

# **Lower Des Montes Neighborhood Land Use Plan (6/28/09)**

Appendix \_\_\_\_ to the Land Use Regulations of the County of Taos  
\_\_\_\_ Neighborhood Land Use Regulations

## **Section I. Purpose and Intent**

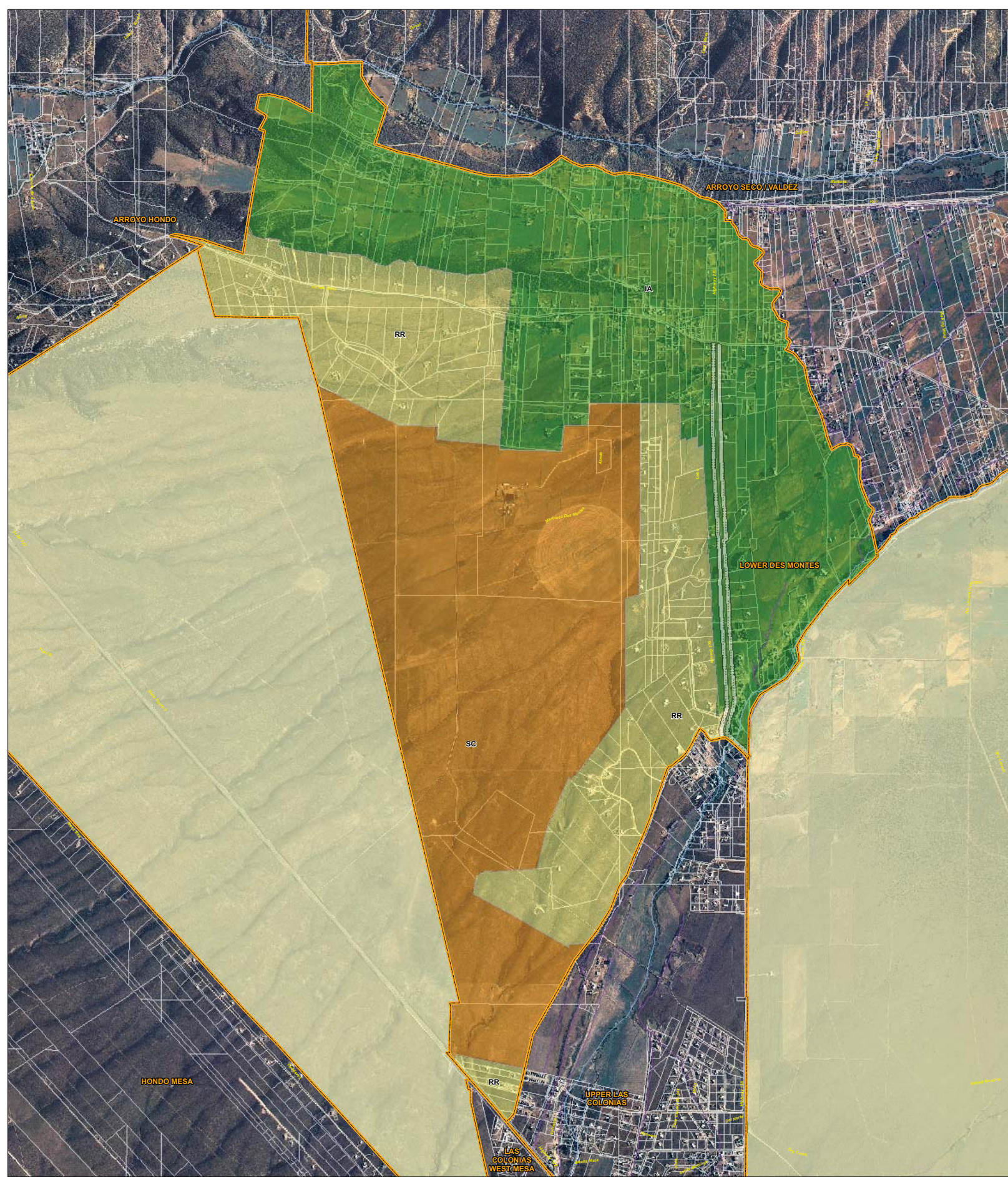
- A. **Official Regulation.** This appendix is incorporated into the Land Use Regulations of the County of Taos.
- B. **Establishment.** This appendix establishes the Neighborhood Land Use Regulations for the neighborhood of Lower Des Montes. The boundaries of this neighborhood and the boundaries of zoning districts established herein are described and shown on the Lower Des Montes Neighborhood Land Use Map in the Taos County Planning Department.
- C. **General Intent.** The intent of this appendix is to assist the Lower Des Montes Neighborhood in achieving the following objectives:
1. Guiding growth while maintaining the integrity of the rural agricultural community.
  2. Maintain the quality of the surface water and acequias to include erosion control measures and environmental protection.
  3. Encourage the development of safe foot/ bike paths and routes to schools for youth and senior citizens throughout the neighborhood.
  4. Protect the groundwater quality through enforcing septic regulations.
  5. Promote safety and security in the neighborhood through enforcement and neighborhood watch programs and alert systems.
  6. Encourage the preservation of open space, viewsheds and night skies in the neighborhood.
  7. Encourage sustainable agricultural practices and agricultural-related cottage industries.
  8. Promote a regional public transportation system that includes the Lower Des Montes neighborhood area.
  9. Encourage land uses that are favorable to neighborhood property owners and are not detrimental to property values.
  10. Encourage the development of community facilities such as a community center.

