entrance and exit of any tent in which entertainment or seating is present, and for display tents larger than twenty feet by twenty feet (20'x20').

6.18.C.12. It is unlawful for any vendor to connect to an electrical system that does not meet all applicable electrical codes.

6.18.C.13. The organizer of the event shall be held responsible for the correct placement of booths, trailers, and stands. Vendors who fail to follow the instructions of the approved permit holder may have their permits revoked.

6.18.D. Prohibition and Restrictions

6.18.D.1. No vendor shall display or offer for sale any weapon, knife, brass knuckles, or any other instrument which is designed for use as a weapon at any event.

6.18.D.2. No vendor shall display or offer for sale any spray paint, smoke bombs, fireworks, stink bombs, silly string, or other items that may be considered offensive to the visitors during any event.

6.18.D.3. It is unlawful for any vendor to dispose of garbage or grease on any public street, sidewalk, storm drains, or on any public or private property. It shall be the responsibility of each vendor to dispose of such garbage, or grease, at an approved sanitary landfill.

6.18.D.4. The sale and/or possession of alcoholic beverages shall only be allowed within a licensed premises permitted pursuant to state law. A copy of a valid liquor license and picnic license shall be provided.

6.18.E. Exemptions

6.18.E.1. The provisions of this section do not apply to the following:

6.18.E.1.a. Car washes, bake sales, school-sponsored activities, fundraising events, or other activities held on private property by charitable, educational, youth, or civic nonprofit organizations for fundraising purposes, provided they have written authorization from the property owner.

6.18.E.1.b. Church activities or church-sponsored events, provided they have written authorization from the property owner.

6.18.E.1.c. Authorized activities on public property authorized by the County.

6.18.E.1.d. Newspaper vendors.

6.18.E.1.e. Firewood, latillas, or other landscaping materials.

6.18.E.1.f. Locally grown produce such as but not limited to green chile and chile products, potatoes, corn, squash, peas, cabbage, apples, pears, apricots, melons, pinon, jams, and preserves. Citrus fruits and tropical fruits are not locally grown produce for the purposes of this section.

6.18.E.1.g. Vendors who were in business on the effective date hereof and continuously for ninety (90) days or more prior thereto. Such vendors are subject to an inspection by the Code Compliance Officer to ensure that no health, safety, or welfare violations or concerns exist.

6.18.E.1.h. These exceptions are subject to discretion of the Planning Director in regard to exact location, traffic, and safety issues.

6.19 CONDITIONAL USE PERMIT

6.19.A. Generally

6.19.A.1. Conditional uses are those uses that are generally compatible with the land uses permitted by right in a zoning district but require individual review of their location, design, and configuration, and the imposition of conditions or mitigations in order to ensure the appropriateness of the use at a particular location within a given zoning district.

6.19.B. Applicability

6.19.B.1. Only those land uses that are identified as "conditional" in Table 2.7.1 Use Matrix, may be reviewed and determined by the Taos County Planning Commission. No inherent right exists to receive a Conditional Use Permit. Additional standards, conditions, and mitigating requirements may be attached to the record of decision with the approval of a Conditional Use Permit

6.19.B.2. All permitted uses shall meet the requirements of *Article III Development Standards*, *Article IV Use Regulations*, and all applicable sections of this Article.

6.19.C. Review Procedures

6.19.C.1. The Planning Director shall inform the applicant in writing, as to whether the application is deemed complete, and shall follow the requirements of Table 6.4.1 Notification of Completeness Time Period, of this Article. The Planning Commission shall make the final decision of the application.

6.19.D. Appeals

6.19.D.1. Any party may appeal the decision of the Planning Director following the requirements of Section 6.__ of this Article.

6.19.E. Criteria for Approval

6.19.E.1. The reviewing body shall only approve the proposed conditional use if it finds that all of the following criteria are met:

6.19.E.1.a. The conditional use shall be consistent with the Taos County Comprehensive Plan with the intent of the zone district in which it is proposed to be located and shall not conflict with any applicable sections of the Unified Development Code.

6.19.E.1.b. There is no practicable alternative location where the use is permitted as-of-right within six hundred (600) feet of the parcel proposed for development, or, if such a location exists, the proposed location is comparable or more favorable in terms of:

1. Providing a needed community service
2. Providing a critical mass of jobs that are likely to pay more than the median wages for the County or providing a critical mass of related and mutually supportive land uses that promote quality economic development and opportunity.
3. Providing a balance of land uses, ensuring that appropriate supporting activities, such as employment, housing, leisure time, and retail centers, are in close proximity to one another
4. Making more efficient use of public infrastructure, such as off-peak street capacity.
5. There must be adequate public facilities and services to serve the conditional use, including but not limited to roads, potable water, liquid waste treatment, solid waste, law enforcement, fire protection, emergency medical services, and drainage systems.

6.19.E.1.c. The permit shall not:

1. Be detrimental to the health, safety, and general welfare of the area.
2. Tend to create congestion in roads.
3. Tend to overcrowd land and cause undue concentration of population.
4. Interfere with adequate provisions for schools, parks, water, sewerage, transportation, or other public requirements, conveniences, or improvements.
5. Interfere with adequate light and air.
6. Be inconsistent with the purposes of the property's zoning classification or in any other way inconsistent with the spirit and intent of these regulations.

6.19.E.1.d. If a conditional use ceases or its permitted time period ends, all uses and structures must immediately be brought into conformance with the underlying zone district regulations. If cessation of operation is due to demolition or destruction through any manner not willfully accomplished by the owner, uses/structures may be restored as of right pursuant to *Article VII*.

6.20 MAJOR DEVELOPMENT PERMIT

6.20.A. Applicability

6.20.A.1. Certain land uses or developments have the potential to cause significant impacts on the neighborhood or region because of their size or intensity. These uses or developments warrant review by the Planning Commission and/or the Board of County Commissioners, upon the recommendation of the Planning Director, to ensure compliance with Major Development Permit approval criteria and submittal requirements identified in this Article.

6.20.A.2. Major Development projects are identified by at least one of the following:

6.20.A.2.a. A development that uses more than five (5) acres of land; or

6.20.A.2.b. A development that contains more than eighty thousand (80,000) square feet of gross floor area (including all floor levels); or

6.20.A.2.c. Any existing legal nonconforming use or existing allowed use whose expansion will cause the total project to exceed the limits identified herein.

6.20.A.3. The following uses that meet or exceed the above parameters shall be exempt from requiring a Major Development Permit:

6.20.A.3.a. A single-family residential use.

6.20.A.3.b. Allowed agricultural use, except structures requiring building permits and excluding agro-industrial as defined in this code.

6.20.A.3.c. Commercial Solar Generation.

6.20.A.3.d. Excavations or Clearing and Grubbing for nonagricultural activities of fifty (50) cubic yards or less, including areas in which the slope is 20 percent or greater, for use on-site or noncommercial use by the property owner.

6.20.A.3.e. **Utility Easements.** The granting, conveyance or use of private property by agreement between the owner of record and a public or private electric, water, sewer, cable, telephone or natural gas provider for the purposes of service to an individual owner of said property.

6.20.B. Review Procedures

6.20.B.1. The Planning Director shall inform the applicant in writing, as to whether the application is deemed complete, and shall follow the requirements with Section 6.5. Completeness Review of this Article. The Board of County Commissioners shall make the final decision of the application.

6.20.C. Appeal

6.20.C.1. Any person aggrieved by the decision of the Planning Commission may appeal the decision to the Board of County Commissioners as set forth in Section 6.10.

6.20.D. Criteria for Approval

6.20.D.1. The reviewing body shall only approve the proposed major development if it finds that all of the following criteria are met:

6.20.D.1.a. The major development use shall be consistent with the Taos County Comprehensive Plan, with the intent of the zone district in which it is proposed to be located and shall not conflict with any applicable sections of the Unified Development Code.

6.20.D.1.b. The location, size, design, and operating characteristics of the proposed major development use must be in harmony with the surrounding area and minimize adverse effects, including impacts on pedestrian and vehicular circulation, traffic generation, parking, trash, service delivery, air/water pollution, or other impacts on natural resources, noise, vibrations, and odor on surrounding properties.

6.20.D.1.c. There must be adequate public facilities and services to serve the major development use, including but not limited to roads, potable water, liquid waste treatment, solid waste, parks, law enforcement, fire protection, emergency medical services, drainage systems, and schools.

6.20.D.2. The permit shall not:

6.20.D.2.a. Be detrimental to the health, safety and general welfare of the area.

6.20.D.2.b. Tend to create congestion in roads.

6.20.D.2.c. Tend to overcrowd land and cause undue concentration of population.

6.20.D.2.d. Interfere with adequate provisions for schools, parks, water, sewerage, transportation, or other public requirements, conveniences, or improvements.

6.20.D.2.e. Interfere with adequate light and air.

6.20.D.2.f. Be inconsistent with the purposes of the property's zoning classification or in any other way inconsistent with the spirit and intent of these regulations.

6.20.D.3. If a major development ceases or its permitted time period ends, all uses and structures must immediately be brought into conformance with the underlying zone district regulations. If cessation of operation is due to demolition or destruction through any manner not willfully accomplished by the owner, uses/structures may be restored as of right pursuant to *Article VII*.

6.20.E. Phased Development

6.20.E.1. If a project is intended to be a phased development in two or more separate major development plan submittals, a master plan for the entire development site shall be required.

6.21 REZONING

6.21.A. Applicability

6.21.A.1. The Board of County Commissioners, the Planning Director, an individual property owner, or a group of adjacent property owners may request rezoning on a parcel of land in order to correct technical errors in zones, a zoning map, or zone borders for an individual property or area of properties (including existing lot split by zone boundary), to reflect changes in the character or circumstances of an area subsequent to the original zoning, to accommodate or prohibit new uses not anticipated at the time of zoning, or to amend current requirements.

6.21.B. Initiation

6.21.B.1. Zoning map amendments that rezone property may be initiated by the Board of County Commissioners, an owner/applicant, or the Planning Director for specific tracts, parcels, or lots requiring quasi-judicial hearings or for an area, district, community plan, or Countywide zoning map requiring legislative hearings.

6.21.C. Requirements

6.21.C.1. No rezoning/zoning map amendments may be proposed by an owner/applicant unless accompanied by a complete application in a form established by the Planning Director, and shall contain the materials specified in *Article XI*, with the additional submittal requirements:

6.21.C.1.a. A zone map that identifies jurisdictional boundary of the zones, highways, right-of-ways, acequias, governmental boundaries, waterways, and property lines within the zone.

6.21.C.1.b. A description of the existing uses of the subject property and of each property within one thousand (1,000) feet distance of the subject property.

6.21.C.1.c. A description of the proposed use, density, and timetable for development.

6.21.C.1.d. A survey and legal description prepared by a New Mexico licensed surveyor that accurately describes the dimensions of the subject property, including its size in square feet or acres.

6.21.C.1.e. A report that explains how the rezoning would satisfy the approval standards for a rezoning as described in this section.

6.21.C.1.f. An impact analysis shall be conducted showing the impacts of rezoning, and a complete description of how impacts will be mitigated and standards will be satisfied by the applicant.

6.21.C.1.g. A signed petition by the owners of more than 50 percent of the properties within an area proposed for rezoning. The proposed area shall not be a small area, whether comprised of a single lot or multiple lots. It shall be a large area with common characteristics falling into one of the zone designations and their purposes set out in this Article.

6.21.C.2. If the proposed rezoning requires the creation of a subdivision, then the applicant shall submit the subdivision preliminary plat application along with the rezoning request.

6.21.C.3. Any other materials required as part of a permitted use, conditional use, or Major Development Permit application for the use that will be conducted if the rezoning is approved.

6.21.C.4. No amendment to the zoning map requiring a quasi-judicial hearing that concerns a single tract, parcel, or lot under common ownership, or where the affected land is predominantly owned by a single person or entity under common ownership, shall be granted unless the Board of County Commissioners makes a finding that there has been a substantial change in the conditions of the area surrounding the owner's property, an error or mistake in the UDC text or zoning map, or the amendment is consistent with the comprehensive plan and any applicable adopted area, district, or community plans for the property.

6.21.D. Review Procedures

6.21.D.1. A pre-application conference shall be held in accordance with Section 6.2.B of this Article prior to the submittal of any application for rezoning.

6.21.D.2. Upon submittal of an application, the Planning Director shall review the application for completeness as described in Section 6.4.

6.21.D.3. **Report.** Upon determination that the application is deemed complete, then the Director shall prepare a written report to the Board of County Commissioners, with a recommendation by the County Planning Commission that addresses whether the proposal is consistent with the criteria for approval in Section 6.__.

6.21.D.4. **Planning Commission Hearing.** A public hearing shall be scheduled no sooner than forty-five (45) days but not later than sixty (60) days before the Planning Commission.

6.21.D.4.a. Public notice of the hearing shall be made in conformance with Section 6.6 of this Article.

6.21.D.4.b. The Planning Commission shall consider the application at a public hearing, after proper notice, together with any proposed conditional use or Major Development Permit, and/or preliminary plat for subdivision. The Planning Commission shall recommend approval, approval with conditions or denial of the rezoning based on the approval standards set forth in Section 6.__.

6.21.D.5. **Board of County Commissioners Hearing.** Final decision to approve, approve with conditions, or to deny the application for rezoning shall be made by the Board of County Commissioners at a public hearing, after proper notice.

6.21.D.5.a. A public hearing shall be scheduled no sooner than forty-five (45) days but not later than sixty (60) days.

6.21.D.5.b. Public notice of the hearing shall be made in conformance with Section 6.6 of this Article.

6.21.E. Criteria for Approval

6.21.E.1. A rezoning request must be specific to a lot or group of adjacent or related lots and density. Rezoning cannot be used by an individual owner as an appeal mechanism to circumvent, overturn, or provide an exemption from the approved zoning in order to allow that property owner or owners to construct or carry on an otherwise prohibited use. A request for rezoning shall only be granted when:

6.21.E.1.a. The proposed change is consistent with the Taos County Comprehensive Plan.

6.21.E.1.b. Consistency with all other County ordinances and regulations, including the Unified Development Code.

6.21.E.1.c. The zone change being proposed is appropriate for the proposed use(s).

6.21.E.1.d. The proposed rezoning does not create nonconforming uses, nonconforming structures or nonconforming lots.

6.21.E.1.e. The proposed change must be consistent with the general character of the existing and surrounding zoning or to provide a reasonable transition or buffer between uses.

6.21.E.1.f. The proposed rezoning does not create or increase the risk to public health and safety or general good of the community beyond that of the existing zoning and, where possible, it improves existing conditions.

6.21.E.1.g. The rezoning does not create “spot zoning,” i.e., an isolated use that is “out of place” or inconsistent with surrounding land use patterns, or which grants a special privilege to one property owner over others by imposing a lesser standard or is done for the sole financial benefit of an individual owner.

6.21.E.2. Any rezoning approved by the Board of County Commissioners shall be adopted as an amendment of the Unified Development Code in compliance with Section 6.__.

Division 3 Subdivision Procedures

6.22 PRELIMINARY PLAT

6.22.A. Applicability

6.22.A.1. Preliminary plats shall be submitted for all subdivisions that are not subject to review under the summary review procedures set forth in Section 6.__of this Article.

6.22.B. Initiation

6.22.B.1. Preliminary plat submittal is initiated by submitting a completed application form provided by the Planning Director, accompanied with all the applicable required documentation as described in *Article XI* and the application fee.

6.22.C. Review Procedures

6.22.C.1. On receipt of the application, fees, and all preliminary plat submittal requirements under these regulations, the Planning Director will review the application submissions in compliance with Section 6.4, to determine if the preliminary plat is ready for the review process.

6.22.C.2. The Planning Commission shall recommend to the Board of County Commissioners approval, approval with conditions, or denial of the preliminary plat at the public hearing and shall follow the Hearing Procedures of Section 6.7.

6.22.C.2.a. The Planning Commission shall only provide recommendations for preliminary plat approval if it is determined that the subdivider can fulfill proposals contained in the disclosure statement and that the subdivider's proposal conforms with the New Mexico Subdivision Act and with these regulations.

6.22.C.3. The Board of County Commissioners shall review and approve, approve with conditions, or denial the preliminary plat at a public hearing, and shall follow the Hearing Procedures of Section 6.7.

6.22.D. Appeal

6.22.D.1. Any person aggrieved by the decision of the Board of County Commissioners may appeal to the District Court as set forth in Section 6.9 of this Article.

6.22.E. Criteria for Approval

6.22.E.1. The Board of County Commissioners shall not approve or conditionally approve an application for preliminary plat unless the following findings are made in writing:

6.22.E.1.a. The proposed subdivision conforms to all provisions of the Unified Development Code.

6.22.E.1.b. The applicant has provided all of the required documents of *Article XI*.

6.22.E.1.c. The applicant can fulfill all of the proposals contained in its disclosure statement.

6.22.E.1.d. The subdivision will conform to the requirements of the New Mexico Subdivision Act.

6.22.E.2. The Board of County Commissioners may impose mitigation requirements or conditions to the extent that such requirements or conditions are necessary to ensure compliance with the standards, requirements, or criteria of the Unified Development Code, including:

6.22.E.2.a. Protection of environmentally sensitive, archaeological, cultural, and historic lands.

6.22.E.2.b. Prevention of air and water pollution.

6.22.E.2.c. Provision of adequate public facilities and services.

6.22.E.2.d. Mitigation of traffic congestion.

6.22.E.2.e. Avoidance of negative fiscal impacts.

6.22.E.2.f. Ensuring sustainability.

6.22.F. Expiration

6.22.F.1. The approval or conditional approval of a preliminary plat shall be effective for a period of two (2) years, during which time the subdivider shall obtain an approval or approval with conditions for the final plat.

6.22.F.2. The expiration of an approved or conditionally approved preliminary plat shall terminate all proceedings on the subdivision, and no final plat shall be filed until the developer submits a new application with the appropriate fees for preliminary plat approval consistent with these regulations.

6.22.G. Extension

6.22.G.1. Before the expiration date of the approved or conditionally approved preliminary plat, the subdivider may submit to the Board of County Commissioners an application for extension of the preliminary plat for a period of time not exceeding an additional twelve (12) months. No further extension shall be granted under any circumstances, and the preliminary approval shall become null and void upon expiration of the preliminary plat.

6.22.G.2. No application for final plat shall be allowed to be submitted after the preliminary plat has expired. The expiration of the approved or conditionally approved preliminary plat shall terminate all proceedings on the subdivision, and no final plat shall be filed without first processing a new preliminary plat.

6.22.G.3. If the preliminary plat was approved as a phased development in accordance with the provisions of Section ___, the subdivider may file final plats for portions of the development, and the expiration date of the preliminary plat shall be extended for an additional thirty-six (36) months from the date of its expiration, or the date of the previously filed final plat, whichever is later. The number of phased final plats shall be determined by the Board of County Commissioners at the time of approval or conditional approval of the preliminary plat.

6.22.H. Amendments

6.22.H.1. Proposed amendments to an approved preliminary plat shall be made prior to filing an application for final plat approval and shall be reviewed and processed as follows:

6.22.H.1.a. Minor amendments may be approved by the Planning Director without a public hearing and without the filing of a new preliminary plat. Minor amendments are limited to the following:

1. Changes in the internal alignment of roads that do not affect external properties or the connectivity of roads.
2. Changes in internal parcel or lot boundaries.
3. Changes in setbacks along internal property lines.
4. Changes to lot numbering or addressing.
5. Changes in the internal routing of trails and pedestrian ways.
6. A decrease in the number of lots proposed, providing, however, that the overall layout, design, and services proposed must conform with the originally approved preliminary plat.

6.22.H.1.b. No minor amendment authorized by this section may cause any of the following:

1. Change in the permitted uses.
2. Increased intensity of use as measured by the number of dwelling units or square footage of nonresidential building area.
3. Increased need for environmental mitigation, adequate public facilities or services, trip generation, or demand for public utilities.
4. Decreased public or private open space.
5. Increased volume or velocity of stormwater runoff from the development.

6.22.H.1.c. Any change to an approved preliminary plat other than those set forth in this section shall constitute a major amendment that shall be processed the same as the original preliminary plat.

6.23 FINAL PLAT

6.23.A. Applicability

6.23.A.1. Once the preliminary plat has been approved by the Board of County Commissioners at a public hearing and the appeal deadline set forth in Section 6.9 has passed, the subdivider shall be entitled to submit an application for Final Plat Approval to the Planning Director.

6.23.A.2. If the approved preliminary plat approved phasing, the applicant shall submit an application only for the phase(s) proposed.

6.23.B. Submittal Requirements

6.23.B.1. The subdivider shall submit an application on a prescribed form available from the Planning Director, with all the required materials outlined in *Article XI*.

6.23.C. Review Procedures

6.23.C.1. The Planning Director shall review the application in compliance with Section 6.4 to determine if the application is ready for the review process.

6.23.C.2. The Board of County Commissioners shall review and approve, approve with conditions, or deny the final plat at a public hearing, and shall follow the Hearing Procedures of Section 6.7.

6.23.D. Criteria for Approval

6.23.D.1. The Board of County Commissioners shall not deny a final plat if it has previously approved a preliminary plat for the proposed subdivision and it finds that the final plat is in substantial compliance with the previously approved preliminary plat. However, the Board of County Commissioners shall not approve the final plat unless:

6.23.D.1.a. The final plat approval application has been received and deemed complete.

6.23.D.1.b. The final plat substantially conforms to the preliminary plat and all conditions and mitigation requirements are complied with.

6.23.D.1.c. The final plat and all documents required are in a form acceptable for recording with the County Clerk.

6.23.D.1.d. The development and subdivision improvement agreements have been signed and notarized and are otherwise fully executed.

6.23.D.1.e. The administrative and final plat fees have been deposited with the Planning Director, together with proper security.

6.23.D.2. The approval of the final plat shall incorporate all of the requirements that were made part of its approval of the preliminary plat.

6.23.D.3. No deviation from the approved or approved amended preliminary plat, together with all conditions and mitigation requirements, shall be authorized to be granted at final approval.

6.23.D.4. The Board of County Commissioners may introduce conditions or mitigation requirements not a part of the preliminary plat only upon finding that:

6.23.D.4.a. Key elements of the application were incorrect, and the approval relied on the incorrect facts.

6.23.D.4.b. There is a change in state or federal law.

6.23.D.4.c. Approval of the final plat will create conditions substantially affecting the public health, welfare, or safety.

6.23.D.5. Any deviation from the development order granting the preliminary plat approval shall require an amendment as provided in this Article.

6.23.D.6. The final plat shall be in accordance with NMSA 1978, Section 47-6-3 and shall:

6.23.D.6.a. Be prepared and certified by a surveyor registered in the State of New Mexico.

6.23.D.6.b. Define the subdivision and all roads by reference to permanent monuments.

6.23.D.6.c. Accurately describe legal access to, roads to, and utility easements for each parcel, and if the access or easements are based on an agreement, the recording data in the land records for the agreement.

6.23.D.6.d. Number each parcel in progression and give its dimensions and the dimensions of all land dedicated for public use or for the use of the owners of parcels fronting or adjacent to the land.

6.23.D.6.e. Delineate those portions of the subdivision that are located in a floodplain.

6.23.D.6.f. Delineate buildable areas and non-buildable areas.

6.23.D.6.g. Contain a statement that the land being subdivided is subdivided in accordance with the final plat.

6.23.D.6.h. Contain a statement indicating the zoning district in which the subdivision is located.

6.23.D.6.i. Be acknowledged by the owner and applicant or their authorized agents in the manner required for the acknowledgment of deeds.

6.23.D.6.j. Be accompanied by an affidavit of the owner and applicant or their authorized agents stating whether or not the proposed subdivision lies within the subdivision regulation jurisdiction of the County.

6.23.D.7. The approval of the final plat shall not be deemed to constitute acceptance of any offer of dedication or deposit of any deed or grant of easement until all improvements have been constructed and satisfactorily completed by the developer in accordance with the development order approving the final plat, the approved construction plans, and any development or subdivision improvement agreement entered into.

6.23.D.7.a. A denial of a final plat shall be accompanied by a finding identifying the requirements that have not been met.

6.23.E. Recording of Approved Plat

6.23.E.1. Upon approval of a final plat, the final plat, subdivision covenants, disclosure statement, and any other required document(s) shall be recorded in the office of the County Clerk.

6.23.E.2. The original mylar drawing, together with at least two (2) copies of the plat (or as many as the subdivider wishes), and the original related documents shall be dated and signed by the chairman of the Board of County Commissioners and the Planning Director. One of the signed copies shall become a part of the files of the County Clerk's Office, the other signed copy shall be submitted to the Planning Director after recording with the County Clerk, and the original drawing and any additional copies shall be returned to the subdivider. None of the requirements of this paragraph shall be modified or waived.

6.23.F. Expiration

6.23.F.1. Any approved or conditionally approved final plat shall be recorded within two (2) years after its approval or conditional approval, or the plat shall expire.

6.23.G. Extension

6.23.G.1. Prior to expiration of the final plat, the subdivider may request from the Board of County Commissioners an extension of the final plat for a period of time not exceeding three (3) years.

6.23.H. Requirements Prior to Sale or Other Conveyance

6.23.H.1. **Disclosure Statement.** Prior to selling, leasing, or otherwise conveying any land in a subdivision, the applicant shall:

6.23.H.1.a. Disclose in writing the conditions of Section 6.__ and the Board of County Commissioners to permit the prospective purchaser, lessee, or other person acquiring an interest in subdivided land to make an informed decision about the purchase, lease, or other conveyance of land.

6.23.H.1.b. File the disclosure statement with the County Clerk and the Attorney General’s Office.

6.23.H.1.c. Give the prospective purchaser, lessee, or other person acquiring an interest in the subdivided land a copy of the disclosure statement.

6.23.H.2. **Substitute Disclosure.** Any applicant who has satisfied the disclosure requirements of the Interstate Land Sales Full Disclosure Act may submit the approved statement of record in lieu of the disclosure statement required by the New Mexico Subdivision Act. However, any information required in the New Mexico Subdivision Act and not covered in the applicant’s statement of record shall be attached to the statement of record.

6.23.H.3. **Statutory Conditions.** Pursuant to NMSA 1978 Section 47-6-8, it is unlawful to sell or otherwise convey land within a subdivision before the following conditions have been met:

6.23.H.3.a. **Final Plat Approval.** The final plat shall be approved by the Board of County Commissioners and has been filed with the County Clerk. If a subdivision lies within more than one County, the final plat shall be approved by the Board of County Commissioners of each County in which the subdivision is located and shall be filed with the County Clerk of each County in which the subdivision is located.

6.23.H.3.b. **Relevant Documents.** The subdivider shall furnish the Board of County Commissioners with a sample copy of sales contracts, leases, and any

other documents that will be used to convey an interest in the subdivided land.

6.23.H.3.c. **Corner Monuments.** All corners of all parcels and blocks within a subdivision have been permanently marked with metal stakes in the ground and a reference stake placed beside one corner of each parcel.

6.23.H.4. A copy of the final plat shall be provided to every purchaser, lessee or other person acquiring an interest in the subdivided land prior to sale, lease, or other conveyance.

6.23.I. Advertising Standards

6.23.I.1. Copies of all brochures, publications, and advertising relating to subdivided land shall be filed with the Board of County Commissioners and the Attorney General within fifteen (15) days after initial use by the subdivider.

6.23.I.2. Brochures, disclosure statements, publications, and advertising of any form relating to subdivided land shall:

6.23.I.2.a. Not misrepresent or contain false or misleading statements of fact;

6.23.I.2.b. Not describe deeds, title insurance, or other items included in a transaction as "free" and shall not state that any lot is "free" or given as an "award" or "prize," if any consideration is required for any reason;

6.23.I.2.c. Not describe lots available for "closing costs only" or similar terms unless all such costs are accurately and completely itemized; or when additional lots must be purchased at a higher price;

6.23.I.2.d. Not include an asterisk or other reference symbol as a means of contradicting or substantially changing any statement;

6.23.I.2.e. Accurately portray, if subdivision illustrations are used, the subdivision in its present state; and, if illustrations are used portraying points of interest outside the subdivision, state the actual road miles from the subdivision.

6.23.I.2.f. Not contain artists' conceptions of the subdivision or any facilities within it unless clearly labeled as such, and shall not contain maps unless accurately drawn to scale with the scale indicated;

6.23.I.2.g. Not contain references to any facilities, points of interest, or municipalities located outside the subdivision unless the distances from the subdivision are stated in the advertisement in actual road miles; and

6.23.I.2.h. Refer to the location where the subdivider's disclosure statement may be obtained.

6.23.J. Amendments

6.23.J.1. A final plat may be amended for one or more of the following reasons:

6.23.J.1.a. To correct an error in a course or distance.

6.23.J.1.b. To add a course or distance that was omitted.

6.23.J.1.c. To correct an error in a real property description.

6.23.J.1.d. To locate monuments set after the death, disability, or retirement from practice of the professional engineer or surveyor responsible for setting monuments on the plat.

6.23.J.1.e. To designate the correct location or character of a monument that is shown incorrectly.

6.23.J.1.f. To correct any other type of scrivener or clerical error on the previously approved final plat, including lot numbers, acreage, road names, and identification of adjacent recorded plats.

6.23.J.1.g. To correct an error in courses and distances of lot lines between two (2) adjacent lots where:

1. Both lot owners join in the application.
2. Neither lot is abolished.
3. The amendment does not attempt to remove recorded covenants or restrictions.
4. The amendment does not have a material adverse effect on the property rights of the other owners in the plat.

6.23.J.1.h. To relocate a lot line or easement to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement.

6.23.J.1.i. To relocate one or more lot lines between one or more adjacent lots, or remove a lot line between adjacent lots if:

1. The owners of all those lots join in the application for amending the plat.
2. The amendment does not attempt to remove recorded covenants or restrictions.
3. The amendment does not increase the number of lots.

6.23.J.2. An application shall be submitted to the Planning Director to amend the final plat and provide a copy of the final plat proposed to be amended and a statement detailing the basis for the amendment(s) being proposed.

6.23.J.3. The Planning Director shall review the amendment plat in the same manner as a summary subdivision. If the plat being amended has been recorded, the amendment plat shall be clearly marked as follows: Amending plat of (name of development). This plat amends the plat previously recorded in the County Clerk's records of Taos County, at_____ (INSTRUMENT NUMBER) and _____ (BOOK AND PAGE).

6.23.J.4. The amendment plat shall be recorded as in the manner prescribed for the approval and recording of the original final plat. Once recorded, the amendment plat is controlling over the original final plat.

6.24 CLAIM OF EXEMPTION

6.24.A. Purpose

6.24.A.1. Certain land divisions are not deemed subdivisions under New Mexico law (NMSA 1978, Section 47-6-2) and therefore are not subject to the subdivision requirements of this Article. Such divisions are referred to as land divisions and subdivision exemptions. Regardless of being exempted from subdivision requirements, these land divisions and subdivision exemptions remain subject to all other provisions of the Unified Development Code and therefore require review and approval of a final plat by the Planning Director and shall be required to comply with the requirements of final plats all the applicable requirements of *Article III Development Standards* and *Article IV Use Regulations*.

6.24.B. Applicability

6.24.B.1. It is unlawful for any person to divide a surface area of land into two or more parcels for the purpose of sale, lease, or other conveyance or for building development, whether immediate or future, unless such person either obtains approval for a subdivision or files and obtains approval for a Claim of Exemption as provided in this Article.

6.24.C. Permit Required

6.24.C.1. Any person claiming an exemption under the provisions of these regulations shall, prior to making the land division for which the claim of exemption is made, file a completed Claim of Exemption Application provided by the Planning Director and all the applicable required documentation.

6.24.D. Subdivision Exemptions

6.24.D.1. The following land divisions and plats shall not be deemed subdivisions:

6.24.D.1.a. **Large Agricultural Tracts.** The sale, lease, or other conveyance of any parcel that is thirty-five (35) acres or larger in size within any twelve (12) month period, provided that the land has been used primarily and continuously for agricultural purposes, in accordance with Section 7-36-20 NMSA 1978, for the preceding three years.

6.24.D.1.b. **Apartments or Offices.** The sale or lease of apartments, offices, stores, or similar space within a building.

6.24.D.1.c. **Land Divisions within Municipalities.** The division of land within the boundaries of a municipality.

6.24.D.1.d. **Severance of Mineral Interests.** The division of land in which only gas, oil, mineral, or water rights are severed from the surface ownership of the land.

6.24.D.1.e. **Court-Ordered Divisions.** The division of land created by court order where the order creates no more than one parcel per party.

6.24.D.1.f. **Grazing or Farming.** The division of land for grazing or farming activities provided the land continues to be used for grazing or farming activities.

6.24.D.1.g. **Lot Line Adjustment.** The division of land resulting only in the alteration of parcel boundaries where parcels are altered for the purpose of increasing or reducing the size of contiguous parcels and where the number of parcels is not increased; or the alteration results in a decrease in the number of parcels, so long as the newly created parcel does not exceed two (2) parcels. Approval of a merger/consolidation will be contingent upon

compliance with building codes, the Unified Development Code, and other applicable ordinances and regulations in place or as amended.

6.24.D.1.h. **Burials.** The division of land to create burial plots in a cemetery.

6.24.D.1.i. **Family Transfer.** The division of land to create a parcel that is sold or donated to as a gift to an immediate family member, provided that the following is complied with:

1. This exception shall be limited to allow the seller or donor to sell or give no more than one parcel per tract of land per immediate family member.
2. The current property owner must have owned the parcel of land for no less than ten (10) years.
3. This exemption may not be used to further divide a lot created under this exemption within five (5) years of the date of the division of the original tract of land.
4. The Lot Split Exemption shall not be used to further divide a lot created under this exemption within (5) years of the date of the division of the original tract of land.
5. The newly created parcels of land shall not be transferred or sold within five (5) years of the date of the division of the original tract of land.

6.24.D.1.j. **Security Interests.** The division of land created to provide security for mortgages, liens, or deeds of trust, provided that the division of land is not the result of a seller-financed transaction.

6.24.D.1.k. **Large Parcels.** The sale, lease, or other conveyance of land that creates no parcel smaller than 140 acres.

6.24.D.1.l. **Certain Donations.** The division of land to create a parcel that is donated to any trust or nonprofit corporation granted an exemption from federal income tax, as described in §501 (c)(3) of the United States Internal Revenue Code of 1986, as amended; school, college, or other institution with a defined curriculum and a student body and faculty that conducts classes on a regular basis; or to any church or group organized for the purpose of divine worship, religious teaching, or other specifically religious activity.

6.24.D.1.m. **Lot Split.** The division of a tract of land into two (2) parcels that conform with applicable zoning ordinances provided that:

1. A second or subsequent division of either of the two (2) parcels within five (5) years of the date of the division of the original tract of land shall be subject to the provisions of the New Mexico Subdivision Act.
2. If a parcel is subsequently conveyed, a survey and a deed shall be filed with the County Clerk indicating that the parcel shall be subject to the provisions of the New Mexico Subdivision Act if the parcel is further divided within five (5) years of the date of the division of the original tract of land.

6.24.E. Review Procedures

6.24.E.1. The Planning Director may approve or deny claims of exemptions in accordance with the following regulations, provided that the proposed development does not constitute a subdivision under a common promotional plan.

6.24.E.1.a. The Planning Director shall review the claim of exemption and supporting documents in compliance with Section 6.4.

6.24.E.1.b. The applicant shall post a notice on the property in compliance with Section 6.6 and the following additional requirements:

1. The notice shall be posted by the applicant within three (3) days of the Planning Director determining that the application is complete.
2. The notice shall inform the public of the exemption requested, how to contact the Planning Director to obtain information about the request, how to make written comments on the application, and what is the deadline for making such comments. The deadline for making written comments shall be determined by the Planning Director after submission of the request and before the posting of the sign.

6.24.E.2. After a decision approving an application has become final, the Planning Director shall sign the plat and the applicant shall record the plat in the records of the County Clerk. The applicant shall be responsible for all recording fees.

6.24.E.3. If the claim of exemption is approved, or if the Planning Director fails to mail written notice to the claimant within thirty (30) days after the receipt of the completed claim of exemption and all supporting documents, the person claiming the exemption may divide the land in the manner proposed in the claim of exemption. In that event, the claimed exemption shall be deemed approved.

6.24.F. Criteria for Approval

6.24.F.1. The applicant has demonstrated that the land division is exempt from the definition of subdivision as defined in NMSA 1978, Section 47-6-2) and in compliance with the UDC.

6.24.F.2. All documentation needed to assure compliance with the UDC has been submitted or has been recorded with the County Clerk as required.

6.24.G. Appeals

6.24.G.1. Any person aggrieved by the decision of the Planning Director may appeal the decision to the Planning Commission as set forth in Section 6.9 of this Article.

6.25 SUMMARY SUBDIVISIONS

6.25.A. Applicability

6.25.A.1. All minor subdivisions creating no more than five (5) lots are subject to summary review, as provided in this section. The summary review involves the review of a final plat by the Planning Director.

6.25.B. Qualifications

6.25.B.1. Unless the real property has been previously identified in the County Comprehensive Plan or the Unified Development Code as an area subject to unique circumstances or conditions that require additional review, Type Three subdivisions containing five (5) or fewer parcels of land, as well as all Type Five subdivisions shall be reviewed by the Planning Director under this section.

6.25.C. Permit Required

6.25.C.1. Any person proposing to subdivide any parcel of land shall, prior to making the land division, file a completed Summary Subdivision Application provided by the Planning Director and all the applicable required documentation outlined in *Article XII*.

6.25.D. Review Procedures

6.25.D.1. All subdivisions under summary review shall be approved or denied administratively by the Planning Director, unless a variance is requested pursuant to Section ___ of these regulations. In that case, the Planning Commission shall approve, approve with conditions, or deny the variance and the subdivision.

6.25.D.2. The Planning Director shall review the application in compliance with Section 6.4.

6.25.E. Requirements

6.25.E.1. Prior to any person submitting a Summary Subdivision application, a pre-application conference shall be conducted in compliance with Section 6.2.

6.25.E.2. After the pre-application conference, a summary subdivision plat may be submitted to the Planning Director with a complete application, payment of the required administrative fees, and all required documentation.

6.25.E.3. The summary review plat shall be considered as a final plat suitable for filing with the County Clerk, if approved.

6.25.F. Criteria for Approval

6.25.F.1. The Planning Director shall not approve or conditionally approve an application for a minor subdivision summary plat unless it is determined that:

6.25.F.1.a. The minor subdivision plat conforms to the final plat requirements of Section 6.21.

6.25.F.1.b. The applicant can fulfill the proposals contained in the subdivision disclosure statement required by Section 6.21.F.3.

6.25.F.1.c. The subdivision conforms with the New Mexico Subdivision Act and the applicable provisions of these regulations, including Section 6.20 and 6.21.

6.25.F.2. The summary subdivision plat shall be drawn at a scale of two hundred (200) feet to one (1) inch or larger and printed on sheets no larger than twenty-four inches by thirty-six inches (24”x36”).

6.25.F.3. At least three (3) copies of the plat (or as many as the subdivider wishes), shall be dated and signed by the Planning Director and recorded in the Taos County Clerk’s Office. One copy shall become a part of the files of the County Clerk's Office, one copy shall be submitted to the Planning Director, and the final copy/copies shall be returned to the subdivider. None of the requirements of this paragraph shall be modified or waived.

6.25.G. Appeal

6.25.G.1. Any person aggrieved by the decision of the Planning Director may appeal the decision to the Planning Commission as set forth in Section 6.9 of this Article.

6.26 VACATION OF PLATS

6.26.A. Acknowledged Statement

6.26.A.1. Any final plat filed in the office of the County Clerk may be vacated or a portion of the final plat may be vacated if:

6.26.A.1.a. The owners of the land proposed to be vacated sign an acknowledged statement, declaring their desire that the final plat or a portion of the final plat be vacated, and the statement is approved by the Board of County Commissioners; or

6.26.A.1.b. The Board of County Commissioners finds that a plat was obtained by misrepresentation or fraud and orders a statement of vacation to be prepared by the County.

6.26.B. Initiation

6.26.B.1. The owners of all or a portion of the lots in any approved subdivision or land division may initiate a plat vacation by filing an application with the Planning Director. The application shall include the acknowledged statement required in Section 6.__, as well as all of the requirements of *Article XII*. The application requesting a vacation of the plat and an application requesting a resubdivision of the plat may be filed concurrently.

6.26.C. Review

6.26.C.1. The Planning Director shall review and process the application as provided in Section 6.4.

6.26.C.2. The Board of County Commissioners shall approve, approve with conditions or deny the application at a regular public hearing in accordance with Section 6.7. The subdivider shall be responsible for meeting the requirements of Section 6.6 - Public Notice Provisions.

6.26.C.3. If the original plat or portion of the original plat to be vacated was initially approved through an administrative process, the Planning Director shall approve, approve with conditions, or deny the vacation or partial vacation of the plat.

6.26.D. Criteria for Approval

6.26.D.1. The reviewing body shall approve the application for vacation on such terms and conditions as are reasonable to protect the public health, safety, and welfare.

6.26.D.2. In approving the vacation of all or a part of a final plat, shall not adversely affect the interests of persons on contiguous land or of persons within the subdivision being vacated.

6.26.D.3. The Board of County Commissioners may require that roads dedicated to the County in the final plat continue to be dedicated to the County.

6.26.D.4. The approved statement declaring the vacation of a portion or all of a final plat shall be filed in the office of the County Clerk. The County Clerk shall mark the final plat with the words “vacated" or "partially vacated" and refer on the final plat to the volume and page on which the statement of vacation is recorded.

6.26.D.5. The rights of any utility existing before the total or partial vacation of any final plat are not affected by the vacation of a final plat.

6.27 SPECIAL PROCEDURES

6.27.A. Master Development Plan/Phased Development

6.27.A.1. If the proposed subdivision plat is the first of an integral part of an overall large-scale development, a Master Development Plan must be submitted, which shall include an anticipated phasing schedule for the final plats and a schedule of improvements.

6.27.A.2. The Master Development Plan shall contain all of the required information outlined in *Article XII Submittal Requirements*.

6.27.A.3. The Master Development Plan shall comply with all of the requirements of Section 6.20 and Section 6.21.

6.27.A.4. The Planning Commission may grant preliminary plat approval of an initial development phase and defer approval of subsequent phases.

6.27.A.5. The Board of County Commissioners may set criteria for development of the first phase as a condition for approval of subsequent phases.

6.27.A.6. The Board of County Commissioners may approve a sectionalized phasing plan extending the effective period of the preliminary plat approval where it is the intent of the applicant to proceed to a final plat covering only a section or phase of the site at any one time.

6.27.A.6.a. Each filing of a final plat shall extend the expiration of the approved or conditionally approved preliminary plat for an additional three (3) years from the date of its expiration or the date of the previously filed final plat, whichever is later.

6.27.A.6.b. Once a preliminary plat has expired, the phased preliminary plat approval development order shall be null and void.

6.27.B. Further Division of Previously Approved Subdivisions

6.27.B.1. Previously approved subdivisions, including those approved under summary review procedures, may not be further divided, unless the final plat of the previously approved subdivision or supporting documentation that is part of the previously approved subdivision includes an express provision for further division of the lots on the final plat, and the number of further divisions shall be limited to the number expressed on the plat, with the exception of a lot line adjustment dealing with the alteration of parcel boundaries, which exemption may be used within previously approved subdivisions.

6.27.C. Resubdivision

6.27.C.1. All or a portion of any final plat filed in the office of the County Clerk may be resubdivided by the same procedures prescribed in these regulations for the subdivision of land.

6.27.C.2. Any change in a map of a recorded subdivision plat that affects any street layout on the map or area reserved thereon for public use or any lot line, or that affects any map or plan legally recorded prior to the adoption of regulations controlling subdivisions shall submit an application for Resubdivision.

6.27.C.3. Any alteration of boundaries within an approved subdivision that increases the number of lots and/or reduces lot size shall be subject to scrutiny pursuant to the New Mexico Subdivision Act and these regulations.

6.27.C.3.a. The Planning Department may require the subdivider to submit documentation deemed necessary to ensure the health, safety, and welfare of the public. This procedure is necessary where:

1. the character of an approved subdivision has been changed so as to negate the information in the original disclosure statement.
2. the character has changed in a subdivision where no disclosure statement was originally filed so that a determination can be made as to whether a disclosure statement or an amendment to the original disclosure statement will be required.

