Summary of the Unified Development Code

The Unified Development Code (UDC) has been created to reflect the vision, values, and guiding principles of the comprehensive plan. The code combines several existing ordinances and updates their regulations to meet current conditions. By combining these existing ordinances, it now provides all the regulations in one place.

The two major codes that create the UDC are the existing Land Use Regulations (Ordinance 2018-02) and the Subdivision Regulations (2005-8). While the UDC is considered a complete rewrite, it encompasses language from all of the existing codes. One of the greatest changes is the incorporation of multiple zones for residential, agricultural, mixed use, and industrial areas. Creating zones within the County will ensure the protection of Taos County's cultural values, our limited water resources, our beautiful night skies, and other traditions and treasures that we value.

The following ordinances are included in the UDC:

- 1995-10 Excavation and Grading Ordinance
- 2003-1 & 2003-7 Amendments to the LUR for Upper Las Colonias Neighborhood Association
- 2005-8 Subdivision Regulations
- 2006-8 Amendment to the LUR for Stagecoach Neighborhood Association
- 2006-9 Night Skies Protection Act
- 2013-3 Amendment to the Subdivision Regulations for Taxes Paid on Subdivision Applications
- 2013-10 Amendment to the Subdivision Regulations regarding Lot Line Adjustments
- 2018-2 Land Use Regulations
- 2019-4 Amendment to the LUR for Revised Language to Legal Nonconforming Uses
- 2020-2 Amendment to the Subdivision Regulations to Decrease the Minimum Lot Size and to Allow Antiquated Subdivision Lots to be Consolidated
- 2020-7 Amendment to the LUR for Stagecoach Neighborhood Association partial Rezone
- 2021-1 Amendment to the LUR for Cannabis Activities
- 2022-3 Sign Code
- 2024-4 Amendment to the LUR for Short Term Rentals

Core Goals

The UDC is designed to:

- Promote **public health, safety, and welfare**
- Preserve **open space, natural resources, and agricultural lands**
- Protect **water resources and acequias**
- Maintain **historic and cultural character**
- Support **economic development**

- Encourage **affordable and workforce housing**
- Address **climate change impacts**
- Protect **dark night skies**
- Ensure **orderly growth and infrastructure provision**

Article I – Introduction

These regulations shall be known and referred to as the Taos County Unified Development Code (UDC). The authority under New Mexico statutes is defined and the specific purposes of the intention of the code are explained.

Compliance with all County ordinances, the Comprehensive Plan, as well as all applicable State and Federal laws, must be complied with. The code applies to the unincorporated areas of Taos County (excluding municipalities, pueblos, and government land). Any amendments to the UDC shall be proposed by ordinance and shall be adopted by the Board of County Commissioners.

The effective date will be determined by the Board of County Commissioners during the Public Hearing Process.

Article II – Zoning Districts

Division 1 – General Provisions

The Code proposes dividing the County into **Base Zones** (primary uses and standards) and **Overlay Zones** (additional requirements). This section also introduces the zoning map which identifies the location and boundaries of the proposed zones. (**Note: currently the zoning map does not exist, once it is created it will be released for public review and comment.)**

Division 2 – Zoning Districts

Base zones are described as follows:

- **Rural –** Protects the mixed-use character of the very low-density ranching and farming areas of the County. Home occupations are allowed uses although more intensive commercial activities may not be allowed.
    - **Rural residential subzones** are identified in which various minimum single-family parcel sizes are required. These are identified as:

    - **Rural Resource –** minimum lot size of thirty-five (35) acres, protects and promotes larger ranching and farming operations or areas with special rural character and natural areas
    - **Large Parcel Rural -** minimum lot size of five (5) acres, protects and promotes areas with these lot sizes within the more rural areas of the County
    - **Small Parcel Rural -** minimum lot size of one (1) acre, protects and promotes these lot sizes which are typically found within or near established community activity areas.

- **Agriculture/Rural Residential (A/RR) –** Protects the acequias and irrigated agricultural lands, as well as historic nonresidential uses and the land grants. This zone will identify locations where agricultural uses have been identified, where land is or was historically irrigated, or land where grazing and dry farming uses are conducted.
- **Agriculture-Industrial (A-I) –** Areas where the industrialized production of crops, animals, and animal products (i.e. eggs, milk, etc.) are produced using large-scale machinery and framing methods, with the use of irrigation from wells rather than surface water.
- **Residential Single-Family Rural Estates (R-E)** Areas where the parcel sizes are at a minimum of two and a half (2.5) acres where the availability of community water systems and/or municipal sewer systems are rarely available. Protects agricultural and environmental assets and encourages residential cluster development to conserve land area and water resources.
- **Residential Single-Family Large Lot (R-LL) –** Areas where parcel sizes are at a minimum of one (1) acre where the availability of community water systems and/or municipal sewer systems are rarely available.
- **Residential Single-Family Medium Size Lot (R-ML 0.75) –** Areas where parcel sizes are at a minimum of three quarters (3/4) or (0.75) of an acre where the availability of community water systems and/or municipal sewer systems are rarely available.
- **Residential Single-Family Intermediate Size Lot (R-IL 0.5) –** Areas where parcel sizes are at a minimum of one-half (1/2) or 0.5 acre where the availability of community water systems and/or municipal sewer systems are rarely available. In areas where the availability to connect to community water and municipal sewer systems is provided smaller lots will be allowed.
- **Residential Single-Family Traditional Community (R-TC) –** Protects the smaller lots and mixed housing types, densities, and uses in traditional communities. It also protects the village character and environmental assets within mixed community areas, having a variety of setback requirements in order to accommodate irregular placement of houses which are consistent with the traditional cluster settlement pattern. Community water and municipal sewer systems are commonly found in these areas, and the preservation of farmland and vegetation is identified.