## **Section II. District Designations**

**IA: Irrigated Agriculture: 1 residence/3 acres or 1 residence/parcel within the buildable area as described in Section V: Irrigated Agricultural Lands** – these are agricultural areas that historically or are presently irrigated by ground or surface water (typically acequias) that are to be protected and maintained in this use. For those parcels, or any portion of a parcel, within this district that don't possess water rights, the provisions of the RR (Rural Residential) district will apply.

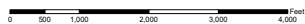
**RR: Rural Residential: 1 residence/1.3 acre (or up to 2 residences/acre when meeting performance standards):** generally an existing low density residential development with limited services.

**SC: Sustainable Community: 1 residence/.75 acre (or up to 3 residences/acre when meeting performance standards):** These areas should be developed in a manner that encourage sustainable community practices such as clustered housing, community infrastructure (alternative water, wastewater and energy systems), neighborhood services, a mix of land uses and densities, and adequate community facilities such as schools, parks, community centers and neighborhood retail. They should encourage multi-modal transportation (bicycling, equestrian, ride-share, park and ride and transit) and walkability (pathways and connectivity).



Taos County Growth Management Plan  
**LOWER DES MONTES NEIGHBORHOOD ZONING BASEMAP**

<b>Zoning</b>	<b>Land Ownership</b>	<b>Misc. Boundaries</b>	<b>Hydrology</b>
Irrigated Agricultural (IA)	State Land	Subarea Boundaries	Major Arroyos
Rural Residential (RR)	Bureau of Land Management	Incorporated Town Limits	Acequias
Sustainable Community (SC)	Forest Service Wilderness	Neighborhood Association Boundaries	
Scenic Highway Corridor Overlay (SHC)	Forest Service	Parcels	
	Pueblo Lands		



Boundaries shown on this map are approximate and do not represent a survey.



**SHC: Scenic Highway Corridor Overlay Zone: designated corridors to a depth of 100' from right of way edge:** these are corridors with scenic values or sensitivity to strip development. These corridors would allow cluster development with limitations on building heights, side or rear parking areas, landscaped buffers along street setbacks, and monument signage.

\* Plans for buildings that are on a parcel containing an acequia, or a parcel within 20' of an acequia, will be submitted by the applicant for review by the Acequia Association for location of acequias and buildings.

### **Section III. Allowed Land Uses**

Home occupations are permitted in all designations.