6.27.D. Succeeding Subdivisions

6.27.D.1. Any proposed subdivision may be combined with a previous subdivision and upgraded for classification purposes by the Planning Commission, if the proposed subdivision includes:

6.27.D.1.a. A part of a previous subdivision that was created in the preceding seven (7)-year period; or

6.27.D.1.b. Any land retained by a subdivider after creating a previous subdivision, if the previous subdivision was created in the preceding seven (7)-year period.

6.27.E. Merger

6.27.E.1. Contiguous parcels that are owned by a single owner shall not be required by the Board of County Commissioners to be merged into one parcel if:

6.27.E.1.a. Each of the contiguous parcels—

1. Is shown on the official plat map of the County; or
2. Was created by a deed or survey recorded in the Office of the County Clerk; or

6.27.E.1.b. The chain of title to the contiguous parcels clearly demonstrates that the parcels have been considered separate prior to transfer into common ownership; and

6.27.E.1.c. The owner of the contiguous parcels has taken no action to consolidate the parcels.

6.27.E.2. Nothing in this section limits the Board of County Commissioners, pursuant to notice and public hearing, from requiring consolidation of contiguous parcels in common ownership for the purpose of enforcing minimum zoning or subdivision standards on the parcels. Notice of such public hearing shall be by written notice to the owner(s) of the land that is proposed to be merged, via certified mail, return receipt requested, as well as by publication twice in a newspaper of general circulation in Taos County, the first notice being published at least twenty-one (21) days before the hearing date.

6.27.F. Criteria for Approval of Master Development Plan/Phased Development, Further Division of Previously Approved Subdivisions, Resubdivision, Succeeding Subdivisions, and Merger

6.27.F.1. The Board of County Commissioners shall not approve or conditionally approve an application for the master development plan/phased development, further division of previously approved subdivisions, resubdivision, succeeding subdivision or merger unless the following findings are made in writing:

6.27.F.1.a. The proposed action conforms to all provisions of the Unified Development Code.

6.27.F.1.b. The applicant has provided all of the required documents of *Article XI*.

6.27.F.1.c. The applicant can fulfill all of the proposals contained in the disclosure statement.

6.27.F.1.d. The action conforms to the requirements of the New Mexico Subdivision Act.

6.27.F.1.e. The action is consistent with the Taos County Comprehensive Plan.

6.27.F.1.f. The action is compatible with surrounding zone districts and land uses, considering existing land use and neighborhood characteristics.

6.27.F.1.g. The action does not result in significant adverse impacts on the natural environment.

6.27.F.1.h. Any additional impacts resulting from the action shall be mitigated by the applicant.

Division 4 General Code Allowances

6.28 ADMINISTRATIVE ADJUSTMENTS

6.28.A. Applicability

6.28.A.1. Administrative adjustments are intended to provide limited flexibility, streamline approvals, avoid unnecessary board hearings, and allow for reasonable deviations when strict application of dimensional standards causes practical difficulty without harming neighborhood character.

6.28.A.2. Authorized Administrative Adjustments may be granted by the Planning Director only as expressly identified below:

6.28.A.2.a. Reducing minimum required front setbacks by up to five (5) feet.

6.28.A.2.b. Reducing minimum required side and rear setbacks in any residential zone by up to 20 percent.

6.28.A.2.c. Reducing minimum lot width and lot frontage requirements by up to 10 percent.

6.28.A.2.d. Increasing height by up to three (3) feet.

6.28.A.2.e. Reducing minimum off-street parking requirements by up to one space or 20 percent, whichever is greater.

6.28.B. Criteria for Approval

6.28.B.1. The Planning Director must find that:

6.28.B.1.a. The administrative adjustment is consistent with the character of development on surrounding land and is compatible with surrounding land uses.

6.28.B.1.b. The administrative adjustment:

1. Is required to compensate for some unusual aspect of the site or the proposed development that is not shared by landowners in general; or
2. Supports an objective or goal from the purpose and intent statements of the zoning district(s) where it is located; or
3. Is proposed to save healthy existing trees.

6.28.B.1.c. The requested administrative adjustment will not have a substantial or undue adverse effect upon adjacent property, the character of the area, or the public health, safety, and general welfare.

1. Any adverse impacts will be mitigated, to the maximum extent practicable; and

6.28.B.1.d. The site is not subject to a series of multiple, incremental administrative adjustments that result in a reduction in development standards by the maximum allowed.

6.28.B.2. The applicant shall post a notice on the property in compliance with Section 6.6 and the following additional requirements:

6.28.B.2.a. The notice shall be posted by the applicant within three (3) days of the Planning Director determining that the application is complete.

6.28.B.2.b. The notice shall inform the public:

1. Of the requested administrative adjustment;
2. Who to contact and obtain information of the request; and
3. How to make written comments on the application and the deadline for making such comments. The deadline for making written comments shall be determined by the Planning Director after submission of the request and before the posting of the sign.

6.28.C. Decision

6.28.C.1. Written notice of the decision to approve, approve with conditions, or deny the administrative adjustment shall be provided to the applicant within five (5) business days of the decision.

6.28.C.2. In granting an administrative adjustment, the Planning Director is authorized to impose conditions upon the subject property that are necessary to reduce or minimize any potentially adverse impacts on other property in the surrounding area, and to carry out the stated purpose and intent of the Unified Development Code.

6.28.C.3. An approved administrative adjustment will lapse and become void two (2) years after it is granted by the Planning Director, unless a building permit for the work or improvements authorized has been issued and the project has commenced and is diligently pursued to completion. If no building permit is required, the improvement that is the subject of the administrative adjustment must be in place within the two (2)-year period.

6.28.C.4. Approved administrative adjustments run with the land and are not affected by changes of tenancy, ownership, or management.

6.28.C.5. A request for changes in the specific nature of an approved administrative adjustment or changes to any conditions attached to an approved administrative adjustment must be processed as a new administrative adjustment application, including all requirements for fees and notices.

6.28.D. Appeals

6.28.D.1. Any person aggrieved by the decision of the Planning Director may appeal the decision to the Planning Commission as set forth in Section 6.9 of this Article.

6.29 VARIANCE PROCEDURAL REQUIREMENTS

6.29.A. Purpose

6.29.A.1. The purpose of this section is to provide a mechanism in the form of a variance that grants a landowner relief from certain standards in these regulations where due to extraordinary and exceptional situations or conditions of the property, the strict application of the code would result in peculiar and exceptional practical difficulties or exceptional and undue hardship on the owner. The granting of a variance shall allow a deviation from the dimensional requirements and standards of the code, but in no way shall it authorize the use of land that is otherwise prohibited in the relevant zoning district.

6.29.B. Applicability

6.29.B.1. Whenever a subdivider or potential subdivider determines that the subdivision presents undue hardship in execution, due to unforeseen or overlooked topographical concerns or conditions or economic market changes, the subdivider may apply for a variance from these regulations. Financial gain or loss shall not be the determining factor in deciding a variance. The nature of the undue hardship shall be clearly presented to the County in writing and prior to any development of the property.

6.29.C. Initiation

6.29.C.1. A completed application for a variance shall be submitted to the Planning Director, accompanied by the application nonrefundable fee.

6.29.C.2. An applicant for Conditional Use Permit or a Major Development Permit may concurrently or separately apply for a variance.

6.29.C.2.a. If the variance is approved separately from the Conditional Use Permit or Major Development Permit application, the applicant shall submit a Conditional Use Permit or Major Development Permit application within ninety (90) calendar days after the approval of the variance, or the approved variance shall be deemed void.

6.29.C.2.b. If the variance application is submitted for a concurrent review, then the Planning Commission shall have the authority to review and approve, approve with conditions, or deny the application.

6.29.D. Submittal Requirements and Review Procedures

6.29.D.1. The following information shall be submitted as applicable but shall not be limited to:

6.29.D.1.a. Variance application

6.29.D.1.b. Letter of explanation

6.29.D.1.c. Warranty deed

6.29.D.1.d. Site plan and landscape plan

6.29.D.1.e. Building elevations

6.29.D.1.f. Floor plans

6.29.D.1.g. Colored and labeled photos of the site

6.29.D.1.h. Letter of substantiation

6.29.D.1.i. Neighborhood meeting documents

6.29.D.1.j. Copy of sign-in sheet from neighborhood meeting(s)

6.29.D.1.k. List of adjacent property owners

6.29.D.1.l. Notice to adjacent property owners letters

6.29.D.1.m. Any other information required by the Planning Director

6.29.D.2. The Planning Director must submit findings of fact relevant to a variance request and a recommendation to the Hearing Body before it may hear or act on the application.

6.29.D.3. Public notice of a public hearing before the Hearing Body on a variance application shall be consistent with the requirements of Section 6.6. In addition, adjacent property owners shall be notified by US Mail.

6.29.D.4. Prior to scheduling a public hearing, the Planning Director shall conduct an on-site examination of all applications for a variance for any proposed subdivision.

6.29.E. Appeals

6.29.E.1. Any party may appeal the decision of the Hearing Body following the requirements of Section 6.9 of this Article.

6.29.F. Criteria for Approval of a Variance of the Zoning Regulations

6.29.F.1. The applicant shall have the burden of proving that the facts regarding the application meet all of the following criteria, without which a variance shall not be granted:

6.29.F.1.a. The variance will not constitute a grant of special privilege inconsistent with limitations on other properties in the area of notice; and

6.29.F.1.b. The variance will uphold the intent of these regulations, is consistent with the County Comprehensive Plan, and will not be detrimental to the public health, safety, or welfare, or be materially injurious to properties or improvements in the area of notice; and

6.29.F.1.c. The variance is justified, because the existing size or shape of the site, lot, or existing structures thereon, or topographic or physical conditions on the site or in the area of required notice make compliance not literally or economically feasible or advisable and such conditions are neither the fault of, nor reasonably remediable by, the applicant; and that the exceptional or extraordinary circumstances or conditions applicable to the site do not apply generally to other properties in the vicinity; and

6.29.F.1.d. Strict or literal interpretation and enforcement of the specified performance standards or regulation would result in undue hardship on the owner inconsistent with the purpose of these regulations; and

6.29.F.1.e. The hardship that the applicant is asking to be relieved from was not self-created.

6.29.F.2. The reviewing body should seek, if possible, as a condition of approval, an offsetting correction from the applicant, such as eliminating other nonconforming conditions on the property.

6.29.F.3. The Planning Director may recommend to the reviewing body to impose conditions regarding further expansions, maximum height limits, time limitation, type of construction, setbacks, and buffering, to ensure that the use of the property to which the variance applies will be as compatible as practicable and will not adversely affect properties within the area of notification.

6.29.F.4. All approved variances run with the land, unless conditions of approval are imposed by the reviewing body.

6.29.G. Criteria for Approval of a Variance of the Subdivision Regulations

6.29.G.1. The approval shall permit the owner reasonable use of his or her land in those specified instances where there are peculiar, exceptional, and unusual circumstances in connection with a specific parcel of land, which circumstances are not generally found within the locality or neighborhood concerned.

6.29.G.2. The approval will not compromise or adversely affect the health, safety, and general welfare of the public people of the County, nor shall it adversely affect the interest of persons on contiguous land or persons within the subdivision.

6.29.G.3. The applicant shall have the burden of proving that the facts regarding the application meet all of the following criteria, without which a variance shall not be granted:

6.29.G.3.a. Granting the variance does not constitute a grant of special privilege inconsistent with limitations on other properties in the area of notice; and

6.29.G.3.b. Granting the variance will not be detrimental to the health, safety, or welfare of the public, or be materially injurious to properties or improvements in the area of notice; and

6.29.G.3.c. Granting the variance is justified, because there is an undue hardship for the applicant resulting from site size, shape, or existing structures thereon, or from topographic or physical conditions on the site or in the area of notice; and

6.29.G.3.d. Granting the variance upholds the spirit and intent of these regulations, with public safety and welfare secured and substantial justice done.

6.29.G.3.e. The variance is warranted for one or more of the following reasons:

1. Strict or literal interpretation and enforcement of the specified performance standards or regulation would result in unnecessary hardship inconsistent with the purpose of these regulations; and
2. Exceptional or extraordinary circumstances or conditions applicable to the site do not apply generally to other properties in the vicinity; or
3. Strict or literal interpretation and enforcement of the specified performance standards or regulation would deprive the subdivider of privileges enjoyed by the owners of other properties in the area of notice.

6.29.G.4. Granting a variance will not cause the County to absorb costs over and above those typically associated with subdivision approval.

6.29.G.5. In granting variances, the Planning Director may recommend to the Planning Commission to impose conditions regarding time limitation, setbacks, and buffering to ensure that the use of the property to which the variance applies will be as compatible as practicable and will not adversely affect properties within the area of notification.

6.29.H. Criteria for Approval of a Variance of the Sign Regulations

6.29.H.1. The standards to be considered by the reviewing body in the granting of a variance under this code are as follows:

6.29.H.1.a. That a literal application of the provisions of *Article V Signs*, would cause undue financial hardship to the applicant because of conditions that are unique to the building, structure, premises, or lot upon which the proposed signage is to be situated; and

6.29.H.1.b. That the granting of the variance would not be materially detrimental to the public, property owners, or existing businesses in the immediate vicinity of the proposed signage; and

6.29.H.1.c. That the granting of the variance would not be contradictory to the intent, general purposes, and objectives of *Article V Signs*, and any other applicable sections of the Unified Development Code; and

6.29.H.1.d. That in the case of joint identification signs, the requested variance nevertheless substantially meets the goals of the Taos County Comprehensive Plan; and

6.29.H.1.e. That in the case of joint identification signs, the requested variance assures that signage visible from public rights-of-way do not exceed the design and dimension requirements set forth elsewhere in these regulations; and

6.29.H.1.f. No variance from the provisions of *Article V Signs*, may allow more than a 20 percent increase in the size, sign area, height, or other sign dimension set forth in these regulations.

6.29.I. Decision

6.29.I.1. The reviewing body shall make written findings of fact upon the decision of a variance application and shall produce those findings of fact as a portion of its decision on each request for variance.

6.29.I.1.a. In granting the variance, the Planning Director may recommend and the Hearing Body may impose conditions regarding further expansions, maximum height limits, time limitations, type of construction, setbacks, and buffering, as well as ensuring that the use of the property to which the variance applies will be as compatible as practicable with and not adversely affect properties within the area of notification.

6.29.I.2. The decision of the reviewing body shall be sent by the Planning Director to the applicant following the determination of the variance(s) application.

6.29.I.2.a. The decision shall state the nature and conditions of approval, denial, or approval with conditions of the variance(s), as well as outline the appeals process.

6.29.I.2.b. The decision shall outline the timeframe and process for the applicant to fulfill any conditions and any additional approvals or processes that may be required for the proposed use.

6.29.I.3. The Planning Director shall file the decision with the Taos County Clerk within thirty (30) calendar days of the conclusion of the public hearing.

6.30 SIGN VARIANCE

6.30.A. Applicability

6.30.A.1. The Taos County Board of Adjustment shall have authority to grant a variance from the regulations of *Article V Signs,* as long as the general purpose and intent of this code is complied with.

6.30.B. Initiation

6.30.B.1. A completed application for a variance shall be submitted to the Planning Director, accompanied by the application nonrefundable fee. All applications for variance shall bear the notarized signature of the property owner.

6.30.C. Review Procedures

6.30.C.1. The Planning Director shall review the application for completeness and shall schedule a public hearing before the Board of Adjustment for approval, approval with conditions, or denial of the variance.

6.30.C.2. Variance requests associated with a Conditional Use Permit or a Major Development Permit may be submitted to the Taos County Planning Commission.

6.30.C.3. The Planning Director must submit findings of fact relevant to a variance request and a recommendation to the reviewing body before it may hear or act on the application.

6.30.C.4. Public notice of a public hearing before the Planning Commission or Board of Adjustment on a variance application shall be consistent with the requirements of Section 6.6. In addition, notices by mail will be sent to adjacent property owners, as well as owners of property located directly across the street from the location of the requested variance.

6.30.C.5. The Planning Director shall conduct an on-site examination of the proposed sign, prior to scheduling the public hearing.

6.30.D. Appeals

6.30.D.1. Any party may appeal the decision of the Planning Director following the requirements of Section 6.9 of this Article.

6.31 CODE TEXT AMENDMENTS AND ZONING MAP AMENDMENTS

6.31.A. Applicability

6.31.A.1. The provisions of this section shall apply to any application to amend the text of the UDC and/or amend the zoning map by reclassifying the zoning districts for areas, communities, or County.

6.31.B. Initiation

6.31.B.1. Text amendments to the UDC or map amendments may be initiated by the Board of County Commissioners, the Planning Director, or an owner/applicant for specific tracts, parcels, or lots requiring quasi-judicial hearings or for an area, district, or Countywide zoning map or UDC text changes requiring legislative hearings.

6.31.B.2. For text or map amendments to the UDC proposed by an owner/applicant, the owner/applicant shall submit a completed application to the Planning Director, accompanied by all the applicable documentation required as described in *Article XII*.

6.31.B.3. Any proposed text or zoning map amendment requiring a quasi-judicial hearing that concerns a single tract, parcel, or lot under common ownership, or where the affected land is predominantly owned by a single person or entity under common ownership, shall be granted unless the reviewing body makes a finding that there has been a substantial change in the conditions of the area surrounding the owner's property or an error or mistake in the UDC text or zoning map; or the amendment is consistent with any applicable zoning district.

6.31.C. Review

6.31.C.1. Any proposed text or map amendment to the UDC that does not concern a single tract, parcel, or lot under common ownership, or the land affected by the proposed amendment is not predominantly owned by a single person or entity under common ownership shall be considered during a public hearing before the Planning Commission and the Board of County Commissioners. The hearing shall be conducted as a legislative hearing, as outlined in Section 6.7 and shall follow the Public notice requirements of Section 6.6.

6.31.C.2. Any proposed text or map amendment to the UDC that concerns a single tract, parcel, or lot under common ownership; the land affected by the proposed amendment is predominantly owned by a single person or entity under common ownership; or when an application is submitted by an owner/applicant shall be considered during a public hearing before the Planning Commission and the Board of County Commissioners. The hearing shall be conducted as a quasi-judicial hearing, as outlined in Section 6.7 and shall follow the public notice requirements of Section 6.6.

6.31.D. Criteria for Approval

6.31.D.1. In reviewing an application for a UDC text or map amendment, the reviewing body shall consider the criteria set forth in this section. No single factor is controlling; each must be weighed in relation to the other. The reviewing body may attach to the development order approving or conditionally approving the application, any and all applicable conditions and mitigation requirements.

6.31.D.2. Any text or map amendment(s) shall be granted primarily to promote compact development, mixed uses, traditional neighborhood and transit-oriented development, sustainable design, and higher densities. Important public policies in favor to the UDC text or map amendment shall be considered, including but not limited to:

6.31.D.2.a. The provision of a greater amount of affordable housing.

6.31.D.2.b. Protection of agricultural lands, acequias, and traditional uses.

6.31.D.2.c. Economic development and renewable energy development.

6.31.D.2.d. Advancement of public facilities and services and elimination of deficiencies through use of voluntary development agreements.

6.31.D.2.e. Traditional neighborhood, transit-oriented, infill, opportunity center, and compact mixed-use development.

6.31.D.2.f. Substantial preservation of open space.

6.31.D.2.g. Sustainable energy-efficient construction and neighborhood design.

6.31.D.2.h. Consistency with the zone district goals, policies, and strategies applicable to the property.

6.31.D.3. Proposed UDC text amendments shall be consistent with the Taos County Comprehensive Plan.

6.31.D.4. Proposed UDC text amendments shall be drafted in a form consistent with the organizational format and style of this UDC.

6.31.D.5. Proposed code text amendments shall repeal and reenact entire code sections rather than just specific sentences or sub-sections.

6.31.D.6. The reviewing body shall consider the nature and degree of any adverse impacts upon neighboring lands. Tracts, parcels, or lots shall not be rezoned in a way that is substantially inconsistent with the uses of the surrounding area, whether more or less restrictive.

6.31.D.7. The reviewing body shall consider the suitability or unsuitability of the tract, parcel or lot for its use as presently zoned. This factor shall, however, be weighed in relation to proof of a clerical mistake in the text or map dimensions and uses of the zoning district, substantially changed conditions in the area surrounding the property, or to effectuate the important public policies of Section 6.31.D.2, and is supported by the goals, policies, and strategies of the UDC.

6.31.D.8. In addition to complying with the provisions of Section 6.__ in connection with each proposed rezoning, the Board shall consider the following:

6.31.D.8.a. Whether there have been changed conditions affecting the subject parcel or the surrounding neighborhood that support the proposed amendment;

6.31.D.8.b. The effect of the proposed rezoning and development on traffic generation and road safety.

Article VII Nonconformities

Purpose: The purpose of this article is to establish the regulations of nonconforming uses, lots, structures, and site improvements. This article specifies the circumstances and conditions under which nonconforming uses, lots, structures, and site improvements shall be permitted to continue. The County finds that nonconforming uses, lots, structures, and site improvements that adversely affect the orderly development and value of other property in the zone district should not continue unless restricted. Furthermore, this article does not authorize nonconforming status to conditional uses which time limits have expired.

7.1 NONCONFORMING USES

7.1.A. Applicability

7.1.A.1. This section applies to any use which was lawful before Taos County Unified Development Code (UDC) was passed, or under an existing Land Use Regulation, but which would be prohibited, regulated, or restricted under the terms of the current UDC and subsequent amendments of the regulations. The term "nonconforming use" also refers to the activity that constitutes the use made of the property.

7.1.B. Generally

7.1.B.1. **Change of Nonconforming Use.** A nonconforming use shall not be changed to any use other than to a use that is:

7.1.B.1.a. Similar to the previously established use;

7.1.B.1.b. The same or less intensive and nonconforming than the previously established use; or

7.1.B.1.c. Allowed in the zone district in which it is located.

7.1.B.1.d. If a change is made to the principal use that conforms to the UDC, then it may not revert to its nonconforming status.

7.1.B.1.e. If the change in use is to a principal use permitted in the zoning district where the property is located and the lot, structure or development standards cannot be complied with, the change may be allowed subject to approval of an administrative adjustment or a variance.

7.1.B.1.f. Any replacement or expansion of a nonconforming use or the structure housing it (other than a single-family residence or residential accessory structure) shall require that a written request be submitted to the Planning Director for determination as a legal nonconforming use that may be continued, and determination as to whether the project is exempt from requirements for a permit in accordance with the following criteria:

a. Appropriate conditions and safeguards are in place in accordance with the purposes of the UDC and/or the most recently adopted building codes.

b. The use shall not thereafter be changed back to a nonconforming use.

7.1.B.2. **Abandonment of Use.** A legal nonconforming use, other than a single-family house, that is discontinued by the intentional acts of the owner for a consecutive period of 365 days shall be considered to have been abandoned and shall not be entitled to be continued, expanded, or reconstructed. Any subsequent use shall comply with all of the regulations in the zoning district in which it is located.

7.1.B.3. **Replacement of Legal Conforming Use.** An existing and continuous, uninterrupted legal conforming use shall be allowed to continue as follows:

7.1.B.3.a. **Replacement of Less Than 50 Percent.** A legal nonconforming use that is damaged or destroyed to an extent of less than 50 percent of the most recent county assessor's full value or fair market value of the structure at the time of destruction may be restored to its original use, size, height, and footprint, but shall meet all current building code requirements applicable to the project.

7.1.B.3.b. **Replacement of More Than 50 Percent.** A legal nonconforming use that is damaged or destroyed beyond 50 percent of the most recent county assessor's full value or fair market value of the structure at the time of destruction shall only be allowed to be restored to its original use, size, height, and footprint subject to approval of a Conditional Use Permit (CUP) and meeting all current building code requirements applicable to the project.

7.1.B.4. **Expansion of Nonresidential Nonconforming Use**. Nonconforming, nonresidential uses of a structure or land, or a nonconforming, nonresidential structure may be changed or expanded by up to 50 percent under a Conditional Use Permit, provided that the owner/applicant complies with all of the following conditions in addition to the criteria required to be met for a CUP:

7.1.B.4.a. The reuse or expansion does not increase the intensity of development or alter the character of the nonconforming use on the site, according to any limitations set by the UDC relating to development standards for lot coverage, height, waste disposal, water use, setbacks, traffic generation, parking needs, landscaping, buffering, outdoor lighting, access, or signage;

7.1.B.4.b. The change or expansion does not confer a privilege upon the owner/applicant;

7.1.B.4.c. The change or expansion is compatible with the surrounding uses of land and is beneficial to the health, welfare, and safety of the community;

7.1.B.4.d. All nonconforming signs shall be brought into compliance with the requirements of *Article V Signs*; and

7.1.B.4.e. Expansion or reuse of unsightly or unsafe conditions associated with certain nonconformities, including but not limited to junkyards, mine sites, or industrial uses shall not be permitted.

7.1.C. Single-Family Dwellings Reuse, Expansion, and Replacement

7.1.C.1. A single-family dwelling and accessory dwelling unit reuse and expansion shall be permitted regardless of the zoning district in which the dwelling is located.

7.1.C.2. **Replacement.** The replacement of any portion of a legal nonconforming single-family residence or accessory dwelling unit that is destroyed or damaged shall comply with all applicable building codes and UDC regulations in Taos County.

7.1.C.3. **Expansion.** Any expansion of a legal nonconforming single-family residence or accessory dwelling structure shall comply with both the UDC as amended and all building codes as amended in Taos County.

7.2 NONCONFORMING LOTS

7.2.A. Applicability

7.2.A.1. Any lot that does not conform to the dimensional requirements established in *Article II Zoning Districts* for the relevant zoning district but that was in existence as of the effective date of the UDC is shown on the initial zoning map as being without that zone and shall be deemed legal nonconforming.

7.2.B. Lot Area or Dimensions

7.2.B.1. A legal nonconforming lot shall not be restricted from development.

7.2.B.2. Nothing in this section shall permit development prohibited or otherwise regulated by the UDC, or by state or federal regulation.

7.2.B.3. A nonconforming lot may not be further reduced in size except by application of the geophysical principles of accretion or reliction, by order of a court of competent jurisdiction or by application of the principles of eminent domain.

7.2.B.4. The creation of nonconforming lots is prohibited.

7.2.C. Lot Merger

7.2.C.1. If, on the date the UDC becomes effective, an undeveloped nonconforming lot adjoins and has continuous frontage with one (1) or more other undeveloped lots under the same ownership, then neither the owner of the nonconforming lot nor his or her successors in interest may take advantage of the provisions of this section.

7.2.C.2. This subsection does not apply to a nonconforming lot if a majority of the developed lots located on either side of the street where the lot is located and within five hundred (500) feet of the lot are also nonconforming.

7.3 NONCONFORMING STRUCTURES

7.3.A. Structures that were lawful at the time they were established but would now be prohibited due to dimensional nonconformity with regard to size, height, relationship between an existing building or buildings and other building or lot lines, including setbacks, are legal nonconforming structures and shall be permitted to remain regardless of ownership, subject to the following:

7.3.A.1. **No Increase in Nonconformity.** A legal nonconforming structure shall not be enlarged or altered in a way that increases the degree or extent of its nonconformity unless the alterations are required or authorized by a non-zoning law or ordinance, such as the Americans with Disabilities Act.

7.3.A.2. **Reduction in Nonconformity.** A legal nonconforming structure that is modified in such a way as to eliminate or reduce the degree or extent of nonconformity, including the demolition or removal of a nonconforming feature for any reason, shall not be reconstructed except in conformance with *Article III Development Standards*.

7.3.A.3. **Substantial Destruction of Legal Nonconforming Structure.** If a legal nonconforming structure is destroyed by any means to an extent of more than 50 percent of the existing building structure, it shall not be reconstructed except in conformity with the provisions of *Article III Development Standards*.

7.3.A.4. **Relocation of Legal Nonconforming Structure.** If a legal nonconforming structure is moved for any reason for any distance whatever, it shall thereafter conform to the provisions of this code.

7.3.A.5. **Maintenance Permitted.** A legal nonconforming structure may be maintained and the occupancy of such building or structure may be continued; however, the nonconforming use shall not be changed or expanded, except as provided for in Section ___ replacement or expansion of nonconforming use.

7.3.A.6. **Expansions, Repairs and Alterations.** Nothing in this section is deemed to prevent the ordinary day-to-day minor repairs and maintenance of nonconforming structures, nor the strengthening or restoring to a safe condition of any nonconforming building or structure declared to be unsafe by the Planning Director, except as provided for in Section ___ replacement or expansion of nonconforming use.

7.3.A.7. **Change of use.** The use of a legal nonconforming structure may be changed to another use provided the flowing:

7.3.A.7.a. If the Planning Director finds that the proposed use is of the same or less of an impact of the nonconforming use, and the new use does not increase the level of nonconformity, a Permissive Development Review Application must be applied for, and the Planning Director may require appropriate conditions and safeguards in accordance with the purposes of this code and/or the most recently adopted building codes.

7.3.A.7.b. If the Planning Director finds that the proposed use will provide a greater impact of the nonconforming use, and the new use does not increase the level of nonconformity, a Conditional Use Permit must be applied for, and the Planning Commission may require appropriate conditions and safeguards in accordance with the purposes of this code and/or the most recently adopted building codes.

7.3.A.7.c. The use shall not thereafter be changed back to a nonconforming use.

7.3.A.7.d. When a nonconforming building or structure has been abandoned for a period in excess of 365 days, the building or structure shall comply with Section 3.__.

7.4 NONCONFORMING SITE IMPROVEMENTS

7.4.A. Applicability

7.4.A.1. A nonconforming site improvement is a situation that occurs when an existing site improvement on a parcel, including but not limited to parking areas, storm drainage facilities, landscaping, lighting, and buffers, no longer conforms to the UDC regulations applicable to the property.

7.4.A.2. On lots with nonconforming site improvements, no additions to or alterations of any structure or site improvement are allowed unless:

7.4.A.2.a. the nonconforming site improvements are brought into complete conformity with the regulations applicable to the zoning district, or

7.4.A.2.b. the activity is authorized by a nonconforming situation permit approved with an administrative review application.

7.4.A.3. When an addition to, or repairs or alterations to, any structure or site improvement is proposed on a lot with a nonconforming site improvement, the Planning Director may approve a nonconforming situation permit allowing the addition or repairs or renovation if it finds that all of the following criteria are true:

7.4.A.3.a. The nonconforming site improvement(s) is the only nonconforming situation pertaining to the property, unless the Planning Director refers the application for conditional use permit review (see subsection 2 below).

7.4.A.3.b. Compliance with the site improvement requirements applicable to the zoning district in which the property is located is not reasonably possible. Mere financial hardship does not constitute grounds for finding that compliance with the site improvement requirements are not reasonably possible.

7.4.A.3.c. The property can be developed as proposed without any significant adverse impact on surrounding properties or the public health or safety.

7.4.A.3.d. The owner has committed to other site design measures to reduce the negative impacts associated with the nonconformity.

7.4.B. Nonconforming Lighting

7.4.B.1. **Change and Replacement**. Nonconforming lighting shall only be changed or replaced with conforming lighting, except for the periodic replacement of bulbs, meeting lumens and kelvins standards in *Article III*, Section 3.11. Outdoor Lighting and Night Skies Protection.

7.4.B.2. **Moving.** Nonconforming lighting shall not be moved to any other location unless the move results in the entire light being brought into compliance with all applicable regulations of the night skies development standards in *Article III Development Standards*.

7.4.B.3. **Loss of Nonconforming Status.** If a light is destroyed or rendered inoperable for any reason other than failure of the bulb, it shall not be repaired unless such repair will bring the light into compliance with all applicable regulations of the night skies development standards in Section 3.11.

7.5 APPLICATIONS AND PROJECTS IN PROGRESS

7.5.A. Applicability

7.5.A.1. This section applies to any Nonconforming Project. A Nonconforming Project is any structure, development, or undertaking that is incomplete on the effective date of this code and would be inconsistent with one (1) or more of the regulations applicable to the zoning district in which it is located if completed as proposed or planned.

7.5.A.2. This section implements the common law on vested rights. To the extent that New Mexico case law in effect on the date of any application, construction or development activity is inconsistent with this section, the provisions of the case law apply.

7.5.B. Generally

7.5.B.1. All nonconforming projects on which construction was begun may be completed in accordance with the terms of their permits if:

7.5.B.1.a. The nonconforming project:

1. Is authorized by a building permit that was issued at least 180 days before the effective date of this code, or
2. Is at least 10 percent completed in terms of the total expected cost of the project on the effective date of this code, and

7.5.B.1.b. The permits under which the nonconforming project is proceeding were:

1. Validly issued;
2. Remain unrevoked and unexpired; and
3. The Planning Director issues a vested rights permit.

7.5.B.1.c. If a development is designed to be completed in stages, this subsection shall apply only to the particular phase under construction.

7.5.C. Vested Rights Permit

7.5.C.1. Except as provided in subsection H, all work on any nonconforming projects shall cease on the effective date of this code, and all permits previously issued for work on nonconforming projects may begin or may be continued only pursuant to a vested rights permit issued in accordance with this section by the Planning Director.

7.5.C.2. The Planning Director shall approve a vested rights permit if he or she finds that the applicant has in good faith made substantial expenditures or incurred substantial binding obligations or otherwise changed his or her position in some substantial way in reasonable reliance on the development regulations as they existed before the effective date of this code and thereby would be unreasonably prejudiced if not allowed to complete his or her project as proposed. In considering whether these findings may be made, the Planning Director shall be guided by the following, as well as other relevant considerations:

7.5.C.2.a. All expenditures made to obtain a validly issued and unrevoked building, land use or sign permit shall be considered as evidence of reasonable reliance on the development regulations that existed before the effective date of this code.

7.5.C.2.b. Except as otherwise provided in subsection A above, no expenditures made more than 180 days before the effective date of this code may be considered as evidence of reasonable reliance on the development regulations that existed before the effective date of this code. An expenditure is made at the time a person incurs a binding obligation to make that expenditure.

7.5.C.2.c. To the extent that expenditures are recoverable with a reasonable effort, a person shall not be considered prejudiced by having made those expenditures. For example, a person shall not be considered prejudiced by having made some expenditure to acquire a potential development site if the property obtained is approximately as valuable under the new classification as it was under the old, for the expenditure can be recovered by a resale of the property.

7.5.C.2.d. To the extent that a nonconforming project can be made conforming and that expenditures made or obligations incurred can be effectively utilized in the completion of a conforming project, a person shall not be considered prejudiced by having made such expenditures.

7.5.C.2.e. An expenditure is considered “substantial” if it is significant in dollar amount in terms of the total estimated cost of the proposed project and the ordinary business practices of the developer.

7.5.C.2.f. A person is considered to have acted in “good faith” if actual knowledge of a proposed change in the development regulations affecting the proposed development site could not be attributed to such person.

1. Even though a person had actual knowledge of a proposed change in the development regulations affecting a development site, the Planning Director may still find that the person acted in good faith if the person did not proceed with his plans in a deliberate attempt to circumvent the effects of the proposed ordinance.

2. For example, the Planning Director may find that the developer did not proceed in an attempt to undermine the proposed ordinance if he or she determines that at the time the expenditures were made, either there was considerable doubt about whether any ordinance would ultimately be passed, or it was not clear that the proposed ordinance would prohibit the intended development, and the developer had legitimate business reasons for making expenditures.

7.5.D. Phasing

7.5.D.1. When it appears from the developer's plans or otherwise that a project was intended to be or reasonably could be completed in phases, stages, segments or other discrete units, the developer may complete only those phases or segments with respect to which the developer can make the showing required under subsection __. In addition to the matters and subject to the guidelines set forth in subsection __, the Planning Director shall, in determining whether a developer would be unreasonably prejudiced if not allowed to complete phases or segments of a nonconforming project, consider the following in addition to other relevant factors:

7.5.D.1.a. Whether any plans prepared or approved regarding uncompleted phases constitute conceptual plans only or construction drawings based upon detailed surveying, architectural, or engineering work.

7.5.D.1.b. Whether any improvements, such as streets or utilities, have been installed in phases not yet completed.

7.5.D.1.c. Whether utilities and other facilities installed in completed phases have been constructed in such a manner or location or to such a scale, in

anticipation of connection to or interrelationship with approved but uncompleted phases, that the investment in such utilities or other facilities cannot be recouped if such approved but uncompleted phases are constructed in conformity with existing regulations.

7.5.E. Timing of Vested Rights Permit

7.5.E.1. The Planning Director shall not consider any application for a vested rights permit authorized by subsection __ that is submitted more than sixty (60) days after the effective date of this code.

7.5.E.2. The Planning Director may waive this requirement for good cause shown, but in no case may he or she extend the application deadline beyond one (1) year from the effective date of this code.

7.5.F. Abandonment of Vested Rights

7.5.F.1. For development rights that vest on or after the date of adoption (except for residential development subject to subsection __, below), if substantial amounts of the work are not completed within ten (10) years of the issuance of the permits that established the development rights, the development rights shall expire.

7.5.F.2. For development rights that vested before the date of adoption, abandonment occurs in accordance with the provisions of the Unified Development Code, New Mexico Statutes and case law, and all development permits and conditions of those permits in effect when the development rights vested.

7.5.G. Residential Development

7.5.G.1. If a final plat is duly recorded in the office of the Taos County Clerk for a Single-Family Residential Development before the date of adoption:

7.5.G.1.a. This section does not prevent the developer from developing in accordance with the terms of the final plat.

7.5.G.1.b. If construction is not commenced on any such land within five (5) years of the recording of the plat, the development rights shall expire.

7.5.G.1.c. If construction has commenced on any such project but is thereafter abandoned for a period in excess of five (5) years, the project may only be completed in accordance with a vested rights permit issued under this section.

7.5.G.2. If a final plat is duly recorded in the office of the Taos County Clerk for a residential development (including single-family housing; multiple family housing such as apartments, duplexes, townhomes, and similar configurations; condominiums; and manufactured and modular homes) on or after the date of adoption:

7.5.G.2.a. This section does not prevent the developer from developing in accordance with the terms of the final plat.

7.5.G.2.b. If construction is not commenced on any such land within ten (10) years of the recording of the plat, the development rights shall expire.

7.5.G.2.c. If construction has commenced on any such project but is thereafter abandoned for a period in excess of five (5) years, the project may only be

completed in accordance with a vested rights permit issued under this section.

7.5.H. Planned Unit Development

7.5.H.1. All Planned Unit Development (PUD) applications that were approved and are still current may continue to be developed in accordance with the stipulations, waivers, special conditions, uses, etc., if they comply with time requirements, and other requirements.

7.5.H.2. Final PUD plans through rezoning shall follow the procedures for final developments in the PUD zone district.

Article VIII Enforcement

Purpose: This Article establishes the:

- *Procedures to enforce compliance with the UDC and to mandate corrections for violations of the UDC or conditions of a development approval issued under the UDC; and*
- *The remedies and penalties available to Taos County to enforce compliance with the UDC.*

8.1 GENERALLY

8.1.A. Violations Unlawful. It is unlawful to violate the UDC or any building code adopted by or administered by the County. Any person, firm, corporation or other entity violating the UDC or any building code adopted by or administered by the County is subject to the criminal and civil penalties or remedies provided in this Article.

8.1.B. General Authority. The County may enforce violations of the UDC pursuant to NMSA § 4-37-3 and any other applicable provisions of New Mexico law, including:

8.1.B.1. **Zoning Violations**. Violations of the zoning provisions of the UDC are enforceable pursuant to NMSA § 3-21-6, 3-21-10, 3-21-13, and any other applicable provisions of New Mexico law.

8.1.B.2. **Subdivision Violations**. Violations of subdivision provisions of the UDC are enforceable pursuant to the New Mexico Subdivision Act (NMSA §§ 47-6-1 et seq., including 47-6-8, 47-6-25, 47-6-25.1, 47-6-26, 47-6-27, 47-6-27.1, and 47-6-27.2), NMSA 3-20-14, 3-20-15, and any other applicable provisions of New Mexico law.

8.1.C. Authorization to Bring Action

8.1.C.1. The Taos County Attorney may bring any criminal or civil action authorized in this Article.

8.1.C.2. The Taos County Planning Director may exercise any administrative enforcement action authorized in this Article.

8.2 VIOLATIONS

8.2.A. The following activities, acts, failures to act, and conditions are violations of the UDC and subject to enforcement using the penalties and remedies provided by this Chapter, the Taos County Code, and any requirements or limitations of New Mexico law:

8.2.A.1. **Development or Use of Land Inconsistent with the UDC**. Any use, development, or activity, act, or failure to act that is inconsistent with any zoning, subdivision, development, landscaping, sign, or general regulation of the UDC;

8.2.A.2. **Development or Use Without Permit or Approval.** Any activity not authorized by the acquisition of all required permits, approvals, certificates, and authorizations required by the UDC.

8.2.A.3. **Development or Use Inconsistent with Conditions of Approval.** Any activity inconsistent with any term, condition, or qualification placed by the County upon a required permit, certificate, rezoning, plan or plat approval, or other form of authorization granted by the County to allow the use, subdivision, development, placement of signs, or other activity upon land or improvements of land;

8.2.A.4. **Making a Lot or Yard Nonconforming**. Reducing or diminishing any lot area, lot width, or setback so the lot or yard is smaller than prescribed by the requirements of the UDC;

8.2.A.5. **Disrupting Notice**. Removing, defacing, obscuring, or interfering with any notice posted or made pursuant to the UDC;

8.2.A.6. **Failing to Comply with a Stop Work Order**. Continuing construction or other site work on any development, building, or structure on any land or site after service of a Stop Work Order issued by the County;

8.2.A.7. **Issuance of Permits for Unapproved Lots**. The issuance of permits for the construction of any building or structure located on a lot or other division of land that was not properly created and approved, as provided by the UDC;

8.2.A.8. **Transfer of Lots in Unapproved Subdivisions**. In addition to the violations listed above, the transfer of lots in unapproved subdivisions is a misdemeanor and is subject to NMSA § 3-20-14.

8.2.A.9. **Authorization to Extend, Connect, or Construct Utilities to Serve Unapproved Lots**. The authorization to extend, connect, or construct any public or private facilities or services to a lot or other division of land that was not properly created and approved, as provided by the UDC;

8.2.A.10. **Violation of County-Enforced State Law**. Failure to comply with any state law delegated to local governments for enforcement purposes in lieu of the State; and

8.2.A.11. **Other Acts**. Any other act prohibited by the UDC or the failure to perform any act required by the UDC is a violation under this section and is punishable under the UDC.

8.3 REMEDIES

8.3.A. Generally. If a violation occurs, the County may use one or any combination of the following remedies and penalties to enforce compliance with the UDC.

8.3.B. Revocation of Permit or Development Approval

8.3.B.1. **Generally**

8.3.B.1.a. The Planning Director may revoke any permit they granted pursuant to *Article VI* of the UDC.

8.3.B.1.b. An appointed or elected body may revoke a land use action such as a rezoning, variance, appeal, or subdivision plat.

8.3.B.2. **Basis for Revocation.** The decision-making body may revoke a development approval at any time prior to the completion of the use, building, structure, development, site improvement, or subdivision for which the development approval was issued, if the decision-making body determines one or more of the following conditions is present:

8.3.B.2.a. The applicant or a successor in interest to the applicant violates the regulations or any conditions of the permit.

8.3.B.2.b. The development substantially departs from the approved application, plans, specifications, or conditions required under the terms of the permit;

8.3.B.2.c. The applicant or their agent refuses or fails to comply with the requirements of any applicable UDC standard or requirement;

8.3.B.2.d. The applicant secured the approval using false statements, misrepresentations, or materially incorrect information; or

8.3.B.2.e. The County mistakenly issued the development approval in violation of an applicable State or local law.

8.3.C. Stop Work Order. When ongoing development violates the UDC in a manner specified in Section 8.3 of this Article, the Planning Director may issue a written Stop Work Order to the person conducting the work.

8.3.D. Withholding Acceptance of Applications

8.3.D.1. The County may decline to accept any application specified in *Article VI* or other Article of the UDC until the lot owner resolves all UDC violations related to the lot and pays all related fines. If the action proposed in the application would resolve the violation, the County may accept and process the application.