- **Residential Multi-Family (R-MF) –** Accommodates attached multi-family housing, tiny homes, and attached and unattached mixed housing where the availability to connect to community water systems and municipal sewer systems are provided allowing for clustering, smaller lots, and greater density.
- **Highway Corridor Mixed-Use Core Area (Hwy MU Core) –** Protects the character of the traditional mixed-use community corridors along highways, recognizing the already established pattern of existing, traditional and potentially new retail and service uses. An **Architectural Review Overlay** can typically be included within these areas.
- **Highway Corridor Mixed-Use General Area (HWY MU Gen) –** Accommodates general commercial development and higher density residential uses along highways, recognizing the already established pattern of existing, traditional and potentially new retail and service uses. Larger buildings, smaller lot sizes, buffers between uses and other design features can be found within these areas.
- **Mixed-Use Village Center (MU-Village) –** Protects the character of existing historic villages and new designed developments containing traditional plazas and a mix of commercial and residential land uses. It encourages historic preservation and limits the scale and bulk of new development. An **Architectural Review Overlay** can typically be included within these areas.
- **Traditional Commercial Residential (Trans C/R) –** Accommodates the mixed-use character of areas between highway corridors and residential single-family areas providing buffers between the zones which help to mitigate visual clutter and noise.
- **Planned Unit Development (PUD) –** Allows developments that require flexibility from dimensional standards to be creative by providing amenities that may not otherwise be allowed in the underlying zones, such as contribution to the stock of affordable housing, enhanced walkability, greater open spaces, preservation and enhancement of natural amenities and cultural resources, and protection of natural features within a site.
- **Industrial Light (I-L) –** Allows for economic development on highways close to but not in community areas where the activity of the business is completely within a building or confined yard and is not hazardous. Small and mid-scale operations, offices, restaurants, and call centers are typically located in these areas.
- **Industrial Heavy (I-H) -** Allows economic development containing access to transportation, where external environmental impacts may be involved. Transition zones and buffers between uses are utilized to help minimize conflict with other uses.

Uses are identified in Table 2.7.1 where **permitted uses** (allowed uses by right), **conditional uses** (allowed uses requiring a public hearing before the appropriate hearing body (Planning Commission/Board of County Commissioners), and **temporary uses** (uses that shall not exceed a permitted amount of time, requiring an application for permit) are identified. The table identifies the use and indicates each zone providing a “P”, “C”, or “T”. All uses that do not have an indication are considered to be prohibited within that specific zone.

Dimensional Standards are identified in Table 2.7.2 and Table 2.7.3 providing lot size, setback, and height requirements.

Planned Unit Development (PUD) Zone:

- Allows for the creation of alternative standards of development for new development, redevelopment, and infill development
- Allows for relief from the dimensional standards of the specific zone of the project location
- Should be designed to permit and encourage diversification, variation, and imagination in the relationship between uses, structures, open spaces, and heights of structures
- Is intended to encourage economic development with innovative solutions to site planning, architecture, and infrastructure
- Development area shall be a minimum of fifty (50) acres
- At least twenty percent (20%) of the total housing units must be affordable housing units serving individuals and families who make one hundred and twenty percent (120%) or less of the County median income
- Must contain at least twenty five percent (25%) usable open space

Overlay Zones are identified as:

- Historic Overlay Zone
- Architectural Review Overlay Zone
- Airport Operation Overlay Zone
- Sustainable Development Overlay Zone

The **Architectural Review Overlay Zone** requires new development to be of **Territorial Revival, Spanish Pueblo Revival,** or a creative variation between the two styles. The exterior finish shall be of an earth tone or neutral color.