P = Permitted

S= Special Use

<b>Residential Uses</b>	<b>IA</b>	<b>RR</b>	<b>SC</b>	
Bed and Breakfast	P	P	P	
Day Care	S	S	P	
Livestock Raising	P	P	P	
Mobile Home Parks	S*	S*	S	*Limited to no more than 2 units
Multiple Family/Condos			S	
Private- Preschool	S	S	S	
Residential Care Facilities	S	S	S	
Single-Family Attached			S	
Single-Family Detached	P	P	P	

<b>Non-Residential Uses</b>	<b>IA</b>	<b>RR</b>	<b>SC</b>	
Animal Boarding	S	S	S	
Animal Care	S	S	S	
Animal/Livestock processing			S	Mobile manzanita unit permitted in all designations.
Assisted Living			S	
Arts and Cultural Enterprises	P*	P*	P	Max 4000 sf building
Automotive– Repair			S	
Automotive–Service Stations			S	
Building Material Sales			S	
Business & Professi <sup>n</sup> l. Services	P	P	P	Max 4000 sf building
Café/Coffeehouse	P	P	P	
Churches	P	P	P	
Dance & Fitness Studios	P	P	P	Max 4000 sf building
Day Care Facilities	S	S	S	
Energy Production–Renewable	S	S	S	
Equestrian Facility	P	P	P	Max 3 equines/ac for the first ac; one additional/0.5 ac thereafter. Commercial arenas will require a Special Use permit.
Farmers Markets	P	P	P	Limited to goods produced in Taos County
Food & Beverage Sales	S	S	S	Max 4000 sf building
Maintenance Yards	S	S	S	
Medical Clinics	S	S	S	Max 4000 sf building
Plant Nursery	P	P	P	
Recycling Services–Consumer	S	S	S	
Repair Services	P	P	P	Max 4000 sf building
Restaurants–General			P	
Retail Sales–General			P	Max 4000 sf building
Schools–Private/Public	S	S	S	
Storage–Personal			S	

## Section IV. Development Standards

### A. Lot Characteristics

	IA	RR	SC	
Minimum Lot Area	*3 ac	1.3 ac	0.75 ac	*0.75 ac minimum with set-aside area as per Sec V. Irrigated Agricultural lands

### B. Building Placement

	IA	RR	SC	
Minimum Front Setback	10'	10'	10'	
Minimum Side Setback	10'	20'	10'	
Minimum Rear Setback	10'	20'	10'	

### C. Building Heights

	IA	RR	SC	SHC	
Principal Building and Uninhabitable Accessory Building Maximum	27'	27'	27'	18'	
Inhabitable Accessory Building Max	22'	22'	22'	18'	

### D. Scenic Highway Corridor (SHC) Overlay - 100' depth measured from edge of highway right of way

- a. Setbacks from Highways
  1. Any building shall be set back a minimum of 50' feet from the edge of the right-of-way of a state or county highway. Native vegetation should be retained or replanted in this setback area.
  2. If a parcel in existence at the time of the adoption of this ordinance does not contain a building site meeting the required set back, a single family residence may be permitted if the County determines that the residence will be adequately buffered from highway noise. Berms, landscaping and use of existing terrain are acceptable methods for buffering.
- b. Screening
  1. Service areas, loading areas, outdoor storage areas, and trash receptacles for other than single-family houses shall be screened with buildings, walls, berms, vegetation, and/or existing terrain. The screening for loading areas and outdoor storage areas shall be a minimum of 6 feet in height and a maximum of 8 feet in height. All screening shall provide protection of the enclosed area from animals and wind.
  2. Parking areas shall be screened from adjacent residences by walls, berms, or a combination thereof that are a minimum of 3 feet in height and a maximum of 5 feet in height.
- c. Signs
  1. Billboards or other signs advertising a product, service, or business not located on the same legal lot as the sign are prohibited.
  2. Signs shall not exceed 60 square feet in area.
  3. Signs shall be permanently mounted or affixed to the ground or a permanent structure.
  4. Letters shall be large enough and have adequate contrast with the background to be readable to the intended viewer.
  5. Neon, flashing, and intermittently lit signs are prohibited.