8.3.D.2. The County may decline to accept any application specified in *Article VI* or other chapter of the UDC if the subject property was cleared in violation of the UDC. The County may decline to accept the application for:

8.3.D.2.a. Up to three (3) years after the property was cleared; or

8.3.D.2.b. Up to five (5) years if the clearing was a willful violation of County regulations.

8.3.E. Withholding or Withdrawing Land Use Permits

8.3.E.1. The County may withhold or deny land use permits, building permits, plat approvals, and any other administrative action or actions to an applicant regarding land for which a notice of violation has been issued, unless the violation is timely corrected. The County may require correction of the violation as a condition of issuance of land use permits, plat approvals, or administrative action or actions. This remedy shall apply regardless of whether or not the applicant for the permit is the person responsible for the uncorrected violation.

8.3.E.2. **Withdrawing Land Use Permits.** The County may withdraw land use permits previously issued, plat approvals or other administrative actions issued regarding property as to which a notice of violation is issued and the violation has not been timely corrected. Upon correction, the land use permit shall be reinstated.

8.3.E.3. If issuing the land use permit would resolve the violation, the County may, instead of withholding or denying an authorization, grant the authorization.

8.3.E.4. If evidence of a violation is noted after the acceptance, processing, and/or issuance of a permit or other authorization, all activity with regard to the processing of the application, including inspections, shall cease until the lot is brought into compliance and all fines levied are paid.

8.3.E.5. If a property for which any development approval is sought was cleared in violation of the UDC or a permit condition, the County may withhold the development approval as provided above.

8.3.E.6. This section applies regardless of whether the current owner or applicant is responsible for the violation in question.

8.3.F. Civil Citation. The County may initiate a civil citation and levy associated fines as provided in Section 8.5 below.

8.3.G. Criminal Violation

8.3.G.1. Willful failure to respond to a notice of violation or a stop work order issued for violation of a provision of this code is a petty misdemeanor punishable by a fine not to exceed three hundred ($300) dollars or imprisonment for ninety (90) days or both the fine and imprisonment. Each day of such failure to respond is a separate offense.

8.3.G.2. Persons are subject to criminal liability for subdivision violations pursuant to NMSA § 47-6-27.

8.3.G.3. Additionally, any violation of the provisions of the UDC is punishable by a fine not to exceed three hundred ($300) dollars or imprisonment for not more than ninety (90) days, or both, in accordance with NMSA § 4-37-3.

8.3.H. Civil Penalties. Taos County adopts and incorporates all civil penalties that state law authorizes any county to impose for the violation of the regulations, including penalties authorized by state law in the future. For purposes of this provision, each day of a violation is a separate offense. Civil penalties and remedies authorized under this code include, but are not limited to:

8.3.H.1. **Injunction.** Taos County may seek an injunction to restrain, correct, or abate any violation of the regulations or any illegal act, conduct, business, or use in or about the premises; prevent the occupancy of a structure or land; prevent unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; and to perform any act necessary to compliance or to remediate any condition not in compliance with the regulations.

8.3.H.2. Damages, including but not limited to costs of abatement.

8.3.I. Fines

8.3.I.1. **Penalties for Commercial and Nonresidential Lighting Violations.** Any further violation of the UDC is a petty misdemeanor. Upon conviction, a petty misdemeanor is punishable by a fine not to exceed one hundred ($100) dollars for the first violation; three hundred ($300) dollars for the second violation; and five hundred ($500) dollars for the third violation.

8.3.I.2. **Penalties for Residential Violations.** Any further violation of the provisions of this Code is a petty misdemeanor. Upon conviction, a petty misdemeanor is punishable by a fine not to exceed twenty-five ($25) dollars for the first violation; seventy-five ($75) dollars for the second violation; and $125 for the third violation.

8.3.J. Utility Connections. Any water, sewer, electric, or gas utility that connects service to individual lots within a subdivision before a final plat for the subdivision is approved by the Board of County Commissioners or before the landowner holds a valid building permit may be levied a civil penalty of up to five hundred ($500) dollars by the Board of County Commissioners. The Board of County Commissioners may also require that any utility connected in violation of this section and of NMSA § 47-6-27.2 be disconnected.

8.3.K. Suspension of Right of Sale. The Board of County Commissioners may suspend or revoke approval of a plat as to unsold, unleased, or otherwise conveyed portions of a subdivider's plat, if the subdivider does not meet the schedule of compliance approved by the Board of County Commissioners.

8.3.L. Injunctive Relief, Mandamus. The Board of County Commissioners, the District Attorney, or the Attorney General may apply to the District Court for any one or more of the following remedies in connection with violations of the New Mexico Subdivision Act and the UDC:

8.3.L.1. Injunctive relief to prohibit a subdivider from selling, leasing, or otherwise conveying any interest in subdivided land until the subdivider complies with the terms of the New Mexico Subdivision Act and the UDC;

8.3.L.2. Injunctive relief to compel compliance by any person with the provisions of the New Mexico Subdivision Act and the UDC;

8.3.L.3. Rescission and restitution for persons who have purchased, leased, or otherwise acquired an interest in subdivided land that was divided, sold, leased, or otherwise conveyed in material violation of the New Mexico Subdivision Act or the UDC; or

8.3.L.4. A civil penalty of up to five thousand ($5,000) dollars for each parcel created in knowing, intentional, or willful violation of the New Mexico Subdivision Act or the UDC.

8.3.L.5. **Bond Not Required.** The Board of County Commissioners, the District Attorney, and the Attorney General shall not be required to post bond when seeking a temporary or permanent injunction or mandamus according to the provisions of the New Mexico Subdivision Act.

8.3.M. Other Remedies. Administrative remedies set forth herein and remedies provided for in any building code adopted by Taos County are authorized for violations of the building code and of the UDC.

8.3.N. Attorney Fees and Expenses

8.3.N.1. Any person, firm, or corporation found by a court of competent jurisdiction to have committed a violation (see Section 8.2 above) is liable to the County of Taos for the costs incurred by the County, its agents, and departments.

8.3.N.2. The liability above accrues to the entity whether as principal, agent, employee, tenant, landlord, or otherwise.

8.3.N.3. The costs listed above include but are not limited to the expenses incurred in detecting, investigating, or prosecuting the violation, and attorneys' fees as allowed by law.

8.3.N.4. Attorney fees and expenses are calculated as though provided by outside counsel, even if provided by the County legal department.

8.4 ENFORCEMENT PROCEDURES

8.4.A. Generally

8.4.A.1. The County may initiate an enforcement action on its own initiative or by complaint, as follows:

8.4.A.1.a. **County Initiation.** The Planning Director, District Attorney, or Sheriff may initiate an enforcement action if they have reasonable cause to believe that a violation has occurred.

8.4.A.1.b. **Complaint.** The Planning Director may initiate an enforcement action if a citizen complains in writing to the County Manager or Planning Director and the complaint is determined to be legitimate within the spirit of this code. The County Code Enforcement Officer will contact the offender.

8.4.A.2. For the first offense, the offender may be issued a warning with 30 days to correct the offense.

8.4.A.3. All written, signed complaints alleging one or more violations of the provisions of the New Mexico Subdivision Act or the UDC are referred to the County Attorney for investigation with a copy to the District Attorney. The County Attorney shall investigate the complaint and take such action as is warranted or make a written recommendation to the Board of County Commissioners of what action is warranted. The County Attorney shall inform the complainant in writing of what actions have been taken or what action is recommended in response to the complaint. The District Attorney may independently review the complaint for possible action by the State of New Mexico.

8.4.A.4. **Jurisdiction.** Actions brought for criminal penalties or civil penalties and damages may be brought in any court of competent jurisdiction in Taos County. Actions that include requests for injunctive relief shall be brought in the district court.

8.4.B. Inspections.

If the County initiates enforcement or a complaint is received as provided above, the Planning Director may inspect the subject property as follows:

8.4.B.1. **Consent to Enter Deemed Granted.** As a condition of any application to the Planning Department, the applicant is deemed to have granted consent to Taos County to enter onto the subject land and its buildings or structures that are the subject of the application, with notice, in the circumstances and for purposes as follows:

8.4.B.1.a. To conduct inspections of the subject property during regular County business hours.

8.4.B.1.b. To conduct inspections within the scope of another official document, such as a duly executed zoning compliance affidavit, which grants express or implied consent to enter and inspect;

8.4.B.1.c. To make observations of the premises in plain view from public property or from portions of the premises that are open or accessible to the public, or

from other private property with permission, or in which the owner or occupant otherwise lacks a reasonable expectation of privacy; or

8.4.B.1.d. In emergency situations in which the enforcing official has reason to believe that the public health or safety is in imminent danger and could be jeopardized by any delay in securing entry.

8.4.B.2. **Situations in Which Consent to Enter is Not Deemed Granted as Condition of Application**

8.4.B.2.a. In situations other than those set forth above (for example, if consent is not deemed granted as a condition of an application), and entry onto the premises is necessary to verify the violation, the Planning Director shall make a reasonable effort to locate the owner or other person having charge or control of the premises desired to be inspected.

8.4.B.2.b. The Planning Director shall request consent to enter and inspect the premises.

8.4.B.2.c. If the owner or other person in charge or control of the premises cannot be located or if entry is refused, the Planning Director and County Attorney may, in their discretion, cause suit to be filed in the District Court and request inspection of the premises pursuant to the Rules of Civil Procedure for the District Courts.

8.4.B.3. Nothing in this subsection precludes Taos County, where consent is not deemed granted, from making observations of the premises in plain view from public property or from portions of the premises that are open or accessible to the public, or from other private property with permission, or in which the owner or occupant otherwise lacks a reasonable expectation of privacy.

8.4.B.4. This subsection shall be posted in plain view in the Planning Department Offices.

8.4.C. Notice of Violation. The County shall send a notice of violation of the regulations to the occupant, developer, and owner (if not the same) by first class mail to each person's last known address and/or by hand delivery or by posting a notice on the site in a clearly visible location near the entrance or access road to said property. The notice shall contain the following information:

8.4.C.1. **List of violations**. A list and description of all violations with references to the section or sections of the UDC violated.

8.4.C.2. **Order and Compliance Period**. An order to the occupant, developer, and/or owner to cease all prohibited activities and desist in same or to perform certain acts required for compliance in no less than thirty (30) calendar days.

8.4.C.3. **Immediate Threats**. If violations of the UDC or a condition of approval pose an immediate threat to the public health, safety, or welfare, the thirty (30)-day compliance period above is suspended and abrogated, and Taos County may file suit immediately to seek any appropriate remedy, including injunctive relief.

8.4.D. Response. Any person or entity receiving notice of a violation of the Taos County Land Use Regulations shall immediately cease all prohibited activities and desist in same, and:

8.4.D.1. **Restore the premises.** Within thirty (30) days, restore the site to compliance and request an inspection of the property by the Planning Department to demonstrate that compliance has been achieved; or

8.4.D.2. **Request for Extension of Time.** Within thirty (30) days, file a written request with the Planning Director for an extension of time to achieve compliance, showing good cause for such extension. Extensions may or may not be granted by the Planning Director in his sole discretion.

8.4.E. Civil Citations

8.4.E.1. **Generally.** If the holder of the development approval or the landowner of the property involved, as applicable, fails to obey a Notice of Violation, the Planning Director may issue a civil citation.

8.4.E.2. **Service of Citation**

8.4.E.2.a. The Planning Director must serve this citation:

1. Directly on the person who received the Notice of Violation, their duly designated agent, or their registered agent if the violator is a corporation; and
2. Either in person or posted in the United States mail service by first class mail addressed to the last known address of the person who received the Notice of Violation as contained in the records of the County or obtained from the person at the time of issuance of the Notice of Violation.

8.4.E.2.b. The person who received the Notice of Violation is deemed to have been served upon the mailing of the civil citation.

8.4.E.3. **Payment of Citation**. The civil citation shall direct the recipient to pay the citation to the Taos County Planning Department within fifteen (15) days of the date of the citation, or alternatively to pay the citation by mail.

8.4.E.4. **Additional Citations**. The violation for which the citation is issued must have been corrected by the time the citation is paid; otherwise, the County may issue further citations.

8.4.E.4.a. Citations may be issued for each day the offense continues until the violation is corrected.

8.4.E.4.b. Each day's continuing violation of any provision of the UDC is a separate and distinct offense. This means that on the 16th day of noncompliance, civil penalties will accrue on a daily basis as long as the violation continues.

8.4.E.5. **Civil Penalties**. The civil penalty, if not paid to the Planning Department within fifteen (15) days of the issuance of a citation, may be recovered by the County in a civil action in the nature of debt.

8.4.E.5.a. Civil penalties will be assessed in the amount of fifty ($50) dollars per day for the first violation.

8.4.E.5.b. If the same violation occurs on the same property within six (6) years after the initial violation is remedied, a civil penalty in the amount of one hundred ($100) dollars per day automatically applies.

8.4.E.5.c. If the same violation occurs on the same property within six (6) years after the second occurrence of the violation is remedied, a civil penalty in the amount of two hundred ($200) dollars per day automatically applies.

8.4.E.5.d. If the same violation occurs on the same property within six (6) years after the third or any subsequent occurrence of the violation is remedied, a civil penalty in the amount of three hundred ($300) dollars per day automatically applies.

8.4.E.5.e. Civil penalties will continue to accrue until compliance has been met on the property.

8.4.E.5.f. The Planning Director may waive the escalation of the penalty if the violator is working to correct the violation in good faith and has made tangible progress during the grace period.

8.4.F. Stop Work Order. The following procedures apply to a Stop Work Order:

8.4.F.1. The Stop Work Order must describe the work that must cease, the reason the work must cease, and the action(s) necessary to lawfully resume work.

8.4.F.2. A copy of the order shall be delivered to the holder of the development approval and to the owner of the property involved (if that person is not the holder of the development approval) by personal delivery, electronic delivery, or first-class mail. The person delivering the stop work order shall certify to the County that the order was delivered, and that certificate is deemed conclusive in the absence of fraud.

8.4.F.3. The issuance of a Stop Work Order by a staff member may be appealed to the Board of Adjustment as provided by *Article VI*. No further work or activity shall take place in violation of a stop work order pending a ruling on the appeal.

8.4.F.4. If the person conducting the work violates the Stop Work Order, the County may immediately assess a fine for each day the work continues.

8.4.G. Legal Action. If compliance has not occurred within thirty (30) calendar days plus any extensions granted, then the County may file a criminal or civil action or both.

8.4.H. Revocation. The following procedures apply to the revocation of a permit or development approval (see Section 8.3):

8.4.H.1. **Notice of Revocation**

8.4.H.1.a. The County must notify the applicant in writing of the revocation or the intent to consider revocation of the development approval. The notice must specify the reason for the revocation or the intent to consider revocation.

8.4.H.1.b. If an appointed or elected body issued the development approval, the notice must also specify the date, time, and location of the meeting at which the appointed or elected body will consider revocation.

8.4.H.1.c. When notice of revocation or the intent to consider revocation is served, all further construction, use, or development of the lot must cease.

8.4.H.2. Any revocation of a permit or development approval must follow the same review process required for issuance of the permit or development approval, including any required notice or hearing (see *Article VI*).

8.4.H.3. **Appeal of Revocation.** The revocation of a development approval by a staff member may be appealed to the Board of Adjustment as provided in *Article VI*. The revocation of a development approval by an appointed or elected body may be appealed as provided in *Article VI Procedures* for the particular type of development approval.

Article IX Agencies

9.1 GENERALLY

9.1.A. The duties and responsibilities of entities charged with reviewing, making recommendations, and decision-making are established in this article. *Article VI Procedures* provides detail on the levels of review that the agencies are responsible for.

9.2 AGENCIES WITH ROLES IN THE UDC

9.2.A. Planning Director. In administering these regulations, the Planning Director of the Taos County Planning Department shall:

9.2.A.1. Assign staff to review all development, subdivision, and building permit applications submitted to the County for consistency with these regulations and with the applicable building codes adopted by the County. The Planning Director may delegate Planning Director duties and responsibilities that are assigned to the Planning Director throughout the Unified Development Code to Planning Department personnel. The term "Planning Director" also means Planning Department personnel delegated by the Planning Director.

9.2.A.2. Make determinations regarding application type, requirements, procedure, compliance, and approval as outlined in *Article VI Procedures*.

9.2.A.3. Issue permits, approve exemptions, and conduct all other business assigned in these regulations.

9.2.A.4. Have the authority to prepare all forms and documents necessary to fulfill the purposes of these regulations.

9.2.A.5. Assign staff to conduct site visits of properties and neighborhoods identified in applications.

9.2.A.6. Coordinate and provide for the implementation and enforcement of these regulations.

9.2.A.7. Assure that all applications meet the standards set forth in the UDC and any supplemental Planning Department policies and procedures.

9.2.A.8. Prepare, or cause to be prepared, findings of fact and analysis of each application for the Board of Adjustment, the Planning Commission, and the Board of County Commissioners.

9.2.A.9. Attend all meetings of the Board of Adjustment, Planning Commission, and Board of County Commissioners, for which planning and zoning applications and other planning matters are to be heard.

9.2.A.10. Establish policies and procedures for the review of applications and the implementation of the UDC, and other planning and zoning policies, regulations, and ordinances, enacted or authorized by the Board of County Commissioners.

9.2.A.11. Maintain or cause to be maintained a public record of planning and land use maps, text amendments, minutes of the Planning Commission and Board of Adjustment, any appeals, and all documents related to the administration of these regulations.

9.2.A.12. Provide for office and clerical support for all matters heard by the Board of Adjustment, the Planning Commission, and the Board of County Commissioners, pursuant to these regulations.

9.2.A.13. Provide for the identification and inspection of violations of these regulations, associated codes, and ordinances adopted by the Board of County Commissioners, the enforcement of which is hereby delegated to the Planning Department.

9.2.A.14. Establish and implement, in consultation with the County Attorney, such procedures as may be deemed appropriate and necessary for taking enforcement actions and, when necessary, take enforcement action.

9.2.A.15. The Planning Director, in his or her sole discretion, may waive any application submittal requirements or development standard requirements of an applicant for a permissive development review, Conditional Use Permit, Major Development Permit, and Rezoning application. The waiver may only include otherwise required studies, maps, surveys, records, reports, and other submission materials in connection with the application that are not applicable or that are redundant or unnecessary in order for the Planning Director to evaluate and make a finding with regard to the application. A request for waiver of any permit application requirement or development standard requirement must be made in writing by the applicant, concurred in writing by the reviewing staff member, and approved in writing by the Planning Director. The Planning Director's written approval shall state the reason(s) the requirement(s) are waived, reference specific sections being waived, and shall be made part of the permit application.

9.2.B. Building Official

9.2.B.1. The County Building Official, appointed by the County Manager, shall only issue building permits and certificates of occupancy for approved applications and shall make determinations on unsafe structures and uninhabitable manufactured homes. The Building Official may issue variances to the Universal Building Code and other such codes. The Building Official’s decisions may be appealed to the Board of Adjustment.

9.2.C. County Manager

9.2.C.1. The County Manager shall be responsible for hiring and firing the Planning Director. The County Manager may also provide approval and notification to the Planning Director waiving all or part of the fees applicable under this code for applications from either governmental or private charitable entities involving projects that are both of a nonprofit nature and for the public good, i.e., affordable housing, community and economic development, day care, health care facilities, emergency services facilities, preservation of open space, historical preservation or restoration, public recreation, or public education.

9.2.D. Board of Adjustment. The Board of Adjustment shall have the following powers and duties:

9.2.D.1. **Variance.** Hear and review, and approve, approve with conditions, or deny applications for variances from Permissive Development Review, Conditional Use Permit, Major Development Permit, Home Occupation, Special Event Permit, Short-Term Rental Permit, Sign Permit, Summary Plat, Master Development Plan, Preliminary Plat, and Resubdivision dimensional requirements and development standards. When a variance application is made in conjunction with a zoning or subdivision application being heard by the Planning Commission, then the variance application shall also be heard by the Planning Commission.

9.2.D.2. **Appeal of Decision/Interpretation of Building Official.** The Board of Adjustment shall act as a Construction Board of Appeals to hear and decide appeals of orders, decisions, or determinations made by the Building Official relative to the application and interpretation of the Building Codes adopted by the County.

9.2.D.3. **Alternate Members of Planning Commission.** A member of the Board of Adjustment shall serve as an alternate member of the Planning Commission if a Planning Commission member must be absent from the meeting or if a lack of a quorum for a Planning Commission matter or meeting is anticipated. The Planning Director shall make every effort to give a member three (3) days' notice of his or her required service as an alternate member of the Planning Commission.

9.2.D.4. **Board of Adjustment Membership**

9.2.D.4.a. **Qualifications.** Members of the Board of Adjustment shall be residents of the County and shall be registered voters. No member of the Board of County Commissioners or County employee shall serve as a voting member of the Board of Adjustment. The Board of County Commission shall take into consideration the education and/or experience of potential appointees in planning, zoning, or land-use matters but shall not be precluded from recommending or appointing individuals without such experience. The Board of Adjustment shall, to the extent possible, reflect a balance of views by the community regarding development.

9.2.D.4.b. **Appointment.** The Board of Adjustment shall be composed of five (5) members who shall serve at large. Each year, residents who wish to be members of the Board of Adjustment shall submit a letter of interest, including a statement of qualifications, to the Planning Director by December 31. The Planning Director shall present the letters of interest to the Board of County Commissioners before January 15. The Board of County Commissioners shall appoint three (3) individuals to the Board of Adjustment for one year based on the letters of interest received. Any member of the Board of County Commissioners, at their discretion, may also nominate any individual meeting the qualifications described above, with the approval of the majority vote of the Board of County Commissioners.

9.2.D.4.c. **Ex Officio Member.** A County Building Official shall be an Ex Officio Member of the Board of Adjustment but shall have no vote on any matter before the Board of Adjustment and shall not count in connection with a quorum.

9.2.D.4.d. **Terms of Office.** A member may be reappointed with the approval of the majority vote by the Board of County Commissioners. An existing member shall not be required to submit a letter of interest as described in this

section but shall inform the Planning Director of their desire to continue as a member.

9.2.D.4.e. **Removal from Office.** Any member of the Board of Adjustment may be removed for cause by a majority vote of the Board of County Commissioners.

9.2.D.4.f. **Vacancy.** Whenever a vacancy occurs on the Board of Adjustment, the member's position shall remain vacant until a new member is appointed by the Board of County Commissioners.

9.2.D.4.g. **Rules and Procedures.** The Board of Adjustment, with the advice of the County Attorney and the Planning Director, shall adopt rules and procedures to govern the voting rights of members and other procedural matters at their first regular meeting of each year. If any amendments of the Rules and Procedures are created in the review by the Board of Adjustment, Planning Director, and County Attorney, any amendments thereto shall be approved by the Board of County Commissioners and filed for record in the office of the County Clerk.

9.2.D.4.h. **Meetings.** The Board of Adjustment shall establish and cause to be published a monthly meeting calendar at its first regular meeting of the calendar year. Meetings need not be held if there is no scheduled business. Special meetings may be called at any time in accordance with the Open Meetings Act of New Mexico and bylaws of the Board of Adjustment.

9.2.D.4.i. **Quorum.** A quorum of three members shall be present at the meeting and eligible to vote on a matter for the board to conduct business on a matter.

9.2.D.4.j. **Quasi-Judicial Public Hearings.** The Board of Adjustment, when reviewing variance applications, appeals of orders, and decisions or determinations made by the Building Official, shall be acting in a quasi-judicial capacity.

9.2.D.4.k. **Decisions.** The Board of Adjustment shall make findings of fact and decisions based on an application's completeness and compliance with applicable local, state, and federal laws. Decisions of the Board of Adjustment shall be filed for record in the office of the County Clerk no later than thirty (30) calendar days from the date that the decision is made.

9.2.D.4.l. **Appeals.** Decisions rendered by the Board of Adjustment may be appealed by a party, as defined in *Article VI*, to the Board of County Commissioners in accordance herein.

9.2.E. Planning Commission

9.2.E.1. The Taos County Planning Commission is created pursuant to NMSA 1978, §§ 4-57-1, et seq.

9.2.E.2. The Planning Commission shall have the following powers and duties:

9.2.E.2.a. **Variance.** The Planning Commission shall hear and review, and approve, approve with conditions, or deny applications for a variance from a Permissive Development Review, Conditional Use Permit, Major Development Permit, Home Occupation, Special Event Permit, Planned Unit Development, Short-Term Rental Permit, Sign Permit, Summary Plat, Master Development Plan, Preliminary Plat, and Resubdivision dimensional

requirements and development standards when hearing a zoning or subdivision application at the request of the applicant. Alternately, the applicant may wish to proceed with an application for a variance to the Board of Adjustment in a multi-step process.

9.2.E.2.b. **Conditional Use Permit.** Hear and review and approve, approve with conditions, or deny applications for Conditional Use Permits.

9.2.E.2.c. **Major Development Permit and Rezoning.** Hear and review, and recommend approval, approval with conditions, or denial of applications for a Major Development Permit, Planned Unit Development and Rezoning to the Board of County Commissioners.

9.2.E.2.d. **Subdivisions.** Hear, review, and give recommendations to the Board of County Commissioners on applications for Master Development Plan, Preliminary Plat subdivisions, and final approval of summary subdivisions with variances and on appeals of administrative decisions of the Planning Director as set forth in *Article VI*.

9.2.E.2.e. **Amendment to the UDC Regulations.** Recommend amendments to the Taos County Unified Development Code to the Board of County Commissioners.

9.2.E.2.f. **Amendment to Official Zone Map.** Recommend amendments to the County Zoning Maps, including all Community Zones, Neighborhood Zones, and Planned Unit Development Zones to the Board of County Commissioners.

9.2.E.2.g. **Comprehensive Plan.** Hear, review, consider, and give recommendations for approval or denial of adoption of and/or amendments to the Taos County Comprehensive Plan to the Board of County Commissioners.

9.2.E.2.h. **Alternate Members of Board of Adjustment.** A member of the Planning Commission shall serve as an alternate member of the Board of Adjustment, if a Board of Adjustment member must be absent from the meeting or if the lack of a quorum for a Board of Adjustment matter or meeting is anticipated. The Planning Director shall make every effort to give a member at least three (3) days' notice of his or her required service as an alternate member of the Board of Adjustment.

9.2.E.2.i. **Planning Commission Membership**

1. **Qualifications.** Members of the Planning Commission shall be residents of the County and shall be registered voters. No member of the Board of County Commissioners or County employee shall serve as a voting member of the Planning Commission. The Board of County Commission shall take into consideration the education and/or experience of potential appointees in planning, zoning, or land use matters but shall not be precluded from recommending or appointing individuals without such experience. The Planning Commission shall, to the extent possible, reflect a balance of views by the community regarding development.

2. **Appointment.** The Planning Commission shall be composed of five (5) members. Each year, residents who wish to be members of the Planning Commission shall submit a letter of interest, including a statement of qualifications, to the Planning Director by December 31. The Planning Director shall present the letters of interests to the Board of County Commissioners before January 15. Each member of the Board of County Commissioners shall appoint one individual to the Planning Commission for one year, based on the letters of interest received. Any member of the Board of County Commissioners, at their discretion, may also nominate any individual meeting the qualifications described above, with the approval of the majority vote of the Board of County Commissioners.

3. **Terms of Office.** A member may be reappointed with the approval of the majority vote by the Board of County Commissioners. An existing member shall not be required to submit a letter of interest as described in this section but shall inform the Planning Director of their desire to continue as a member.

4. **Removal from Office.** Any member of the Planning Commission may be removed for cause by majority vote of the Board of County Commissioners.

5. **Vacancy.** Whenever a vacancy occurs on the Planning Commission, a new member shall be nominated by the respective County Commissioner, with the approval of the majority vote of the Board of County Commissioners, to fill the vacancy as soon as practicable after the vacancy is created.

6. **Rules and Procedure.** The Planning Commission shall, with the advice of the County Attorney and County Planning Director, adopt rules and procedures to govern the voting rights of members and other procedural matters at their first regular meeting of each year. If any amendments of the Rules and Procedures are recommended by the Planning Commission, Planning Director, and County Attorney, any amendments thereto shall be approved by the Board of County Commissioners and filed for record in the office of the County Clerk.

7. **Meetings.** The Planning Commission shall establish and cause to be published an annual meeting calendar at its first annual meeting. Meetings shall be scheduled monthly but need not be held if there is no business to be heard by the Commission. Special meetings may be called at any time in accordance with the Open Meetings Act of New Mexico and bylaws of the Planning Commission.

8. **Quorum.** A quorum of three (3) members shall be present at the meeting to vote on a matter for the board to conduct business on a matter.

9. **Quasi-Judicial Public Hearings.** The Planning Commission shall conduct public hearings in quasi-judicial matters including but not limited to Conditional Use Permit applications, Major Development Permit applications, rezoning of limited areas, and variances.

10. **Decisions.** Planning Commission decisions on non-procedural matters shall be recorded and conducted by roll call vote. Commissioners shall make decisions based on an application's compliance with the regulations and applicable County, State, and federal laws and regulations. Decisions of the Planning Commission shall be filed for record in the Office of the County Clerk no later than thirty (30) days from the date the decision is made.

11. **Appeal of a Decision of Planning Director.** Hear, review, and consider appeals of decisions on administrative zoning clearances, home occupation permits, special event permits, short-term rental permits, summary plats, administrative adjustments, interpretations of UDC text and zoning maps, and applications made by the Planning Director in accordance with these regulations.

12. **Appeal of Decisions by Planning Commission.** Decisions rendered by the Planning Commission may be appealed by a party as defined herein to the Board of County Commissioners.

9.2.F. Board of County Commissioners. In addition to any authority granted to the Board of County Commissioners by general or special law, the Board of County Commissioners shall have the following powers and duties:

9.2.F.1. **Amendment of the Taos County Unified Development Code.** Hear, consider, and approve or deny proposed amendments of the Taos County UDC regulations de novo concerns and the written recommendation of the Planning Commission, after proposal by the Planning Department, or on its own request. Recommendations of the Planning Commission are reviewed de novo by the Board of County Commissioners and not by appeal.

9.2.F.2. **Amendment of Official Zone Maps.** Where applicable within these regulations, the Board of County Commissioners shall hear, review, consider, and approve or deny applications for amendment to the official zone maps upon the recommendation of the Planning Commission, the Planning Department, or upon their own initiative. Recommendations of the Planning Commission are reviewed de novo by the Board of County Commissioners in an open meeting.

9.2.F.3. **Major Development and Rezoning.** Hear, consider, and give final approval or denial on major development, planned unit development, and rezoning applications. Recommendations of the Planning Commission are reviewed de novo by the Board of County Commissioners.

9.2.F.4. **Appeals of Decisions of the Board of Adjustment or Planning Commission.** Hear, review, and consider appeals of decisions of the Board of Adjustment or the Planning Commission in accordance with *Article VI*.

9.2.F.5. **Other Actions.** Take such other action not delegated to the Planning Commission, the Board of Adjustment, or Planning Director, as the Board of County Commissioners may deem necessary to implement the provisions of the County Comprehensive Plan and these regulations.

9.2.F.6. **Decisions.** Board of County Commissioners decisions shall be recorded and conducted by roll call vote. The Board of County Commissioners shall make decisions based on an application's compliance with the regulations and applicable county, state, and federal laws and regulations. Decisions of the Board of County Commissioners shall be filed for record in the office of the County Clerk no later than thirty (30) days from the date that the decision is made.

9.2.F.7. **Appeals of Decisions of the Board of County Commissioners.** Decisions by the Board of County Commissioners may be appealed by a party as defined herein to District Court.

9.2.G. Neighborhood Advisory Boards.

In any active legacy community and neighborhood zone areas, neighborhood advisory boards are responsible to review applications and provide any comments to the Planning Director for zoning and subdivision activities within the boundaries of the approved community and neighborhood zone areas for Conditional Use Permits, Major Development Permit, rezoning, Major Development Plans, Preliminary Plats, and variances.

9.2.G.1. **Registry of Associations.** To be a County-recognized neighborhood association, the association must be organized as an unincorporated association or a nonprofit corporation under the laws of the State of New Mexico, with bylaws that include a membership provision for property owners and residents, filed with and recognized by Taos County. Evidence that the association and its meetings are open to all residents of the neighborhood, an outreach plan for assuring a representative and informed membership, a copy of the articles of association or incorporation and rules or bylaws, a map and written description of the neighborhood, and contact information for all officers must be filed with the County Planning Director and recorded with the County Clerk. The association must then be recognized by a resolution of the Board of County Commissioners. For the association to maintain status in good standing with the County, the approved association will provide a copy of the minutes of its annual meeting and updated membership and officers list. The County Planning Director will respond within sixty (60) days with a certificate of good standing with the County for the neighborhood association to the current chairman or president of record.

9.2.G.2. **Open Meetings Compliance.** Meetings shall comply with New Mexico law, including but not limited to the New Mexico Open Meetings Act, and with rules and bylaws adopted by the Neighborhood Advisory Board as recorded with the County Clerk.

9.2.G.3. **Propose New Zoning.** The Neighborhood Advisory Board may propose and recommend amendments to the County Zoning Maps, including all base zones, zoning overlays, community zones, neighborhood zones, and Planned Unit Development zones to the Board of County Commissioners.

9.2.H. Communication in Quasi-Judicial Matters

9.2.H.1. **Quasi-Judicial Proceedings.** Members of the Planning Commission, Board of Adjustment, and Board of County Commissioners may act in quasi-judicial capacities when participating in public hearings under these regulations. As such, only the highest degree of integrity in the process by a member ensures the public trust in an impartial decision.

9.2.H.2. **Conflict of Interest.** A member of a decision-making body shall not participate in or vote on any quasi-judicial matter in a manner that would violate an applicant's or party's right to a fair and impartial decision. Impermissible conflicts include, but are not limited to, a member having prejudged or fixed his or her opinion on a matter prior to hearing the evidence and argument of all parties at the public hearing, bias of a member due to disclosed or undisclosed ex parte communications, family, business, or other associations or relationships of a member with an interested person, when a member is a party, or when a member has a present or potential financial interest in the outcome of the matter. In instances of conflicts of interest, the member shall disclose the conflict of interest on the record and recuse himself or herself from the particular hearing and leave the hearing room for purposes of that hearing. If an objection is raised to a member's participation, and the member has not voluntarily recused or refuses to recuse himself or herself, the chairman and remaining voting members present shall rule on the conflict of interest by majority vote, which vote is final. If the majority determines the member has a conflict of interest, that member shall leave the hearing room for purposes of that hearing.

9.2.H.3. **Ex Parte Communications.** "Ex parte" communications are communications in which only one party is heard, i.e., without the other party present and without an opportunity for the other party to be heard. Participation in such communications by a member of a commission or board hereunder is prohibited. Members of decision-making bodies shall not engage in communications about applications or appeals or other matters under review or reasonably anticipated to come under review with the parties to quasi-judicial proceedings. An applicant or party shall not engage in like communications with members of the decision-making commission or board, and such communications are also prohibited. All ex parte communications in quasi-judicial matters are prohibited.

9.2.H.4. **Period of Prohibition.** The prohibition against ex parte communications shall apply to all applicants and parties and commission and board members hereunder beginning at the moment such applicant, party, commission, or board member has actual notice of the pending matter and never later than such time as notice of the first hearing on the pending matter is published. The prohibition shall remain in effect until the final decision on the matter by any commission or board is rendered in writing and filed and any appeal period has expired, or the appeal process is exhausted to completion. If an appeal is filed, the prohibition continues.

9.2.H.5. **Sanctions.** Upon a written complaint to the County Attorney that an applicant or party knowingly and willfully engaged in or solicited ex parte or prohibited communications hereunder, further action or hearing on the application or appeal shall be immediately suspended, and a hearing officer shall be appointed by the County Attorney to hold a public hearing on the complaint, the audio of which hearing shall be recorded. An applicant or party as defined herein who is found by a preponderance of the evidence to have knowingly and willfully violated Section ___ of this code during the period of prohibition, may, in the hearing officer's discretion, be:

9.2.H.5.a. Censured by the hearing officer;

9.2.H.5.b. Disallowed from presenting evidence or testimony on the application or appeal;

9.2.H.5.c. Subjected to delay of up to one (1) year of the merits hearing; or

9.2.H.5.d. Subjected to denial of the application or appeal without a hearing on its merits.

9.2.H.6. Appeal of the hearing officer finding and/or sanction is solely to the Eighth Judicial District Court by filing a Notice of Appeal in the District Court within thirty (30) days of the filing of the decision of the hearing officer, and shall be pursuant to NMSA 1978, § 39-3-1.1 and Rule 74 of the Rules of Civil Procedure.

9.2.H.7. Appointees of the Board of County Commissioners serve at the will and pleasure of the Board. Upon written complaint alleging violation of Section 1.__ of this code during the period of prohibition made against an appointee of a member of the Board of County Commissioners, the Board of County Commissioners may, in its discretion, hold a public hearing on the complaint. If the Board of County Commissioners finds, by a preponderance of the evidence, that an appointed commission or board member violated Section 1.__ of this code during the period of prohibition, the Board of County Commissioners may fashion an appropriate sanction, including but not limited to immediate withdrawal of the member's appointment. The decision of the Board of County Commissioners as to an appointee of the Board of County Commissioners is final.

Article X Definitions & Rules of Interpretation

10.1 GENERAL RULES OF INTERPRETATION

Purpose: This section establishes rules for interpreting the UDC. In their interpretation and application, the provisions of the UDC are considered the minimum requirements for the promotion of the public safety, health, and general welfare.

10.1.A. Applicability. These regulations apply to privately owned lands in unincorporated areas of Taos County.

10.1.B. For purposes of interpreting the UDC, the following definitions of word use apply.

10.1.B.1. Words used in present tense include the future tense;

10.1.B.2. Words used in the singular include the plural and words in the plural include the singular, unless the natural construction of the wording indicates otherwise;

10.1.B.3. Words of one gender include the other genders and firms, partnerships, and corporations;

10.1.B.4. The words “shall” and “must” are mandatory;

10.1.B.5. The words “may,” “should,” and “encouraged” are permissive;

10.1.B.6. The term “structure” includes the term “building”;

10.1.B.7. The term “lot” includes the terms “plot,” “parcel,” and “tract”;

10.1.B.8. The phrase “used for” includes “designed for,” “intended for,” “maintained for,” and occupied for”;

10.1.B.9. The words “such as,” “includes,” “including,” and “for example” mean “including, but not limited to” or “by way of example and not limitation” unless otherwise provided;

10.1.B.10. The term “person” includes the terms “association,” “company,” “corporation,” “firm,” “individual,” “organization,” and “partnership;” and

10.1.B.11. Words not defined in the UDC have the definition prescribed in the common dictionary.

10.1.C. The UDC contains tables, illustrations, and graphics designed to assist the reader in understanding the provisions of the UDC. To the extent there is any inconsistency between the text of the UDC and any tables, illustrations, or graphics, the text controls.

10.1.D. Where the UDC allows or requires an act on the part of an “owner,” “lot owner,” or “property owner,” and a particular lot or tract of land is owned by several persons, whether in partnership, joint venture, or other form of joint ownership, the act shall be taken on behalf of, and with the express consent of, all such persons.

10.1.E. Any reference to a statute, provision of the Taos County Code, other laws or regulations, reference documents, technical manuals, or other documents refer to the most recent versions of those documents, including any amendments or updates to the statute, county code, law, regulation, or other document.

10.1.F. In computing any period of time, refer to Section ____ unless specifically provided in the UDC.

10.1.G. Conflicting Provisions

10.1.G.1. **In the UDC.** When one UDC standard conflicts with another UDC standard, whichever provisions are more restrictive or impose higher standards will prevail unless otherwise specified.

10.1.G.2. **With Other Statutes, Ordinances, or Regulations**

10.1.G.2.a. **Stricter Standards in the UDC.** When the UDC requires a greater width or size of yards or courts, requires a lower height of a building or fewer number of stories, requires a greater percentage of a lot to be left unoccupied, or imposes higher standards than are required in any other statute or local ordinance or regulation, the UDC standards will prevail.

10.1.G.2.b. **Stricter Standards in Other Statutes, Ordinances, or Regulations**

1. When stricter standards appear in other statutes, ordinances, rules, regulations, or other provision of law applicable to Taos County, the UDC is not intended to interfere with, annul, or abrogate them.
2. When regulations made under authority of Statute ___ require a greater width or size of yards or courts, or require a lower height of a building or fewer number of stories, or require a greater percentage of a lot to be left unoccupied, or impose other higher standards than are required in any other statute or local ordinance or regulation, the regulations made under authority of this section govern.
3. When the provisions of any other statute, local ordinance, or regulation require a greater width or size of yards or courts, or require a lower height of a building or a fewer number of stories, or require a greater percentage of a lot to be left unoccupied, or impose other higher standards than are required by the regulations made under authority of Statute ___, the provisions of that statute or local ordinance or regulation govern.

10.1.G.2.c. **Conflicts with Private Restrictions**

1. The UDC does not interfere with or abrogate or annul any easements, covenants, restrictions, or other agreements between parties.
2. Where the UDC is more restrictive or imposes higher standards than a private restriction, the UDC controls.
3. Where a private restriction is more restrictive or imposes higher standards than the UDC, the private restriction controls if properly enforced by a person having the legal right to enforce the restrictions. The County does not enforce private restrictions.

10.2 DEFINITIONS

10.2.A. The following definitions shall be used in the interpretation and enforcement of the Unified Development Code. Words and terms used in the UDC have their commonly accepted dictionary meaning unless specifically defined in this section or the context in which they are used in the UDC clearly indicates otherwise.

(A)

ABANDONMENT – To intentionally cease the occupancy or use of a property for its approved, permissible, or legal nonconforming use for a period of 365 consecutive days or more. For the purposes of this UDC, abandonment does not apply to single-family residential properties or structures.

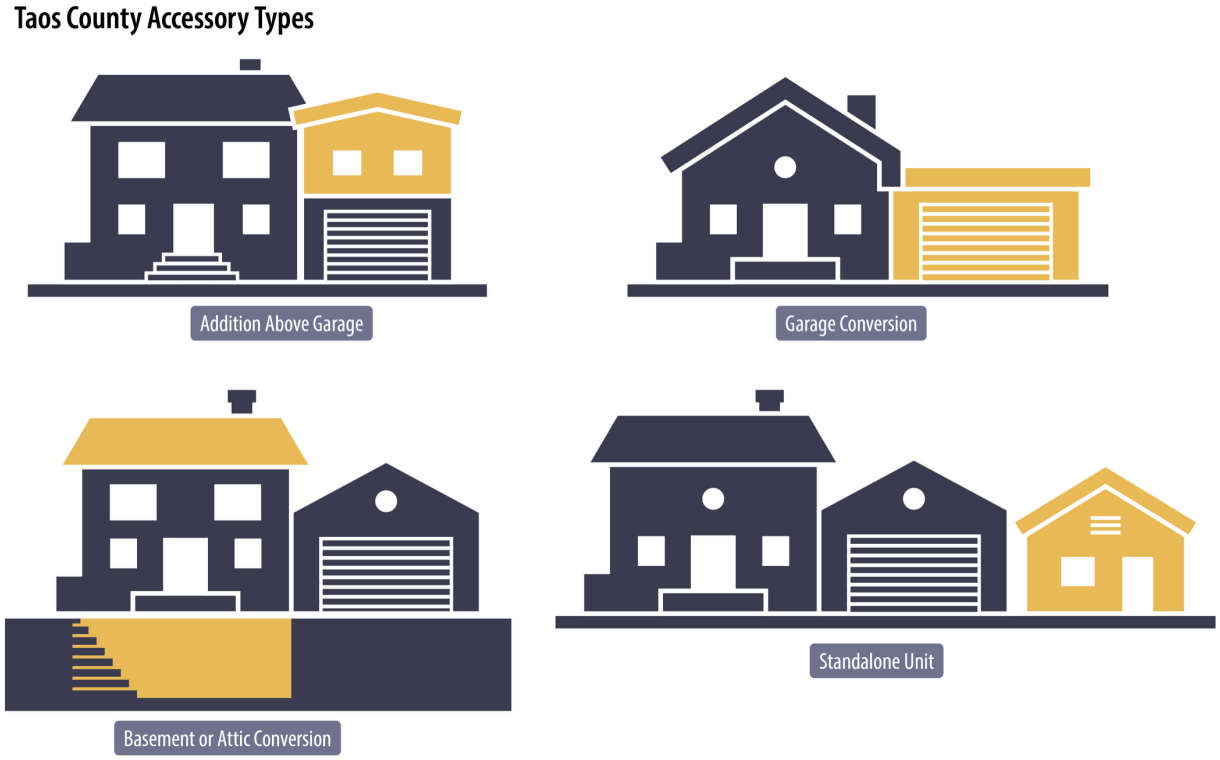
ACCENT LIGHTING – Any directional light that emphasizes a particular object or draws attention to a particular area.