The **Sustainable Development Overlay Zone** allows for design methods to:

- Reduce energy and water consumption
- Conserve land and natural habitats
- Allow for food production
- Reduce carbon footprint

Article III – Development Standards

Sets countywide requirements for development, including:

- Lot size, density, and building dimensions
- Landscaping and vegetation
- Stormwater and slope protection

- Fire protection (especially Wildland-Urban Interface)
- Parking, access, and circulation
- Open space requirements
- Environmental and resource protection
- Subdivision design (streets, lots, utilities)

DIVISION 1 ZONING STANDARDS

Dimensional Standards provides the regulations for the development of blocks, lots, and yards.

Fences and Screening prohibit fences from being at a height in excess of ten (10) feet. It also prohibits chain link, barbed or concertina wire, and corrugated metal fencing in certain areas. New fences in excess of six (6) feet must obtain a building permit prior to the commencement of construction.

Open Space requirements are specific to **Major Development Projects**, cluster/conservation developments, or for Planned Unit Developments (PUD). At least twenty-five percent (25%) usable open space shall be provided unless the project is within a PUD requiring a greater or lesser percentage of open space. Open space is not hardscape or structures of utilitarian uses, storage areas, vehicular parking areas or driveways, carports and garages, utility areas, or streets (both public and private).

Utilities must be placed underground unless it is unfeasible as determined by the utility provider. If a development is located within four hundred (400) feet of a public water supply system, the project must seek approval to connect to said services. If no hookup is available, then an approved domestic well permit must be obtained.

Terrain and Stormwater Management requires development creating more than twenty thousand (20,000) square feet of disturbance activity to meet the requirements of this section in order to control adverse effects of terrain disturbance and stormwater runoff.

- A Terrain Management Plan is required when it is found that existing soil conditions are unsuitable for development. This includes areas with unstable or potentially unstable slopes, faulting, landslides, rock falls, flooding, etc.
- Plans shall be prepared by a New Mexico Licensed Civil Engineer and shall identify all hazardous areas outlining mitigation measures for these areas
- The project shall not cause significant degradation of the quality of surface or groundwater resources.
- Post-development peak flow discharge rates shall not exceed the peak discharge rates of predevelopment
- Acequias, streets, arroyos, dry gullies, diversion ditches, spillways, reservoirs, etc. shall not be utilized as part of the storm drainage system.

Development on Steep Slopes and Ridgelines are required to minimize the visual impact and be compatible with the surrounding natural and historic environment. Specific development standards are required for these projects, especially the size, height, shape and location of proposed buildings. Materials are also regulated to prohibit any reflectiveness from roofs, windows, etc. Any development on a steep slope is required to replace or add any landscaping utilized for visual screening and the overall visual impact.

Landscaping and Vegetation requirements are outlined for all new development, subdivisions, and expansions to existing nonresidential buildings. Table 3.9.1 provides a list of plants which can be utilized within the development; the plant species which are specifically prohibited within the unincorporated areas of the County are also provided.

Buffer areas provide visual separation between uses containing different intensities between those uses, as well as protecting cultural or natural resources and views from the encroachment of development. Four types of buffers are identified, along with allowed uses within buffers.

The regulations were updated for the **Outdoor lighting and night skies protection** ordinance. This section was updated to help preserve the beauty of Taos's dark sky. All outdoor lights are required to point down and contain a shield to ensure light does not trespass onto other properties. Utilizing the correlated color temperature of lights is also introduced in which a total of 2700 Kelvins is allowed for outdoor lights, unless otherwise specifically exempted from the code. The introduction of a lighting curfew is also proposed which will require that businesses must turn off all outdoor lights by 11pm or within one hour after the business closes, unless it is operated 24 hours a day. Nonconforming existing lights can remain active unless they are no longer operational, or when an expansion of greater than 25%, as well as other situations defined.

Circulation and access regulations outline access design requirements, requirements for a traffic impact analysis, right-of-way widths, pedestrian access, and sidewalks.

Parking and loading requirements provide a Table which identifies the number of parking spaces required for the allowed uses within the County. The Dimensional Design Standard for Parking Table is also provided outlining the width and length requirements for parking spaces. Developments may also establish shared parking areas when specific requirements are met. Loading zones must also follow specific guidelines providing minimum dimensions and location of said areas.

Fire protection and prevention for WUI provides specific requirements which is an effort to minimize and mitigate the fire problems created by development within areas having a Community High Risk Rating. Development within Wildland Urban Interface (WUI) areas are strongly discouraged and shall only be approved if all requirements of the Taos County Community Wildfire Protection Plan (CWPP) have been determined to be in compliance, as per the Taos County WUI Coordinator or the Fire Marshal. Such requirements include but are not limited to a Fire Protection Plan, creating proper defensible space, adequate water supply and access to said supply, proper fire-rated construction materials, proper access roads, etc.

Resource Protection establishes standards to control negative impacts from development on existing resources. The requirements of this section are in addition to the requirements of terrain stormwater management. Developments proposed to be located within a Wetlands area, a floodplain, a designated wildlife area, agricultural areas, or within cultural properties must comply with these additional requirements.