## **Provisions Applicable To All Districts**

- A. **Off-Street Loading.** Any use requiring loading space for normal operations shall provide adequate loading space at the rear of the building, so that no vehicle being loaded or unloaded in connection with normal operations shall stand in, or project into, any public street, walk, alley, or way.
- B. **Access.** The development or project must be permitted for access road construction by Taos County and New Mexico Department of Transportation when the property access is from a New Mexico State Highway.
- C. **Signage.** Signage shall comply with the following provisions:
1. Signage is restricted to signs up to a maximum of 7% of the face of the building or 100 square feet, whichever is less per business. This figure includes all exterior signs whether attached or free standing.
  2. Signage is restricted to that which applies only to the business on the property.
  3. All signage must comply with state regulations and the existing Taos County Signage Ordinance.
  4. Neon signs must be installed inside the building and any larger than 8 square feet are prohibited.
  5. Billboard signs are not allowed.
- D. **Underground Utilities.** All new utilities installed after the date this ordinance becomes effective must be underground and comply with all county, state and federal government regulations.
- E. **Noise.** No improvement or use is permitted which emit noises louder than 60dB (A scale) measured at the perimeter of the property. Short, infrequent exceptions are permitted.
- F. **Outdoor Storage.** No permanent (longer than 6 months) outdoor storage except for that which is integral to the use of the business and which does not present a significant negative visual impact on the surrounding commercial neighborhood. Upon completion of construction of the business, all construction equipment and surplus building materials shall be promptly removed from the premises, stored in an appropriate storage room, or adequately screened from view of neighbors and roadways.
- G. **Views.** The views of the adjacent parcels and existing improvements should be preserved to the maximum extent possible. This can be accomplished by orientation, changing the roof design, clustering, or reduction in the maximum heights of new improvements depending upon the elevation relative to other sites.
- H. **Floodplains.** All structures developed within the FEMA-mapped 100 year floodplains, or as amended, will require a Variance procedure for setbacks as set forth in Section X of the Taos County Land Use Regulations.

## **Definitions of Allowed Uses**

1. This section defines the types of uses allowed (permitted or special use) in this neighborhood land use code. The definitions are broad in order to avoid long lists of specific uses that soon become outdated or are incomplete.
2. Any use that is Permitted under this Land Use code is not required to obtain a Special Use Permit under the Taos County regulations. All permitted Non-residential land uses will need to submit an Infrastructure and Traffic Assessment report in compliance with Section IV #2-10 of the Taos County Land Use Regulations. Other land uses not allowed within these designations can be requested for approval as a rezoning to the most restrictive and appropriate district designation for the proposed use as defined in the adopted Taos County Growth Management Plan. The rezoning procedure will follow the procedure as outlined for a Special Use process in the Land Use Regulations, with the approval resulting in the parcel(s) of the rezoning request being changed to the approved district designation on the neighborhood zoning map.
3. In case of a regulation that is not addressed in this code, the regulation or standard in the Taos County Land Use Development Regulations will prevail, such as on Terrain Management, parking requirements, flood zones, wireless facilities, etc. For a proposed use that does not specifically fit the definitions for an allowed use, the Planning Director, in consultation with the Neighborhood Association and Acequia Association, shall make an interpretation whether a

proposed use fits within an allowed use for that designation, or if the proposed use will require a rezoning. If it does not fit, the use is not allowed unless an amendment to this ordinance, or a rezoning to another district, is approved. The Planning Director's decision will be made in writing and is appealable as outlined in Section X of the Taos County Land Use Regulations.