ACCEPTANCE – Acceptance of any dedicated land within a subdivision by the Taos County Board of County Commissioners, through the signing of a subdivision plat, including roads for public use and/or for maintenance.

ACCESS – A means of entrance to or exit from a property.

ACCESSORY DWELLING UNIT – Any dwelling unit that is located on the same legal lot or parcel as, but incidental to, the owner's primary residence. The ADU may share at least one wall with the primary residence or be a stand-alone structure (detached from the primary residence).

Figure 10.2.1



ACCESSORY STRUCTURE OR BUILDING – A structure or building located on the same lot or parcel as the principal structure, the use of which is incidental, subordinate, secondary to, and under common ownership with the principal structure or building, such as a detached garage, shed, or carport.

ACCESSORY USE – Use of land found on the same lot or parcel as a principal use that is subordinate, incidental, and secondary in size and character, related to, and customarily associated with the principal use.

ACEQUIA – A irrigation system and its associated infrastructure that transports surface water from a spring, river, or mountain stream to a community that allows for farmers to irrigate their agricultural fields. The term “acequia” shall include the acequia madre; any lateral ditches referred to as venita, vena, versa, lindero, or presa, whether or not in use; any acequia diversion, compuerta, desague, field drainage, or outlet for the conveyance of water; and all acequia infrastructure whether or not currently in use. The State of New Mexico recognizes acequias as a political subdivision and a principal local government unit for the distribution and use of surface water. Each acequia has its own Acequia Association that has the power of eminent domain, and owners of the water rights are authorized to govern these irrigation systems.

Figure 10.2.2

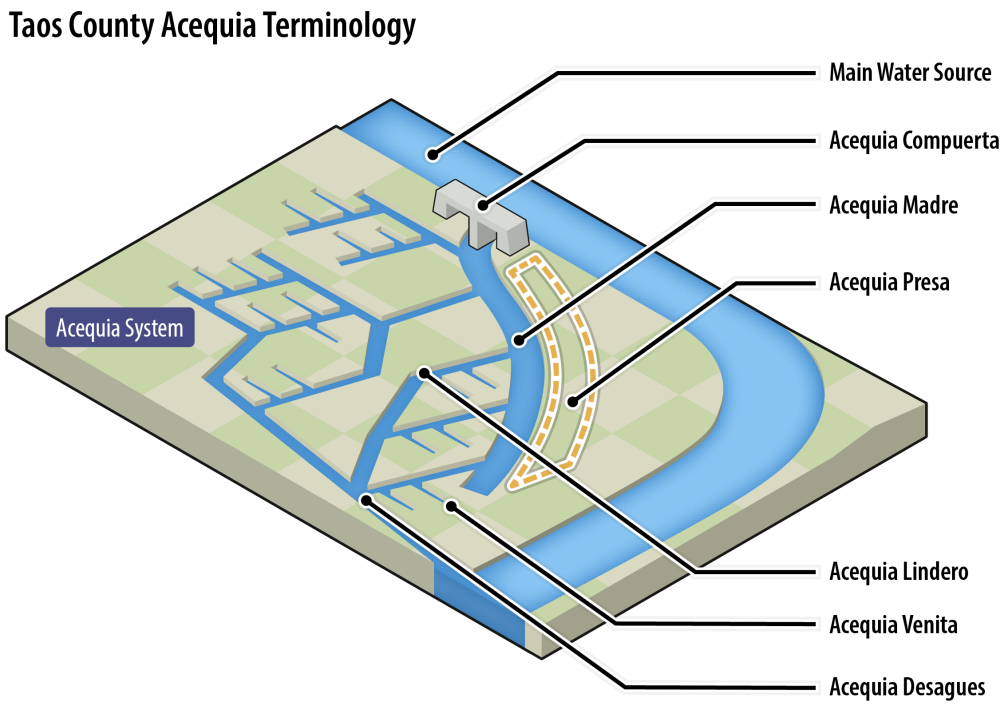
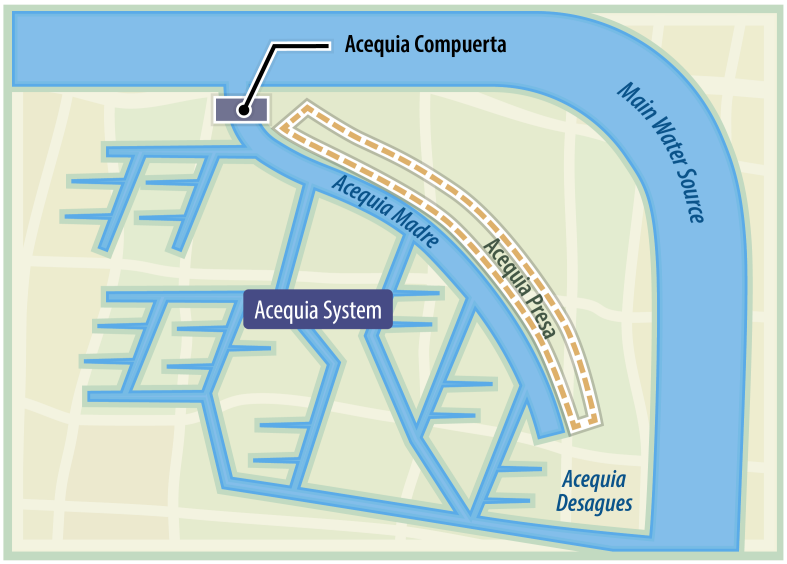


Figure 10.2.3



ACEQUIA COMMISSIONERS – Elected officials elected by the parciantes, serving as the governing body for an acequia, supporting the work of the mayordomo, developing policy, addressing disputes, and managing legal and business matters of the acequia.

ACEQUIA COMPUERTA – The head gate that is opened to divert water from a stream into the upper end of the acequia madre, and from the acequia madre into smaller lateral ditches.

ACEQUIA EASEMENT – A legal right of way that allows access to an acequia for maintenance and irrigation purposes. The easement runs along both sides of the main ditch and its laterals, granting the right to access the ditch, maintain it, and make reasonable improvements.

ACEQUIA MADRE – The mother ditch (acequia madre) or main irrigation canal diverting water from a stream.

ACEQUIA MAYORDOMO – The ditch superintendent elected by the parciantes or appointed by the acequia commissioners annually to oversee the operations and maintenance of an acequia and allocate water to parciantes in accordance with customs and bylaws. Water use is determined by the mayordomo.

ACEQUIA PARCIANTE – A member of an acequia, or holder of an acequia water right, responsible for a sharing of the ditch maintenance proportionate to his or her irrigated acreage.

ACEQUIA PRESA – A dam, dike, or bank. Presa is also known as atarque or toma.

ACEQUIA VENITA – The lateral ditch(es) originating from the acequia madre or supplementary acequias that deliver water to individual lands.

ADJACENT – Any adjoining lot or parcel of land that shares all or part of a common lot line with another lot or parcel of land; also, any lot or parcel that abuts or is contiguous.

ADOPTIVE CONTROLS – Mechanical or electronic devices, when used in the context of outdoor lighting systems, intended to actively regulate the switching, duration, and/or intensity of light emitted by the outdoor lighting system. Examples of adaptive controls include timers, dimmers, and motion-sensing switches.

ADULT BUSINESS ESTABLISHMENTS – Any establishment whether conducted intermittently or full time, involving the sales, distribution, or display of goods, services, or any other activities to individuals over the age of eighteen (18), that involve any exhibit or allusion to sexual, pornographic, or other adult themes. This includes the sales or rentals of audio or visual media and any activities where nudity, anatomically explicit demonstrations, or sex-related activities occur. The definition includes but is not limited to adult arcade, adult encounter parlor, adult motel, adult motion picture theater, and adult bookstores, and shall exclude professionally licensed massage therapists and medically approved services.

AFFECTED AREA – An area that has been, is, or might be impacted by a land use change.

AFFORDABLE HOUSING – The rental or ownership of housing and utilities whose monthly cost burden represents no more than 30 percent of the gross income of an individual or a family as defined by the United States Department of Housing and Urban Development.

AGRICULTURE AND AGRICULTURAL SUPPORT FUNCTIONS – The practice of cultivating soil, growing crops, and raising animals for food, fiber, and other products for sale, lease, or personal use, including the non-primary activities that enable, enhance, and sustain agricultural production, processing, and marketing. Some examples of agriculture include but are not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts, and berries; vegetables; nursery, floral, ornamental, cannabis, hemp, and greenhouse products; or lands devoted to a soil conservation or forestry management program.

AGRIHOOD – A type of planned community that integrates agriculture into a residential neighborhood. The purpose is to facilitate food production as well as provide green space, recreation, aesthetics, and cultural value for a community.

AGRO-INDUSTRIAL – Land use activities combining agricultural and industrial uses, where the primary purpose of the activity is not the growing or raising of food, but the fattening, slaughter, commercial storage, or processing of agricultural products for the purpose of sale or lease.

AHJ – Authority Having Jurisdiction. Taos County shall be the AHJ for all County building and planning regulations.

AIRPORT AND LANDING STRIP – A place where aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers.

ALCOHOLIC BEVERAGE MANUFACTURING/DISTILLERY – A commercial business that conducts the process of creating alcohol beverages with alcohol content as defined by federal law, which is fermented, brewed, or distilled on the premises in compliance with applicable state and federal laws. Such establishments may sell alcoholic beverages (wine, beer, liquor, and/or distilled spirits) for consumption on the premises and may also include a restaurant and live entertainment as an accessory use; or may conduct the process of bottling works in order to sell the product at another location.

ALCOHOLIC BEVERAGE SALES (ON-SITE CONSUMPTION) – The sale of alcoholic beverages for consumption at the place of sale. The approval of this use is contingent upon the acquisition of all applicable state licenses.

ALCOHOLIC BEVERAGE SALES (RETAIL) – The sale of alcoholic beverages for consumption at a location other than the place of sale. The approval of this use is contingent upon the acquisition of all applicable state licenses.

ALLOWED USE – A permitted use as notated in the Use Matrix, Table 2.7.1 for each zone.

AMPHITHEATER, OUTDOOR STAGE – An open-air venue, or a circular or oval building with rising tiers of seats around a central arena used for entertainment, performances, and sports events. Outdoor stages include bandstands or areas defined specifically for live entertainment purposes, such as music, stand-up comedy, presentations, or other similar activities drawing crowds of people.

AMUSEMENT FACILITY, INDOOR – Establishments that operate a variety of rides, games, and events indoors, featuring small rides and games such as bowling, arcade games, water rides, shows, and food courts. These establishments can be designed in multi-tenant centers, or in stand-alone buildings.

AMUSEMENT/THEME PARKS – Establishments primarily engaged in operating a variety of attractions, such as mechanical rides, water rides, games, shows, theme exhibits, refreshment/food stands, restaurants, and picnic grounds. These establishments are built for long-lasting operations and are not funfairs or carnivals.

ANIMAL AND PET CARE SERVICES – An establishment primarily engaged in providing the medical examination, treatment, boarding, grooming, sitting, and training of animals and includes the retail sales of associated products, which may include but not limited to veterinary clinics, pet grooming salons, boarding kennels, impounding facilities, and animal shelters.

ANIMAL BOARDING – A facility that provides shelter and care for animals or pets on a commercial basis, which includes activities such as feeding, exercising, grooming, incidental medical care, boarding, training, and/or sale.

ANTENNA ARRAY – One or more rods, panels, discs, or similar devices used for transmission or reception of wireless signals, which may include omni-directional antenna (whip or rod), directional antenna (panel), and parabolic antenna (dish). The Antenna Array does not include the Support Structure, or Existing Vertical Infrastructure to which it is attached.

ANTIQUE SHOP – Establishments primarily engaged in retailing used merchandise, antiques, and secondhand goods (except motor vehicles, such as automobiles, RVs, motorcycles, and boats; motor vehicle parts; tires; and mobile homes).

APPAREL AND ACCESSORY STORES – Establishments primarily engaged in retailing new clothing, shoes, luggage, or footwear.

APPLICANT – Any entity or individual(s) that submits an application to the Taos County Planning Department for any permit identified in the Taos County Unified Development Code.

AQUARIUM OR PLANETARIUM – Establishments primarily engaged in preservation and exhibition of aquatic plants and animals such as fish, corals, sharks, and other water creatures; as well as objects of historical, cultural, and/or educational value.

ARCHEOLOGICAL SITE AND ARCHEOLOGICAL FEATURES – A location that contains physical evidence of specific human activities of the past. Archeological features mean non-portable cultural remains including buildings, ruins, storage pits, fire pits, burial sites, work sites, architectural remains, or undisturbed layers of deposited materials.

AREA OF NOTICE MAP – The area within the distance required by the public notice requirements of the Taos County UDC.

ART GALLERY – An establishment primarily engaged in the display of original and limited-edition art works for retail sale.

ARTIST STUDIO – A facility used for independent individuals primarily engaged in the conception, experimentation, and production of creating artistic and cultural works; minimizing external distractions; and maximizing access to necessary tools and resources. Examples include actors/actresses, producers, art restorers, recording technicians, and cartoonists.

ARTS & CULTURAL USES – A wide range of human practices that involve creative expression, storytelling, and cultural participation. It plays a vital role in preserving cultural identity, providing a link between past and present, and shaping future perspectives. It serves as a powerful conduit for shared histories, personal identities, and collective beliefs, reflecting the characteristics of a culture and fostering understanding and empathy between diverse communities. Some examples are the production and sale of arts and crafts, the presentation of music or theater, the on-site production of goods by hand-manufacturing involving the use of hand tools and small-scale, light mechanical equipment (with electric motors that do not exceed five horsepower and that are directly associated with the production of arts and crafts).

AS-GRADED – The extent of surface conditions on completion of grading.

ASSEMBLY PLANT, GENERAL – A facility where pre-made parts are put together to form a complete, operational product, usually in a large-scale production.

ASSISTED LIVING FACILITY – A nonmedical facility, licensed by the State of New Mexico, that provides services for the elderly and disabled, who do not require medical attention but are unable to live independently, providing room and board, housekeeping services, supervision, social activities, and personal care.

ATTACHED WIRELESS COMMUNICATIONS FACILITY ("Attached WCF") – An Antenna Array that is attached or affixed to an existing building or structure (including: a utility pole, sign,

or water tower), along with any transmission cables and accompanying pole or device that attaches or affixes the Antenna Array to the existing building or structure.

AUTHORIZED AGENT – Any individual or entity legally authorized to conduct business with the County on a parcel owner's behalf.

AUTOMOBILE STORAGE OR TOWING (EXCLUDING JUNKED VEHICLES) – Establishments primarily engaged in towing light or heavy motor vehicles, along with incidental services such as storage and emergency road repair services. Includes any impound towing business.

AUTO SUPPLY (PARTS) STORES – The sale of parts and products used in automobiles, motorcycles, trucks and similar vehicles, not including the on-site installation of such parts or products.

(B)

BAIL BONDING – An establishment principally engaged in acting as a surety and pledging money or property as bail for the appearance of a defendant in court, which secures the defendant's release from jail.

BAKERY, RETAIL – Establishments primarily engaged in retailing bread and other bakery products made on the premises, for the direct sale to consumers.

BAKERY, WHOLESALE – Establishments engaged in the sale of baked goods in bulk, made on the premises, for the sale to other businesses, emphasizing high-volume production and consistent product supply.

BARS, TAVERNS, AND DRINKING ESTABLISHMENTS – Establishments primarily engaged in the sale of alcoholic beverages for consumption on the premises, which may offer additional services such as food and entertainment, although the main purpose is to provide a space for patrons to enjoy alcoholic beverages. The approval of this use is contingent upon the acquisition of all applicable state licenses.

BED AND BREAKFAST – A small lodging establishment that operates within a dwelling unit, where the host may or may not be the owner, providing five (5) or fewer guest rooms on a commercial basis for stays of seven (7) or fewer consecutive nights, with no cooking facilities in the guest rooms, and provides breakfast exclusively to guests occupying the facility.

BEDROOM – An area which consists of four walls to the ceiling, with a floor area of not less than seventy (70) square feet and a minimum ceiling height of seven (7) feet, is heated by equipment that maintains a temperature of at least sixty-eight (68) degrees, and at least one wall being an exterior wall with a window meeting the requirements for emergency escape.

BENCH – A relatively level step excavated into earth material on which fill is to be placed.

BERM – Any elevation of soil above surrounding grade which may function as a visual barrier. A berm shall be landscaped and maintained to prevent erosion.

BICYCLE SALES AND SERVICE – An establishment principally engaged in selling and repairing bicycles and bicycle equipment.

BILLBOARD – A sign that conveys information about a location other than the location on which it is located. All signs must conform to *Article V Signs.*

BLOCK – The distance measured along a street from centerline to centerline of intersecting streets.

BOND – A written obligation in the form of a surety, collateral agreement, or security agreement, serving as a financial guarantee ensuring that a developer completes public improvements such as roads and utilities, according to approved plans and contractual agreements.

BOOKSTORE – A retail establishment that specializes in selling books and offers related items such as magazines and educational materials.

BORROW – Earth material acquired from an off-site location for use in grading on a site.

BORROW SITE – An area located within a construction easement from which material is extracted for use in conjunction with a federal, state, county, or township road construction project.

BOTTLING WORKS – Establishments primarily engaged in the process of cleaning, sterilizing, filling, sealing, and labeling containers with essential information for drinks such as, sodas, juices, and water. See Alcoholic Beverage Manufacturing/Distillery for said uses.

BRAKING SYSTEM – The primary braking system, which uses a mechanical brake, pitch-control of the wind turbine blades, or stall-control to bring the wind turbine to a stop in such a way that stall-induced vibrations/noise are avoided.

BREWERY– Establishments primarily engaged in commercially producing beer, ale, malt liquors, and nonalcoholic beer to sell.

BREWPUB, TAP ROOM, OR ARTISANAL ALCOHOL MANUFACTURING – An establishment operating under an approved Small Brewer's License as governed by Section 60-6A-26.1 NMSA 1978, an approved Winegrower's License as governed by Section 60-6A-11 NMSA 1978, or an approved Craft Distiller's License as governed by Section 60-6A-6.1 NMSA 1978, where beer, wine, or spirits are produced on-site and are available for consumption on-site. Any production of alcohol as regulated by State law under one of these licenses is considered artisan manufacturing. Any sale of alcohol for off-premises consumption as regulated by State law under these licenses is not considered liquor retail.

BUFFER – A strip of land intended to create physical, visual, and/or open space maintained for various purposes, including reduction of erosion and siltation along surface waters and wetlands, reduction of poaching and wind erosion along roads and field edges, provision of wildlife travel corridors and habitat, and for separation of adjacent land uses or properties from one another.

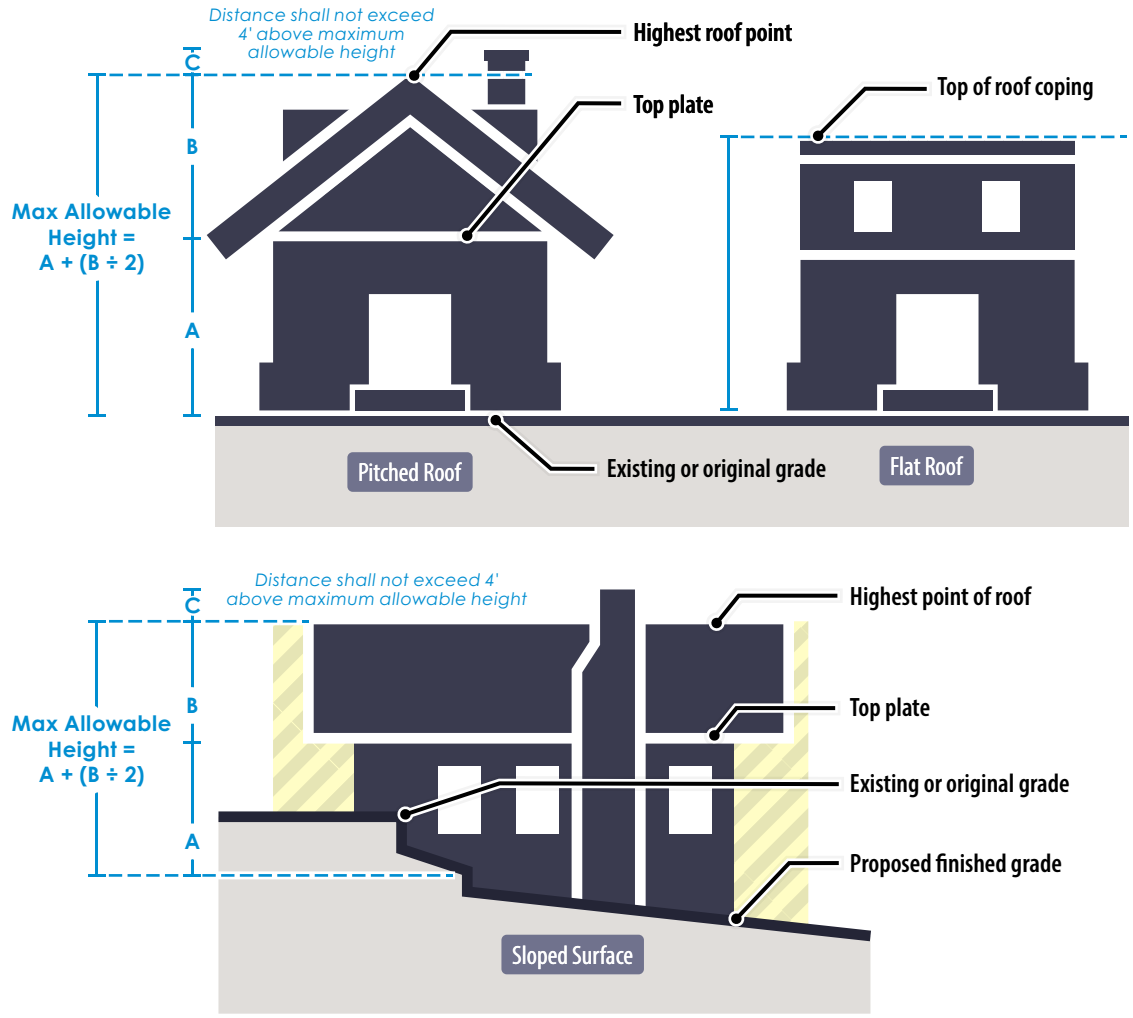
BUILDABLE AREA – The portion of a lot exclusive of easements, minimum setbacks, and yard area requirements.

BUILDING – Any structure built or intended for the support, shelter, or enclosure of persons, animals, or property of any kind.

BUILDING HEIGHT – The vertical distance from the center of the front of the building at the undisturbed preexisting elevation next to the building site to the top of the highest roof or parapet on a flat or shed roof, the deck level of a mansard roof, or the average distance between the eaves and ridge level for gable, hip, and gambrel roofs. Excluded from the measurement are attached chimneys, vents, flagpoles, solar structures, antennas, and other similar equipment that do not exceed four (4) feet above the maximum height.

Figure 10.2.4

Taos County Building Height



BULB – See LAMP

BUSINESS SERVICE CENTERS/BUSINESS SUPPORT – A dedicated facility that provides a range of office-related services to businesses, entrepreneurs, and professionals such as, blueprinting, printing, photostatting, copying, packaging, labeling, and similar services. It also may offer private or shared offices, meeting rooms, internet access, and administrative support, allowing businesses with the option for short-term or long-term office solutions.

BUS/TRUCK MAINTENANCE, INCLUDING REPAIR AND STORAGE – A facility providing maintenance and repair services for vehicles and equipment as well as areas for storage of equipment and supplies. This classification includes governmentally owned fleet facilities and yards, equipment service centers, and similar facilities.

(C)

CABLE NETWORKS AND DISTRIBUTION – Equipment and facilities for cables used or leased by a cable operator to deliver television broadcasts, video on demand, broadband Internet, landline telephone connections, and radio broadcasts.

CAFES AND COFFEEHOUSES – An establishment serving coffee, other nonalcoholic beverages, and food not prepared on-site, with the exception of bakery goods, and may offer occasional entertainment as an attraction for patrons.

CAMERA AND FILM SHOP; PHOTOGRAPHY STUDIO; FRAME SHOP – Establishments primarily engaged in providing still, video, or digital photography services, or developing film and/or making photographic slides, prints, and enlargements.

CANDY OR CONFECTIONARY MAKING (RETAIL) – Establishments that make a variety of sweets, chocolates, and other sugary treats for retail sale on the premises.

CANNABIS – All parts of the plant genus Cannabis containing a delta-9-tetrahydrocannabinol concentration of more than 3/10 percent on a dry-weight basis, whether growing or not; the seeds of the plant; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or its resin. Any reference to cannabis or cannabis products shall include medical and nonmedical cannabis or cannabis products, unless otherwise specified; and does not include:

- The mature stalks of the plant; fiber produced from the stalks; oil or cake made from the seeds of the plant; any other compound, manufacture, slat, derivative, mixture, or preparation of the mature stalks, fiber, oil or cake; or the sterilized seed of the plant that is incapable of germination; or
- Industrial hemp or the weight of any other ingredient combined with cannabis products to prepare topical or oral administrations, food, drink, or another product.

CANNABIS CONSUMPTION AREA – An area of a licensed premises where cannabis products may be served and consumed.

CANNABIS COURIER – A person that transports commercial or medical cannabis products to consumers.

CANNABIS ESTABLISHMENT – Any cannabis testing laboratory; cannabis manufacturer; cannabis producer; cannabis retail; cannabis research laboratory; vertically integrated cannabis establishment; cannabis producer microbusiness; integrated cannabis microbusiness; or cannabis consumption area.

CANNABIS EXTRACT – A product obtained by separating resins, tetrahydrocannabinols or other substances from cannabis by extraction methods approved by the State of New Mexico Cannabis Control Division. Cannabis extract does not include the weight of any other ingredient combined with cannabis extract to prepare topical or oral administrations, food, drink, or other product.

CANNABIS MANUFACTURER – An entity properly licensed by the State of New Mexico that processes cannabis items including the production, preparation, propagation and packaging of cannabis products; and the purchase, acquisition, sale or transport of wholesale cannabis products to other cannabis establishments, not including retail sales to consumers.

CANNABIS MANUFACTURER LICENSE TYPES – The following are license types of a cannabis manufacturer:

- Class I: A licensee that only packages or repackages cannabis products, or labels or relabels the cannabis product container;
- Class II: A licensee that conducts Class I activities, and manufactures edible products or topical products using infusion processes, or concentrates, and does not conduct extractions;
- Class III: A licensee that conducts Class I and Class II activities, and extracts using mechanical methods or nonvolatile solvents; and
- Class IV: A licensee that conducts Class I, Class II, and Class III activities, and extracts using volatile solvents or supercritical CO2.

CANNABIS PRODUCER – A person that manufactures cannabis products, packages cannabis products for resale, or purchases, acquires, sells, or transports wholesale cannabis products to other cannabis establishments. A Cannabis Producer includes a Cannabis Microbusiness, Small Cannabis Producer, Large Cannabis Producer, and Major Cannabis Producer.

CANNABIS PRODUCER, LARGE – A cannabis producer, properly licensed by the State of New Mexico, who cultivates or produces cannabis occupying less than five (5) acres, or fewer than 80,000 square feet, or who cultivates or produces cannabis within a structure or multiple structures that contain more than 2,001 mature cannabis plants.

CANNABIS PRODUCER, MAJOR – A cannabis producer, properly licensed by the State of New Mexico, who cultivates or produces cannabis with a canopy footprint of five (5) acres or more, or who cultivates or produces cannabis within a structure that contains more than 80,000 square feet of gross canopy space including all floor levels.

CANNABIS PRODUCER MICROBUSINESS – A cannabis producer, properly licensed by the State of New Mexico, at a single licensed premises that possesses no more than two hundred (200) total mature cannabis plants at any one time, and does not exceed a canopy footprint of two-thirds (2/3) acres.

CANNABIS PRODUCER, SMALL – A cannabis producer, properly licensed by the State of New Mexico, who cultivates or produces cannabis with a canopy footprint of 2/3 or fewer acres, or who cultivates or produces cannabis within a structure or multiple structures that contain between 201 and 2,000 mature cannabis plants.

CANNABIS PRODUCT – A product that is or that contains cannabis or cannabis extract, including edible or topical products that may also contain other ingredients.

CANNABIS RESEARCH LABORATORY – A facility that produces or possesses cannabis products and all parts of the plant genus Cannabis for the purpose of studying cannabis cultivation, characteristics, or uses.

CANNABIS RETAIL – A business that distributes, dispenses, delivers, stores, exchanges, processes, makes available, transmits, or sells cannabis or cannabis products for either medical or recreational use and is operated in accordance with state and local laws and regulations.

CANNABIS RETAILER – A person that sells cannabis products to consumers.

CANNABIS TESTING LABORATORY – A facility that samples, collects, and tests cannabis products, and transports cannabis products for the purpose of testing.

CAR CARE CENTER – A facility that provides a range of services for vehicle maintenance and upkeep, maintaining vehicle performance, safety, and longevity by providing regular maintenance and repairs. These centers offer essential services such as oil changes, brake

inspections, tire maintenance, and engine diagnostics to ensure vehicles remain in good condition and safe to drive.

CAR WASH – Establishments that wash, wax, or clean automobiles or similar light vehicles.

CATERING/FOOD SERVICE – A business that prepares food and beverages for off-site consumption, including delivery services. This classification includes catering kitchens, bakeries with on-site retail sales, and the small-scale production of specialty foods, such as sweets. This classification excludes food production of an industrial character.

CEMETERY – Land used as a burial ground for the interment of the human dead, including columbaria and mausoleums located within cemeteries, and private, individual, or family burial sites.

CERTIFICATED UTILITY – A utility that operates under the conditions of a certificate of convenience and necessity issued by the New Mexico Public Regulations Commission, which ensures that the utility is legally obligated to maintain adequate services to its customers.

CERTIFIED BUILDING OFFICIAL (CBO) – A Taos County employee who is approved by the State of New Mexico Construction Industries Division and is charged with the administration and enforcement of the provisions of the Construction Industries Licensing Act (CILA), the New Mexico Administrative Code, and the adopted International Building Codes. Each CBO must hold current nationally recognized certifications, and must have experience, qualifications, and broad knowledge of construction. The CBO also has the authority to render interpretations of the codes and to adopt policies and procedures in order to clarify the application of its provisions.

CIVIL ENGINEER – A professional engineer licensed by the State of New Mexico to practice in the field of civil works.

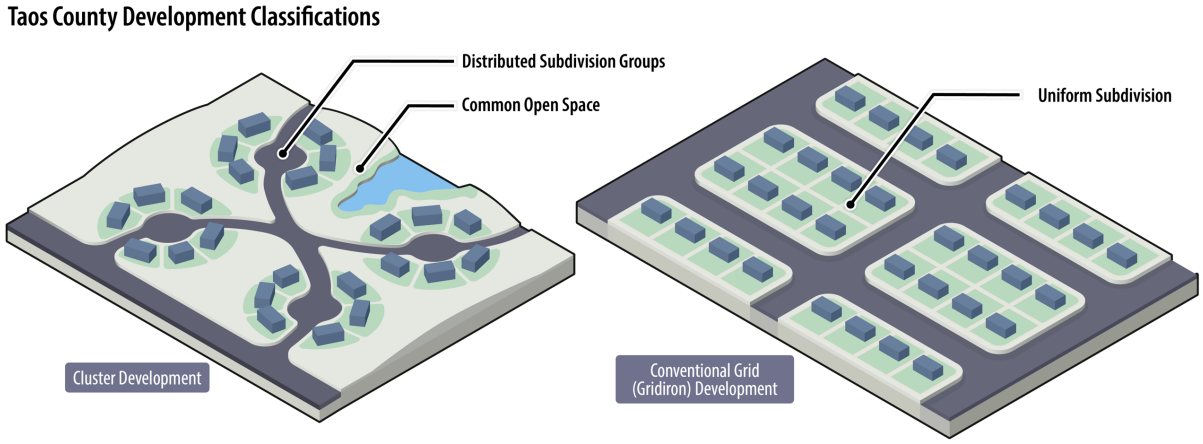
CIVIL ENGINEERING – The application of knowledge of the forces of nature, principles of mechanics, and the properties of materials to the evaluation, design, and construction of civil works.

CLEARING AND GRUBBING – Removal of topsoil and vegetation to include the removal of roots and stumps in order to prepare the land for construction, agriculture, or other uses.

CLUB, PRIVATE – An exclusive organization that is not open to the public, where individuals must meet specific criteria to join, serving a social purpose. This establishment primarily operates for social, cultural, or recreational activities.

CLUSTER DEVELOPMENT – A development design technique that concentrates buildings in specific areas on a site and requires the remaining land to be used for the dedication and preservation of common open space within the same site for uses such as agriculture, recreation, common open space, and preservation of environmentally sensitive areas.

Figure 10.2.5



CLUSTER SUBDIVISION – A specific type of subdivision design that uses the cluster development concept within a formal subdivision plan, as the grouping of homes is part of the official subdivision plat, with the remaining land permanently designated as open space.

COHOUSING – A cooperative community where residents live in private homes clustered around a shared community space, which may include but is not limited to a large kitchen and dining area, laundry, and recreational spaces.

COLLATERAL – Property or bond that is pledged as security for performance of any promises made by a subdivider in a disclosure statement, or for any act required to be done by the Taos Board of County Commissioners.

COLOCATION – Use of a common Wireless Communication Facility ("WCF") or common Support Structure by two or more wireless communications license holders or by one wireless communications license holder for more than one type of communications technology, or placement of a WCF on a structure owned or operated by a utility or other public entity, or placement of an Attached WCF.

COMMERCIAL CANNABIS ACTIVITY – The cultivation, production, possession, manufacture, storage, testing, researching, packaging and labeling, transportation, couriering, purchase for resale, sale, or consignment of cannabis products; it 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.

COMMERCIAL USES – Any use that involves the manufacture or sale of goods or services, including any agro-industrial activity, but shall not include a Home Occupation operation.

COMMON AREA – Spaces and facilities shared by multiple owners or residents within a community, building, or development. Common areas may include lobbies, hallways, elevators, stairwells, fitness centers, swimming pools, parking areas, laundry rooms, and outdoor courtyards.

COMMON PROMOTIONAL PLAN – Any plan or scheme of operation, undertaken by a single subdivider or a group of subdividers acting in concert to offer for sale or lease parcels of land where such land is either contiguous or part of the same area of land or is known, designated, or advertised as a common unit or by a common name.

COMMON WATER SUPPLY SYSTEM – A water system that serves more than one (1) but not more than six (6) residential or commercial units, as approved by the State Engineer of New Mexico.

COMMUNITY CENTER – A facility used for social, educational, and recreational activities and programs generally open to the public and designed to accommodate and serve the community.

COMMUNITY GARDENS – A parcel of land, either publicly or privately owned, that is cultivated by a group of people rather than a single family or an individual. These gardens are usually managed by volunteers or local residents who organize planting, maintenance, etc., where trees, herbs, fruits, vegetables, flowers, or other ornamental foliage are grown for personal use, consumption, or donation.

COMMUNITY LIQUID WASTE TREATMENT SYSTEM – A system designed to manage and treat wastewater generated by a community, ensuring it is disposed of in a manner that protects the environment and public health, and is approved by the State of New Mexico Environment Department.

COMMUNITY SERVICES, COUNSELING, AND INTERVENTION – Professional services that are designed to use structured approaches in order to support individuals in achieving their mental health, wellness, education, and career goals, by helping clients understand their issues, develop coping strategies, and make positive changes in their lives. Some counseling approaches can be individual, family, career, or group. Intervention services are provided to those who are at risk of school failure, violent behavior, crime, etc., and may include screening, direct instruction, alternative educational programs, psychological services, and counseling services.

COMMUNITY SERVICES, FOOD BANKS, AND SUPPORT SERVICES – Establishments primarily engaged in collection, preparation, and delivery of food for the needy. These establishments may also distribute clothing and blankets. Food banks, meal delivery programs, and soup kitchens are included in this category.

COMPACTION – The densification of a fill by mechanical means.

COMPREHENSIVE PLAN – The declaration of purposes, policies, and programs for the development of the unincorporated area of Taos County, adopted by the Board of County Commissioners.

COMPUTER AND ELECTRONIC PRODUCT MANUFACTURING – Establishments that manufacture computers, computer peripherals (i.e., communications equipment, and similar electronic products, as well the components that go into them).

CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO) – A type of agricultural operation where livestock are kept, fed, raised, and maintained in confined areas for at least forty-five (45) days or more in any twelve (12)-month period and crops vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

CONCEPTUAL SITE PLAN – A preliminary sketch that outlines the proposed layout and design of a site, which includes proposed buildings, landscaping, parking areas, and access points.

CONDITIONAL USE – A use that would become harmonious or compatible with neighboring uses through the application and maintenance of qualifying conditions.

CONDOMINIUM – A building, or group of buildings, divided into multiple residential dwelling units or commercial office spaces, and are owned individually or owned in common with exclusive rights of occupation by individual owners. The individual owners are surrounded by

common areas that are owned by all the owners on a proportional, undivided basis. Condominiums are subject to applicable provisions required by state law.

CONFERENCE AND RETREAT CENTER – A facility used for assemblies or meetings, conferences, and events, providing the necessary equipment and accommodations for attendees.

CONGREGATE CARE HOUSING – A multiple unit residential building that includes private residential spaces principally for sleeping accommodation, and where common areas and support services are provided within the building. This may include group homes, assisted or senior living facilities, residential treatment facilities, or emergency shelters.

CONSTRUCTION – The duly permitted permanent placing or erection of construction materials into position, including site grading or improvements for roadways. When excavation or removal of an existing structure has commenced in preparation for new construction.

CONSTRUCTION CONTRACTORS – An individual or a company that is responsible for overseeing and managing the execution of a project defined by a scope of work for a construction project, which includes ensuring that the project is completed on time, stays within budget, and meets code requirements. Typically, a construction contractor is responsible for the entire construction of new housing, accessory structures, or commercial buildings; or specific activities (e.g., pouring concrete, site preparation, plumbing, painting, carpentry, tile work, flooring, and electrical work) involved in building construction; or other activities that are similar for all types of construction.

CONSUMER (CANNABIS) – A person twenty-one (21) years of age or older who legally purchases, acquires, owns, possesses, or uses a commercial cannabis product for a purpose other than resale or a person who holds a medical cannabis program registry identification card issued by the State of New Mexico Department of Health or is a reciprocal participant.

CONTIGUOUS – Parcels being in actual contact along a boundary line or separated only by a road, right-of-way, or easement.

CONTRIBUTING PROPERTY – Any structure, object, or parcel of land within a historic district that adds to the historical integrity or architectural qualities that make the historic district significant. Contributing properties are usually listed on the National Register of Historic Places.

CONVENIENCE STORES, WITH GAS SALE – A convenience store that includes fuel sales. Automotive repair, car care services, and car washes are also allowed if it is listed as a permitted use in the applicable zoning district.

CONVENIENCE STORES, WITHOUT GAS SALE – Establishments that retail a limited line of goods that generally includes milk, bread, soda, and snacks

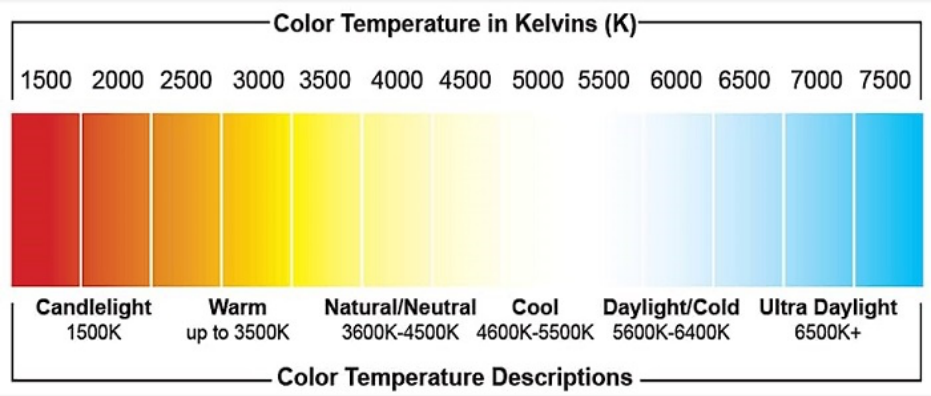
CORRECTIONAL FACILITY – A facility that manages the confinement of people (adult and juvenile) who have been arrested, detained, or convicted of offenses, provided that individuals held are awaiting trial, unable to post bail, or those serving sentences of one year or less. The facility is operated by a Taos County law enforcement agency or under contract with the Board of County Commissioners of Taos County.

CORRECTIONAL OFFICE, PAROLE/PROBATION – A government facility engaged primarily in providing officers who monitor individuals who have been sentenced by a court to probation or those individuals who have been released from prison, to ensure compliance with conditions of release.

CORRECTIVE ACTION – Any action required by the Planning Director to ensure compliance with or conformance to these regulations, County ordinances, and state law.

CORRELATED COLOR TEMPERATURE (CCT) – Means a measure of the "color" of a light source, expressed in kelvin (K). It corresponds to the temperature of an ideal black body that would emit light of a similar "color." CCT is measured on a scale from 1,000 to 10,000 K; from red to blue. The lower the kelvin value, the redder the light is. The higher the kelvin value, the bluer the light is.

Figure 10.2.6



COUNTY ROAD – Any road that is listed in the current Inventory of County-Maintained Roads provided to the State under State Statute.

COURIER AND MESSENGER SERVICES – Establishments (such as a UPS or a FedEx store) primarily engaged in providing air, surface, or combined-mode courier services, express delivery services of parcels, or local messenger and delivery services of small items, with local pickup and delivery. Examples include air courier services; express delivery services; local delivery services for letters, documents, or small parcels; grocery delivery services (i.e., independent service from grocery store); or restaurant meals delivery services.

CREMATORIES – A building or structure containing one (1) or more furnaces for the reduction of bodies of deceased persons to cremated remains.

CRITICAL MANAGEMENT AREA – A bounded area, designated by the Office of the State Engineer, that requires heightened water resource protection because water resources may be inadequate to sustain well production.

CUL-DE-SAC – A street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

CULTIVATION (CANNABIS) – Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

CULTURAL FACILITIES – A nonprofit institution engaged primarily in cultural, artistic, and heritage activities that is open to the public on a regular basis. Spaces are typically provided where people can participate, observe, or engage in activities such as performing arts, visual arts, and heritage preservations. Some examples include centers for theaters and concert halls, museums, historical sites, art galleries, libraries, botanical gardens, zoos, aquariums, and observatories.

(D)

DANCE AND FITNESS STUDIOS – The Dance and Fitness Studios use-type consists of the use of space, often before and after normal working hours, for dance, exercise programs, spas, pools, and general fitness training.

DATA CENTERS AND SERVER FARMS – Facilities that house and manage large-scale computer equipment such as servers, storage systems, and networking gear, along with the infrastructure (power, cooling, security) needed to operate them reliably. A server farm is a collection of networked servers working together to handle specific workloads, typically as part of a data center.

DATA PROCESSING, HOSTING, AND RELATED SERVICES – Establishments that provide infrastructure for hosting or data processing services. These establishments may provide specialized hosting activities, such as web hosting, streaming services, or application hosting; provide application service provisioning; or may provide general timeshare mainframe facilities to clients. An example is a data center.

DAY CARE CENTER – An establishment or facility that has the primary function of providing care, services, supervision, and/or instruction to persons of any age for less than twenty-four (24) hours in any day with or without compensation, for seven (7) or more persons at any one time.

DAY CARE, RESIDENTIAL – A home business providing care and supervision in a single-family residence where an occupant of the residence cares for six (6) or fewer people regardless of age for periods of fewer than twenty-four (24) hours per day.

DEFENSIBLE SPACE – An area, either natural or man-made, where material capable of allowing fire to spread unchecked has been treated, cleaned, or modified to slow the rate and intensity of an advancing wildfire and to create an area for fire suppression operations to occur.