DIVISION 2 SUBDIVISION STANDARDS

Blocks and street length and width requirements are outlined within this section. Roads are required to be either dedicated to private use, public use, public use and accepted by the County, or dedicated to the County and accepted for maintenance by Public Works Department. Table 3.17.2 provides the road specifications for subdivisions based on the type of subdivision (i.e. Type 1,2,3,4,5 or Summary Review).

Lots within a subdivision must be provided with legal access as well as proper utility easements. They must also meet the requirements for lot size, density, and setbacks for building sites within the specified zone. Additional requirements are also provided for open space, terrain management, fire protection, and cultural properties.

Utilities are required to be buried, and easements shall be provided for each lot. Subdividers must also comply with the requirements outlined in this section for water usage, by providing evidence of adequate water availability, quality, conservation measures, etc.

Subdivisions are also required to contain an adequate liquid waste disposal system whether it is a community liquid waste system or individual systems provided for each lot.

Special Subdivision Types are also outlined, which include Mobile Home Subdivisions and Clustered Housing Subdivisions.

Article IV – Supplemental Use Regulations

Provides **detailed rules for specific land uses**, which include:

- **Accessory structures and uses –** are accessory when they are in conjunction with the main use and is also incidental to the main use.
- **Accessory dwelling units (ADUs)-** cannot be larger than 50% of the square footage of the main home.
- **Adult Business establishments –** must be located more than 1,000 feet away from any school, park, religious institution, etc. Windows and doors shall be covered in a way to prevent viewing the interior of the building from the outside.

- **Bed and Breakfast -** requires the owner or manager to reside in the establishment. Food and meals shall only be served to guests.
- **Cannabis Establishments –** will be required to comply with the regulations of this section for all grow and retail operations.
- **Cluster/Conservation Developments –** requires at least 30% of the total area of the development to be reserved for contiguous open space.
- **Communication, Wireless, and Telecommunications –** requires a minimum setback of 85 feet from all property boundary lines, or at least 110% of the fall radius, whichever is greater. Towers must be surrounded by a 6-foot fence and must be designed to minimize visibility and blend with the surrounding environment, unless otherwise required to comply with federal regulations.
- **Dry Cleaning Establishments -** cannot use flammable or combustible materials in any cleaning process, no outdoor storage, must be operated principally as a retail business, shall not be within 50 feet of any dwelling unit or residential zone and must conduct all activities of the business within the enclosed building.
- **Home Occupations –** are categorized into three types:
    - **Low-impact:** allows up to 2 non-residential employees; no exterior evidence of the business; all business activity occurs within the home; business does not require any customers to visit the premises.
    - **Medium-impact:** allows up to 4 non-residential employees; a small sign is allowed; and a limited number of customers are allowed.
    - **High-impact:** allows up to 6 non-residential employees and requires a conditional use permit.

  Home occupations cannot exceed the lesser of 1,000 square feet or 50% of the home, and cannot create any smoke, odors, dust, noise, etc. The business registration for the home occupation must be renewed annually, while the home occupation permit does not need to be renewed as long as there are no changes to the approved activity, location, or original scope of the business.
- **Junkyards, Salvage Yards –** shall not be located closer than ¼ mile from any dwelling or residential development.
- **Manufactured/Mobile Home, RV, and Tiny Home Parks –** must be at least a ½ acre in size and shall have legal access to the site as well as to each tenant space.
- **Mining and Processing -** requires an environmental impact assessment, stormwater management plan, erosion management plan, wastewater management plan, solid waste management plan, operating plan, blasting plan, monitoring plan, etc.
- **Short-term rentals (STR)–** only 1 permit will be issued to any one owner/operator of the STR, and only a total of 400 STR permits will be awarded. Existing STRs operating with a home occupation permit will not be included in the count toward the 400 permits
- **Itinerant Vendors -** shall be limited to only one vendor per property, unless otherwise permitted with a special events permit or other approved activity.

Article V – Signs

All signs within the unincorporated areas of the County must comply with this article. A permit is required prior to the placement of any sign. The code categorizes signs into several different types, such as permanent signs, exempt signs, and prohibited signs.

Permanent signs include wall mounted signs, cutout letter signs, freestanding signs, projecting and hanging signs, etc.

Exempt signs are not required to obtain a sign permit but must still comply with these regulations. Some examples of exempt signs include but are not limited to, A-frame signs, event signs, garage and yard sale signs, temporary signs, window signs, etc.

Prohibited signs cannot be utilized within the County jurisdiction.

Legal nonconforming signs shall be allowed to remain on display so long as the sign is not altered, replaced, improved, or found to be unsafe or obsolete by the County. This includes existing off-premises billboard signs.

Up to 3 signs are allowed for each business and a maximum of 4 banners per year. The total of the signs shall not exceed 60 square feet. Banners shall be limited to the display of only 1 banner at any given time for a maximum period of 60 days. A waiting period of 30 days shall be held before any business can apply for the placement of a new banner.