## Residential Uses

1. **Bed & Breakfast.** The Bed & Breakfast use type consists of an owner occupied dwelling providing six (6) 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 providing meals to the guests only.
2. **Day Care—Residential.** The Day Care—Residential use type consists of providing care and supervision in a single-family residence where an occupant of the residence cares for eight (8) or fewer children less than 18 years of age for periods of fewer than 24 hours per day. Children less than the age of 10 years who reside in the home count as children served by the facility.
3. **Duplex.** The Duplex use type consists of two dwelling units on a single parcel within the same structure, each with its own kitchen and bathroom facilities.
4. **Home Occupation (Cottage Industry).** A business, profession, occupation or trade conducted from a single family residential property and located entirely within the primary dwelling or an accessory structure such as a detached garage. It is clearly incidental and secondary to the use of the residential dwelling, and does not change the essential residential character or appearance of the dwelling. Agriculture and/or agricultural industry are not applicable. Home occupations will:
  - a. No more than two full time/part time employees other than members of a family residing on the premises, and regularly engaged in work at the site of the home occupation.
  - b. The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than 50% of the floor area of the dwelling, including accessory buildings, shall be used in the conduct of the home occupation on the designated parcel.
  - c. 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 name plate sign not more than 6 square feet in area.
  - d. Parking for employees, customers and clients of the home occupation shall be provided off the street.
  - e. No equipment or process shall be used in the home occupation which significantly impacts the existing use of property in the adjacent area.
5. **Livestock Raising.** The Livestock Raising use type consists of the raising of domesticated animals for non-commercial purposes. The raising of animals normally found in the wild are not included. Typical animals include rabbits, chickens, cattle, sheep, goats, pigs, horses, bison, llamas, and ostriches.
6. **Mobile Home Parks.** The Mobile Home Parks use type consists of a site where two or more lots are rented or leased, or held out for rent or lease, to accommodate manufactured homes, mobile homes, or recreational vehicles used for human habitation.
7. **Multiple Family/Condominiums.** The Multiple Family use type consists of three or more dwelling units within an attached or detached structure on a single parcel, each with its own kitchen and bathroom facilities, .
8. **Private Preschool.** The Private Preschool use type consists of providing care and education for children less than six years of age for the purpose of preparing them for public or private elementary school.
9. **Residential Care.** The Residential Care use type is owner-occupied and consists of providing 24-hour non-medical care in a residential setting for four (4) or fewer people in need of personal services, supervision, protection, or assistance for sustaining the activities of daily living.
10. **Single-Family Attached.** The Single-Family Attached use type consists of one dwelling unit, exclusive of a secondary unit, on a single parcel, constructed with a common wall with a single-family unit located on another parcel.

11. Single-Family Detached. The Single-Family Detached use type consists of one dwelling unit, exclusive of but allowing an accessory unit, on a single parcel, which is separated from any other single family dwelling unit. The accessory unit may include a kitchen. Manufactured homes certified under the National Mobile Home Construction and Safety Standards Act of 1974 that are installed on a permanent foundation approved by the County, are included.