DENSITY – The number of families, individuals, dwelling units, households, or housing structures per unit of land.

DENSITY BONUS – An increase of allowable density given as an incentive for concentrating lot coverage on specific areas and allowing land to be used for common activities, such as open space, recreation, preservation, or some other public benefit.

DEPARTMENT STORE OR GENERAL MERCHANDISE – Establishments that retail a wide range of consumer goods in different areas of the store under one roof, where each area (department) specializes in a product category such as but not limited to clothing, cosmetics, furniture, gardening, sporting goods, etc.

DESIGN FLOW – The quantity of liquid waste to be received by a liquid waste system.

DESIGN PROFESSIONAL – An individual who is licensed in the State of New Mexico to practice their respective design profession.

DEVELOPMENT – The making of any material change in the use or appearance of any structure or land, including construction, reconstruction, alteration, repair, excavation and grading, addition to, location or relocation of any structure, and/or the installation of supporting infrastructure for current or future development, including roads, bridges, utilities, and construction staging areas.

DISABLING GLARE – Means lighting that impairs visibility and creates a potentially hazardous situation for pedestrians or motorists.

DISCLOSURE STATEMENT – A written document containing such information as the reviewing body shall require, allowing a prospective purchaser or lessee to make an informed decision about the purchase or lease of land or improvements to land.

DISTRIBUTION FACILITY, GAS/ELECTRIC GENERATION – A facility that produces gas or electricity using sources such as natural gas, turbines, solar panels, or other modular systems and then delivers it to the local distribution system for end users. This includes compressor stations or substations related to utilities.

DISTRIBUTION WAREHOUSE CENTER – A facility designed to receive, store, and redistribute goods efficiently to retailers, wholesalers, or directly to consumers. These facilities focus on order fulfillment, packaging, and shipping rather than long-term storage, acting as intermediary hubs between manufacturers, suppliers, and end customers.

DRAINAGE – The removal of surface water or groundwater from land by grading or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development, and includes the means necessary for water supply preservation and prevention or alleviation of flooding.

DRAINAGE CHANNEL – Surface water that creates a significant indentation into which stormwater flow is carried off along a defined course.

DRAINAGE COURSE – A natural watercourse or indentation for the drainage of surface water.

DRAINAGE EASEMENT – An area of property that is reserved for the drawing off or flowing off of water.

DREDGING – The process by which soils or other surface materials, normally transported by surface water erosion into a body of water, are removed for the purpose of deepening the body of water.

DRIVEWAY – That area of land required to provide vehicular access from the street to buildings or other improvements on a property.

DRY WEIGHT BASIS (CANNABIS) – A process by which delta-9-tetrahydrocannabinol concentration is measured relative to the aggregate weight of all parts of the plant genus Cannabis, whether growing or not, including the leaves of the plant, the flowers and buds of the plant, the seeds of the plant, the resin of the plant, and the stalks of the plant at a point of harvest with no moisture added to the harvested plant.

DUPLEX – A building arranged, intended, or designed for two (2) dwelling units on one (1) lot, to be occupied by two (2) families living independently.

DWELLING – A structure that contains one (1) or two (2) dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or occupied for living purposes.

DWELLING UNIT – Any single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation, designed for occupancy by one (1) household.

(E)

EARTH MATERIAL – Any rock, natural soil, fill, or any combination thereof.

EASEMENT – A legal right of use of another person's land for a specific, limited purpose, typically within private ways. The purpose may include, but is not limited to, installing and maintaining stormwater drainage, water and sanitary sewer lines, fire hydrants, landscaping, ingress/egress, and other infrastructure improvements. Easements may also be granted for open space, view protection, or other specific uses.

ELECTRICAL VEHICLE CHARGING STATION – An electric power device that recharges batteries of electric-powered or hybrid-powered vehicles. The Electric Vehicle Charging Station shall be incidental to the primary use of the property.

ENERGY PRODUCTION-RENEWABLE – The Energy Production-Renewable use type consists of distributed energy generation systems powered by solar, wind, biomass, hydroelectric, or geothermal sources.

ENTERTAINMENT ESTABLISHMENT – Any establishment other than a restaurant where alcoholic beverages are served for consumption on the premises (such as lounges or private clubs), or which offers live entertainment such as music or dance floors (such as nightclubs, warehouse entertainment clubs, or teen entertainment clubs).

ENVIRONMENTAL MONITORING STATIONS – Equipment and facilities used to study the air, soil, and water in order to measure their current conditions, spot trends and changes, make forecasts and provide early risk warnings, and help policymakers make informed decisions on sustainability and the environment.

EQUESTRIAN FACILITIES – A place designed for activities related to horseback riding and horse care, which includes but is not limited to the display of equestrian skills, hosting events such as show jumping and dressage, training, accommodating and boarding, or competing of horses and other equines, including burros, donkeys, and mules. Some examples are barns, stables, or riding halls.

EQUIPMENT FACILITY – Any structure used to contain equipment for Wireless Communications Facilities, including cabinets, shelters, and an expansion of existing vertical infrastructure, ice bridges, pedestals, or any other similar structures.

EROSION CONTROL STRUCTURE – A man-made structure for preventing or controlling erosion.

EVENT CENTER – A facility which is commercially available for the purposes of assembly, congregation, or other gatherings.

EXCAVATING AND GRADING PERMIT – A permit issued by the County required for any excavation or grading activity subject to these regulations and other ordinances, regulations or codes.

EXCAVATION, NONCOMMERCIAL – The mechanical removal of earth materials required to achieve subgrade elevations for site preparation for structures such as but not limited to basements, footings, cemetery graves, wells, and utilities.

EXISTING GRADE – The grade prior to grading.

EXISTING VERTICAL INFRASTRUCTURE – Any vertical infrastructure in existence at the time of application, including buildings, utility poles, light poles, signs, towers, monopoles, water towers and tanks, any structure for which a permit has been issued by the County but has not been constructed as long as approval by the County has not expired, and any legal nonconforming structure.

EXPLOSIVE MANUFACTURING/STORAGE – Establishments primarily engaged in the production and storage of explosives, which are chemicals, mixtures, or devices that can detonate or deflagrate when supplied with sufficient initiating energy.

EXTRACTIVE INDUSTRIES, MINING – GRAVEL PITS, OTHER MINERAL EXTRACTION – The removal of minerals from the earth, which includes but is not limited to, sand, gravel, copper, gold, and coal for industrial, commercial, or consumer use. This includes mine site development, beneficiating (i.e., preparing), and support activities such as ore extraction, quarrying, and beneficiating (e.g., crushing, screening, washing, sizing, concentrating, and flotation), customarily done at the mine site.

(F)

FAIRGROUNDS – An outdoor area where land is used for the gathering of buyers and sellers for the exhibition of livestock, farm products, carnivals, circuses, and fairs, such as craft fairs, flea markets, etc.

FARMERS MARKET – Indoor or outdoor markets consisting of booths, tables, or stands where local farmers or their employees sell their agricultural products (such as flowers, fruit, vegetables, herbs, seedlings, dairy, meat, honey, jam, cheese, bakery products, etc.) directly to consumers.

FARM SUPPLIES MERCHANT WHOLESALERS – Establishments primarily engaged in the merchant wholesale distribution of farm supplies, such as animal feeds, fertilizers, agricultural chemicals, pesticides, plant seeds, and plant bulbs.

FCC – The Federal Communications Commission.

FEMA – The Federal Emergency Management Agency.

FENCE – An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

FILL – A deposit of earth material (such as sand, gravel, or other deposits, natural or manmade) placed by artificial means and moved onto or placed on a parcel of land.

FILM PRODUCTION STUDIO – A type of production facility that is dedicated to film and television production equipped with large sound stages, green screens, lighting rigs, grip equipment, camera setups, editing suites, sound mixing rooms, and other ancillary departments such as art, wardrobe, and production management.

FINANCIAL INSTITUTION – An establishment that provides retail banking, credit and mortgage, or insurance services to individuals and businesses. This classification includes banks and savings and loan establishments, check cashing and currency exchange outlets, and stand-alone automated teller machines. This does not include a payday loan business or title loan business.

FINISH GRADE – The final grade of the site that conforms to the plans approved by the Certified Building Official.

FIRE DISTRICT – See LOCAL FIRE DISTRICT.

FIRE PREVENTION PLAN – A document, typically prepared by a New Mexico licensed engineer or architect, which describes ways to minimize the fire risk and mitigate the impact on the community's fire protection delivery. The plan addresses defensible space, vegetation management, water supply access, building ignition, fire resistance factors, and fire protection

systems and equipment. For purposes of approval of the plan, either the Taos County or the Town of Taos Fire Marshal shall review the plan.

FLEA MARKET – A market, usually in the open air, consisting of two (2) or more vendors who must pay a fee to the market, selling antiques; used goods such as household items, jewelry, clothes, and tools; Southwest goods; imported goods; local goods; and wares.

FLEX SPACE (OFFICE AND WAREHOUSE BUILDING) – A building that combines different functionalities into a single building, integrating office work areas with light manufacturing, wholesale, warehousing, storage, distribution centers, or training facilities that relate to the office uses, allowing businesses to adjust the space over time, accommodating changing requirements.

FLOOD FRINGE –The portion of the floodplain that lies outside the floodway and serves as a temporary storage area for floodwaters.

FLOOD HAZARD BOUNDARY MAP – An official map of an area of Taos County, issued by the FEMA, that designates the boundaries of flood, mudflow, and related erosion areas with special hazards.

FLOODLIGHT – See SPOTLIGHT.

FLOODPLAIN – Land area that has at least a 1 percent chance in any given year of being inundated by floodwaters from any source.

FLOODWAY – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FLOOD ZONE – A flood hazard area as defined by the FEMA, categorized by the likelihood and depth of flooding expected annually.

FLORIST OR FLORAL/GIFT SHOP – Establishments primarily engaged in retailing cut flowers, floral arrangements, potted plants, and gifts, often providing arrangements for various occasions such as weddings, birthdays, and events. In essence, a florist is the individual who operates the shop, offering a range of floral products and services. A greenhouse shall be allowed as an accessory use.

FOOD AND BEVERAGE MANUFACTURING – Establishments that transform raw food commodities into products for human consumption, involving various processes. This includes the application of labor, machinery, energy, and scientific knowledge to create food and beverage products that are safe, nutritious, and appealing to consumers.

FOOD CART – A self-contained mobile unit, approved by the State of New Mexico Environment Department, having all the equipment necessary to prepare and sell food and/or beverages to walk-up customers. Food carts can vary in size and design, often allowing vendors to serve food through a window, such as food trucks or food trailers.

FOOD PARK – An approved site where multiple food carts and vendors come together to offer a variety of culinary options, often featuring associated amenities such as parking, seating, sanitary facilities, and a festive atmosphere that can include music, dancing, and/or entertainment.

FORESTRY, COMMERCIAL – The practice of growing or harvesting of timber and other forest products for sale.

FREIGHT TERMINALS – A facility where goods are transferred between different modes of transportation.

FRONTAGE – The length of a property that abuts a legally accessible street right-of-way. For purposes of determining yard requirements on corner lots, all sides of a lot adjacent to streets shall be considered frontage, and the yard is determined accordingly.

FUEL OIL DISTRIBUTION – Any building, land area, or other premises, or portion thereof, used for retail dispensing or sales of fuels other than for vehicles.

FUNERAL HOME OR MORTUARY – An establishment primarily engaged in the provision of services involving the care, preparation and/or disposition of human dead. Typically, a mortuary will primarily focus on the preparation and care of the deceased, whereas a funeral home may offer all services including planning, coordination, and execution of funeral services and have a chapel or gathering space for services, viewings, and memorials.

FURNITURE STORES – A business that specializes in the retail of new furniture and related accessories, such as household furniture (e.g., baby furniture, box springs, and mattresses) and outdoor furniture; office furniture (except those sold in combination with office supplies and equipment); and/or furniture sold in combination with major appliances, home electronics, home furnishings, or floor coverings.

(G)

GALLERY – A room, series of rooms, or building devoted to the exhibition and often the sale of works of art, photography, or crafts.

GAS STATION – An establishment located off the main road with the retail sale of gasoline, diesel, and kerosene fuels for motor vehicles.

GATEWAY – A monument, signage, and/or landscape feature that provides a sense of entry and arrival to a community or subdivision.

GEOGRAPHIC INFORMATION SYSTEM (GIS) – A computer-based system for generating maps composed of different informational elements, such as topographical data, roadways, property lines, land use, etc.

GLARE – The brightness of a light source sufficient to cause eye discomfort for an average person not suffering from a visual impairment.

GOVERNMENT FACILITY – A structure or property owned, operated, or occupied by a governmental agency used to carry out governmental functions or to provide a service to the public. This can include but is not limited to, courts, major mail processing centers, military installations, vehicle emissions testing facilities, and other similar facilities.

GRADE – The vertical location of the ground surface.

GRADING – Any excavating, filling, or combination thereof.

GREENHOUSE – An enclosed building or structure where the roof and sides are made largely of glass, plastic, fiberglass, or other transparent or translucent material, and provides a controlled environment in which the temperature and humidity can be regulated for the cultivation plants.

GREEN INFRASTRUCTURE – A system that mimics natural processes in order to infiltrate, evaporate, or reuse stormwater. Green infrastructure uses soils, topography, and vegetation in a way that minimizes the impacts of anthropogenic disturbance and maintains predevelopment hydrology and water quality.

GROCERY STORE – An establishment for retail sales of food and beverages for off-site preparation and consumption, as well as small household goods. Typical uses include supermarkets, specialty food stores, delicatessens, or convenience markets. This category also includes large-scale stores that sell food items and beverages in bulk.

GROUNDWATER – The supply of freshwater under the surface in an aquifer or geologic formation that forms the natural reservoir for potable water.

GROUP BOARDING HOME, COMMERCIAL – A building arranged or used for lodging for compensation, with or without meals, and not occupied as a single-family dwelling unit.

GROUP BOARDING HOME, RESIDENTIAL – A residential dwelling unit for not more than ten (10) sleeping units, where lodging is provided with or without meals, for compensation for more than one week.

GROUP CARE FACILITIES – A facility, required to be licensed by the State of New Mexico, which provided training, care, supervision, treatment, and/or rehabilitation to the aged, disabled, those convicted of crimes, or those suffering the effects of drugs or alcohol. This does not include day care centers, family day care homes, foster homes, schools, hospitals, jails, or prisons.

GROUP HOME, COMMERCIAL – An establishment or facility that has the primary function of providing care, services, and supervision for social rehabilitation, substance abuse, or mental health problems to more than sixteen (16) persons, regardless of age and excluding staff, who reside at the facility on a twenty-four (24) hour basis and that contains a group housing arrangement and provides assistance with day-to-day living tasks, such as assistance with cooking, personal care, and other tasks of daily living, but does not provide medical care. Group Homes include, but are not limited to Assisted Living Facilities, Alcohol and Drug Centers, Congregate Care Facilities, Halfway Houses, Residential Board and Care Facilities, and Social Rehabilitation Facilities.

GUN SHOPS AND GUNSMITHS – An establishment principally engaged in selling, exchanging, repairing, or transferring firearms, handguns, rifles, or ammunition at wholesale or retail.

(H)

HARDWARE STORE, LUMBERYARD, AND BUILDING SUPPLIES – A retail establishment selling various items directly to consumers that are commonly used in the construction industry, such as lumber, drywall, insulation, plumbing and electrical materials, a broad range of household and garden supplies, and tools.

HATCHERIES AND POULTRY HOUSES – Establishments primarily engaged in the artificial incubation and hatching of fish or poultry eggs of any kind (e.g., chickens, turkeys, ducks, and geese). These animals are raised for their meat and eggs.

HAZARDOUS WASTE – Any solid, liquid, or gaseous material that poses significant potential hazards to human health and the environment due to its quantity, concentration, or physical and chemical characteristics.

HAZARDOUS WASTE STORAGE OR TREATMENT FACILITY – A site or facility designed to receive, hold, treat, or permanently dispose of hazardous waste in accordance with environmental regulations.

HEALTH CARE FACILITY – A facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis, or treatment of human

diseases, pain, injury, deformity, or physical condition, including but not limited to a diagnostic center, treatment center, rehabilitation center, nursing home, extended care center, outpatient laboratory, or central services facility.

HEARING BODY – The governing body or authority responsible for conducting public hearings to review regulations, applications, appeals, and other matters. This body is tasked with determining, establishing, and enforcing zoning regulations, and must also handle the amendment, supplementation, or repeal of these regulations. For the purposes of these regulations, the Hearing Body shall refer to the Board of Adjustment, the Planning Commission, and/or the Board of County Commissioners.

HELIPORT – Facilities intended solely for takeoff and landing of helicopters.

HISTORICAL CHARACTER – The unique architectural, cultural, or aesthetic features of buildings, structures, appurtenances, and places that distinguish a neighborhood or area deemed of basic and vital importance for more than fifty (50) years because of its association with history by the New Mexico state Historic Preservation Division.

HISTORIC DISTRICT – An area that contains, within definable geographic boundaries, properties or buildings that contribute to the overall historic character of the designated historic area. Historic districts contain both “contributing” properties and non-contributing properties.

HISTORIC PRESERVATION – The protection, rehabilitation, and restoration of the districts, sites, buildings/structures, and artifacts significant in history, architecture, archaeology, or culture.

HOMEGROWN or HOMEMADE – Grown or made for purposes that are not for resale.

HOMELESS SHELTER – A facility providing temporary housing to indigent, needy, homeless, or transient persons. May also provide ancillary services such as counseling, meals, vocational training, etc.

HOME OCCUPATION – A business, profession, occupation, or trade conducted from a dwelling unit that meets the requirements of these regulations, specifically *Article IV Supplemental Use Regulations* and *Article VI Procedures*. Agriculture and/or agricultural industry, and cannabis manufacturing activity(ies) are not home occupations.

HOSPITAL – A state-licensed facility providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons. This classification includes facilities for inpatient or outpatient treatment, including drug and alcohol abuse programs as well as training, research, and administrative services for patients and employees.

HOTEL/MOTEL, LODGING, GUEST CABINS, TIPIS, AND GLAMPING – One or more buildings containing six (6) or more sleeping units offering transient lodging accommodations to the public for compensation with an inside lobby or office supervised by a person in charge at all hours. A hotel may include restaurants, taverns, brewpubs, club rooms, public banquet halls, ballrooms, and meeting rooms. Hotel/motels include but are not limited to guest cabins, tipis, and glamping.

HOUSING NEW MEXICO – Previously known as Mortgage Finance Authority. A State of New Mexico agency that partners with lenders, realtors, nonprofits, local governments, and developers to provide financing for housing with low-interest mortgage loans and down payment assistance, weatherization, green building and rehabilitation, and tax credit programs to low- and moderate-income New Mexicans.

HYDROLOGIC STUDY – A systematic assessment of various aspects of the water of a geographic area prepared by a hydrologist certified by the American Institute of Hydrology or licensed by the State of New Mexico.

(I)

ILLEGAL CANNABIS PRODUCT – A cannabis product that is produced or manufactured outside of New Mexico; produced, manufactured, distributed, or sold in New Mexico by a person not licensed to produce, manufacture, distribute, or sell the cannabis product; or produced, manufactured, distributed, or sold by a person acting outside the limits of the person's license, provided that "illegal cannabis product" does not include homegrown or homemade cannabis product that comply with the provisions of the State of New Mexico Cannabis Regulation Act.

ILLUMINANCE – The intensity of light in a specified direction measured at a specific point.

IMMATURE CANNABIS PLANT – A cannabis plant that has no observable flowers or buds.

IMPERVIOUS SURFACE – A hard, nonporous surface that prevents the infiltration of water. Common examples are concrete, asphalt, brick, and stone.

INCINERATOR, COMMERCIAL – A system designed to burn large quantities of waste, effectively reducing the volume of waste while destroying harmful pathogens and minimizing pollution from landfills. The system can be powered by various fuels including diesel, natural gas, or propane, and are equipped with features such as energy recovery systems that convert heat generated into usable energy (electricity).

INCOMPATIBLE USE – An actual or proposed use that is inconsistent with or otherwise inappropriate to the existing land uses surrounding the site of the actual or proposed use. This can include uses that deviate significantly in density, intensity, scale, form, or activity, causing negative impacts on the property or being negatively impacted by surrounding land uses.

INDIVIDUAL WATER SUPPLY SYSTEM – A single system of piping, tanks, or other facilities utilizing groundwater to supply only one dwelling unit.

INDOOR ATHLETIC FACILITY – An indoor space that is used for fitness, training, and practice sessions, which are climate-controlled, and include amenities such as locker rooms, weight rooms, and synthetic turf. These facilities are ideal for various sports such as tennis, racquetball, soccer, basketball, and track and field.

INDUSTRIAL – Fields of economic activity resulting in significant land use impacts, which may include, but are not limited to, manufacturing, transportation, communication, power generation, mining, feed lots, meat processing, cannery, dairy, and similar activities.

INDUSTRIAL, HEAVY – A use designed to accommodate industrial activities that do not pose significant risks to the public or surrounding properties. It includes a variety of manufacturing processes, such as iron or steel foundries or fabrication plants; forging, rolling, or heavy weight casting; and milling and processing of cement.

INDUSTRIAL, LIGHT – A use designed to accommodate manufacturing, assembly, compounding, processing, packaging, or testing of goods or equipment, including research activities, conducted entirely within an enclosed structure, with no outside storage, serviced by a modest volume of trucks or vans and imposing a minimal impact on the surrounding environment by noise, vibrations, odors, smoke, dust, or pollutants.

INDUSTRIAL REPAIR – Repair services for heavy equipment such as but not limited to bulldozers, graders, dump trucks, or semitrucks, including but not limited to oil changes, tune-ups, wheel alignment, muffler and shock absorber replacement and repair, tire replacement and repair, electric and battery service, glass replacement, reupholstering, body work, and painting.

INFRASTRUCTURE – Facilities and services needed to sustain all land use activities, including water and sewer lines and other utilities, streets and roads, communications, and public facilities, such as firehouses, parks, and schools.

INFRASTRUCTURE AGREEMENT – An agreement entered into between a developer and the County setting forth conditions of approval of a development, time limitations to satisfy conditions, and the developer's agreement to comply with conditions, complete infrastructure improvements, and provide security for completion of improvements.

INTEGRATED CANNABIS MICROBUSINESS – A person that is authorized to conduct one or more of the following:

- Production of cannabis at a single licensed premises; provided that the person shall not possess more than two hundred (200) total mature cannabis plants at any one time;
- Manufacture of cannabis products at a single licensed premises;
- Sales and transportation of only cannabis products produced or manufactured by that person or another cannabis producer microbusiness or integrated cannabis microbusiness;
- Operation of only one retail establishment; and
- Couriering of cannabis products to consumers.

INTERESTED PARTY – An applicant; a property owner or neighborhood association within the area of notice; or a state or federal agency regulating or protecting a governmental interest whose rights or interests are negatively impacted by the actions of another party. A mere emotional connection, general concern, interest in aesthetics, competitive economic interest, or a speculative pecuniary interest are not interests sufficient to be recognized under these regulations.

INVESTOR-OWNED UTILITY – A utility company owned by its investors and primarily aiming to generate profit for its shareholders. These companies are usually involved in the distribution of electricity, natural gas, water, and sewage services.

ITINERANT VENDOR – Any person, whether as owner, agent, consignee, or employee, who does not have a fixed business location within the unincorporated areas of Taos County, who engages in selling and/or delivering goods, merchandise, food or beverage items, from a table, rack, utility trailer, back of pickup truck, concession trailer, food truck, van, ice cream truck, walk-in trailer, kiosk, or snow cone stand on privately owned property, or during an event within a specific building or parcel of land that has obtained a Special Event Permit.

(J)

JEWELRY AND SILVERWARE MANUFACTURING – Establishments primarily engaged in manufacturing, engraving, chasing, or etching jewelry, novelties, or precious metal flatware, pewter jewelry or flatware, and other plated ware; stamping coins; cutting, stabbing, tumbling, carving, engraving, polishing, or faceting precious or semiprecious stones and gems; recutting,

repolishing, and setting gem stones; or drilling, sawing, and peeling cultured and costume pearls.

JUNKYARDS, SALVAGE YARDS, AND AUTO AND SCRAP PROCESSING – An establishment or part thereof, which is maintained, operated, or used for storing, keeping, repairing, buying or selling parts from vehicles, such as engines, fenders, doors, and other working parts; purchasing junk vehicles and selling them as salvage vehicles; or the processing of vehicles for recycling, crushing, scrapping, or disposal. "Junk" includes but is not limited to older scrap copper; brass; rope; rags; batteries; paper; trash; rubber; debris; waste; junked, dismantled, scrapped, or wrecked motor vehicles or parts thereof; iron; steel; or other old or scrap materials.

(K)

KEY – A designed, compacted fill placed in a trench excavated in earth material beneath the toe of the proposed fill slope.

KITCHEN – An area of a dwelling unit that is principally intended to be used for the preparation of food, where there is a sink of adequate size and shape for washing dishes; counter space of adequate size for the preparation of food; a stove, range, or oven for cooking food; and a refrigerator for storing perishable food items.

(L)

LABORATORIES – MEDICAL AND DIAGNOSTIC – A facility where tests are conducted on persons which are then used to help identify the cause of disease and changes in the body. These tests include but are not limited to blood and urine tests, tissue analysis, and molecular diagnostics.

LABORATORIES – RESEARCH AND TESTING – A facility designed for the scientific research, experiments, and testing that assist in advancing scientific knowledge and innovation by enabling the testing of new ideas and technologies.

LAMP (OR BULB) – That portion of the fixture that is a light-producing source installed in the socket portion of a luminaire.

LANDFILL – A site used for the disposal of refuse or other waste materials, such as trash, garbage, rubbish, or unwanted matter or materials of any type by burying it.

LANDMARK – A site or structure that possesses special character or historic or aesthetic interest or value as part of the cultural, political, economic or social history of the locality, region, state, or nation; is identified with historic personages; embodies the distinguishing characteristics of an architectural style; is the work of a designer whose work has significantly influenced an age; or because of a unique location or a singular physical characteristic represents an established and familiar visual feature of the neighborhood. A site designated by a state or a federal entity.

LAND RECLAMATION – Activity that is taken during and after development to return the area, to the extent possible, to its natural state or to take actions that would substantially reduce adverse environmental effects particular to a development. This includes the replacement of removed material, construction of soil cover, and reseeding the disturbed areas.

LAND USE – Denotes how a parcel of land is currently used, what activities are or are not permitted on a parcel of land, and the possible requirements for future uses.

LAUNDRY AND GARMENT SERVICES (PICKUP ONLY) – Establishments primarily engaged in the collection of dirty laundry from customers' homes or offices to transport it to a cleaning facility and return it clean and folded. These services typically include scheduled pickups, professional cleaning, garment sorting, and timely delivery.

LAUNDRY, COIN-OPERATED – A facility where customers can wash and dry their clothes using machines that operate when coins are inserted. These establishments may also allow customers to drop off clothing to be washed, dried and folded or for dry cleaning services.

LEASING, COMMERCIAL AND INDUSTRIAL MACHINERY AND EQUIPMENT – Establishments primarily engaged in renting or leasing machinery and equipment for use in business or industrial operations for a specified period of time. Examples include the leasing of heavy equipment, office furniture or equipment, or off-highway transportation equipment.

LEASING/RENTAL, CONSUMER OR RECREATIONAL GOODS – Establishments that rent out personal property to individuals or businesses for a specific time period, which may include but is not limited to electronics, home health equipment, formal wear, furniture, party supplies, sporting goods, or similar consumer goods.

LEGAL DESCRIPTION – A precise and detailed description of a specific area or property that is used to identify and define the boundaries of that area, typically a specific parcel of land.

LEGISLATIVE REVEW – A process that entails the examination of proposed ordinances which may include providing expert opinions, conducting public hearings, and suggesting changes based on findings of fact. The review allows for detailed scrutiny of the provisions and potential impacts, ensuring that it will be effective and aligned with current societal needs.

LIBRARY – A facility engaged in maintaining collections of documents (e.g., books, journals, newspapers, and music) and online resources which help with facilitating the use of such documents as required to meet the informational, research, educational, or recreational needs of their user.

LICENSED PREMISES (CANNABIS) – A location that includes:

- All enclosed public and private areas at the location that is used in the business and includes cannabis consumption areas, offices, kitchens, restrooms, and storerooms;
- All areas outside of the building that are specifically included in the license;
- All areas of a stand-alone cannabis consumption area, including retail and other areas, whether in enclosed or outside spaces, and including private or members-only clubs where cannabis products are available for sale or consumption; and
- With respect to a location that is specifically licensed for the production of cannabis outside of a building, the amount of land that is identified for cultivation of cannabis; provided that the licensed premises may be decreased but shall not be increased without permission of the State of New Mexico.

LIGHTING, ACCENT – Any directional lighting that emphasizes a particular object or draws attention to a particular area.

LIGHTING FIXTURE – See LUMINAIRE.

LIGHT POLLUTION – Excessive or inappropriate artificial light in the atmosphere resulting in decreased ability to see the natural night sky.

LIGHT SOURCE – A light emitting portion of the luminaire and any diffusing elements and surfaces intended to reflect or refract light emitted from the lamp, individually or collectively, for example, a lamp, bulb, lens, highly reflective surface, or frosted glass.

LIGHT TRESPASS – Light emitted by a luminaire that shines beyond the property on which the luminaire is installed.

Figure 10.2.7



LIMITED SALES IN INDUSTRIAL DISTRICTS/USES ON-SITE – Retail sales areas that occupy up to five thousand (5,000) square feet or 25 percent of the floor area of a principal industrial use, whichever is less.

LIVESTOCK MARKETS – An establishment whether indoors or outside, where domesticated animals, such as cattle, sheep, goats, pigs, and horses are bought and sold, typically through an auction.

LIVESTOCK RAISING – The raising of animals, other than household pets, for commercial or noncommercial purposes.

LIVE-WORK UNITS – A dwelling unit or a sleeping unit in which a significant portion of the space includes a nonresidential use that is operated by the tenant.

LOCAL CONTACT – An individual or entity residing or based in Taos County who is available twenty-four (24) hours a day, seven (7) days a week during any period of time that a Short-Term Rental Unit is occupied by Short-Term Rental Lodgers.

LOCAL DISTRICT – Any legally established district in the County, such as a soil and water conservation district, water and sewer sanitation district, and fire district.

LOCAL FIRE DISTRICT – The fire department that is responsible for responding to a fire on a specific property.

LODGER – A natural person to whom a short-term rental unit or a unit within a lodging establishment is rented.

LOGGING OPERATIONS – The process of harvesting trees for sale as logs, fuel wood, or live trees for transplantation. Logging operations shall be considered agricultural if performed by a farmer or on a farm as an incident to or in conjunction with farming operations.

LOT – A designated parcel, tract, or area of land established by plat, subdivision, deed, or as otherwise permitted by law, to be separately owned, used, developed, or built up on.

LOT AREA – An area of land bounded by the lot lines of a lot, excluding public right-of way or easements for private right-of-way.

LOT, CORNER – A lot abutting two or more streets at their intersection.

LOT, COVERAGE – The horizontal area of a site that is covered by buildings or roofed areas. Underground structures are not included in lot coverage.

LOT, DEPTH – The mean horizontal distance between the front and rear lot lines.

LOT, INTERIOR – A lot with frontage on only one street or road; a lot other than a corner lot.

LOT LINE – A line dividing one lot from another lot or from a street, road, or alley.

LOT LINE, FRONT – The line separating a lot from a public or private road, street, or easement used to access the lot. (The front lot line is not necessarily a boundary line.)

LOT LINE, REAR – That boundary which is opposite and more or less parallel to the front lot line. In the case of an L-shaped or other irregularly shaped lot where two (2) or more lines are so located, all shall be considered to be rear lot lines, except one within fifty (50) feet of the front lot line or one that is twenty (20) feet or less in length. In the case of a lot that comes to a point at the rear, the rear lot line shall be that imaginary line parallel to the front lot line, not less than ten (10) feet long, lying within the lot and farthest from the front lot line.

LOT LINE, SIDE – Any lot line that is not a front or rear lot line.

LOT WIDTH – The width of a lot at the front setback.

LOW IMPACT DEVELOPMENT – An approach to land development or redevelopment and management that works with nature to manage stormwater as close to its source as possible.

LUMEN – The primary measure of light output for a light fixture; it quantifies the total amount of visible light emitted by a source. The higher the lumen count, the brighter the light appears.

LUMINAIRE (OR LIGHTING FIXTURE) – A complete lighting unit including the lamps or bulbs, together with the parts required to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.

LUMINANCE – The intensity of light emitted from a surface per unit area in a given direction.

(M)

MAINTENANCE YARDS – A facility used as a base of operations for maintaining infrastructure that includes fleet parking; equipment and vehicle shops typically used for maintenance and repair; outdoor or enclosed storage of trucks, equipment, and construction or maintenance materials; and offices.

MANUFACTURE, CANNABIS – To compound, blend, extract, infuse, package and label, or otherwise prepare a cannabis product.

MANUFACTURED HOME (MOBILE HOME) – A structure transportable in one or more sections that, in the traveling mode, exceeds either a width of eight (8) feet or a length of forty (40) feet, when erected on-site is 320 or more square feet, and is built on a permanent chassis and designed to be used as a dwelling unit, installed with or without a permanent foundation. Manufactured Home (Mobile Home) does not include a recreational travel trailer or a recreational vehicle.

MANUFACTURED HOME, RV, AND TINY HOMES PARKS – A privately owned parcel of land, used for the continuous accommodation of three (3) or more sites equipped for the installation of manufactured/mobile homes, tiny homes, or recreational vehicles, where the sites are under common ownership and control for leasing purposes, providing services including but not limited to water, sewer, and electrical connections for the homes within the park. These parks are usually designed for continual, nonrecreational residential use and are not intended for transient use. It also may be known as a mobile home court, trailer court, or trailer park.

MANUFACTURED HOME SALES AND SERVICE – An establishment primarily engaged in the retailing of new and/or used manufactured homes, mobile homes, and/or modular homes in combination with the sale of parts and equipment.

MANUFACTURING, GENERAL – The transformation of materials or substances into new products, including the assembling of component parts, by manual labor or by machinery, especially on a large scale. The definition does not include the production or use of these processes for the creation of non-mass produced, commissioned, or individualized art or craft pieces in a home-based business.

MANUFACTURING, LIGHT ACCESSORY TO RETAIL USE – The production of goods or products that are directly related to the retail establishment using light machinery and equipment within an enclosed building, consuming less raw materials, energy, and resources, typically with minimal to no output of noise or odors and a very low impact of truck traffic.

MARKETPLACE PROVIDER – A platform, including digital platforms, that facilitates sales by connecting buyers and sellers for the sale, lease, or license of tangible personal property; services; or licenses for use of real property. The seller lists or advertises the transactions by any means, whether physical or electronic—including by internet website, online booking platform, catalog, television, or radio broadcast—and collects payment either directly or indirectly through agreements or arrangements with third parties, from the buyer and transmits that payment to the seller.

MAXIMUM ANNUAL WATER REQUIREMENT – The maximum amount of water that a subdivision can use in a year, including both indoor and outdoor domestic uses, to ensure that the water supply is not overused; to protect the water quality for human consumption; and to prevent contamination.

MEAT PACKING AND POULTRY PROCESSING – Establishments primarily engaged in the process of protecting meat products to ensure their freshness and quality during transport and storage. It also involves various materials and methods designed to prevent microbial contamination, extend shelf life, and maintain the nutritional value of the meat.

MEDICAL CANNABIS – Cannabis products used by a qualified patient or reciprocal participant in accordance with the Lynn and Erin Compassionate Use Act, NMSA 1978 26-2B.

MEDICAL EQUIPMENT AND SUPPLIES MANUFACTURING – Establishments primarily engaged in the process of designing, producing, and distributing a wide range of products used in healthcare settings. Examples are disposable items such as syringes and bandages; reusable items such as surgical and medical instruments, surgical appliances and supplies, dental equipment and supplies; and orthodontic goods, ophthalmic goods, dentures, and orthodontic appliances.

MEDICAL EQUIPMENT SALES, RENTAL, OR LEASING – Establishments primarily engaged in retailing medical equipment and supplies.

MEDICAL OFFICE OR CLINIC – An outpatient facility, other than a hospital, where healthcare professionals deliver ambulatory medical care to patients. It serves as the primary location for

routine, preventative, and nonemergency healthcare services, allowing patients to receive care and return home the same day. Some examples include but are not limited to offices for physicians, dentists, chiropractors, or other health care professionals; urgent care facilities; blood and organ banks; and allied health services.

MILLING OR CANNING OF AGRICULTURAL PRODUCTS – A facility primarily engaged in the removal of agricultural products such as wheat, corn, rice, barely, and rye, and shaping it into flour using traditional stone mills or roller mills to separate and grind the grain. Facilities may also conduct the operation of preserving food by preparing, processing, and sealing food into airtight containers such as cans or jars for preservation and long-term storage.

MINI WAREHOUSE – A storage facility that provides enclosed, compartmentalized units for rent or lease. These units are designed for individuals to store personal items or for businesses to store materials or inventory for their organization, and each unit is physically separated from others, having its own access door to ensure security and privacy. Mini warehouses are also known as small warehouses, mini storage, or self-storage facilities.

MINING – The extraction, excavation, removal, storage, or processing of minerals, soils, sand, gravel, rock, soil, oil, natural gas, coal bed methane, or other materials for commercial or industrial purposes.

MIXED-USE – A development where two or more different types of land uses are combined within a single property or building which can include a mix of residential, commercial and sometimes light industrial uses, or cultural spaces. Mixed-use developments are designed to create vibrant neighborhoods where residents can live, work, and engage in various activities all in one place, enhancing the overall quality of life and supporting economic growth.

MOBILE BUSINESS – A business that operates without a fixed physical location, utilizing vehicles, websites, mass media, telephone, mail, or similar methods to provide products or services directly to customers at various locations. This allows for flexibility and mobility, enabling businesses to reach different areas without the need for a traditional storefront. Examples include but are not limited to mail order houses, vending machine operators, home delivery sales, door-to-door sales, party plan sales, and electronic (online) shopping.

MOBILE HOME – See MANUFACTURED HOME.

MOBILE HOME PARK SUBDIVISION – A division of a surface area of land, into more than two (2) parcels used for the continuous accommodation of mobile homes placed on each individual lots for the purpose of sale, lease, or other conveyance.

MODULAR HOME – A prefabricated structure built to the requirements of the International Building Code, as amended, and is constructed offsite in an indoor factory setting, and assembled onsite. These homes are constructed in sections built on a frame and chassis for transportation. Once the home is at the site, it is placed on a permanent foundation and the frame and chassis are removed. Modular homes are permanent dwelling units and cannot be moved once they are placed on the foundation. These homes are also known as “factory-built,” “system-built,” or “prefab homes.”

MONUMENT DEALERS (TOMBSTONES, MARKERS, AND MEMORIALS) – Establishments that create or perform all fabricating operations to make or that buy and sell finished monuments, memorials, or tombstones, or semifinished monuments and tombstones with no work other than polishing, lettering, or shaping to custom order.

MORATORIUM – A suspension of activity or an authorized period of delay or waiting. A moratorium is sometimes agreed upon by the interested parties, or it may be authorized or imposed by operation of law.

MOTION DETECTOR (OR SECURITY LIGHT) – A light fixture that is equipped with sensors that detect movement within a certain range. When motion is sensed, the light automatically turns lights on and remains illuminated for a preset duration. Once no further motion is detected, the light turns off.

MOTOR VEHICLES, ALL TYPES, SALES/LEASING/RENTAL – Establishments that sell, rent, or lease automobiles, motorcycles, trucks, tractors, construction or agricultural equipment, and similar equipment, includes storage and incidental maintenance.

MOTOR VEHICLES, SMALL, SALES/LEASING/RENTAL – Establishments with fewer than ten (10) vehicles on an outdoor lot that sell automobiles, motorcycles, trucks, tractors, construction, or agricultural equipment, and similar equipment, includes storage and incidental maintenance.

MULTIFAMILY RESIDENCE – A building or buildings arranged, intended, or designed for four (4) or more families living independently, in which they may or may not share common entrances and/or other spaces. Individual dwelling units may be owned as condominiums or offered for rent.

MUSEUM/CULTURAL FACILITY – A nonprofit organization that researches, collects, conserves, interprets, and exhibits tangible and intangible heritage, offering varied experiences for education, enjoyment, reflection, and knowledge sharing.

MUSICAL INSTRUMENT AND SUPPLIES STORES – Establishments primarily engaged in retailing new and/or used musical instruments, sheet music, and related supplies; or retailing these new products in combination with musical instrument repair, rental, or music instruction.

MUTUAL DOMESTIC WATER CONSUMER ASSOCIATION (MDWCA) – A political subdivision established to improve public health by providing safe drinking water to rural communities. MDWCAs are responsible for managing water supply, wastewater treatment, and storm drainage facilities, and are authorized by the Sanitary Projects Act, NMSA 1978 Section 3-29-1 et seq.

(N)

NACELLE – The enclosure located at the top of a wind turbine tower that houses the gearbox, generator, and other equipment.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) – A permit issued by the New Mexico Energy, Minerals, and Natural Resources Department (EMNRD) for the purpose of regulating the discharge of pollutants from point sources.

NATURAL PERSON – An individual human being, as opposed to an organization of any form or a business entity.

NEIGHBORHOOD ASSOCIATION – An organization of property owners and/or residents that has been incorporated under the laws of the State of New Mexico, has recorded its bylaws with the Clerk of the County of Taos, and has been approved by the Board of County Commissioners.

NON-CERTIFICATED UTILITY – A public utility that is not required to obtain a certificate of public convenience and necessity. These utilities operate without the formal approval process that certificated utilities must undergo. Non-certificated utilities are subject to regulation by the New Mexico Public Regulatory Commission, and must comply with the Public Utility Act, which outlines their powers and duties.

NONCOMMERCIAL WIND POWER GENERATION – Wind power generation via a structure no greater than twenty-seven (27) feet in height for one single-family residence with allowed accessory buildings.

NONCONFORMING LOT, LEGAL – A lot or parcel of land that was legally created and existed prior to the effective date of this code that no longer meets the minimum size, frontage, or other dimensional requirements of the new regulations.

NONCONFORMING STRUCTURE, LEGAL – A structure or portion of a structure that was lawfully constructed prior to the effective date of this code, which fails to conform to the standards of this code for structures, such as restrictions on lot coverage, height, required setbacks, or other characteristics of the structure or its location on the parcel of land.

NONCONFORMING USE, LEGAL – An allowed use of real property, including improvements thereon, which can be demonstrated by the owner or tenant as having been lawfully established prior to the inception of these regulations, has been in continuous occupancy and uninterrupted use for the applicable purpose(s) between their establishment and the imposition of these regulations, but which no longer conforms to the current zoning law.

NON-CONTRIBUTING PROPERTY – A building, object, or parcel of land within a historic district that does not contribute to the district's historic significance due to its location, design, setting, material, workmanship, feeling, or association.

NONOWNER OCCUPIED – A Dwelling Unit that is not the Owner/Operator's Primary Residence or is not an ADU located on the same legal lot or parcel of record as the Owner/Operator's Primary Residence.

NONRESIDENTIAL USE – A use described in these regulations where a determination is made within a zone that it is permitted by right or requires a Conditional Use Permit.

NUISANCE GLARE – Means light that creates an annoyance or aggravation but does not create a potentially hazardous situation.

NURSERY, LAWN, GARDEN CENTER, AND FARM SUPPLY STORE – An establishment primarily engaged in the retail sale of garden supplies and plants grown on the premises or elsewhere. This classification includes the sale of landscape materials; nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, and sod that are predominantly grown onsite or elsewhere; topsoil; and the rental of landscaping equipment which may or may not be accompanied by repair services and replacement parts.

NURSING HOME – A residential facility managed by the State or by a private company, which provides a high level of long-term personal or nursing care for individuals such as the elderly, chronically ill, or disabled, who are unable to care for themselves properly. Nursing homes may also be referred to as care homes, skilled nursing facilities, rest homes, or long-term care facilities.

(O)

OCCUPANCY –The formal designation of the primary purpose of the building, structure, or portion thereof.