Multi-tenant center signs are allowed to display the name of the center and physical address with the remainder of the sign area evenly divided for each tenant within the complex.

Signs shall be allowed to be **illuminated** by internal illumination, internal indirect illumination (halo), or by an external indirect light. All lights must be pointed down projecting directly onto the sign and shall be turned off by 11pm or at the close of business, whichever occurs later. Internally lit signs shall not contain any bright colors that make up more than 33% of the sign.

Article VI – Procedures

DIVISION 1 GENERAL PROCEDURAL REQUIREMENTS

This article outlines the standard development approval procedures for most development applications within Taos County jurisdiction.

Pre-application meetings allow the applicant the opportunity to introduce the project in general, allowing the Planning Director to provide relevant code requirements and development standards.

Any technical study that will be required will be identified during the meeting, which includes but is not limited to an environmental impact report, traffic study, terrain management report, or a water availability assessment.

An **informal public meeting** shall be held so that the applicant has the opportunity to introduce the project to the public as well as answer any questions and address any concerns. The meeting should be held in a convenient meeting space near the proposed project site if available and should be conducted after the pre-application meeting but prior to submission of the application to the Planning Department. The applicant must provide a report of the meeting results to the Planning Director. The Planning Director may be in attendance only to observe and take notes, and shall not answer any questions or provide any kind of presentation.

The applicant shall **submit the application for review** of completeness. The application must include all items outlined in the pre-application meeting as well as all the required supporting documentation described in Article XII Submittal Requirements. Table 6.4.1 provides a time period for review based on the type of application being submitted. Review time can take anywhere from 10 days to 120 days. During the review period the Planning Director shall transmit a copy of the application packet to the appropriate agencies for review and comments. Such agencies include NM Office of the State Engineer, NM Environment Department, NM Department of Transportation, NM Historic Preservation Division, etc. If a project is within a certain distance from any tribal entity, said entity shall be notified.

Once the application has been reviewed and determined to be complete, it is then considered for approval by an administrative decision, quasi-judicial decision, or a legislative decision.

- **Administrative decisions** are ministerial decisions made by the Planning Director typically for permissive uses and may be appealed to the Planning Commission.
- **Quasi-judicial decisions** are decisions made by a reviewing body – Board of Adjustment, Planning Commission, or the Board of County Commissioners. The reviewing body shall follow procedural rules and a public hearing shall be conducted that is consistent with the standards of procedural due process. The decision of the reviewing body may be appealed in compliance with Section 6.10.
- **Legislative decisions** are made by the Board of County Commissioners which may amend these regulations, the zoning map, rezone of a parcel of land, approval of a subdivision, approval of a Planned Unit Development, or the adoption or amendment of the Comprehensive Plan. The decision must be appealed to District Court.

The applicant is required to provide **public notice** of the hearing of the application by newspaper, posting of the property, and/or first-class mail within the notification area determined by the type of application under review. The applicant shall provide verification of notification to the Planning Director.

Hearing Procedures are outlined for **quasi-judicial hearings** and **legislative hearings.** The hearing body shall conduct the hearing in accordance with Robert's Rules of Order and any other guidelines adopted by the Board of County Commissioners. Members of the hearing body are required to decide

applications on the merits presented in the application, on-record public comments, and at public hearings, and shall not privately discuss the merits of a pending application, as this is considered **ex parte communication.**

DIVISION 2 ZONING PROCEDURES

Permitted Uses identified in the Use Matrix table in Article II require a Development Review Approval, which may include conditions of approval, and may be conducted for multiple forms of development or for a single development project. Some examples of a permitted use include, but not limited to the following:

- **Home Occupation Permits** may be issued to home-based businesses complying with all the regulations of this code, but more specifically the supplemental use regulations in Article IV and the development standards of Article III.
- **Short-Term Rental Permits** may be issued to individuals operating a short-term rental, although only 1 permit is allowed per person and only one dwelling unit, accessory dwelling unit or bedroom shall be subject to the permit.
- **Cannabis Producers** must obtain permits for the type of business they are proposing. A microbusiness producer, small producer, class I manufacture, class II manufacturer and a cannabis retailer are permitted to operate with a Development Review Permit.
- Some **temporary uses** may require a permit, while others shall not require permits, but must comply with these regulations such as Recreational Vehicles used for temporary shelter and yard/garage sales.
- **Itinerant Vendors** are required to obtain permits which shall be valid for a maximum of 90 days. Vendors are required to obtain a permit for each location/event that they participate in.

Conditional Uses are compatible with the land uses that are permitted by right but require a more in-depth review to ensure the appropriateness of the use within a given zoning district. Conditional use permits shall be reviewed by the Planning Director to ensure that the applicant has submitted all of the required documentation. The application shall be reviewed by the Planning Commission in a public hearing.