OCCUPANCY LOAD – The maximum number of people that can be safely accommodated in a building.

OFFICES – A room, set of rooms, or building providing professional, executive, management, medical, or administrative services not included in any other use type. This use type excludes home offices that otherwise meet the criteria for a home occupation.

OFFICE SUPPLY AND EQUIPMENT STORE – Establishments primarily engaged in the sale of new stationery, school supplies, office supplies, new office equipment, furniture, and new computers.

OFFICE SUPPLY, INKS, ETC., MANUFACTURING (EXCEPT PAPER) – An establishment that manufactures and distributes office supply products such as pens, pencils, felt-tip markers, crayons, chalk, pencil sharpeners, staplers, hand-operated stamps, modeling clay, and inked ribbons; and with the exception of paper.

OFF-STREET AREA – A designated space outside of streets or public roads that may be used for the display of goods, loading/unloading areas, and other approved uses.

OFF-STREET PARKING – An area where vehicles can park outside of a business or residential area and is not located on public roads or streets.

OIL AND GAS WELL DRILLING – A business with the primary purpose of boring holes into the earth to extract hydrocarbons such as oil or gas.

OPEN SPACE – Any parcel or area of land or water that is not occupied by buildings, structures, parking areas, streets, or alleys. Open space shall be permitted to be devoted to landscaping; preservation of natural features, including but not limited to rivers, streams, and acequias; and patios and recreational areas for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space.

OPERATOR, MINING – Any person or entity engaged in or preparing to engage in mining operations.

OPTICAL GOODS STORE – Establishments primarily engaged in the sale of prescription eyeglasses and contact lenses, offering a variety of services such as eye exams, prescription eyeglasses, and contact lens fittings.

ORDINARY HIGH WATER LEVEL OR ORDINARY HIGH-WATER MARK – The line on the shore established by the fluctuations of water, indicating the physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas, which identifies the highest water level.

OUTDOOR DISPLAY AND STORAGE – Any portion of a lot or parcel designated and used for storing retail items sold on the premises, provided that it does not create a nuisance or conflict with the right-of-way of adjacent properties.

OUTDOOR LIGHTING – Temporary or permanent lighting that is installed, located, or used in such a manner to cause light rays to shine outdoors.

OWNER – Any person or entity that has a legal or equitable interest in real property.

OWNER-OCCUPIED – A Dwelling Unit that is the Owner/Operator's Primary Residence or an Accessory Dwelling Unit or Bedroom that is located on the same legal lot or parcel of record as the Owner/Operator's primary residence.

OWNER/OPERATOR – A Natural Person who acts as the proprietor of any Dwelling Unit, Lodging Establishment, Accessory Dwelling Unit, or Bedroom offered or used as a Short-Term

Rental, whether in capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other possessory capacity.

(P)

PAPER MANUFACTURING – A business with the primary function of the large-scale production of paper and paperboard products by processing raw fibrous materials such as wood, cotton, hemp, or recycled paper.

PARCEL – Land that is capable of being described by location and boundaries that is not dedicated for public or common use.

PARK – An area of land for the enjoyment of the public, usually having facilities for rest and recreation with lawns, woodlands, and pasture, as well as having soccer fields, basketball courts, and playgrounds.

PARKING LOT/GARAGE, SURFACE OR UNDERGROUND – An area of land or structure designated for parking vehicles, where the spaces are the principal use of the property or structure, and where the surface is composed of an impervious surface, or the structure has open sides (in aboveground stories) and may be built partially or wholly underground.

PAWNSHOPS – An establishment where an individual can leave possessions in order to borrow money or buy objects that others have left there and that are now for sale.

PERMITTED USE – Activities allowed within specific zoning districts without requiring special approval.

PERSON – Any individual, partnership, firm, co-partnership, joint venture, association, social club, fraternal corporation, corporation, estate, trust, business trust, receiver, syndicate, political subdivision, or other group or combination acting as a unit.

PERSON AGGRIEVED – A person aggrieved is an "interested party," as defined in these regulations, whose legal right is adversely affected by the decision.

PERSONAL SERVICES – Services provided to individuals to satisfy personal or household needs, rather than producing a physical product. Common examples include healthcare, fitness training, barber and beauty shops, nail salons, tanning salons, massage therapy, electrolysis, seamstresses, tailors, shoe repair, dry cleaners (excluding dry cleaning plants), self-service laundries, and photographic studios.

PETROLEUM AND COAL PRODUCTS MANUFACTURING – Establishments with the primary purpose of the transformation of raw petroleum and coal into usable products like asphalt or lubricating oils.

PETROLEUM BULK STATIONS AND TERMINALS – Establishments that are equipped with bulk liquid storage facilities and are primarily engaged in the wholesale distribution of crude petroleum and refined petroleum products and are typically equipped with significant storage capacities (usually exceeding fifty thousand [50,000] barrels) to accommodate large quantities of petroleum products by using aboveground storage atmospheric tanks. Types of distribution may include gasoline, diesel fuel, and liquefied petroleum gas (LPG).

PET STORE – Establishments primarily engaged in retailing pets, pet foods, and pet supplies.

PHARMACY AND DRUGSTORE – Establishments engaged in the dispensing of prescription medications and providing pharmaceutical services, as well as the retail of over-the-counter medications, beauty products, and household items.

PHASED DEVELOPMENT – A development in which the proposed project is developed in phases over a period of time.

PLANNED UNIT DEVELOPMENT (PUD) – A flexible, specialized zone that allows for mixed-use, clustering, parks, and open space designed through the establishment of uses, dimensional standards, development standards, building design, phasing, subdivision, and other components that may differ from zones in the UDC while in accordance with general guidelines.

PLAT – A plan or map of a parcel of land, containing a description of the property and everything on it, including roads, boundaries, and real property.

POST OFFICE AND POSTAL SUBSTATIONS – These establishments provide and operate mail services under a universal service obligation. Mail services include the carriage of letters, printed matter, or mailable packages, including acceptance, collection, processing, and delivery.

POWER GENERATION PLANTS – Facilities that produce electricity for the production of power, including sustainable renewable electricity generation such as green hydrogen.

PRELIMINARY PLAT – A map of a proposed subdivision showing the character and proposed layout of the subdivision and the existing conditions in and around it and need not be based upon an accurate and detailed survey of the land.

PRESCHOOL, PRIVATE – An independent, state-licensed early learning program, having a cost of tuition, providing care and education for children between 3 to 4, for the purpose of preparing them for elementary school.

PRIMARY LODGER – The Natural Person to whom a Short-Term Rental Unit or a unit within a Lodging establishment is rented, who is responsible for the rental and acts as the primary point of contact with the Owner/Operator.

PRIMARY RESIDENCE – A Dwelling Unit that is legally considered to be the principal or main home where a Natural Person lives for the majority of the year, as demonstrated as the address listed on the Natural Person's driver's license, state-issued identification card, or voter registration card.

PRINCIPAL USE – The main purpose of a lot or parcel, which may be either a permitted or conditionally approved use.

PRINTING/PUBLISHING – Establishments primarily engaged in either reproducing text, images, and/or graphics onto textile products, paper, metal, glass, plastics, and other materials; or the process of bringing newspapers, magazines, books, and other periodicals from concept to completion by performing certain tasks such as editing and proofreading, design and layout, cover creation, etc.

PRIVATE WIRELESS COMMUNICATIONS FACILITY (Private WCF) – A freestanding vertical structure designed to radiate and/or receive radio frequency signals for radio communications without the intent of commercial service.

PRODUCTION FACILITY – Any lot, parcel, building, or structure that provides the physical infrastructure and technical resources needed to create works in various fields such as performing arts, new media art, film, motion pictures, videos, television programs and commercials, radio, comics, interactive arts, websites, music, sound recordings, and video games.

PRODUCTION PLANT, CHEMICALS – Establishments that transform raw materials into chemical products, usually on a large scale, through controlled reactions, separations, and physical changes.

PRODUCTION PLANT, GENERAL – An industrial facility, often consisting of several buildings, where workers manufacture items or operate machines to transform raw materials into finished products.

PRODUCTION PLANT, METALS – Establishments that are primarily engaged in the transformation of raw metal materials into finished products or components, usually on a large-scale basis, through a series of manufacturing and fabrication processes such as cutting, bending, welding, and assembling metal parts. Metal works facilities may also include specialized machinery and skilled technicians such as tinsmiths, to ensure a high-quality production.

PROFESSIONAL SERVICES – A business that offers specialized, skilled, and/or expert services to solve complex problems or improve operations. These services often require advanced education, certifications, licenses, experience, or qualifications. Some examples include but are not limited to legal services, construction contractors, architects and engineers, consulting services, tax services, cleaning services, etc.

PROJECT IMPACT REVIEW – The process of evaluating the possible environmental impacts that may be related to a proposed project.

PROTECTED WATERS – Areas that are safeguarded under the Clean Water Act and any other state or federal regulations, which shall include wetlands. However, no lake, pond, or flowage of less than ten (10) acres in size and no river or stream having a total drainage area less than two (2) square miles shall be regulated for purposes of these regulations.

PUBLIC FACILITY – Any facility, including but not limited to, buildings, property, recreation areas, and roads, that is owned, leased, or otherwise operated by a governmental entity.

PUBLIC NUISANCE – Knowingly creating, performing, or maintaining anything without lawful authority affecting any number of citizens that is either injurious to public health, safety, or welfare or that interferes with the exercise and enjoyment of public rights, including the right to use public property.

PUBLIC RIGHT-OF-WAY – The area of land acquired by deed, dedication, reservation by plat, usage, or otherwise created by operation of law, whether in fee simple or as an easement by the County of Taos, the State of New Mexico, or a federal agency, primarily for use by the general public for utilities or for the movement of people, goods, and vehicles.

PUBLIC SAFETY SERVICES – A facility for public safety and emergency services, including police and fire protection and police and fire training facilities.

PUBLIC TRANSPORTATION FACILITY – A facility that provides public transportation services to the general public, encompassing all infrastructure, equipment, and related assets that support, enhance, or are connected to the public transit system. Public transportation does not include taxis, limousines, charter or sightseeing services, highways, ports, airports, school buses, or any related transportation exclusively for school purposes. It does include but is not limited to buses servicing the general public, street railways, monorails, bus-only lanes, bike lanes, and parking facilities.

PUBLIC WATER SUPPLY (PWS) SYSTEM – A system for providing the public with potable water to at least fifteen (15) service connections used by year-round residents or regularly servicing an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year pursuant to *40 CFR Section 141.2.* All PWSs must meet the requirements of the federal Safe Drinking Water Act (SDWA) and State drinking water regulations. A public water supply system includes a municipal water supply system and a community water supply system.

(Q)

QUASI-JUDICIAL – A term applied to the action, discretion, etc., of public administrative officers or bodies that are required to investigate facts or ascertain the existence of facts, hold hearings, weigh evidence, and draw conclusions from them as a basis for their official action and to exercise discretion of a judicial nature. Quasi-judicial does not include such activities when the legislative function is being exercised. See Section ___.

(R)

RADIO AND TELEVISION BROADCASTING OR RECORDING STUDIO – A facility equipped with the technology and infrastructure to produce, record, and transmit audio and/or video content for live or pre-recorded broadcasts.

REAL ESTATE – Land along with improvements to the land, such as buildings, fences, wells, and other site improvements that are permanently affixed to the land.

REAL ESTATE SERVICES – Establishments with a range of activities and professional actions performed by specialized individuals who are primarily engaged in services related to the selling, buying, renting, leasing managing, appraising, and any other real estate-related services for others.

RECREATION, INDOOR – An establishment providing completely enclosed recreational activities, with accessory uses such as the preparation and serving of food and drinks as well as the sale or rental of equipment related to the enclosed uses, etc. Some examples include bowling alleys, skating rinks, trampoline parks, gymnasiums, movie theaters, basketball courts, etc.

RECREATION, OUTDOOR – An area free of buildings except for restrooms, dressing rooms, equipment storage, maintenance buildings, open-air pavilions, and similar structures primarily used for recreational or sports activities. Examples include sports stadiums and arenas, amusement and theme parks, racetracks, driving ranges, swimming or wave pools, drive-in theaters, archery or shooting ranges, riding stables or academies, campgrounds, recreational vehicle parks, miniature golf, golf courses and country clubs, batting cages, go-cart tracks, skiing, or tennis courts.

RECREATIONAL USE LIGHTING – Lighting devices designed for illuminating public playing fields, courts, or similar facilities to allow sports and recreation in the evening hours.

RECREATIONAL VEHICLE (RV) – A vehicle with a camping body built on a self-propelled motor vehicle chassis designed so that seating for driver and passengers is within the body itself or is a camping body that has its own motive power or is affixed to or drawn by another vehicle. The following shall be known as recreational vehicles:

- Travel trailers, camping trailers, fifth-wheel trailers, and all other vehicles that are constructed to include a chassis, integral wheels, and a towing hitch, and are primarily designed or constructed to provide temporary, readily moveable living quarters for recreation, camping, or travel use.
- Pickup campers, either mounted or non-mounted, or any structure designed to be mounted in the bed of a truck and providing living quarters for recreation, camping, or travel uses.

- Chassis mount, motor home, mini-motor home, or other recreational structure or vehicles constructed integrally with a truck or motor van chassis and incapable of being separated there from, as well as designed to be used for moveable living quarters for recreational, camping, or travel uses.
- Recreational vans or converted and chopped vans or other vehicles that are either initially constructed or converted to contain living quarters for recreational camping or travel uses.
- Tiny homes built on a chassis with a permanent axle, unless it is placed on a permanent foundation and the axle is removed.
- Trailers, boats, etc.

RECREATIONAL VEHICLE (RV) PARK OR CAMPGROUND – Any lot or parcel of land, on which RVs can park or where campgrounds are located, for occupancy by tents, or other individual camping units that are parked or placed in rental spaces, providing electric hookups, water connections, sanitary dump stations, restrooms, and shower facilities. Other amenities such as restaurants and laundry services may also be offered.

RECREATIONAL VEHICLE (RV) SALES AND SERVICE – An establishment primarily engaged in the sale of new and/or used RVs, boats/marine, travel trailers, or campers in combination with activities such as repair services and selling replacement parts and accessories.

RECYCLING CENTERS – A location where waste or scrap materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled, or handled, such as scrap metals, paper, cardboard, plastics, rags, tires, batteries, glass, aluminum, copper, and other such materials.

REFRIGERATED WAREHOUSE OR COLD STORAGE – Facilities designed to maintain controlled temperatures for the storage of perishable or temperature-sensitive products, ensuring that products remain in optimal conditions until they are shipped or sold. Examples of products to be stored in these conditions include but are not limited to food, pharmaceuticals, furs, and other sensitive goods.

RELIGIOUS INSTITUTIONS – Facilities providing religious services, instruction, or community support. This includes churches, mosques, synagogues, monasteries, convents, temples, and other places of worship.

REPAIR SERVICES – An establishment providing repair or restoration services for machinery and equipment; personal and household goods such as household appliances; computers; televisions; audio or video equipment; and office machines, furniture, and leather goods. This classification excludes building maintenance services and maintenance and repair of automobiles and other vehicles and equipment.

REPLAT – A legal process of revising an existing map of a property or subdivision to reflect changes in its configuration. A replat can involve modifying lot lines, combining or subdividing lots, or correcting errors in a previously recorded plat.

RESIDENTIAL, CLUSTER/CONSERVATION SUBDIVISION – A specific type of subdivision that uses the cluster development concept within a form subdivision plan by setting aside a major portion of the site as conservation land for open space to be utilized for agriculture, private or semi-public open space, and/or wildlife habitat, and clusters housing on the remaining portion of the site showing the clustering of homes on the official subdivision plat.

RESIDENTIAL USE – A zoning designation to include housing as the principal use and approved associated accessory and ancillary uses directly related to the principal use.

RESORT – A hotel/motel, cabins, or glamping development that may include dining, recreational facilities (such as a golf course, hiking trails, archery range, swimming facilities, and fishing access), convention facilities, and events facilities. The resort complements the natural and cultural attractiveness of the area without significant adverse effects on natural and environmental features and may be located outside of urban growth areas and in a rural or resource area setting of significant natural amenities.

RESTAURANT WITH DRIVE-THROUGH – A building where food is prepared and served in ready-to-eat form to the public for human consumption and containing a window to which vehicles can drive up, order, and pick up food.

RESTAURANT WITHOUT DRIVE-THROUGH – A business that prepares and serves food and beverages to customers in a ready-to-eat form primarily on-site, but many restaurants also offer take-out and food delivery services. “Restaurant” includes café, cafeteria, grill, pizza parlor, diner, snack shop, hamburger shop, and steak house.

RESTRICTIVE COVENANTS – Provisions placed in a deed or other recorded instrument that impose limitations on the use of the property.

RESUBDIVISION – The further division or relocation of any lot line within a previously approved subdivision.

RETAIL SALES, GENERAL (NOT OTHERWISE LISTED) – The sale of any tangible personal property for use or consumption and not for resale.

RE-ZONING – The reclassification of a parcel of land from one zoning designation to another zoning designation to allow or prohibit a use not previously allowed or prohibited in a zoning designation.

RIDGE LINE – The line or surface along the top of a ridge defining an area from which the surface drops away steeply on one or more sides.

ROAD – Any vehicular or private access, street, alley, highway, easement, or way existing by operation of law, platted, recorded, or shown on any official map, whether or not such street is actually developed, used, or dedicated.

ROAD, COUNTY – A street that is designated for County maintenance in the most current Taos County Road Inventory as duly authorized by the New Mexico Department of Transportation or that has been established by the Board of County Commissioners in conformance with the petition procedure provided by State law.

ROOMING HOUSE – A building, other than a hotel/motel, multifamily dwelling, or bed and breakfast, where for compensation and by prearrangement for definite periods, lodging, and meals are provided for four (4) or more persons. Rooming House includes but is not limited to fraternity/sorority houses and dormitories.

ROTOR – The rotating part of the turbine, including the turbine blades.

ROUGH GRADE – The stage at which the grade approximately conforms to the plans approved by the Certified Building Official.

(S)

SAG-LENS (or DROP-LENS) FIXTURE – A fixture, typically seen on older streetlights or parking lot lights, where the lens extends below the lowest opaque part of the fixture such that light is scattered above the horizontal plane.

SCHEDULE OF COMPLIANCE – A written plan provided by a subdivider detailing methods, procedures, and a date by which certain improvements, systems, or activities will be completed to satisfy the specific requirements of these regulations.

SCHOOLS, COLLEGES, AND UNIVERSITIES – Educational institutions providing higher education or specialized professional or vocational training, granting degrees to individuals who successfully complete the program. This can include a secondary school, vocational education, or an institution of further education.

SCHOOLS, ELEMENTARY – A facility for educational purposes that offers a general course of study for the first 4 to 6 grades of school, including kindergarten and sometimes pre-K.

SCHOOLS, HIGH – A facility for educational purposes that offers a general course of study for grades usually starting at 9 to 12, but occasionally some may begin at grade 10. Some high schools may offer vocational and trade programs or advanced placement classes that provide college credits.

SCHOOLS, MIDDLE – A facility for educational purposes that offers a general course of study for grades 6 through 8 or from grades 7 through 9.

SCHOOLS, SPECIALTY – Educational institutions that focus on specific areas of study or cater to a particular need. Examples include special education, arts and performance, sciences, gifted and talented programs, or vocational training.

SEASONAL HIGH-WATER TABLE – The highest elevation in the soil where all voids are filled with water, as evidenced by presence of water, soil mottling, or other information within a one (1)-year period.

SECURITY – A performance bond, completion bond, letter of credit, certificate of deposit, cash, collateral, or any other assurance that the County deems acceptable for ensuring completion of improvements required pursuant to these regulations.

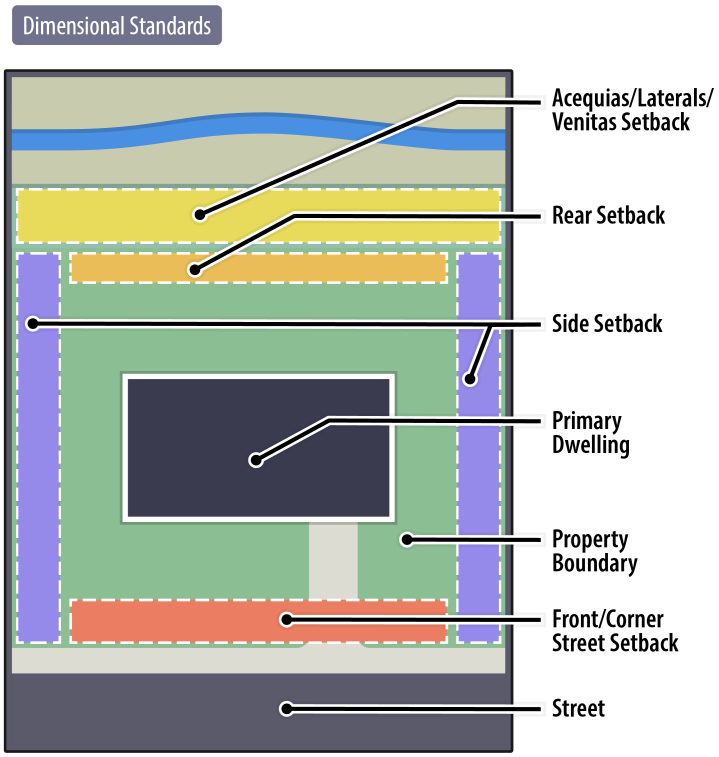
SECURITY LIGHT – See MOTION DETECTOR.

SELF-SERVE STORAGE FACILITY – A structure containing separate, individual, and private storage spaces of various sizes leased or rented on individual leases for varying periods of time.

SENSITIVE RESOURCE MANAGEMENT – The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

SETBACK – The distance between a structure and any lot line, water course, or acequia. Minimum setbacks define the building envelope and establish required distances from front, rear, and side property boundaries.

Figure 10.2.8



SEWER SYSTEM AND TREATMENT – The infrastructure, which includes pipelines, pump stations, and other structures, used for collecting and transporting wastewater away from homes and businesses to a treatment facility where wastewater is treated and stabilized before it is disposed of, ensuring that it is safe for release into the environment.

SHARED WELL – One domestic well diverting groundwater to serve two (2) or more residential connections, typically through a legal agreement that outlines the responsibilities, maintenance, and costs associated with the well system.

SHIELDING – A luminaire design projecting light emission below the horizontal plane running through the lowest point of the luminaire where light is emitted. See Figure 3.11.1.

SHOOTING RANGE, INDOORS – A specialized facility designed for firearm usage, offering a controlled environment for training, practice, and competitions. Each facility typically includes firing lanes, target retrieval systems, backstops, and safety measures overseen by one or more supervisory personnel.

SHOOTING RANGE, OUTDOORS – A designated outdoor area, typically located in a remote or rural setting, for the discharge of firearms. Each range provides a controlled environment for target practice, more space for long-distance shooting, the ability to simulate real-life scenarios, the freedom to engage with various firearms and targets, and shooting spots which allows shooters to practice marksmanship and shooting skills in a natural setting.

SHOP YARD – A building and/or a portion of land that is used by an individual or an organization for the purpose of storing or maintaining equipment or materials.

SHORT-TERM RENTAL (STR) – A lease or license of any Dwelling Unit, Accessory Dwelling Unit, or Bedroom for a term thirty (30) days or less.

SHORT-TERM RENTAL, LEGALLY NONCONFORMING – Any short-term rental unit that was issued a Home Occupation Residential Zoning Clearance for the purpose of Short-Term Rental of a Dwelling Unit prior to the passage of the Taos County Short-Term Rental Ordinance. To be considered a Legal Nonconforming Short-Term Rental Unit, the Owner/Operator must always maintain an up-to-date Taos County Business Registration with the Taos County Clerk's Office and adhere to the Standards of Operation for Short-Term Rental Units, pursuant to Section 4.__.

SHORT-TERM RENTAL QUIET HOURS – Designated hours during which noise from a Short-Term Rental Unit is more highly regulated.

SHORT-TERM RENTAL UNIT – A Dwelling Unit, Accessory Dwelling Unit, or Bedroom, that is at any time subject to a lease or license of thirty (30) days or less.

SIGHT TRIANGLE – A triangular-shaped portion of land established at street intersections and street/driveway intersections in which nothing may be erected, placed, planted, or allowed to grow in such a manner as to limit the sight distance of motorists entering or leaving the intersection. Refer to *Appendix 6 Schematics*.

SIGN – Any object, device, display or structure, or part thereof, situated outdoors or indoors, if visible from the outside, that is used to convey information by any means, including words, letters, figures, symbols, fixtures, colors, illuminated or projected images, not to include window displays in commercial properties, athletic scoreboards, or signage placed by a governmental entity.

SIGN MAKERS – Establishments who design and produce signs from different materials such as metal, plastic, or wood by screen printing, digital printing, and hand painting for various uses such as advertising, branding, or wayfinding. Sign makers are also responsible for creating sign layouts, as well as the installation and maintenance of signs.

SINGLE-FAMILY RESIDENCE – See DWELLING UNIT.

SKATING RINK/SKATE PARK – An establishment that provides facilities for skating activities such as ice skating, roller skating, skateboarding, BMX, scootering, etc., which can be an indoor facility or outdoor space containing features such as a frozen surface (ice skating), a hard smooth surface (roller skating), or provide features like half-pipes, quarter-pipes, a bowl, ramps, handrails, ledges, and others to allow for skaters (skateboarding, BMX, scootering) to practice and perform specialized tricks.

SLEEPING UNIT – A room or space in which people sleep; it can also include permanent provision for living, eating, and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

SLOPE – An inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

SOCIAL SERVICES – Establishments that provide support and social assistance directly to clients such as children, elderly persons, disabled persons, homeless persons, or veterans. Social assistance may include food, medical relief, counseling, or training. Examples include adoption agencies, child guidance organizations, foster care placement services, community action services agencies, marriage counseling services (except by offices of mental health practitioners), crisis intervention centers, multipurpose social services centers, self-help organizations (except for disabled persons, the elderly, persons diagnosed with intellectual and developmental disabilities), family welfare services, suicide crisis centers, hotline centers, and telephone counseling services. These services do not include residential or accommodation services, temporary shelters, or community housing.

SOIL – Naturally occurring superficial deposits overlying bedrock.

SOIL SURVEY – The process of classifying soil types and properties within a specific area by gathering data through field sample techniques that help understand soil characteristics.

SOLAR COLLECTOR – A device, substance, element, or a combination of devices, substances, or elements that rely upon sunshine as an energy source and that are capable of collecting not less than twenty-five thousand (25,000) BTUs on a clear winter solstice day. The term also includes any device, substance, or element that collects solar energy for use in the heating or cooling of a structure or building; the heating or pumping of water; industrial, commercial, or agricultural processes; or the generation of electricity.

SOLAR FARM – A large-scale photovoltaic (PV) installation that converts sunlight into electricity using solar panels, primarily for public utilities, providing a clean energy to a large number of consumers. A solar farm is also called a solar power plant, solar park, or solar field and can range from a few acres to tens of thousands of acres depending on their capacity and the number of panels.

SOLAR FARM, AGRIVOLTAIC – A photovoltaic (PV) installation that is colocated with agricultural activities on the same land, allowing both farming and solar power generation to occur simultaneously, by placing PV panels above, between, or alongside crops, livestock, or pollinator habitats, creating a “dual-use” system.

SOLAR FARM, COMMUNITY – A small-scale photovoltaic (PV) installation that allows residents and/or businesses to invest in a portion of the farm and receive energy credits or reduced electricity bills. Community solar farms must comply with all state and federal regulations.

SOLAR PANEL – See SOLAR COLLECTOR.

SPECIAL EVENTS – An unusual, memorable, or important occasion such as attractions, expositions, or gatherings that bring people together for purposes that include but are not limited to entertainment, education, or leisure. Special events usually include itinerant vendors inside and/or outside the event and can last up to two (2) weeks. Examples include public events like festivals, outdoor concerts, tent revivals, circuses, or carnivals. Farmers markets and flea markets shall not apply to special events.

SPECIALTY FOOD STORES – Establishments primarily engaged in retailing specialized lines of food, such as meat, fish and seafood, fruits and vegetables, artisanal products, natural products, local products, or gourmet food that is prepared, stored, or sold for human consumption.

SPORTING GOODS SHOP – Establishments primarily engaged in retailing new sporting goods, such as bicycles and bicycle parts, camping equipment, exercise and fitness equipment, athletic uniforms, specialty sports footwear, fishing equipment, hunting equipment, and related accessories.

SPORTS STADIUMS AND ARENAS – A large venue primarily used for hosting live sporting events, having an open-air, partially covered, or fully enclosed space with a central area surrounded by tiered seating in a circular or oval layout. Open-air or partially covered stadiums are designed primarily for outdoor sports, such as but not limited to baseball, football, soccer, etc. Fully enclosed arenas are designed primarily for indoor sports, such as but not limited to basketball, ice hockey, volleyball, etc. Other events such as concerts, exhibitions, and other live performances are also conducted in these facilities.

SPOTLIGHT (OR FLOODLIGHT) – Any lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

STALL-CONTROL – A method used in wind turbines to regulate power output and rotor speed by adjusting the angle of attack of the blades, by stalling the blades after a rated speed is achieved.

STEEP ROAD GRADE – Any grade of any portion of any road or driveway exceeding 12 percent where a road or driveway is proposed.

STEEP SLOPE – Existing grade with a slope of 20 percent or greater.

STEEP SLOPE DETERMINATION – An assessment of the incline of a slope to determine its steepness, determined by the Planning Director or a New Mexico licensed engineer. The slope shall be measured twenty (20) feet beyond the downhill side of the building footprint to twenty (20) feet beyond the uphill side of the building footprint.

STONE CUTTING/MASON MANUFACTURING – Establishments primarily engaged in the process of creating and shaping stone structures using specialized tools and techniques. These professionals are known as stonemasons or stone cutters and are skilled craftsmen who work with stone to build, repair, and restore buildings, monuments, and other structures.

STORAGE/SUPPLY YARD – Any lot or parcel of land designated and used for placing, keeping, holding, and storing of goods, equipment, supplies, and materials, which are commonly associated with industries such as construction, shipping, and manufacturing, as well as mechanical repair shops where inoperable vehicles, vehicles awaiting repair, and vehicle parts may be stored. This does not include junkyards or salvage yards.

STORMWATER MANAGEMENT/FLOOD CONTROL FACILITIES – Any stormwater management technique, apparatus, or facility that controls or manages the path, storage, flow, or rate of release of stormwater runoff, such as but not limited to, storm sewers, retention or detention basins, drainage channels, drainage swales, inlet or outlet structures, or other similar facilities that help recharge groundwater and improve water quality.

STREAM CORRIDOR AREA – A designated area surrounding a stream that is crucial for maintaining the natural processes, functions, and biodiversity of the stream's ecosystem. Mapping the stream corridors helps to understand the flood risk and assist in making informed decisions about land use and infrastructure development.

STREET – A right-of-way that affords a primary means of vehicular access to abutting lots or rental spaces. Synonymous are the terms street right-of-way, avenue, road, boulevard, calle, easement, or other similar terms. An alley or driveway is not a street.

STREET, PRIVATE – A street that is intended for common usage by those having a right-of-way but has not been dedicated or deeded to the public and has not been duly accepted for public ownership and/or maintenance.

STREET, PUBLIC – A street that has been dedicated or deeded to the public for common usage and that has been expressly accepted for public ownership.

STREET RIGHT-OF-WAY LINES – The perimeter boundaries of a street right-of-way.

STRUCTURAL CHANGE – Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

STRUCTURE – A combination of materials that form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

SUBDIVIDE – To divide a surface area of land into a subdivision.

SUBDIVIDER – Any person or his or her designee(s) who creates or who has created a lot through subdivision individually or as part of a common promotional plan, or any person or his

or her designee(s) engaged in the sale, lease, or other conveyance of subdivided land; however, "subdivider" does not include any duly licensed real estate broker or salesperson acting on another's account.

SUBDIVISION – The division of a surface area of land, including land within a previously approved subdivision, into two or more parcels for the purpose of sale, lease, or other conveyance or for building development, whether immediate or future; however, “subdivision” does not include the following exemptions:

1. The sale, lease, or other conveyance of any parcel that is thirty-five (35) acres or larger in size within any twelve (12)-month period, provided that the land has been used primarily and continuously for agricultural purposes, in accordance with Section 7-36-20, NMSA 1978, for the preceding three (3) years;
2. The sale or lease of apartments, offices, stores, or similar space within a building;
3. The division of land within the boundaries of a municipality;
4. The division of land in which only gas, oil, mineral, or water rights are severed from the surface ownership of the land;
5. The division of land created by court order where the order creates no more than one (1) parcel per party;
6. The division of land for grazing or farming activities, provided the land continues to be used for grazing or farming activities;
7. The division of land resulting only in the alteration of parcel boundaries where parcels are altered for the purpose of increasing or reducing the size of contiguous parcels and where the number of parcels is not increased; or, the alteration results in a decrease in the number of parcels, so long as the newly created parcels do not exceed two (2) parcels. Approval of a merger/consolidation will be contingent upon compliance with building codes, land use regulations, and other applicable ordinances and regulations in place or as amended.
8. The division of land to create burial plots in a cemetery;
9. The division of land to create a parcel that is sold or donated as a gift to an immediate family member; however, this exception shall be limited to allow the seller or donor to sell or give no more than one parcel per tract of land per immediate family member. This exemption may not be used to further divide a lot created under this exemption within five (5) years of the date of the division of the original tract of land. Moreover, Exemption #13 may not be used to further divide a lot created under this exemption within five (5) years of the date of the division of the original tract of land.
10. The division of land created to provide security for mortgages, liens, or deeds of trust, provided that the division of land is not the result of a seller-financed transaction;
11. The sale, lease, or other conveyance of land that creates no parcel smaller than 140 acres;
12. The division of land to create a parcel that is donated to any trust or nonprofit corporation granted an exemption from federal income tax, as described in Section 501(c)(3) of the United States Internal Revenue Code of 1986, as amended; school, college, or other institution with a defined curriculum and a

student body and faculty that conducts classes on a regular basis; or to any church or group organized for the purpose of divine worship, religious teaching, or other specifically religious activity; or

13. The division of a tract of land into two parcels that conform with applicable zoning ordinances; provided that a second or subsequent division of either of the two parcels within five (5) years of the date of the division of the original tract of land shall be subject to the provision of the New Mexico Subdivision Act; provided further that a survey, and a deed if a parcel is subsequently conveyed, shall be filed with the County Clerk, indicating that the parcel shall be subject to the provisions of the New Mexico Subdivision Act if the parcel is further divided within five (5) years of the date of the division of the original tract of land.

SUBDIVISION, ANTIQUATED (PLATS) – Means plats or subdivisions that were recorded or approved prior to the State of New Mexico Subdivision Act of 1973 and are characterized by any one of the following:

- Single-use development for residential single-family or manufactured homes to be developed on lots less than 3/4 acres; or
- Has substantially failed to be built out; or
- Location and/or lot design that does not consider environmental features or constraints; or
- Inadequate infrastructure such as drainage, water and wastewater services, and developed roadways; or
- Nonconforming with local and state government's current regulations, comprehensive plan, and land use and subdivision ordinances.

SUBDIVISION, TYPES –

- **TYPE ONE SUBDIVISION** – Any subdivision containing five hundred (500) or more lots, any one of which is less than ten (10) acres in size;
- **TYPE TWO SUBDIVISION** – Any subdivision containing not fewer than twenty-five (25) or more lots but not more than 499 parcels, any one of which is less than ten (10) acres in size;
- **TYPE THREE SUBDIVISION** – Any subdivision containing not more than twenty-four (24) lots any one of which is less than ten (10) acres in size;
- **TYPE FOUR SUBDIVISION** – Any subdivision containing twenty-five (25) or more lots, each of which is ten (10) acres or more in size; and
- **TYPE FIVE SUBDIVISION** – Any subdivision containing not more than twenty-four (24) lots, each of which is ten (10) acres or more in size.

SUBSTANTIAL COMPLIANCE – A legal principle that allows for minor deviations from certain requirements, provided that the essential purpose of those requirements is met.

SUPPORT STRUCTURE – A structure designed and constructed primarily to support one or more Antenna Arrays (i.e., a tower).

SURFACE DISTRIBUTION TRANSPORTATION FACILITY – Establishments furnishing services incidental to transportation, such as forwarding and packing services and arranging of passenger or freight transportation.

SUSTAINABLE DEVELOPMENT – Residential dwelling unit(s) composed of structures and systems that inherently produce utilities and life-support systems free of existing conventional grids and disposal systems, consistent with NMSA 1978, Section 78-8-2.

(T)

TAILOR/SHOE REPAIR – Establishments primarily engaged in the craftsmanship of repairing and maintaining footwear and clothing to extend the life of products and provide personalized service.

TASTING ROOM – A designated space within a winery, brewery, or distillery typically located on the premises of the winery or brewery's production facilities, where visitors can sample and learn about the establishment's products.

TATTOO PARLOR/TATTOO STUDIO AND/OR BODY PIERCING – An establishment whose principal business activity is the practice of placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; and/or the creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

TECHNICAL, TRADE, OR BUSINESS SCHOOLS – A higher-level learning institution that specializes in providing students with the vocational education and technical skills they need in order to perform the tasks of a particular job.

TELECOMMUNICATION FACILITY – Any cable, line, fiber optics, wire, conduit, innerduct, access manhole, handhole, tower, hut, pedestal, antenna, pole, box, transmitting equipment, receiving or relaying equipment, power equipment, satellite dish, microwave dish, or other equipment, system, or device used to transmit, receive, produce, or distribute via wireless, wireline, electronic, or optical signal for communication purposes.

TEMPORARY LIGHTING – Nonpermanent lighting installations installed and operated for a duration not to exceed thirty (30) days.

TEMPORARY USES AND STRUCTURES – A use or structure that is intended for only a limited period of time. Temporary uses shall include structures constructed for temporary use, RVs used for temporary shelter, yard and/or garage sales, special events, film production, and related activities which are all outlined in *Article VI Procedures*. All structures shall conform to the regulations of the applicable building codes, rules, and regulations.

TERRACE – A relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.

TERRAIN MANAGEMENT – The control of floods, drainage, and erosion, and measures required for adapting the proposed development to existing soil characteristics and topography.

TERRAIN MANAGEMENT PLAN – The developer's proposal for the control of floods, drainage, and erosion, and planned measures required for adapting the proposed development to existing soil characteristics and topography.

TEXTILE, CLOTHING, AND LEATHER MANUFACTURING – Establishments that are primarily engaged in the transformation of basic fibers (natural or synthetic) into a product, such as yarn or fabric, that is further manufactured into usable items, such as apparel, sheets, towels, and textile bags for individual or industrial consumption.

THEATER, DRIVE-IN – An open lot devoted primarily to showing motion pictures to patrons seated in vehicles on a large outdoor movie screen.

THEATER, MOVIE – Establishments equipped for showing movies on a large screen with sound and lighting designed for indoor cinematic experiences, with one (1) single theater or multiple movie theaters within the same structure.

THEATERS, PERFORMING ARTS – Establishments primarily engaged in producing live theatrical presentations such as musicals, operas, plays, comedy, dance presentations, and musical entertainment, within a building or outdoor area.

TIME OF PURCHASE, LEASE, OR OTHER CONVEYANCE – Time of signing any document obligating the person signing the document to purchase, lease, or otherwise acquire a legal interest in land.

TINY HOUSE – A single-family residence that is four hundred (400) square feet or less, excluding lofts and recreational vehicles. Tiny houses shall comply with New Mexico Residential Building Code as amended.

TOWER – With regard to a wind energy system, the structure on which the wind system is mounted.

TOWNHOUSE – A building that contains three (3) or more dwelling units attached from the foundation to the roof and has a yard or open space on not less than two (2) sides.

TRACT – See LOT.

TRAVEL AGENCY – Establishments primarily engaged in acting as agents in selling travel, tour, and accommodation services to the general public and commercial clients.

TRAVEL PLAZA/TRUCK STOP – A facility that provides services to the trucking industry, including but not limited to the following: dispensing of fuel, repair shops, automated washes, restaurants, and motels; all as part of the facility.

TRIPLEX – A building arranged, intended, or designed for three (3) dwelling units on one (1) lot to be occupied by three (3) separate families living independently, in which they may or may not share common entrances and/or other spaces. Individual dwelling units may be owned as condominiums or offered for rent.

TURBINE – A wind driven machine that converts wind energy into electrical power, also known as a wind energy conversion system.

TURNABOUT – A section of road used to change or to reverse direction traveled.

(U)

UNDISTURBED GROUND ELEVATION – The measured height above a fixed reference point, often the mean sea level, prior to any disturbance of the ground.

UNIVERSITY, COLLEGES, POST SECONDARY – An institution of higher (or tertiary), third stage, postsecondary education and research that grants academic degrees in a variety of subjects and provides either or both undergraduate education and postgraduate education.

UNSAFE STRUCTURE – A structure, building, or existing equipment that, in the determination of the Certified Building Official or Fire Marshal, is unsafe, unsanitary, or deficient because of inadequate means of egress facilities, inadequate light and ventilation; that constitutes a fire hazard or is otherwise dangerous to human life or the public welfare; or that involve illegal or

improper occupancy or inadequate maintenance, shall be deemed in an unsafe condition. A vacant structure that is not secured against entry shall be deemed unsafe.

UPHOLSTERY AND FURNITURE REFINISHING – Establishments primarily engaged in the process of stripping away the existing finish and applying a new one to restore and enhance the appearance of old or damaged furniture. It involves the use of specialized tools and techniques, such as brushes, sanders, and chemicals.

UPWIND ROTOR – A design in which the rotor on a wind turbine tower faces into the wind.

USABLE OPEN SPACE – Land approved by the County to fulfill open space requirements of these regulations and shall consist of land that is accessible to the general public or all residents of the development and thus shall not include setbacks, driveways, parking lots, and other surfaces designed or intended for vehicular travel or principal use. Usable open space may include but is not limited to walkways, trails, parks, active and passive recreation areas, arroyos, streams, rivers, acequias, courtyards, and plazas. Except for trails, in most cases, a minimum thirty-five (35)-foot width is required to qualify as usable open space, excluding parking for access to open space amenities.

USED MERCHANDISE STORES – Establishments primarily engaged in retailing or wholesaling pre-owned goods, such as books, clothes, shoes, furniture, musical instruments, jewelry, etc. Used merchandise stores are also known as second-hand shops, thrift stores, consignment shops, and pawnshops.

UTILITY FACILITIES – A facility where the distribution of gas, electricity, water, sewer, and landline telecommunications serves as the principal use. This shall include the storage and services yards that store and manage equipment, vehicles, and materials used in the operations of the company.

(V)

VACATE – An act of voluntarily rescinding all or part of an approved or permitted development, plat, or use by notification to the approving entity, failing to act on an approval within the specified timeframe, or abandoning or discontinuing the use or property in the case of a legal nonconforming use.

VARIANCE – Permission to depart from one or more requirement(s) of these regulations upon a showing by the applicant that strict enforcement of these regulations would cause undue hardship in execution. See *Article VI Procedures*.

VEHICLE PAINTING AND BODY SHOPS – Establishments primarily engaged in repairing, customizing, or painting bodies or interiors of automotive vehicles such as passenger cars, trucks, and vans, and all trailer bodies and interiors; replacing, repairing, and/or tinting automotive vehicle glass; or customizing automobile, truck, and van interiors for the physically disabled or other customers with special requirements. No vehicles are sold on the premises.

VERTICALLY INTEGRATED CANNABIS ESTABLISHMENT – A person who is authorized to act as any of the following:

- A cannabis courier;
- A cannabis manufacturer;
- A cannabis producer; and
- A cannabis retailer.

VETERINARY CLINIC OR ANIMAL HOSPITAL – A medical facility specializing in diagnosis, treatment, and prevention of illnesses in animals, providing a range of services such as routine check-ups, vaccinations, surgical procedures, emergency care, and overnight accommodations. Animal hospitals are similar to veterinary clinics, although animal hospitals are equipped to handle more complex medical cases and may offer specialized services such as radiology and dentistry.

VICINITY MAP – A map that shows the area or region near or about a proposed project.

(W)

WAREHOUSE CLUB, SUPERCENTER – A retail establishment that specializes in selling goods in bulk at discounted prices to consumers and small businesses who must become club members.

WASTE COLLECTION – A facility designed to handle the collection, storage, transportation, processing, treatment, and disposal of solid waste material, other than hazardous or infectious waste. This includes but is not limited to recycling drop-off points and centers, as well as facilities that handle hazardous waste, solid waste collection centers, solid waste transfer stations, and similar facilities.

WATER AND SANITATION DISTRICT – A governmental subdivision formed for the purpose of constructing, maintaining, and operating water and sanitation services pursuant to NMSA, Section 73-21-1 et seq.

WATER BODY – Any natural or manmade structure that contains surface water. Part of the Earth's surface covered with water.

WATER COOPERATIVE – See MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION.

WATER RIGHT – The right of a user to use water from a water source, e.g., a river, stream, pond, or source of groundwater. Water rights are regulated by the Office of the State Engineer.

WATER SOURCE – A river, creek, stream, or other body of water that has definite banks and/or evidences the overland flow of water, as well as groundwater.

WATERCOURSE – A river, creek, spring, stream, arroyo, acequia, canal, channel, drain, gully, ravine, reservoir, wash, waterway, wetland, or other like body that has definite banks and/or evidences the overland flow of water.

WATERS OF THE STATE – All surface and subsurface waters protected by the state's Water Quality Act, which are contained within, flow through, or border upon the state or any portions thereof.

WATER SUPPLY FACILITIES – All facilities, equipment, and land used for the collection, transportation, treatment, and distribution of both surface and underground water, all for the purpose of providing potable, sanitary water suitable for human consumption and use.

WEEDS AND BRUSH – Any underbrush, brush, shrub or plant material that constitutes a health, safety, and welfare hazard or detracts from the accepted neighborhood aesthetics.

WETLANDS – A non-man-made natural area that is inundated or saturated by freshwater, surface water, or groundwater at a frequency and duration sufficient to support, and that under normal circumstances supports, a prevalence of vegetation typically adapted for life in saturated soil conditions.

WHOLESALE WAREHOUSE FACILITY – A warehouse designed for the long-term storage of goods, acting as a buffer between production and consumption, allowing businesses to hold inventory safely until it is needed for manufacturing, retail, or wholesale distribution.

WILDLAND URBAN INTERFACE (WUI) AREAS – Any areas in which structures and other human development meet or intermingle with wildland, forest, or mountainous terrain containing vegetative fuels that present a hazard of wildfires; an area adjacent to an evacuation route for an "at risk" community that requires hazardous fuels reduction for safer evacuation from the community; an area where the watershed is endangered by human development.

WILDLIFE AREA – Areas containing biologically significant habitat such as natural food sources, migratory bird corridors, nesting areas, wintering areas, wildlife watering sources, and wetlands.

WIND ENERGY CONVERSION SYSTEM (WECS) – One (1) or more wind turbines that are designed to capture the kinetic energy of the wind and convert it into useable energy, typically in the form of electricity. Its components include a rotor, generator, tower, and control system. WECS must comply with all state and federal regulations pertaining to both commercial use and personal use systems.

WIND FARM – See WIND POWER GENERATION, COMMERCIAL.

WIND POWER GENERATION (WIND FARM), COMMERCIAL – A single wind-driven machine or a collection of wind-driven machines or turbines that convert wind energy into electrical power for the primary purpose of sale, resale, or off-site use.

WIND POWER GENERATION, NONCOMMERCIAL – A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than one hundred (100) kW and which is intended to primarily reduce on-site consumption of utility power, and is not intended for the commercial sale or transfer of power except for sales of excess power to an electric utility company connected to the turbine. If all applicable regulations are met, Noncommercial Wind Power Generation may contain more than one (1) wind energy conversion system.

WIRELESS COMMUNICATIONS FACILITY (WCF) – A facility used or intended for the transmission of an Antenna Array, connection cables, attachment device, equipment facility, and either a support structure or existing vertical infrastructure to achieve the desired elevation.

WOOD OR WOOD PRODUCTS MANUFACTURING – Establishments that are primarily engaged in transforming raw wood and logs into finished products, such as lumber, plywood, veneers, wood containers, wood flooring, wood trusses, etc. This includes the selection, felling, and transportation of wood and includes the manufacturing process of sawing, planning, drilling, shaping, sanding, and finishing.

WOODWORKING SHOPS – Establishments that engage in various woodworking activities, such as carpentry, cabinet-making, and joinery to make furniture, cabinets, or similar items from logs or lumber, where the finished product may be sold on or off the premises.

WORKFORCE HOUSING – Low income/moderate income housing as defined by current state and/or federal law.

(X)

XERISCAPE – The practice of designing landscapes that conserve water in arid regions by using plant materials that require little water, placing plants with similar water needs together, and employing efficient irrigation techniques.

(Y)

(Z)

ZERO LOT LINE RESIDENCE – A dwelling unit constructed directly on or very close to the property boundary. In many cases, the home comes close enough to the lot line to leave only a sliver of outdoor space. Some zero lot line homes may even share walls with adjacent homes, such as rowhouses and townhouses.

ZONED AREA – Area(s) where certain land uses are allowed or not allowed, regulating how land can be developed and used, impacting residential, commercial, industrial, and agricultural activities.

10.3 RULES OF MEASUREMENT

Purpose: This section establishes rules for measurement or calculation of UDC standards, such as lot area and height.

10.3.A. Applicability. This section describes how to measure or calculate metrics. *Article II Zoning Districts* regulates each metric according to zoning district. *Article IV Supplemental Use Regulations* regulates these metrics for certain land uses.

10.3.A.1. **Density**

10.3.A.1.a. **Calculation of Density**

1. Density for residential uses is expressed in dwelling units per acre of land.
2. The calculation of maximum density is based on the net land area of all land in a proposed development. Land area must be based on the most current reliable survey.

10.3.A.2. **Gross Floor Area**

10.3.A.2.a. **Measurement of Gross Floor Area**

1. Gross floor area (GFA) is measured from the outside perimeter of the exterior walls of the structure and includes all floors in the structure.
2. GFA includes the total horizontal area of all floors of a structure, including interior balconies, mezzanines, corridors, stairways, ramps, closets, columns, and other features.
3. GFA excludes interior courts or an open, uncovered space, unobstructed to the sky, bounded on three (3) or more sides by exterior building walls or other enclosing devices; and
4. The floor area of a structure or portion thereof without exterior walls is the useable area under the horizontal projection of the roof or floor above.
5. For a dwelling, the measurement of GFA excludes carports, garages, basements, storage areas with only outside access, and open porches.

10.3.A.3. **Height**

10.3.A.3.a. **Generally.** This subsection describes how to measure building and structure height and allows exceptions for certain structures or elements.

10.3.A.3.b. **Measurement of Height**

1. **Buildings.** Building height is measured as the vertical distance from the center of the front of the building at the undisturbed existing elevation next to the building site to the top of the highest roof or parapet on a flat or shed roof, the deck level of a mansard roof, or the average distance between the eaves and ridge level for gable, hip, and gambrel roofs.
2. **Exclusions.** Excluded from the height measurement are attached chimneys, vents, flagpoles, solar structures, antennas, and other similar equipment that does not exceed four (4) feet above the maximum height. Refer to schematics below.

Insert Diagrams for Height Measurement

3. **Height – Wind Tower.** The height shall be measured from the highest vertical point on the machine, including the rotor blade tips, to the tower base.

4. **Height – Wireless Communications Facility.** The height shall be measured from the average point of the highest and lowest undisturbed adjacent ground elevation or grade next to the Wireless Communication Facility (WCF) to the tallest point of the tower or supporting structure and all projecting antennas or devices above that height, including the height of any buildings the WCF is built upon.

10.3.A.4. **Lot Area**

10.3.A.4.a. **Measurement of Lot Area**

1. The area of a lot:
   a. Is calculated in square feet by multiplying the lot depth by the lot width;
   b. May include the area of abutting riparian area buffers, in accordance with *Article III Development Standards* 3 Resource Protection;
   c. Does not include any portion of a street or railroad right-of-way, or natural water body such as a stream or lake.
2. When a lot is irregularly shaped, the calculation method varies based on the lot shape and the information available.

10.3.A.5. **Lot Depth**

10.3.A.5.a. **Measurement of Lot Depth.** The depth of a lot is the average horizontal distance between the front and rear lot lines, measured generally parallel to the side lot lines.

10.3.A.6. **Lot Width and Lot Frontage**

10.3.A.6.a. **Measurement of Lot Width.** The width of a lot is the horizontal distance between the side lot lines at the front setback line, measured:

1. Parallel to the front lot line; or
2. In the case of a curvilinear street, parallel to the chord of the arc between the intersection of the side lot lines and the front setback line.

10.3.A.6.b. **Measurement of Lot Frontage.** The frontage of a lot is the horizontal distance between the side lot lines at the front lot line, measured:

1. Parallel to the front lot line; or
2. In the case of a curvilinear street, parallel to the chord of the arc between the intersection of the side lot lines and the front lot line.

Insert Figures

10.3.A.7. **Lot Coverage**

10.3.A.7.a. **Measurement of Lot Coverage.** Lot coverage is:

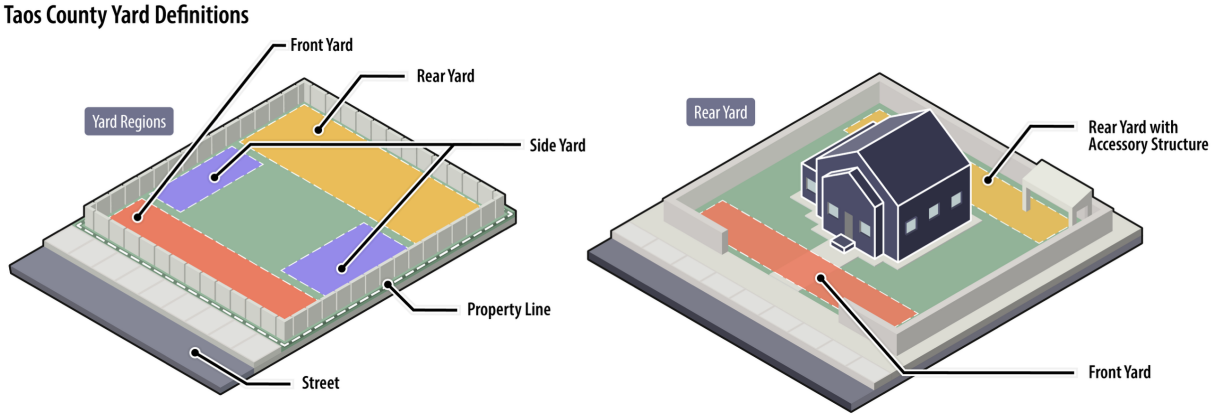
1. Expressed as a percentage of lot area; and
2. Calculated by dividing the total area (in square feet) of all principal and accessory building footprints within a lot by the total lot area (in square feet) and multiplying the result by one hundred (100).

10.3.A.8. **Setbacks**

10.3.A.8.a. **Measurement of Setbacks**

1. **Generally.** Setbacks are measured horizontally from property lines or other features to the closest projection of any portion of a building or structure except for encroachments as allowed in Section __ below and rounded to the nearest 1/10 of a foot.
2. **Measurement from Roads.** Setbacks from roads are measured from the ultimate right-of-way unless the existing right-of-way is wider.
3. **Required Yards Cannot Overlap.** Required yards provided for one structure cannot be used to meet yard requirements for another structure.
4. **General Location of Yards and Setback Lines**
   a. **Front Yard Defined.** A front yard is an open, unoccupied space on a lot (except for encroachments as allowed by Section __below) that typically faces a street and extends across the entire width of a lot between the side lot lines.
   b. **Side Yard Defined.** A side yard is an open, unoccupied space (except for encroachments as allowed by Section __ below) that extends from the front lot line to the rear lot line.
   c. **Rear Yard Defined.** A rear yard is an open, unoccupied space (except for the encroachments as allowed by Section __ below) that generally is parallel to the front yard and extends across the entire width of a lot between the side lot lines.

Figure 10.3.1

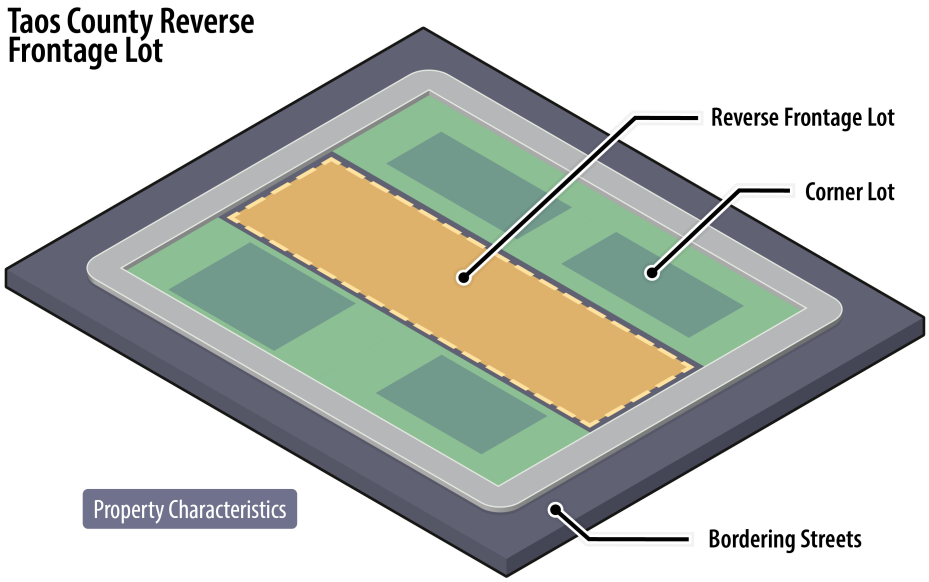


d. **Exceptions for Front Yard Setbacks for Dwellings.** The front setback requirements specified by Section __ do not apply to dwellings located on a lot where the average existing front setback line on lots located wholly or in part within two hundred (200) feet on each side of the subject lot, measured from the required side yard setback line, within the same block and zoning district and fronting on the same side of the street as the subject lot, is less than the minimum front setback required. In such cases, the front setback may be less than the setback required, but no less than the average setbacks on the aforementioned lots. In no case shall the front setback be less than ten (10) feet from the front lot line.

e. **Double Frontage Lots.** For double frontage lots, the front setback requirements apply along both street frontages.

f. **Reverse Frontage Lots.** For reverse frontage lots, the front setback requirements apply along the street that provides primary access to the lot and the rear setback requirement apply along the other street as shown in Figure ___.

Figure 10.3.2

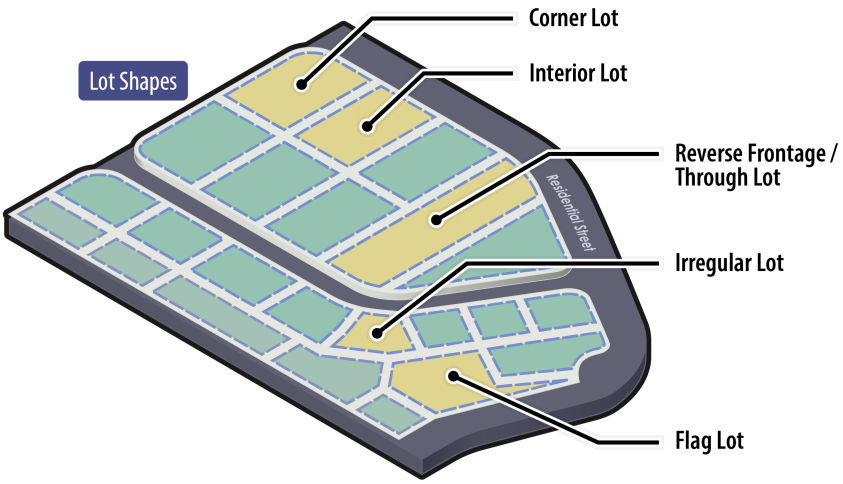


g. **Flag Lots.** The “flagpole” portion of a flag lot must meet setbacks as shown in Figure__.

h. **Irregularly Shaped Lots.** Figure below shows the location of yards and setback lines on an irregularly shaped lot. This example is provided for reference only; the Zoning Administrator determines the location of yards and setback lines on irregularly shaped lots per Section ___.

Figure 10.3.3

Taos County Irregularly Shaped Lots



10.3.A.8.b. **Allowed Encroachments**

1. Every part of a required yard must remain open and unobstructed from its lowest level to the sky, except for the encroachments allowed by Table 10.3.1 *Allowed Encroachments into Required Yards and Setbacks*.
2. "Required yard" means that portion of any yard constituting the minimum area required in any zoning district but excluding that portion of the yard in excess of the minimum required area.
3. In addition, certain structures may be placed in the required yard area as specified in *Article IV Supplemental Use Regulations*.

Table 10.3.1

Allowed Encroachments into Required Yards and Setbacks			
Feature	Yard(s) Where Encroachment is Allowed	Encroachment (max)	Setback from Lot Line(s) (min)
Balconies (uncovered)	Any yard	4 ft	10 ft
Bay windows	Any yard	2 ft	3 ft
Chimneys, flues	Side	1/3 of the width of the side yard or 2 ft, whichever is less	–
Eaves, windowsills	Side	1/3 of the width of the side yard or 2 ft, whichever is less	–
Minor accessory uses and structures[1]	Any yard	No max	0 ft
Open or lattice enclosed fire escapes, fireproof outside stairways, balconies opening upon fire towers, and similar structures	Any yard, if placed so as not to obstruct light and ventilation	5 ft	–
Open, uncovered decks	Any yard	1/3 of the width of the yard	3 ft
Protective awning, hood, or overhang above a doorway	Any yard	3 ft	–
Ramps, lifts, and other mechanisms for ADA accessibility	Any yard	No max	–
Utility connections, mechanical units	Any yard	No max	3 ft
[1] **See Section 4.__ Accessory Uses & Structures**			

10.3.A.8.c. **Use Separation**

10.4 INTERPRETATION OF ZONING MAP

10.4.A. Generally

10.4.A.1. The Planning Director may authorize periodic changes to the boundaries of the Official Zoning Map in conformance with this subsection. Interpretations of zoning district boundaries may be appealed to the Board of Adjustment (see *Article VI* Division 5 Relief).

10.4.A.1.a. If the specific location of a zoning district boundary cannot be determined from application of the rules in this subsection to the Official Zoning Map, the Planning Director shall determine the boundary by scaling the mapped boundary's distance from other features shown on the map.

10.4.A.2. **Boundaries that Follow Lot Lines**

10.4.A.2.a. A boundary shown on the Official Zoning Map as following a lot line or parcel boundary shall be construed as following the lot line or parcel boundary as it actually existed at the time the zoning boundary was

established, as shown on maps submitted or used when the boundary was established.

10.4.A.2.b. If, after the establishment of the zoning boundary, a minor property line adjustment is made, such as a legally recorded boundary change, the zoning boundary shall be construed to move with the lot line or parcel boundary if the adjustment is less than ten (10) feet.

10.4.A.3. **Boundaries that Follow Natural Features**

10.4.A.3.a. Where the ordinance establishing a zoning boundary identifies the boundary as following a particular natural feature such as a ridgeline, contour line, river, stream, lake, or other water course, or reflects a clear intent that the boundary follow the feature, the boundary shall be construed as following that feature as it actually exists.

10.4.A.3.b. If, after the establishment of the boundary, such natural feature should move as a result of natural processes (slippage, subsidence, erosion, flooding, sedimentation, etc.), the boundary shall be construed as moving with the natural feature.

10.4.A.4. **Boundaries that Follow Streets or Railroad Lines**

10.4.A.4.a. A boundary shown on the Official Zoning Map as approximately following a street or railroad line shall be construed as following the centerline of the street or railroad right-of-way.

10.4.A.4.b. If, after the establishment of the boundary, the centerline of the street or railroad right-of-way is moved as a result of its widening or a minor realignment (such as at an intersection), the boundary shall be construed with moving with the centerline only if the centerline is moved twenty-five (25) feet or less.

10.4.A.5. **Boundaries that Split an Existing Lot or Parcel**

10.4.A.5.a. If a zoning district boundary splits an existing lot or parcel, the metes and bounds description, if one was submitted at the time the County established the zoning boundary, is used to establish the boundary.

10.4.A.5.b. If a metes and bounds description was not submitted, the County may require a survey to establish the precise location of the district boundary line. The regulations for each district apply to the portion of the lot located in that district.

Article XI Legal Provisions

11.1 ROLE OF COUNTY ORDINANCES AND STATE AND FEDERAL LAWS

11.1.A. All development and subdivision of land under these regulations shall comply with all County ordinances and applicable state and federal laws. A list of current County ordinances that may be applicable to development activities (in addition to the UDC) is available for inspection at the Taos County Planning Department.

11.1.B. Relationship to Other Provisions of the County Code

11.1.B.1. The use of buildings and land within the unincorporated County subject to these regulations shall be subject to all other applicable provisions of the County Code and other ordinances, as well as this code, whether or not such other provisions of the County Code are specifically cross-referenced in this code. Cross-reference to other provisions of the County Code in this code are for the convenience of the reader; lack of a cross-reference should not be construed as an indication that other provisions of the County Code do not apply.

11.1.B.2. In interpreting and applying the provisions of this code, they shall be construed to be the minimum requirements necessary for the promotion of public health, safety, or the general welfare.

11.2 INCORPORATION OF CODES AND GUIDELINES BY REFERENCE

11.2.A. Codes and Ordinances Referenced in the UDC. The following codes are incorporated by reference in the UDC.

11.2.A.1. International Building Code (ordinances that adopted codes) 24-5 Administrative Codes

11.2.A.2. Fire Code

11.2.B. Design Guidelines. The provisions of the UDC may be supplemented from time to time by design guidelines adopted by the Planning Commission and Board of County Commissioners by resolution. Design guidelines are considered as an aid in the interpretation or implementation of the provisions of this code. Design guidelines are considered as policy (except those parts derived from this code) and may be modified when deemed appropriate in order to accomplish higher quality development design. In the event of a conflict between a design guideline and any provision of this code, the provision of this code shall control.

11.2.C. Repeal of Existing Ordinances and Replacement by Ordinance 2026-__, Unified Development Code

11.2.C.1. **Generally.** The Taos County ordinances pertaining to zoning, subdivision regulations, and other related land use regulations are hereby repealed and replaced by Ordinance 2026-___, entitled the Unified Development Code.

11.2.C.2. Ordinances, as subsequently amended, that are repealed include:

11.2.C.2.a. The existing zoning regulations entitled, “Ordinance 2018-02 Land Use Regulations,” as passed on September 4, 2018, and as subsequently amended, are repealed.

11.2.C.2.b. Included in amendments to Ordinance 2018-02 are:

1. “Ordinance 2019-04 An Ordinance Amending Ordinance 2018-02 Taos County Land Use Regulations,” adopted on ____, 2019.
2. “Ordinance 2021-4 An Ordinance Regulating Cannabis Production, Cannabis Manufacturing, Cannabis Retailing, and Other Cannabis-Related Activities Clarifying the Requirements for Cannabis Manufacturing” adopted on December 21, 2021.
3. “Ordinance 2024-4 Short-Term Rental Ordinance,” adopted August 20, 2024.
4. “Ordinance 2005-8 An Amendment to Taos County Ordinance 2005-10 for Taos County, Repealing and Amending Portion of the Taos County Land Use Ordinance, Stagecoach Neighborhood Association (SNA) Amendment,” adopted on _____, 2006.
5. “Ordinance 2003-1, Taos County, New Mexico Amending Ordinance No. 1997-4,” pertaining to Upper Las Colonias Neighborhood Zone, adopted October 6, 2003.

11.2.C.2.c. The existing subdivision regulations entitled, “Ordinance 2005-8 Repealing and Abolishing 2004-3 and 1998-4 and Adopting New Subdivision Regulations for Taos County,” as passed on August 1, 2005, and as subsequently amended, are repealed.

11.2.C.2.d. Included in amendments to Ordinance 2005-08 are:

1. “Ordinance 2013-3, An Ordinance Amending Ordinance 2005-08, Taos County Subdivision Regulations, To Require That All Property Taxes Be Current on Any Property for Which a Subdivision Application is Submitted,” adopted March 5, 2013.
2. “Ordinance 2013-10, An Ordinance Amending Ordinance 2005-08 Taos County Subdivision Regulations to Allow the Use of Subdivision Exemption Number Seven (7) Lot Line Adjustment to be Utilized in Previously Approved Subdivisions,” adopted ____ 2013,
3. “Ordinance 2020-2, An Ordinance amending Ordinance 2005-08 Taos County Subdivision Regulations, to Decrease the Minimum Lot Size from 2 Acres to 1 Acre and To Allow Antiquated Subdivision Lots to be Consolidated,” adopted _____, 2020.

11.2.C.3. Stand-Alone Ordinances that are repealed include:

11.2.C.3.a. The existing night sky protection ordinance entitled, “Ordinance 2006-09 Outdoor Lighting on Public and Private Property – A Night Skies Protection Act,” as passed on November 20, 2006, and as subsequently amended, is repealed.

11.2.C.3.b. The existing sign code, entitled, “Ordinance 2022-3, An Ordinance Repealing and Replacing Ordinance 1996-2 Taos County Sign Ordinance,” adopted ____, is repealed.

11.2.D. The adoption of this Article, however, shall not affect nor prevent any pending or future prosecution of, action to abate, or existing violation of prior regulations.

11.3 PRIVATE RESTRICTIONS

11.3.A. Deed Restrictions, Covenants and Easements. The provisions of the UDC are not intended to abrogate any deed restriction, covenant, easement, or any other private agreement or restriction on the use of land. However, where the provisions of the UDC are more restrictive or impose higher standards than any such private restriction, the requirements of the UDC shall control. Where the provisions of any private restriction are more restrictive or impose higher standards than the provisions of this code, such private restrictions shall control if properly enforced by a person having the legal right to enforce such restrictions. Private restrictions shall not be enforced by the County.

11.4 ADOPTION OF ZONING MAP

11.4.A. The Zoning Map, Figure ___, is hereby adopted in the UDC and included as an attachment to the UDC document, and as maintained by the Planning Director and available for inspection in the Planning Department.

11.4.B. The Zoning Map may be periodically amended following procedures in *Article VI*.

11.5 TRANSITIONAL PROVISIONS

11.5.A. Effect of Zoning Map on Prior Zoning Approvals. The Zoning Map adopted in conjunction with the UDC shall incorporate zoning or rezoning of property actions completed prior to the effective date of the UDC.

11.5.B. Prior Development Permits and Approvals. Except as otherwise provided in Section __, development permits and approvals previously granted by the Board, Planning Commission, or Planning Director before the effective date of the UDC for which rights have not vested (such as approved master plans, special exceptions, recognition of nonconforming uses, development plans, subdivisions, exception plats, and lot line adjustments) shall be henceforth governed by the UDC.

11.5.C. Permits and Approvals with Vested Rights. Development permits and final approvals granted by the Board, County Planning Commission, or the Planning Director prior to enactment of the UDC for which rights have vested shall remain valid, and development and use of the property shall be allowed so long as the development and use are in accordance with the development permit and final approval.

11.5.D. Approved Preliminary Development Plans or Plats. Properties that have received preliminary development plans, subdivision approval or plat approval but have not received final development plan or plat approval, shall, within twenty-four (24) months of said approval (or such other period as may be specified in Section 5. __ of the UDC), file an application for approval of a final development plan or subdivision plat in accordance with that preliminary plan or plat or the approval of the preliminary development plan or plat shall expire and any application for development will be governed and processed according to the UDC.

11.5.E. Approved but Unrecorded Final Development Plans and Plats

11.5.E.1. Properties that have received final development plan or plat approval but have not recorded the plan or plat may complete the recordation process under the terms of the final approval.

11.5.E.2. Properties that have received final development plan or plat approval and have recorded the plan or plat shall apply for construction permits consistent with that plan or plat within twenty-four (24) months or the approval will expire and standards established by the UDC for approval of development shall apply to any application for development of the property.

11.5.E.3. Any subdivision for which a Preliminary Plat was approved prior to the effective date of the UDC may be granted Final Plat approval if the Planning Commission and Board find that the final plat is in substantial compliance with the previously approved preliminary plat. Provided that, if the final plat approval is not received within twenty-four (24) months of approval of the Preliminary Plat (or such other period as may be specified in Section 5.__), the applicant shall file an application for approval of a final plat in accordance with the Preliminary Plat or the approval of the Preliminary Plat shall expire and any application for development will be governed and processed according to the UDC.

11.5.E.4. **Previously Approved Subdivisions and Land Divisions.** Previously approved and platted land divisions and subdivisions, and the lots created thereby, shall be recognized as legally existing lots.

11.5.E.5. **Final Orders for Approved Applications.** Applications that have received final approval from the Board of County Commissioners and for which there is no further administrative review, shall have their final orders approved in accordance with the voice vote of the Board of County Commissioners.

11.6 PERIODIC REVIEW

11.6.A. The Board of County Commissioners shall periodically review the UDC and make appropriate amendments. The Board of County Commissioners shall review the UDC at the time of adoption of the Zoning Map and six (6) months thereafter. The Planning Director, the Planning Commission, and other interested persons or groups may make recommendations to the Board of County Commissioners for amendments to the UDC.

11.7 SEVERABILITY

11.7.A. If any court of competent jurisdiction decrees that any specific provision of the UDC is invalid or unenforceable, that determination shall not affect any provision not specifically included in the order or judgment. If any court of competent jurisdiction determines that any provision of the UDC cannot be applied to any particular property, building, structure, or use, that determination shall not affect the application of the UDC to any other property, building, structure, or use not specifically included in the order or judgment.

11.8 EFFECTIVE DATE

11.8.A. The Unified Development Code shall become effective at the date specified by the adopting ordinance.

Article XII Submittal Requirements

12.1 GENERALLY

12.1.A. This article establishes the information that applications must include in order to be considered complete. No application for development or subdivision approval shall be considered complete, and the Planning Director or other agency of Taos County shall not process any application unless all of the information required in this article is included.

12.1.B. **Fees.** All applications must be accompanied by fees as set by the fee schedule in Taos County Resolution 2024-39 including subdivision levels of review, as amended.

12.1.C. **Forms.** The Planning Director shall promulgate forms for application that the property owner or his or her designee shall fill out. The Planning Director shall maintain such forms at the office of the Planning Department.

12.2 DIGITAL AND HARD-COPY APPLICATIONS

12.2.A. Application submittal information shall be provided to the Planning Director in two forms: hard copy and digital. Digital map data is required in order to coordinate with the Planning Department geographic information systems program and is used for information purposes only.

12.3 NUMBER OF COPIES OF COMPLETED SUBMITTALS

12.3.A. The subdivider shall submit twenty-one (21) copies of the preliminary plat, and the supporting documentation to the Planning Department for review and distribution to public agencies.

12.3.B. The Planning Director shall determine the number of copies needed for other types of submittals.

12.4 APPLICATION SUBMITTAL CHECKLIST MATRIX

Table 12.4.1

KEY

Required for the application	**X**
Approving agency may require on a case-by-case basis	**O**

Submittal Requirements	Permissive Development Review	Conditional Use Permit	Major Development Permit	Planned Unit Development (PUD)	Rezoning – Private Party Initiation	Summary Plat	Master Development Plan / Phased Developments	Preliminary Plat	Final Plat
GENERAL									
Application form, including a statement of the reasons why the application is being requested, and how the application meets criteria for approval in Article VI. Procedures and adheres to Article III. Development Standards	X	X	X	X	X	X	X	X	X
Any additional information that the applicant believes will assist the approving authority in its review of the application	X	X	X	X	X	X	X	X	X
Name, mailing addresses, email addresses, and telephone numbers of owner, applicant, and agent	X	X	X	X	X	X	X	X	X
Name of applicant if the applicant is not the owner or sole owner of the land	X	X	X	X	X	X	X	X	X
Deed and County Assessor's Property Code	X	X	X	X	X	X	X	X	X
Legal description of the property							X	X	X
Title report by an abstracting or title insurance company, or an attorney's opinion of title, showing the name(s) of the landowner(s) and all other persons who have an interest in or an encumbrance on the platted land. The consent of all such persons shall be shown on the plat.								X	
Name and addresses of engineer, design professional, and/or land surveyor preparing the development plan or subdivision application		X	X	X	X		X	X	X

Submittal Requirements	Permissive Development Review	Conditional Use Permit	Major Development Permit	Planned Unit Development (PUD)	Rezoning – Private Party Initiation	Summary Plat	Master Development Plan / Phased Developments	Preliminary Plat	Final Plat
Receipt(s) demonstrating that all taxes, fees, and penalties to Taos County associated both with the property and the property owner (e.g., property taxes, solid waste fees, and code violation penalties) are paid and current	X	X	X						
Evidence of a county-approved address, as per Ordinance 2017-1 as amended	X								
Map showing boundary lines of the tract with approximate dimensions							X	X	
Vicinity map locating the property on a parcel map		X	X		X		X	X	
Vicinity map locating the property in the county within a one-mile radius, including major roads and streets, major public facilities, existing municipal boundary lines (if applicable)			X				X	X	
Affidavit certifying the date and contents of any required notice to surrounding property owners, tribes, or neighborhood associations			X	X	X	X	X	X	
Affidavit confirming that land being subdivided is subdivided in accordance with the final plat per NM Subdivision Act, or family exemption is in accordance with regulations						X			X
Disclosure statement for subdivisions (see details)						O	X		X
Advertising statement for subdivisions (see details)							X		X
Map showing area of public notice overlaid on Taos County Assessor parcel mapping		X	X	X	X	X	X	X	

Submittal Requirements	Permissive Development Review	Conditional Use Permit	Major Development Permit	Planned Unit Development (PUD)	Rezoning – Private Party Initiation	Summary Plat	Master Development Plan / Phased Developments	Preliminary Plat	Final Plat
Notifications and approvals required from other entities as applicable		X					X	X	
Existing land uses on site and within the area of public notice			X	X	X		X	X	
Existing zoning of site and within proximity to the site					X		X	X	
Proposed land uses			X	X	X		X	X	
SITE DEVELOPMENT									
Site plan or site map (see explanation)		X	X			X	X	X	X
Development phasing schedule, if applicable			X	O			X	O	O
Description of legal access				X	X	X	X	X	X
Off-street loading area (not located in front yard setback)		X	X	X					
Easements showing width and purpose				O			X	X	

Submittal Requirements	Permissive Development Review	Conditional Use Permit	Major Development Permit	Planned Unit Development (PUD)	Rezoning – Private Party Initiation	Summary Plat	Master Development Plan / Phased Developments	Preliminary Plat	Final Plat
Lots showing approximate dimensions, minimum lot sizes, and proposed lot and block numbers						X		X	
Proposed location of buildings and other structures, parking areas, driveways, walks, noise generation sources (refrigeration units, mechanical equipment, loading docks, etc.), screening, drainage control, landscaping, and proposed utility connection layouts for water and sewer				X					
Methods of controlling erosion and sedimentation			X					X	
Construction schedule		X						X	
Open space shown on site plan, documentation of ownership of open space, and note on establishment of agency to maintain open space			X	X			X	X	X
Evidence of satisfaction of any stipulations of the preliminary site development plan approval that were conditions precedent to consideration of the final development plan									X
SITE DEVELOPMENT – ENVIRONMENTAL									
Acequias on and adjacent to the property, name of acequia and acequia association			X	X	O	X	X	X	
Cultural properties report *(LUR Appendix 5)*	O	O	O	O				X	
Steep slopes development plan for areas of 20% slope or greater, if applicable	X	X	X	X	O		X	X	

Submittal Requirements	Permissive Development Review	Conditional Use Permit	Major Development Permit	Planned Unit Development (PUD)	Rezoning – Private Party Initiation	Summary Plat	Master Development Plan / Phased Developments	Preliminary Plat	Final Plat
Wetlands report, if applicable	O	O	O	O	O	O	O	O	
Flood plains, if applicable — location of 100-year flood plain and all watercourses; elevation certificate	O	O	O	O	O	O	O	O	
Geologic and hydrologic studies		O	X	O				X	
Soil survey				O				X	
Erosion and Storm Drainage Plan (Land Use Code Appendix Section 3)				O				X	
Final drainage design									X
Defensible space fire risk management plan in Wildland Urban Interface Areas with a community-at-risk rating of high or very high	O	O	O	O	O	O	O	O	
Contour lines or spot elevations — 2-ft intervals for slopes <10%; 5-ft intervals for slopes >10%; spot elevations where ground is too flat for contours. Date and source of topographic survey must be indicated.				X				X	
Contours of existing grades at intervals not more than five (5) feet (intervals less than 5 ft may be required based on topography)						X			
Final grading contours drawn at sufficient intervals of not more than two (2) feet to depict major drainage patterns				X					X

Submittal Requirements	Permissive Development Review	Conditional Use Permit	Major Development Permit	Planned Unit Development (PUD)	Rezoning – Private Party Initiation	Summary Plat	Master Development Plan / Phased Developments	Preliminary Plat	Final Plat
INFRASTRUCTURE									
Utility plans for water, sewer, electrical, and other utilities			X	X			X	X	
Agreement to assure completion of infrastructure demonstrating that the project is adequately funded and scheduled to reach operational status	O			X				X	
Maximum water use (see details)							X	X	
On-site water storage				X			X	X	
Water conservation requirements				X			X	X	
Liquid waste treatment			X	X			X	X	
The location, width, and names of all existing public or private streets and sidewalks within or adjacent to the tract, together with easements, and other important features such as section lines and corners, municipal boundary lines, and monuments				X			X	X	
Certificate of dedication of roads and other infrastructure for public use						X		X	
PROJECT DESIGN									

Submittal Requirements	Permissive Development Review	Conditional Use Permit	Major Development Permit	Planned Unit Development (PUD)	Rezoning – Private Party Initiation	Summary Plat	Master Development Plan / Phased Developments	Preliminary Plat	Final Plat
Elevation drawings created by an NM licensed architect showing existing grade, finished grade, and height of the proposed structure above undisturbed existing grade. Location and dimensions of all windows must be included on each elevation drawing. Date of preparation must also be submitted.	O	O	O	O	O	O	O	O	
ADA compliance				X			X	X	
Building setback lines				X					
Variances approved for the site, if applicable			O	O	O	O	O	O	
Lighting plan including location, height, lumens, and type of outside lighting fixtures for buildings and parking lots			X	X			O	X	
Signage plan including location, size, type of material, and message of all proposed monument or detached signs			X	X			O	X	
If an architectural theme is planned, describe the intent and extent of the scheme and provide details, focal points, etc. (e.g., material rustification, period lighting, pavement patterns)				O			O		
Color renderings/building perspectives (Architectural Overlay Zones and PUDs)				O					
Landscaping plan			X	O				X	
TECHNICAL STUDIES									

Submittal Requirements	Permissive Development Review	Conditional Use Permit	Major Development Permit	Planned Unit Development (PUD)	Rezoning – Private Party Initiation	Summary Plat	Master Development Plan / Phased Developments	Preliminary Plat	Final Plat
Environmental Impact Study	O	O	X	X	O	O	O	O	O
Terrain Management Report and Plan	O	O	X	X	O	O	O	O	O
Traffic Impact Study	O	O	X	X	O	O	O	O	O
Water Availability Assessment Report	O	O	X	X	X	O	X	O	O

12.5 SUBMITTALS FOR OTHER PERMITS

12.5.A. Permits not covered in the Section 12.4 checklist are listed below. The preapplication meeting described in Section 4._ provides further guidance to the applicant regarding materials that need to be submitted.

12.5.B. Required for all Applications

12.5.B.1. Application form, including a statement of the reasons why the application is being requested, and how the application meets criteria for approval in *Article VI Procedures* and adheres to *Article III Development Standards*.

12.5.B.2. Any additional information that the applicant believes will assist the approving authority in its review of the application.

12.5.B.3. Name, mailing addresses, email addresses, and telephone numbers of owner, applicant, and agent.

12.5.C. Required in Addition for Home Occupation Permit Applications

12.5.C.1. Name of applicant if the applicant is not the owner or sole owner of the land.

12.5.C.2. Deed and County Assessor's Property Code.

12.5.C.3. Receipt(s) demonstrating that all taxes, fees, and penalties to Taos County associated both with the property and the property owner, e.g., property taxes, solid waste fees, and code violation penalties, are paid and current.

12.5.C.4. Existing zoning of site and within proximity to the site.

12.5.C.5. Proposed land uses.

12.5.C.6. Signage plan, including location, size, and type of material of all proposed monument or detached signs.

12.5.D. Required in Addition for Short-Term Rental Permit Applications

12.5.D.1. Name of applicant if the applicant is not the owner or sole owner of the land.

12.5.D.2. Deed and County Assessor's Property Code.

12.5.D.3. Proof of Primary Residence;

12.5.D.3.a. If a property is owned in trust or the deed is held by an LLC or some other business, the applicant needs to provide proof that he or she has the authority to submit this application on behalf of that entity;

12.5.D.3.b. If the Short-Term Rental Permit applicant is not the sole property owner, the Applicant shall submit a notarized letter signed by the other owner(s) or an authorized representative of the owners, consenting to or joining in the application;

12.5.D.4. A completed Taos County Business Registration Application and a copy of a State of New Mexico Tax Identification Certificate;

12.5.D.5. A copy of the current warranty deed as recorded in the Taos County Clerk’s Office;

12.5.D.6. A fire inspection report, as completed by a representative from the Authority Having Jurisdiction (AHJ) at the location of the Short-Term Rental unit (the AHJ will reserve the right to conduct random inspections on Short-Term Residential Zoning Clearance permit holders to ensure compliance);

12.5.D.7. The fire marshal for the AHJ shall establish for submittal with the Short-Term Rental Unit Zoning Clearance Application, a Fire Code compliance certification form in which the Owner/Operator shall certify, under penalty of perjury, compliance with Fire Code requirements of most significance to Short-Term Rentals (STRs), that will be deemed acceptable until such point when a fire inspection can be conducted;

12.5.D.7.a. If noncompliance is discovered at the time of inspection, this may result in revocation of the Short-Term Rental Permit;

12.5.D.8. Proof of availability and/or commitment from all public utilities, including (where applicable):

12.5.D.9. A valid New Mexico Environment Department-approved septic permit showing the number of bedrooms permitted by the State to the septic system of the property, or a will-serve letter from the appropriate community liquid waste system (Occupancy Loads may be adjusted to ensure compliance with New Mexico Environment Department [NMED] regulations regarding capacity of the septic system associated with the Short-Term Rental Unit);

12.5.D.9.a. If the STR Unit shares a septic system with another property owner, provide an agreement along with a letter of no objection from all parties to the agreement;

12.5.D.9.b. An STR Unit must comply with all Taos County and New Mexico Environment Department standards applicable to the property on which the Short-Term Rental Unit is located;

12.5.D.10. An Office of the State Engineer-approved well permit or will-serve letter from the appropriate community water system, or appropriate documentation for harvested rainwater, gray water, or black water from the New Mexico Construction Industries Division, and a Liquid Waste Permit or Discharge Permit from the NMED (where applicable);

12.5.D.10.a. If property is on a shared well agreement, provide a copy of the agreement along with a letter of no objection from all parties to the agreement, or provide proof that an individualizing meter is installed to track water usage specific to the property where the Short-Term Rental Unit is located;

12.5.D.10.b. A Short-Term Rental Unit must comply with all Taos County and State of New Mexico water restrictions and water conservation measures applicable to the property on which the Short-Term Rental Unit is located;

12.5.D.11. Will-serve letters or proof of service from all other utility providers, including natural gas, propane, and electricity (residential solar permits applicable for off-grid systems);

12.5.D.12. A copy of up-to-date receipts demonstrating that the property's account with Taos County Solid Waste Administration is paid and up-to-date, and/or a will-serve letter or proof of service from a certified solid waste disposal contractor;

12.5.D.13. A site plan;

12.5.D.14. Proof of payment of property taxes, and any other fees due (e.g., code violation penalties) and payable to Taos County;

12.5.D.15. Proof of payment of a nonrefundable application fee to cover application processing; an additional Owner-Occupied Short-Term Rental Permit fee will be assessed if an application has been deemed complete and a permit is approved (the application and permit fees will be set by resolution);

12.5.D.16. The application and submittal requirements for a Nonowner-Occupied Short-Term Rental Permit shall include the following:

12.5.D.16.a. Address, name, phone number, and email address of the Owner/Operator and Local Contact who is available twenty-four (24) hours per day, seven (7) days per week to respond to complaints regarding the operation or occupancy of the Short-Term Rental Unit;

12.5.D.16.b. A Rural Address Verification from the Taos County Planning Department;

12.5.D.16.c. A description of how the Short-Term Rental was used prior to being converted to an STR (e.g., owner-occupied housing, long-term rental, second home, commercial, etc.) and how it will be utilized when not available for short-term rental;

12.5.D.16.d. An estimate of how many days per year the unit will be used as a Short-Term Rental Unit, and a description of what it will be used for the rest of the year;

12.5.D.16.e. If a property is owned in trust or the deed is held by an LLC or some other business, the Short-Term Rental applicant needs to provide proof that he or she has the authority to submit this application on behalf of that entity;

12.5.D.16.f. If the Short-Term Rental Permit Applicant is not the sole owner of the property, the applicant shall submit a notarized letter signed by the other owner(s) or an authorized representative of the owners, consenting to or joining in the application;

12.5.D.16.g. A signed and notarized affidavit of compliance that states the Owner/Operator agrees to operate the Short-Term Rental Unit in compliance with this code and all other applicable County Ordinances;

12.5.E. Required in Addition for a Sign Permit

12.5.E.1. A sketch of the proposed site indicating the location of the proposed sign(s), showing its position upon the lot or building in relation to nearby buildings or structures, and public rights-of-way, easements, and any existing sign(s) at that location.