Major Development Permits are required for those uses or developments that may cause a significant impact on the neighborhood or region due to their size or intensity. A project is considered to be a major development if it encompasses more than 5 acres, or more than 80,000 square feet of gross floor area (including all floor levels), or when an existing legal nonconforming use or existing allowed use is proposing an expansion that will cause the total project (existing and proposed) to exceed the limits as described herein.

Any **Rezone or Zoning Map Amendment** must comply with the requirements of these regulations and shall be reviewed by the Planning Commission who shall recommend action to the Board of County Commissioners, who shall conduct a public hearing and make the final decision.

DIVISION 3 SUBDIVISION PROCEDURES

Preliminary Plats require a review for all proposed subdivisions not subject to the requirements of a summary review. The Planning Director shall review the application to ensure that it is in compliance with these regulations. The Planning Commission shall conduct a public hearing and shall make a recommendation to the Board of County Commissioners who shall approve, approve with conditions, or deny the preliminary plat. Within 2 years of approval the applicant shall obtain approval for the final plat.

The applicant shall prepare an application for **final plat** approval and submit it to the Planning Director for review. After the application is deemed complete, a public hearing shall be scheduled with the Board of County Commissioners for final approval, approval with conditions, or denial. The final plat shall be signed by the chairman of the Board of County Commissioners and Planning Director and shall be recorded with the office of the County Clerk.

Prior to selling, leasing, or conveying any land in the recently approved subdivision the applicant shall create a **disclosure statement** which has been approved by the Board of County Commissioners and recorded with the County Clerks office and the Attorney General's Office.

New Mexico law allows for certain land divisions that shall not be required to comply with subdivision regulations. An applicant for proposal of division of land under these conditions shall apply for a **Claim of Exemption** which shall be reviewed and approved by the Planning Director. These divisions of land include, but are not limited to, lot line adjustments, family transfers, lot splits, and burial sites.

Summary subdivisions are subdivisions that do not create more than 5 lots. An applicant shall request a pre-application conference with the Planning Director to identify what documentation will be required. When the application is submitted the Planning Director shall review and approve, approve with conditions or deny the application. The plat shall be recorded in the County Clerk's Office.

Any final plat filed for subdivision in the County Clerk's Office may be vacated. The owners of all or a portion of the lots in an approved subdivision may initiate a **plat vacation** by submitting an application to the Planning Director. Once the application is deemed complete, a public hearing shall be conducted before the Board of County Commissioners, unless it was previously approved by the Planning Director, in which case the Planning Director shall approve or deny the request.

A **master development plan** must be submitted for any large-scale development requiring a subdivision plat approval. The Planning Commission may grant preliminary plat approval of the initial development phase and defer approval of any subsequent phases.

DIVISION 4 GENERAL CODE ALLOWANCES

Administrative Adjustments provide flexibility, streamline approvals, avoid unnecessary board hearings, and allow for reasonable deviations when strict dimensional standards cause practical difficulty without harming neighborhood character. The Planning Director may grant administrative adjustments for the following:

- Reducing minimum required front setbacks by a maximum of 5 feet
- Reducing minimum required side and rear setbacks in any residential zone by up to 20%
- Increasing the maximum height by up to 3 feet
- Reducing the minimum off-street parking requirements by up to 1 space or 20% whichever is greater

An applicant can apply for a **variance** which if approved will grant the landowner relief from certain requirements of this code. The hearing body may review and make a decision during a public hearing. The applicant shall have the burden of proving that the following criteria has been met:

- The granting of the variance will not constitute a grant of special privilege inconsistent with limitations on other properties within the area of notice
- The granting of 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
- The granting of the variance is justified, because of an undue hardship for the applicant resulting from size, shape, or existing structures, from topographic or physical conditions on the site or in the area of notice
- Granting the variance upholds the spirit and intent of these regulations, with public safety and welfare secured and substantial justice done.
- The variance is warranted for one or more of the following reasons:
    - 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
    - Exceptional or extraordinary circumstances or conditions applicable to the site do not apply generally to other properties in the vicinity; or
    - 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.

Article VII – Nonconformities

Uses that were lawful before the approval of this code or under a previously approved land Use Regulation, but are considered to be prohibited, regulated, or restricted under these regulations shall comply with this article.

A **change of nonconforming use** shall only be changed to a use that is a similar use as the previously established use; the same or less intensive use; or allowed in the zone district it is in.

A legal nonconforming use (other than a single-family residence) that has been discontinued for more than 365 days shall be considered to be an **abandonment of use** and shall not be allowed to continue, expand, or be reconstructed unless it is in compliance with all of the regulations in the zoning district in which it is located.