12.5.E.2. A sketch, digital rendering, or digital photo of the proposed sign, clearly displaying its graphic and lettering content, the colors to be utilized, and its overall dimensions.

12.5.E.3. One drawing indicating the materials and method of construction, and proposed method of attachment to the building or ground.

12.5.E.4. Name of person erecting or attaching the sign.

12.5.E.5. Written consent of the owner of the building, structure, or land on which the sign is to be erected.

12.5.E.6. A copy of the approved business registration for the proposed business signs.

12.5.E.7. Such other information the Planning Director shall require in order to show full compliance with this code and all other applicable Taos County Ordinances.

12.5.E.8. Payment of fees.

12.5.F. Required in Addition for Cannabis Permits

12.5.F.1. **Small Cannabis Production, Large Cannabis Production, and Cannabis Manufacturing**

12.5.F.1.a. A certified survey plat depicting the proposed location for the growth of cannabis, including outdoor and indoor growing, that identifies the total area to be covered and establishes that the required setbacks have been met.

12.5.F.1.b. A map that identifies two (2) types of uses that a Cannabis Producer shall be separated from:

1. Facilities for religious worship and community centers and evidence that the nearest facilities for religious worship and community centers are greater than three hundred (300) feet from the perimeter of the property proposed for cannabis production.

2. Schools or day care centers and evidence that the nearest school or day care is greater than three hundred (300) feet from the perimeter of the property proposed for cannabis production.

12.5.F.1.c. The document(s) provided to the New Mexico Regulation and Licensing Division (RLD) that applicant(s) will utilize to apply for a producer's license pursuant to the Cannabis Regulation Act, or a copy of the actual license issued to the applicant by the RLD.

1. If the applicant fails to provide documentation or provides incomplete or otherwise insufficient documentation regarding the information to be provided to RLD pursuant to their License application, the Planning Director shall inform the applicant of the deficiencies in writing and shall take no further action on the application until the deficiencies are remedied. If the applicant fails to correct the deficiencies indicated in the letter deeming the application incomplete within sixty (60) calendar days of receipt of notice of deficiencies, the application shall be considered withdrawn, and it will be returned to the applicant.

12.5.F.2. **Major Cannabis Production.** In addition:

12.5.F.2.a. A certified survey plat depicting the proposed location for the growth of cannabis, including outdoor and indoor growing, that identifies the total area to be covered and establishes that the required setbacks have been met.

1. Major Cannabis Producers seeking to grow cannabis outdoors must ensure the plants are located no fewer than one hundred (100) feet from the property line on all sides.

2. Major Cannabis Producers seeking to grow cannabis indoors must ensure that the building(s) or greenhouse(s) that will house plants are located no fewer than fifty (50) feet from the property line on all sides.

12.5.F.3. **Cannabis Retailers**

12.5.F.3.a. The document(s) provided to the Regulation and Licensing Division (RLD) that applicant(s) will utilize to apply for a producer's license pursuant to the Cannabis Regulation Act, or a copy of the actual license issued to the applicant by the RLD.

12.5.F.3.b. A map that identifies three types of uses that a Cannabis Retailer shall be separated from:

1. Facilities for religious worship and community centers, and evidence that the nearest facilities for religious worship and community centers are greater than three hundred (300) feet from the perimeter of the property proposed for cannabis retail.

2. Schools or day care centers, and evidence that the nearest school or day care is greater than three hundred (300) feet from the perimeter of the property proposed for cannabis retail.

3. Other existing Cannabis Retail locations, and evidence that the proposed cannabis retail location is not within six hundred (600) feet of any other cannabis retail location that was in operation at the time of the application submission to the County.

12.5.G. Temporary Use Permit

12.5.G.1. The name, telephone number, and exact location where the individual(s) in charge of the event can be reached.

12.5.G.2. Applicants desiring a Temporary Use Permit (TUP) who are not the owner of the property shall first obtain written authorization from the owner(s) of all properties covered by the permit.

12.5.G.3. Proof of comprehensive general liability insurance in a minimum amount as required by the tort claims limits of the State of New Mexico. If the event is to take place on County property, Taos County shall be named as a third-party insured.

12.5.G.4. A Taos County Business Registration is required for each business to be conducted under a TUP and the licensed events listed and posted on each booth, trailer, or stand.

12.5.G.5. It is unlawful for any person to engage in business or offer for sale any goods or services without first obtaining a tax number from New Mexico Taxation and Revenue Department. Such permit shall be prominently displayed at each booth, trailer, or stand.

12.5.G.6. If selling any food or drink, proof of a food and drink permit from the New Mexico Environment Department. Such permit shall be prominently displayed at each booth, trailer, or stand.

12.5.G.7. A security plan shall be provided, as determined by the Planning Director. The number of security personnel and hours of coverage must be approved in advance by the Taos County Sheriff. The applicant shall be responsible for the coordination and the cost of providing these services.

12.5.G.8. A site plan complying with Section __ shall be submitted and shall include the following:

12.5.G.8.a. Location of temporary structures, including lighting and signage;

12.5.G.8.b. Vehicular access and circulation;

12.5.G.8.c. Area designated for off street parking complying with Section 4. __;

12.5.G.8.d. Location of portable toilets;

12.5.G.8.e. Location of trash receptacles;

12.5.G.8.f. Location of designated area for alcohol sales (if applicable);

12.5.H. Claim of Exemption

12.5.H.1. Plat submittal — four (4) copies, including:

12.5.H.1.a. A vicinity map;

12.5.H.1.b. Be drawn at a scale of one-inch equals one hundred feet (1” = 100’), or larger, or other appropriate scales approved by the Planning Director;

12.5.H.1.c. Refer to permanent monuments (tied to a section or quarter corner when within a section) and notation describing all monuments found or set;

12.5.H.1.d. Indicate the lots to be created or changed, accurately describe each lot, number each lot in progression, give its dimensions and the area of each lot or tract to the nearest 1/100 of an acre, and the dimensions and acreage of all land dedicated for public use or for the use of the owners of lots fronting or adjacent to the parcel; if the lot size is one (1) acre or less, the net acreage without easements shall also be shown.

12.5.H.1.e. Show the locations of permanent improvements with reference to the boundaries, including but not limited to, the location of liquid waste disposal systems, wells, buildings, and roads; a description and location of any evidence of occupation found along a boundary line, including fences, walls, buildings or monuments;

12.5.H.1.f. Bear the date of field survey, and the name, signature, seal, certificate number, and address of the surveyor responsible for the survey; the plat shall be certified as meeting the minimum standards for surveying in New Mexico by a professional surveyor, licensed in accordance with the laws of the State of New Mexico.

12.5.H.1.g. Contain a certification of title showing that the applicant is the owner of the land, and that the lot(s), parcel(s), or tract(s) represented by the plat are created or changed with the free consent and in accordance with the desires of the owner and do further grant public and/or private easements signed on the plat by the owner of the property and notarized.

12.5.H.1.h. Off-site improvements if required by the Planning Director, including but not limited to water systems and sewer systems.

12.5.H.1.i. Acequias on and adjacent to the property, name of acequia, and acequia association.

12.5.H.2. Affidavit confirming that land being subdivided is subdivided in accordance with the final plat per NM Subdivision Act or family exemption is in accordance with regulations.

12.5.H.3. Affidavit of public notification posting.

12.5.H.4. Claim of exemption affidavit statement, including the following statements and signed by the land divider:

12.5.H.4.a. The division of land is not the result of a seller-financed transaction.

12.5.H.4.b. The division of land is a gift and/or sale to a family member as defined by the NM Subdivision Act and the Unified Development Code regulations, and is a bona fide and legitimate transaction for which the applicant will a) report and pay any gift and/or income tax liability resulting therefrom and b) file a property transfer (price) affidavit with the Taos County Assessor, if so required by NMSA 1978, § 7-38-12.1, of the New Mexico Property Tax Code.

12.5.H.4.c. The applicant will retain no personal financial interest or control over the parcel to be divided and conveyed to his or her family member, other than as real estate contract seller or mortgagee. The family-member grantee

shall be granted all control over the development, sale, or lease of the property.

12.5.H.4.d. The applicant will receive no proceeds, monetary or otherwise, other than as real estate contract seller or mortgagee, from such development, sale or lease of the property by the family-member grantee.

12.5.I. Vacating Plats, Streets, or Reservations

12.5.I.1. **Vacation of Plat, Streets or Reservation Disclosure.** A statement of vacation of plat, streets, or reservations shall include:

1. The names of all owners of record of property within the subdivided land to be vacated;
2. The names of all owners of record of property contiguous to the subdivided land to be vacated; and
3. Utilities and roads that are vacated.

12.5.I.2. For streets, utilities, and other reservations, a statement that the rights of any utility existing before the total or partial vacation of any final plat are not affected by the vacation of a final plat.

12.5.I.3. **Filing.** The approved statement declaring the vacation of a portion or all of a final plat shall be filed in the office of the County Clerk. The County Clerk shall mark the final plat with the words “vacated" or "partially vacated," and refer on the final plat to the volume and page on which the statement of vacation is recorded.

12.5.J. Resubivision and Succeeding Subdivisions

12.5.J.1. The combination or upgrading for classification purposes a previous subdivision that was created in the preceding seven (7)-year period, in compliance with Section 47-6-16 NMSA 1978, must follow the procedures and submittal requirements established for the resultant type of subdivision.

12.5.K. Administrative Adjustments

12.5.K.1. Application form, including a statement of the reasons why the application is being requested, and how the application meets criteria for approval in *Article VI Procedures* and adheres to *Article III Development Standards*.

12.5.K.2. Any additional information that the applicant believes will assist the approving authority in its review of the application.

12.5.K.3. Name, mailing addresses, email addresses, and telephone numbers of owner, applicant, and agent.

12.5.K.4. Site map with building setback lines.

12.5.K.5. Elevation drawings showing existing grade, finished grade, and height for the proposed structure above undisturbed existing grade.

12.5.L. Variances

12.5.L.1. Application form, including a statement of the reasons why the application is being requested, and how the application meets criteria for approval in *Article VI Procedures* and adheres to *Article III Development Standards*.

12.5.L.2. Any additional information that the applicant believes will assist the approving authority in its review of the application.

12.5.L.3. Name, mailing addresses, email addresses, and telephone numbers of owner, applicant, and agent.

12.5.L.4. Legal description of the property.

12.5.L.5. Proof of ownership.

12.5.L.6. Affidavit certifying the date and contents of any required notice to surrounding property owners, tribes, or neighborhood associations.

12.5.L.7. Map showing area of public notice overlaid on Taos County Assessor parcel mapping.

12.5.L.8. Existing zoning of site and within proximity to the site.

12.5.M. Interpretation of UDC Text and Zoning Map

12.5.M.1. Letter to the Planning Director requesting the interpretation, including a statement of the reasons why the interpretation is being requested.

12.5.M.2. Any additional information that the requesting party believes will assist the approving authority in its review of the request.

12.5.M.3. Name, mailing addresses, email addresses, and telephone numbers of property owner and the requesting party.

12.5.M.4. Proof of property ownership, if zoning map interpretation.

12.5.M.5. Assigned address of the subject site, if zoning map interpretation.

12.5.N. Code Text Amendments and County-Initiated Zoning Map Amendments

12.5.N.1. Application form, including a narrative explaining the proposed code or zoning map changes, citation of the specific code sections, justification, and proposed revised text or proposed revised zoning map changes

12.5.N.2. Consistency statement, including how the amendment aligns with the purpose of the zoning district and with the comprehensive plan.

12.5.N.3. Any additional information that the applicant believes will assist the approving authority in its review of the application.

12.5.N.4. Vicinity map.

12.5.N.5. Map showing boundary lines of the tract.

12.5.N.6. Affidavit of public notification required in Article VI Procedures Section 6.7.

12.5.O. Appeals

12.5.O.1. Application form, including name of requesting party, mailing address, phone number, email address, and reason for the appeal.

12.5.O.2. Any additional information that the requesting party believes will assist the approving authority in its review of the application.

12.5.O.3. Statement of eligibility to file an appeal.

12.5.O.4. Legal description of the property.

12.5.O.5. Affidavit of public notification required in Article VI Procedures Section 6.7.

12.6 DESCRIPTION OF SELECTED SUBMITTAL CHECKLIST ITEMS

12.6.A. Primary Submittal Items

12.6.A.1. **Deed**

12.6.A.1.a. The applicant shall submit the deed, deed restrictions, and any conditions, covenants, and restrictions (CC&Rs) for the property.

12.6.A.1.b. Deed restrictions may appear on the face of a plat or site plan or may be submitted separately.

12.6.A.1.c. Deeds of dedication for all rights-of-way or easements as a result of preliminary site development plan approval may appear on the face of a plat or site plan or may be submitted separately.

12.6.A.1.d. Title report by an abstracting or title insurance company, or an attorney's opinion of title, showing the name(s) of the landowner(s) and all other persons who have an interest in or an encumbrance on the platted land. The consent of all such persons shall be shown on the plat.

12.6.A.1.e. Submittal of a current lease of property by an applicant is sufficient for permissive development review as long as the owner gives permission for making the application.

12.6.A.2. **Site Map, Site Plan, and Plat Map Information**

12.6.A.2.a. Site map for a permissive development review and a claim of exemption shall consist of a map that is scalable showing:

1. Boundary lines and property dimensions.
2. Roads, ditches, fences, utility lines, easements, and accessibility.
3. Project layout, dimensions, and setbacks.
4. Parking, driveways, sidewalks, paths, emergency turnouts.
5. Significant physical features on the site, such as major vegetation, drainage, wetlands, acequias, hydrologic or geologic hazards, dams, mines, off-site influences.
6. Easements for utilities, access to other property, irrigation ditches, and acequias.
7. Areas of 20 percent slope or greater.
8. Height of structure.
9. Archeological, historical, or cultural features, if known.
10. Wildland Urban Interface (WUI) areas with a Community at Risk Rating of High or Very High as indicated in Community at Risk (CAR) table within the Taos County Community Wildfire Protection Plan.
11. Sight triangle area.

12. Additional information as requested, including but not limited to: acequias on and adjacent to property, steep slopes, wetlands, floodplains, wildland urban interface areas, solid waste storage, off-street loading areas.

12.6.A.2.b. Site plan for a major development permit shall consist of a map including the following items in addition to the requirements above for a site map:

1. Scaled site map prepared, signed, and stamped by NM licensed architect/engineer/surveyor.
2. Map title, preparation date, revision box, written/graphic scale, and north arrow.
3. Scale: 200’ to 1”, sheet size: 24”x36”, plus reductions.
4. Surrounding land uses, public/private open space.
5. Legal access to the site.
6. Street cross section schematics.
7. Utilities, including sewer/septic systems by capacity, ownership, and location.
8. Solid waste storage and disposal area.
9. Source and capacity of the water supply, including location and size of wells and/or water lines.
10. Fire prevention measures, fire lanes, hydrants, water storage/source.
11. Additional information as requested by the Planning Director.

12.6.A.2.c. Site plan for a summary subdivision and preliminary plat shall consist of a map including the following items in addition to the requirements above for a Major Development Site Plan:

1. Legal description.
2. Existing and proposed subdivision boundary lines in bearings and distances.
3. Proposed lot lines with lot and block numbers, and approximate acreage of each parcel.
4. Zoning approval of any lots less than the minimum lot size.
5. Location, dimensions, and purpose of existing and proposed easements, drainage areas, irrigation ditches (acequias) and laterals, and other significant features on or within twenty-five (25) feet of the subdivision.
6. Names and right-of-way widths of existing and proposed streets on and adjacent to the subdivision.
7. Adjacent subdivision lots or, if adjacent property has not been subdivided, names of adjacent property owners.
8. Archeological, historical or cultural features based on survey if required by the Planning Director.
9. Topography, contours, slopes, geology, and major vegetation.

10. Delineation of any floodplain as designated by the Federal Emergency Management Agency.

11. Master utility plan, including existing and proposed utilities on and adjacent to the subdivision.

12. **Note on Open Space (Narrative).** Evidence of the establishment of the agency for the ownership and maintenance of any common open space and all assurances of the financial and administrative ability of such agency required pursuant to approval of the preliminary site development plan.

12.6.A.2.d. A final plat map shall include:

1. Name of subdivision, scale, north arrow, and date.

2. The certification and seal of a registered land surveyor, who shall be licensed in accordance with the laws of the State of New Mexico, certifying to accuracy of the survey and plat, the date of the survey, and that the same have been prepared by him, and that he has shown all easements of record.

3. All survey monuments and benchmarks together with a description of all dimensions: angles, bearings, and similar data.

4. The tract boundary lines, easement and right-of-way lines, and property lines of residential lots and other sites in the area being subdivided with accurate distances in feet and hundredths of feet, and bearing in degrees, minutes, and seconds with the basis for bearings noted or shown and a tie to the Federal Section Land System, or established triangulation points.

5. Total acreage of the subdivision with legal description indicating the range, township, and/or land grant, and section within which the subdivision is located.

6. The name, right-of-way width, and centerline of all proposed streets and alleys, and the centerlines of the street right of-way with dimensions between intersection center lines or the subdivision's boundary lines.

7. The property line of adjoining lands and the name, right-of-way width, and centerlines of adjacent streets and alleys.

8. Number of each lot in progression, with all dimensions, both linear and angular, necessary for locating boundaries of subdivisions, lots, streets, alleys, easements, building lines, and any other areas for public or private use or for the use of the owners of lots fronting on or contiguous to the land. The linear dimensions are to be expressed in feet and hundredths of a foot.

9. Reference to recorded subdivision plats of adjoining platted land by recorded name, date, book, and page number in the Office of the County Clerk.

10. Certification of title with a statement that the subdivision is created with the free consent and in accordance with the desire of the undersigned owner of land and acknowledged in a manner required for acknowledgment of deeds.

11. Signed statements by the subdivider dedicating public right-of-way and sites for public use and granting the shown easements for public use with location, dimensions, and purpose of all easements and dedicated public sites.

12. Accurate description of legal access to, roads to, and utility easements for each lot, and if the access or easement is based upon an agreement, the recording data in the land records of the agreement.

13. **Map specifications.** The final plat map shall include the same information as shown on the preliminary plat, except for any changes or additions recommended by the Planning Commission and required by the Board of County Commissioners. In addition, the final plat shall indicate the following:

    a. **Improvement Requirements.** The subdivider shall install and construct all improvements required by these regulations in the manner and to the design standards provided in these regulations. Before the construction of any improvements, or the submission of any bond or other improvement guarantee, the subdivider shall furnish the County with all plans necessary for the construction of such improvements. These plans shall be reviewed by the County Planning Director and, if in accordance with these regulations, shall be approved by the County, allowing the subdivision development to proceed.

    b. **Agreement to Assure Completion of Infrastructure.** If the subdivider wishes to obtain final plat approval for the subdivision prior to completing all of the improvement requirements under these regulations, the County shall enter into an Agreement to Assure Completion of Infrastructure with the subdivider. This agreement shall constitute a binding contract between the subdivider and the County and shall be in substantially the same form as the Agreement to Assure Completion of Infrastructure attached as Appendix H to these regulations. The agreement shall be secured by bond, letter of credit, escrow deposit, or other method acceptable to Taos County in an amount not less than 110 percent of the estimated cost of the required improvements. A New Mexico licensed engineer shall complete the estimate of costs.

12.6.B. Final Plat

12.6.B.1. Written documentation from authorized representatives of the local electric, gas, and telephone utilities certifying that their system needs have been met. The Board of County Commissioners may waive this certification if, after a hearing, the Board of County Commissioners finds that the utility's desires are unreasonable or not in the public interest.

12.6.B.2. Written documentation from the Planning Director certifying that the subdivider has complied with one of the following:

12.6.B.2.a. That all improvements required under the preliminary plat approval have been installed in accordance with the requirement of these regulations.

12.6.B.2.b. An Agreement to Assure Completion of Infrastructure, secured by a form of financial security in sufficient amount to assure completion of all required

improvements under the terms of the decision to approve the preliminary plat.

12.6.B.2.c. **Other Data.** Such other certificates, affidavits, endorsements, or data as may be required by the New Mexico Subdivision Act or as may be specified elsewhere herein.

12.6.B.2.d. **Affidavit.** The final plat shall contain a statement that the land being subdivided is subdivided in accordance with the final plat and all supporting documentation. The final plat shall be acknowledged by the owner and subdivider or their authorized agents in the manner required for the acknowledgment of deeds. Every final plat submitted to the County Clerk shall be accompanied by an affidavit of owner and subdivider or their authorized agents, stating whether or not the proposed subdivision lies within the subdivision regulation jurisdiction of the County.

12.6.B.2.e. **Dedication.** The final plat shall contain a certificate stating that the Board of County Commissioners, or a homeowners association, has accepted, accepted subject to improvement, or rejected, on behalf of the public, any land or easements offered for dedication for public use in conformity with the terms of the offer of dedication. If the dedication is made to a homeowners association, then the homeowners association articles, bylaws, restrictive covenants, and a Road Maintenance Agreement in conformance with these regulations shall be filed along with the approved plat at the office of the County Clerk. Acceptance of offers of dedication on a final plat shall not be effective until the final plat is filed in the Office of the County Clerk or a resolution of acceptance by the Board of County Commissioners or homeowners association is filed in such office.

12.6.C. Final Plat and Summary Plat Affidavit

12.6.C.1. The final plat and summary review plat shall contain a statement that the land being subdivided will be subdivided in accordance with the final plat or the summary plat, whichever is applicable. The final plat or summary review plat, whichever is applicable, shall be acknowledged by the owner and subdivider, or authorized agents, in the manner required for the acknowledgement of deeds.

12.6.C.2. Every final plat or summary review plat submitted to the County Clerk shall be accompanied by an affidavit of the owner and subdivider, or authorized agents, stating whether the proposed subdivision lies within the subdivision jurisdiction of the County.

12.6.D. Subdivision Advertisement

12.6.D.1. **Filing requirements.** Copies of all brochures, publications, and advertising relating to subdivided land shall be filed with the Board of County Commissioners and the New Mexico Attorney General within fifteen (15) days after initial use by the subdivider.

12.6.D.2. **Requirements/Restrictions**. Brochures, disclosure statements, publications, and advertising of any form relating to subdivided land shall:

12.6.D.2.a. Not misrepresent or contain false or misleading statements of fact;

12.6.D.2.b. Not describe deeds, title insurance, or other items included in a transaction as "free" and shall not state that any lot is "free" or given as an "award" or "prize," if any consideration is required for any reason;

12.6.D.2.c. Not describe lots available for "closing costs only" or similar terms unless all such costs are accurately and completely itemized; or when additional lots must be purchased at a higher price;

12.6.D.2.d. Not include an asterisk or other reference symbol as a means of contradicting or substantially changing any statement;

12.6.D.2.e. Accurately portray, if subdivision illustrations are used, the subdivision in its present state; and, if illustrations are used portraying points of interest outside the subdivision, state the actual road miles from the subdivision.

12.6.D.2.f. Not contain artists' conceptions of the subdivision or any facilities within it unless clearly labeled as such, and shall not contain maps unless accurately drawn to scale with the scale indicated;

12.6.D.2.g. Not contain references to any facilities, points of interest, or municipalities located outside the subdivision unless the distances from the subdivision are stated in the advertisement in actual road miles; and

12.6.D.2.h. Refer to the location where the subdivider's disclosure statement may be obtained.

12.6.D.3. It will identify the required improvements for each subdivision based on the type and location of the proposed subdivision. Before the construction of any improvements, or the submission of any bond or other improvement guarantee, the subdivider shall furnish the County with all plans necessary for the construction of such improvements. These plans shall be reviewed by the Planning Director and, if in accordance with these regulations, shall be approved by the County, allowing the subdivision development to proceed.

12.6.D.4. **Agreement to Assure Completion of Infrastructure.** If the subdivider wishes to obtain final plat approval for the subdivision prior to completing all of the improvement requirements under these regulations, the County shall enter into an Agreement to Assure Completion of Infrastructure with the subdivider. This agreement shall constitute a binding contract between the subdivider and the County and shall be in substantially the same form as the Agreement to Assure Completion of Infrastructure attached as Appendix H to these regulations. The agreement shall be secured by bond, letter of credit, escrow deposit, or other method acceptable to Taos County in an amount not less than 110 percent of the estimated cost of the required improvements. A New Mexico licensed engineer shall complete the estimate of costs.

12.6.E. Disclosure Statements

12.6.E.1. **Subdivision Disclosure Statement.** The subdivider for all types of subdivisions shall prepare a disclosure statement in accordance with the standardized format provided by the Planning Director. It is unlawful to sell, lease, or otherwise convey land in a subdivision until the required disclosure statement has been filed with the County Clerk, the Board of County Commissioners, and the State Attorney General's Office. The prospective purchaser, lessee, or other person acquiring an interest in the subdivided land shall be given a copy of the disclosure statement before any sale, lease or other conveyance of land in a subdivision.

12.6.E.1.a. A water conservation measures form that demonstrates that water conservation requirements have been met shall be included in the subdivision disclosure statement and in covenants and deed restrictions.

1. Compliance with *Article III Development Standards* for well shares, terrain management, cultural properties, agency opinion, improvement requirements, and Agreement to Assure Completion of Infrastructure.

12.6.E.1.b. The liquid and solid waste disposal form shall be part of the subdivider's disclosure statement.

12.6.E.1.c. The terrain management report and plan shall be part of the subdivision disclosure statement describing:

1. The suitability of the soils in the subdivision for residential and commercial use, whether permanent or seasonal;
2. Measures necessary for overcoming soil and topographic limitations, and who will be responsible for implementing these measures;
3. The location of all lots with land areas within a floodway, flood fringe, or floodplain, in accordance with FEMA standards;
4. The location of all lots located on slopes in excess of 8 percent;
5. The known subsurface drainage for all lots;
6. The surface drainage for all lots;
7. All storm drainage systems including the completion date of systems required to be constructed.

12.6.E.1.d. Water availability and supply must be addressed in the subdivision disclosure report, including:

1. A copy of the water right permit issued by the Office of the State Engineer and any evidence that the use will be served by approved water systems. A geohydrologic groundwater report may be required to demonstrate fifty (50)-year water availability;
2. Water supply plan, including a water budget prepared by a licensed NM Engineer; and
3. Maximum water use.

12.6.E.2. **Resubdivision Disclosure Statement.** Applicants for resubdivision shall submit documentation on the change in the plat map affecting street layout, areas reserved for public use, and lot lines in order to determine whether the character of the approved subdivision has been changed so as to negate the information in the original disclosure statement or where the character has changed in a subdivision where no disclosure statement was originally filed. Any alteration of boundaries within an approved subdivision that increases the number of lots and/or reduces lot size shall be subject to scrutiny pursuant to the New Mexico Subdivision Act and these regulations. If the Planning Director determines that such change occurred, then an amendment to the original disclosure statement or a new disclosure statement shall be required.

12.6.E.3. **Vacation of Plat, Streets, or Reservation Disclosure.** A statement of vacation of plat, streets, or reservations shall include:

12.6.E.3.a. The names of all owners of record of property within the subdivided land to be vacated;

12.6.E.3.b. The names of all owners of record of property contiguous to the subdivided land to be vacated; and

12.6.E.3.c. Utilities and roads that are vacated.

12.7 TECHNICAL STUDIES AND OTHER ENVIRONMENTAL AND CULTURAL STUDIES

12.7.A. Generally

12.7.A.1. Section 6.2.D. Requirements for Technical Studies describes the types of technical studies and thresholds for when they are required. Those technical studies are:

12.7.A.1.a. Environmental impact report

12.7.A.1.b. Terrain management report and plan

12.7.A.1.c. Traffic impact study

1. A traffic impact study, including the ingress and egress for the project, shall be prepared by a New Mexico licensed engineer. Refer to *Old Appendix 1* or to the Supplemental Public Works Manual.

12.7.A.1.d. Water availability assessment report

12.7.A.2. *Article III Development Standards* establishes specific provisions for which additional studies may be needed, as determined by the Planning Director.

12.7.B. Technical Studies

12.7.B.1. Environmental Impact Report

12.7.B.2. Terrain Management Report and Plan

12.7.B.2.a. A Terrain Management Report and Plan shall be prepared by a New Mexico licensed engineer. *Refer to Old Appendix 3: Terrain Management*.

12.7.B.2.b. All watercourses on the property, including springs, acequia systems, and related water improvements, which are located within 150 feet of the property, must be shown. In addition, the floodways and/or flood fringe areas of these watercourses must be delineated.

12.7.B.2.c. The following shall not be utilized as drainage ways: acequia systems, streets, arroyos, dry gullies, diversion ditches, spillways, reservoirs, etc. They may not be incorporated into the storm drainage systems for the property.

12.7.B.2.d. All required on-site retention areas, indicating the location and volume of the retention area.

12.7.B.2.e. All plans shall indicate the proposed outlet for the storm drainage and any downstream impacts and cumulative effects. Approval of a 404 Permit by the Army Corps of Engineers is required upon impact of waterways or arroyos of the State of New Mexico.

12.7.B.2.f. Existing and/or proposed grading plan.

12.7.B.2.g. For development that plans on disturbing (clearing, grading, and excavating activities) more than one (1) acre, including the cumulative area of disturbance from smaller sites in a larger common plan of development or sale, the applicant shall provide documentation of coverage under a legally required federal Clean Water Act National Pollutant Discharge Elimination System (NPDES) stormwater construction permit.

12.7.B.2.h. The developer shall submit a terrain management plan that includes the following:

1. **Vicinity Map.** A map drawn to a scale of not more than two thousand (2,000) feet to one (1) inch showing the relationship of the site to its general surroundings, and the location of all existing drainage channels, water courses, and water bodies within three (3) miles of the site. This map shall display the topographic intervals. (A suitable example would be from a US Geological Survey topographic map, 1:24,000.)
2. **Natural Features Map.** A map of the development (at the same scale as the preliminary plat map) showing directly by overlay:
   a. The boundaries of the development.
   b. The existing contours with intervals of not less than two (2) feet where the slope is less than 8 percent, and not more than five (5) feet where the slope is 8 percent or greater.
   c. All areas with natural slopes of 20 percent or greater clearly recorded by scale, line, or color.
   d. The location of all drainage channels, watercourses, water bodies, floodways, flood fringes, and floodplains.
   e. The location of all major rock outcroppings, faults, and geologic resources.
   f. The location of the major vegetation types showing the plant species included and the cover density. This may be accomplished by use of a line map or aerial photo of reasonable clarity taken within the past twelve (12) months, if available, which is of a satisfactory scale with an appropriate legend.

12.7.B.2.i. **Terrain Management Disclosure Statement.** A Disclosure Statement regarding terrain management shall describe:

1. The suitability of the soils in the development for residential and commercial use, whether permanent or seasonal;
2. Measures necessary for overcoming soil and topographic limitations, and who will be responsible for implementing these measures;
3. The location of all lots with land areas within a floodway, flood fringe, or floodplain, in accordance with FEMA standards;
4. The location of all lots located on slopes in excess of 8 percent;
5. The known subsurface drainage for all lots;
6. The surface drainage for all lots;

7. All storm drainage systems including the completion date of systems required to be constructed.

12.7.B.2.j. **Traffic Impact Study**

1. A traffic impact study, including the ingress and egress for the project, shall be prepared by a New Mexico licensed engineer. Refer to *Old Appendix 1* or to the Supplemental Public Works Manual.

12.7.B.2.k. **Water Availability Assessment Report**

12.7.C. Other Environmental and Cultural Studies

12.7.C.1. **Wetlands Report**

12.7.C.1.a. The report shall include documentation of approval and a permit issued by the US Army Corps of Engineers for any development or alteration in, on, or over a surface water, wetland area, or buffer.

12.7.C.2. **Cultural Properties Report**

12.7.C.2.a. The Planning Director shall contact the State Historic Preservation Office (SHPO) to determine whether a structure or site is entered into the State Register of Cultural Properties within the boundary of the proposed development. The Planning Director's communication with SHPO shall be by email with return receipt requested. If there is no response from SHPO within forty-five (45) days of receipt of the Planning Director email, it shall be presumed that there are no cultural properties within the proposed development boundaries.

12.7.C.2.b. If there is no such property, a copy of the letter to that effect from SHPO or a memorandum by the Planning Department of no SHPO response shall be provided in the application packet for approval; or

12.7.C.2.c. If any such property exists within the boundaries of the proposed development, a copy of the letter to that effect from SHPO shall be provided in the application packet for approval. Taos County will consult with SHPO pursuant to the Cultural Properties Act, NMSA 1978, §§ 18-6-1 through 18-6-17; and

12.7.C.2.d. A cultural resource survey shall be prepared by a professional archeologist holding a current New Mexico Archeological Survey license to determine if significant archeological sites are identifiable prior to commencement of construction. If significant archeological sites are identified in the cultural resources survey, the requirements in *Appendix 5* shall be met by the applicant.

12.7.C.3. **Geohydrologic Groundwater Report**

12.7.C.3.a. Geohydrologic reports shall demonstrate that the maximum annual water requirement is physically available from the aquifer to be utilized and can be practically recovered to sustain the land use for a continuous period of fifty (50) years. These analyses shall take into account the production of existing wells and shall demonstrate that the wells, as proposed or as designed, will be capable of producing the full annual demand for at least fifty (50) years to sustain the land use.

12.7.C.3.b. Aquifer pump tests shall be conducted on wells within the boundaries of the proposed land use to characterize the aquifer performance. The duration of these pump tests shall be sufficient to provide reliable drawdown and recovery data for the determination of transitivity, and to identify any boundary conditions that affect long-term water availability. Water levels in any observation wells that are monitored during the pump test shall be recorded. The analysis of the pump test shall include descriptions of all assumptions, analytical procedures, and references used. The requirement for the pump test data may be waived where there is substantial evidence documented in geohydrologic investigations conducted in the study area that demonstrate that wells have consistently produced substantial volumes of water for many years without increasing the depth to water or decreasing the yield (gallons per minute) of wells.

12.7.C.3.c. The assessment shall include a calculated fifty (50)-year schedule of effects of the proposed land use production well(s) on existing demands and from the increase of groundwater withdrawals for the land use. Analyses shall be done to assess whether future water level declines will be within the limits of allowable drawdown in the land use production wells. Predicted drawdowns shall be calculated in a conservative manner that estimates maximum drawdown. These calculations shall include estimates of future water uses.

12.7.C.3.d. The applicant shall calculate the lowest practical pumping water level in the proposed land use. Pumping wells by any of the following methods, as appropriate, is acceptable, provided there shall be no presumption made as to additional available water below the bottom of the proposed production well, and further provided that the total available drawdown shall be reduced by a factor of 20 percent as a margin of safety to account for seasonal fluctuations, drought allowance, reduction of well efficiency over time, and peak production requirements:

1. By using the results of acceptable on-site aquifer pump tests. The lowest allowable pumping level may be the lowest water level reached during the test.
2. By setting the level at the top of the uppermost screened interval.
3. In wells completed in fractured aquifers, the lowest practical pumping water level shall be above the top of the fracture zone.
4. In wells completed in alluvial aquifers, the lowest practical pumping water level may be defined by a maximum allowable drawdown equal to 70 percent of the initial water column.

12.7.C.3.e. The geohydrologic report shall present all hydrologic information pertinent to the study area including that available from past hydrologic studies. All sources of information used in the report shall be identified, including basic data collected by the consultant who prepared the report. The report shall contain maps and cross sections showing geology, depth to the water-bearing formation, water-level contours, and the estimated thickness of saturation in the aquifer. Tables and maps of historical drawdowns shall be included. Basic data for the immediate area of the land use shall be adequate for the State Engineer to make a reliable assessment of water

availability. The report on the investigation shall be in the format of a technical narrative. Well logs, spreadsheets, tables, graphs, maps, and cross sections shall be included.

12.7.C.3.f. Where NMSA 1978, § 72-12-1 wells are proposed, the geohydrologic report shall also include a calculated fifty (50)-year schedule of off-site effects (drawdowns) and surface water depletions resulting from the increase of groundwater withdrawals from the land use. The report shall identify by name and location all wells, springs, acequias (ditches), canals, and drains within one thousand (1,000) feet of the proposed well. All natural or man-made ponds, lakes, reservoirs, or wetlands that will be impacted shall also be identified.

12.7.C.4. **Utilities Plans for Water, Sewer, Electrical, and Other Utilities**

12.7.C.4.a. **Public Water Supply.** Applicants for developments or construction on lots within four hundred (400) feet of a public water supply system shall provide a letter of approval from the associated water authority and shall be connected to that public system, providing easements are available or can be negotiated. The design of the connection shall be approved by both the connecting water authority and/or the New Mexico State Engineer.

1. Major Development Permit applicants must meet water supply requirements as set in *Article III* Section 3.5.C.

12.7.C.5. **Hydrologic Report/Water Availability Assessment.** If a hydrologic report is required under these regulations, the hydrologic report shall demonstrate that surface water sufficient to meet the maximum annual water requirement of the development is physically available.

12.7.C.5.a. Narrative and analytical demonstration that the surface water will suffice for the proposed land use, given short-term and long-term fluctuations (base flow analysis) due to climatic cycles or other factors (such as induced recharge due to groundwater diversion), and analyses of relevant historical runoff records, and projected water supply available for the land use requirements. Applicable legal or water rights constraints on water availability shall be considered.

12.7.C.5.b. If the analysis of the historical runoff record indicates possible fluctuations in the projected water supply available for the land use requirements, the applicant shall provide for either storage or a supplemental groundwater supply sufficient to meet the shortage.

12.7.C.5.c. If a supplemental groundwater supply is proposed, the applicant shall provide a geohydrologic assessment.

12.7.C.5.d. The applicant shall provide a copy of a water right permit issued by the Office of the State Engineer for sufficient surface water to meet the maximum annual water requirement of the proposed land use, including authorization for this purpose, prior to the approval of the proposed land use by the Board of County Commissioners.

12.7.C.5.e. The applicant shall provide any other information necessary to demonstrate the capability to meet the water requirements of the proposed land use.

12.7.C.6. **Soil Survey.** A soil survey of the site shall include:

12.7.C.6.a. An overlay of the natural features map showing the location of each soil type. Soil surveys will be in keeping with national standards set forth by the USDA Natural Resources Conservation Service.

12.7.C.6.b. A description of the soil types. Detailed soil profiles may be required, if deemed necessary by the Soil and Water Conservation District.

12.7.C.6.c. Interpretation of limitations demonstrated by a detailed soil survey indicating each soil type and its relation to the intended land uses common to the development.

12.7.C.7. **Grading Plan.** A series of maps, cross sections, and design profiles showing the location of the planned development features and their impact upon the natural landform shall be addressed.

12.7.C.7.a. An overlay of the Natural Features Map showing the location of all proposed parcels, roads, bridges, water and erosion control structures, and the utility easements in relation to the existing contours.

12.7.C.7.b. An overlay showing the finished contours of the development after all proposals have been implemented, using contour intervals equal to or less than those on the existing contour map.

12.7.C.7.c. The location of all cuts and fills, including grades, lengths, and depths thereof, displayed using the necessary cross section and profiles to adequately describe the planned action.

12.7.C.7.d. The location of all areas where the natural elevation of the land will be changed by more than three (3) feet.

12.7.C.7.e. The location of all areas where the grading of land will disturb more than one thousand (1,000) contiguous square feet.

12.7.C.7.f. Profiles showing the existing ground surface and proposed street grades and typical cross sections of the proposed grading.

12.7.C.7.g. Description of methods of stabilization in areas of cut and fill, embankment compaction, and revegetation on steep slopes.

12.7.C.8. **Landscaping Plan.** A series of maps or overlays and narratives to identify those areas which will be revegetated following disturbance or to enhance the visual aesthetics of the site and the methods to be used.

12.7.C.8.a. Location and type of materials to be used in revegetation and slope stabilization.

12.7.C.8.b. Location of all areas where vegetation will be preserved and a description of all methods that will be used for protection.

12.7.C.8.c. Duration of exposure of the disturbed sites prior to reclamation of the site, with methods to be used to minimize erosion of the disturbed sites prior to reclamation.

12.7.C.8.d. Description of the vegetative characteristics to be present after revegetation.

12.7.C.8.e. The plan for preparation, fertilization, seeding rates, dates, and amounts by species, mulching type, and amount for grass, shrubs, and trees. If watering is a planned part of the revegetation procedure, a description of

the planned irrigation system and amounts of water needed will be included.

12.7.C.8.f. Identify all plant species to be used;

12.7.C.8.g. Demonstrate compliance with all planting standards and specifications of this section;

12.7.C.8.h. Designate the location for each planting to be installed;

12.7.C.8.i. Designate existing trees and vegetation to be preserved, vegetation or other materials to be removed, and staging areas for materials or storage;

12.7.C.8.j. Provide information about the anticipated installation schedule;

12.7.C.8.k. Provide information about plans for irrigation and maintenance of the landscaping;

12.7.C.8.l. Provide information on how erosion will be controlled during development; and

12.7.C.8.m. Include other information requested by the Director.

12.7.C.9. **Erosion and Drainage Plan**. This shall include the necessary charts, drawings, location maps, and calculations to support the plan:

12.7.C.9.a. A watershed map showing all the upper watershed area draining into or through the site, showing the watercourses and topographic conditions, and indicating the soil and vegetation types and their locations within the watershed.

12.7.C.9.b. Storm drainage computations for a one hundred (100)-year frequency storm both reaching and leaving the site in the predevelopment conditions as per Natural Resource Conservation Service (NRCS) standards.

12.7.C.9.c. Storm drainage calculations for estimated runoff after full development of the site and calculations for the estimated runoff before and after any mitigation of the increased flows.

12.7.C.9.d. Quantities of water carried by the major watercourses. Calculations shall be provided for both pre- and post-development.

12.7.C.9.e. The location, type, and size of all proposed drainage structures with adequate detail of the drawings or designs.

12.7.C.9.f. The locations and size of all drainage easements for all floodplains, floodways, flood fringes, and other natural water courses, along with adequate supporting documentation. Drainage easements are required for all watercourses with one hundred (100)-year storm flows that exceed twenty (20) cubic feet per second flow rates.

12.7.C.10. **Construction Schedule.** The applicant shall supply a construction schedule that includes:

12.7.C.10.a. The start and finish dates for all clearing, grubbing, and grading activities.

12.7.C.10.b. Duration of exposure of disturbed areas.

12.7.C.10.c. Stabilization date for disturbed areas.

12.7.C.10.d. Installation date of all storm drainage system components.

12.7.C.10.e. Installation date for all roads and related structural measures.

12.7.C.10.f. Paving dates for all roads or parking areas included in the site plan.

12.7.C.10.g. Installation date of each utility to be provided and whether said utility will be above or below ground.

12.7.C.10.h. Installation date for homes, recreational structures, and other community facilities and improvements.

12.8 USE-SPECIFIC SUBMITTAL REQUIREMENTS

12.8.A. Wireless Communications Facilities

12.8.A.1. Placeholder. To be developed.