A legal nonconforming use that is damaged or destroyed may be **replaced** if the damage is less than 50% of the most recent County Assessor's full value or market value and may be restored to its original use, size, height, and footprint. If it is determined that the damage is more than 50% of the most recent County Assessor's full value or market value a Conditional Use Permit must be obtained prior to restoration to its original size, height, and footprint.

Any nonresidential nonconforming use or structure may be changed or **expanded** up to 50% with the approval of a Conditional Use Permit.

Nonconforming lots are any lot that does not conform to the dimensional requirements established in Article II of these regulations prior to the adoption of this Code. Nonconforming lots may not be further reduced in size unless by geophysical principles of accretion or reliction, by order of a court, or by the principles of eminent domain, and said lots shall not be restricted from development.

Nonconforming structures are structures that were lawful at the time they were built, but would now be prohibited due to size, height, or setbacks. Nonconforming structures shall remain permitted regardless of ownership, but shall **not increase** in a way that increases the degree or extent of its nonconformity; shall not be **relocated,** unless it meets the provisions of the zone it is moved to; shall not be **reconstructed** if it is damaged or destroyed more than 50% of the existing structure unless it is in compliance with the development standards of Article III.

Nonconforming site improvements consist of parking areas, storm drainage facilities, landscaping, lighting buffers, etc. that were lawful when they were developed but do not meet the requirements of this Code. Lots containing nonconforming site improvements shall be required to be brought into compliance with these regulations if a proposed addition or alteration is proposed.

A project that has been approved prior to the adoption of these regulations and is incomplete as of the effective date of this code is considered to be a **nonconforming project.** Said projects shall be allowed to continue so long as a building permit was issued or at least 10% of the project is completed. A vested rights permit may be issued by the Planning Director.

Article VIII – Enforcement

Any person, firm, corporation, or other entity violating these regulations shall be subject to the criminal and civil penalties or remedies provided in this Article. Violations include but are not limited to:

- Development or use of land that is inconsistent with these regulations
- Development or use without a permit or approval
- Development or use inconsistent with the conditions of approval
- Making a lot or yard nonconforming
- Failing to comply with a stop order
- Transferring lots in an unapproved subdivision

Certain **remedies** may be utilized to enforce compliance with these regulations, which include:

- Revocation of a permit or development approval
- Stop work order
- Withhold acceptance of applications
- Withhold or withdrawing land use permits
- Suspension of right of sale

The Planning director shall **inspect** the subject property to determine if a violation exists. Upon determination of a violation a **notice of violation** shall be mailed to the owner, developer and occupant (if not the same), and shall require compliance within 30 days. If the owner does not comply a **civil citation** shall be served which shall require payment of citation within 15 days. Citations may be issued for each day the offense continues until the violation is corrected.

A **criminal violation** may be issued when there is willful failure to respond to a notice of violation or a stop work order. A fine of up to $300 per day or imprisonment of 90 days may be imposed and is subject to said charges for each day the violation is not remedied.

Article IX – Agencies

This Article identifies the duties and responsibilities of the agencies charged with reviewing, making recommendations, and decisions regarding this Code.

Planning Director shall also mean staff members of the Planning Department. The Planning Director:

- Assigns staff to review all applications and may assign duties and responsibilities to staff.
- Determines application types, requirements, procedures, compliance, and approvals as outlined in Article VI.
- Issues permits, approves exemptions and conducts all other related business
- Has the authority to prepare all forms and documents required to fulfill the purposes of these regulations

- Assigns staff to conduct site visits of properties
- Coordinates and provides for the implementation and enforcement of these regulations
- Assures that all applications meet the standards of the UDC and any other related policies and procedures.
- Prepares findings of fact and analysis of applications for the reviewing bodies.
- Attends all meetings of the reviewing bodies.
- Establishes policies and procedures for reviewing applications
- Maintains planning and land use maps, text amendments, and minutes of the reviewing bodies
- Provides for the identification and inspection of violations of these regulations.
- Establishes procedures for taking enforcement actions
- May wave any application submittal requirements or development standard requirements which include required studies, maps, surveys, records, reports, and other documents that may not be applicable or that are redundant.

The **Building Official** issues building permits and certificate of occupancy, conduct inspections and makes determinations on unsafe structures.

The **County Manager** is responsible for hiring and firing the Planning Director and may also wave all or part of the fees associated with applications.

The **Board of Adjustment** shall be responsible for:
- Hearing, reviewing and making a decision of variances
- Hearing, reviewing and making a decision of appeals of the building officials' decision or interpretation
- Serve as an alternate member of the Planning Commission

The **Planning Commission** shall be responsible for:
- Hearing, reviewing and making a decision of variances when in combination with another application
- Hearing, reviewing and making a decision of conditional use permits, major development permits, and rezoning
- Hearing, reviewing and making a decision of subdivisions
- Hearing, reviewing, and making a decision on amendments to these regulations
- Hearing, reviewing, and making a decision on amendments to the official zoning map
- Hearing, reviewing, and providing recommendations to the Board of County Commissioners on revisions to the Comprehensive Plan
- Serves as an alternate member of the Board of Adjustment

The **Board of County Commissioners** in addition to the general duties, shall be responsible for:
- Hearing, reviewing, and making a decision on amendments to these regulations
- Hearing, reviewing, and making a decision on amendments to the official zoning map
- Hearing, reviewing, and making a decision on appeals of decisions of the Board of Adjustment or the Planning Commission

- Hearing, reviewing, and making a decision on amendments to the Comprehensive Plan

Neighborhood Advisory Boards shall review and provide comments to the Planning Director for any activities within the boundaries of the neighborhood in relation to Conditional Use Permits, Major Development Permits, Rezoning, Preliminary Plats for Subdivisions, and Variances.

Article X – Definitions

This Article provides technical definitions with rules of interpretation. The words "shall" and "must" are mandatory, while the words "may," "should," and "encouraged" are permissive. Words not specifically defined within this Article have the definition prescribed in the common dictionary.

Conflicting Provisions are outlined indicating that when one standard conflicts with another standard within this Code, the more restrictive provision shall apply, unless otherwise indicated. If a standard within this Code conflicts with other code requirements, then those standards shall apply.

The **rules of measurement** are also provided describing how to measure or calculate metrics. The steps to calculate **density, gross floor area, height, lot area, lot depth, lot width, lot frontage, lot coverage,** and **setbacks** are provided.

A summary is also provided on the **interpretation of the zoning map** applying rules for boundaries following lot lines, natural features, and streets. If the property line street or natural feature is relocated, then the boundary line for the zone(s) moves with it.

Article XI – Legal Provisions

Development and land subdivision shall comply with all County Ordinances and applicable state and federal laws whether or not such other provisions are specifically cross-referenced in this Code.

Design guidelines adopted by the Planning Commission and the Board of County Commissioners, by resolution, shall be considered as a policy and may be modified in order to achieve a higher quality development design. If there is a conflict between a design guideline and any provision of this Code, then the provisions of this Code shall apply.

Where the provisions of any **private restrictions**, such as deed restrictions, covenants, easements, etc., are more restrictive or impose a higher standard than the provisions of this Code, such private restrictions shall apply if properly enforced by a person having the legal right to enforce such restrictions. The County shall not enforce private restrictions.

Any development permit or approvals granted prior to the adoption of these regulations, by the Board of County Commissioners, the Planning Commission, or the Planning Director, which do not have any vested rights shall be governed by this Code. Any development permit or approvals granted prior to the adoption of these regulations, by the Board of County Commissioners, the Planning Commission, or the Planning Director, which have vested rights, shall be allowed to continue as long as the development and use are in accordance with the development permit and final approval.

Preliminary development plans, subdivisions, and plat approvals that have not yet received a final plat approval, shall file an application for approval within 24 months of the preliminary development plan or plat. If the applicant fails to apply for the final approval within the said timeframe, the plat shall expire and any proposed development will be required to adhere to the requirements of this Code.

Article XII – Submittal Requirements

This Article establishes the required information that must be submitted for applications to be processed. If any application is missing any required document, the application shall not be considered complete, and the application shall not be processed.

Table 12.4.1 provides a **Checklist Matrix** which provides a simple guide to determine what must be submitted with the appropriate application. All the applications are listed within this matrix table, which include Home Occupations permit applications, Short-Term Rental permit applications, sign permit applications, cannabis permit applications, Claim of Exemptions, rezoning, variances, code amendments, etc.

A description of selected submittal checklist items requires **primary submittal items**, like deeds, site plans, and preliminary plats, **final plat** submittal requirements, and **disclosure statements.**

Required technical studies, other environmental studies, and cultural studies are also highlighted, which include environmental impact reports, terrain management reports, traffic impact study, water availability assessment reports, wetlands reports, cultural properties reports, geohydrologic groundwater reports, and hydrologic report/water availability assessments.

Key Takeaways

- The UDC is a comprehensive regulatory framework guiding all land development in Taos County.
- It creates the conditions that stem the tide of inequitable displacement by encouraging greater opportunity and affordability.

- It balances:
    - Growth and economic development
    - Environmental and cultural preservation

- It establishes:
    - Clear zoning categories
    - Detailed development standards
    - Structured permitting and review processes

- It provides a strong emphasis on:
    - Rural character
    - Resource protection
    - Housing availability
    - Community compatibility

- It is about making sure that future growth reflects and enhances who we are as a community, rather than exploiting or diminishing what makes this region unique.

- It continues to recognize the authority of the various acequia commissions throughout the County and supports acequia laws.

- It more efficiently regulates land uses that affect public health and safety.

- It makes the process easier for locals that want to create a life for their families and possibly start a small business.

- It is an attempt to guide and regulate growth, before the terms of growth begin to be dictated to us.