#### **A. Non-Residential Uses**

1. Agricultural Processing. The Agricultural Processing use type consists of the handling, processing, packing, packaging, storing, and shipping of agricultural commodities including the processing of crops, meat, poultry, or animal products. Does not include routine harvesting and handling activities incidental to agriculture
2. Alcoholic Beverage Sales. The Alcoholic Beverage Sales use type consists of the sale of alcoholic beverages for consumption at place of sale or at a location other than the place of sale. This is the only use type that allows the sale of alcoholic beverages, but may be combined with other use types. Typical uses include liquor stores, bars, and restaurants that serve alcoholic beverages.
3. Animal Boarding. The Animal Boarding use type consists of medical treatment, grooming care, breeding, or overnight accommodation of more household pets than are allowed as an accessory use to a residential use, but does not include the care, treatment, breeding, or accommodation of large animals such as horses, sheep, or hogs.
4. Animal Care. The Animal Care use type consists of medical treatment or grooming care of household pets, but does not include keeping animals overnight for any reason, animal breeding, or the care or treatment of large animals such as horses, sheep, or hogs.
5. Art & Cultural. The Art & Cultural use type consists of the production and sale of arts and crafts, the presentation of music or theater, and similar arts and cultural activities within an enclosed building. 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 is allowed.
6. Assisted Living. The Assisted Living use type consists of providing full-time shelter, rehabilitation, care and supervision on a non-institutional basis to neglected, abandoned, physically handicapped, developmentally disabled, mentally ill, mentally disabled, and substance, or alcohol dependent children or adults on a private, nonprofit basis licensed by the appropriate state agency. Live-in nursing care is not allowed.
7. Automotive Repair. The Automotive Repair use type consists of repair services for automobiles and other vehicles, including oil changes, tune-ups, wheel alignment, muffler and shock absorber replacement and repair, tires replacement and repair electric and battery service, glass replacement, reupholstering, body work, painting.
8. Automotive Service Stations. The Automotive Service Stations use type consists of gasoline stations, including ancillary convenience retail and auto services. Service stations that contain any repair bays are considered "Automotive Repair."
9. Building Materials Sales. The Building Materials Sales use type consists of the sale of materials used for the construction of buildings and for landscaping, and the incidental sale or rental of tools. Outdoor storage of such materials and tools is included.
10. Business & Professional Services. The Business & Professional Services use type consists of providing services oriented to business matters, including but not limited to accounting services, financial services, tax preparation, duplicating and fax services, messenger services, healing arts and alternative medicine, printing, and janitorial services.
11. Cafes and Coffeehouses. The Cafes and Coffeehouses use type consists of serving coffee, other non-alcoholic beverages, and food not prepared on-site with the exception of bakery goods.
12. Churches & Community Centers. The Churches & Community use type consists of community meeting and cultural facilities; meeting, athletic, recreational, or social facilities of a private fraternal or benevolent organization; and facilities for religious worship with incidental educational or residential use. Uses include fraternal lodges, meeting halls, community centers, libraries, museums, churches, mosques, synagogues, monasteries, convents, and religious retreat centers.

13. Dance & Fitness Studios. The Dance & Fitness Studios use type consists of the use of space, often before and after normal working hours, for dance types, exercise programs, and general fitness training.
14. Day Care Centers. The Day Care Centers use type consists of providing care and supervision for nine (9) or more children less than 18 years of age for periods of fewer than 24 hours per day. Children less than the age of 10 years who reside in the home count as children served by the facility.
15. Energy Production–Renewable. The Energy Production–Renewable use type consists of distributed energy generation systems powered by solar, wind, biomass, hydroelectric, or geothermal sources. Solar collectors used to produce thermal or electrical energy consumed on-site are considered to be an accessory use and are not included in this use type.
16. Equestrian Facilities. Horses and other equines including burros, donkeys and mules. Buying, selling and breeding; hay and feed wholesale and retail; boarding, care, farrier and veterinary services, amateur riding and driving clubs and related activities. Permitted commercial related equine activities in the SC district: tack and supplies; sales and repair of horse/equine drawn vehicles; covered arenas for training, exhibitions and shows with judging and prize money.
17. Farmers Markets. The Farmers Markets use type consists of covered or outdoor markets for the retail sale of food, such as produce, nuts, honey, organic juices, and eggs, as well as flowers. The sale shall be by the farmers or their employees who have produced the food or flowers. The sale of other types of merchandise and any foods or flowers produced in Taos County.
18. Food & Beverage Sales. The Food & Beverage Sales use type consists of the retail sales of food and beverages, primarily for off-site preparation and consumption. This use type may include the sale of alcoholic beverages as a secondary use to the food and beverage sales. Uses include supermarkets, grocery stores, or delicatessens but not a liquor package store.
19. Maintenance Yards. The Maintenance Yards use type consists of the outdoor or enclosed storage of trucks, equipment, and construction or maintenance materials. Minor and incidental repairs of the stored items are also included.
20. Medical Clinics. The Medical Clinics use type consists of state-licensed facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons, but does not include overnight stays at the facility.
21. Personal Services. The Personal Services use type consists of services and incidental sales of a personal nature. Typical uses include beauty salons, barbershops, therapeutic massage services, and diet centers.
22. Plant Nurseries. The Plant Nurseries use type consists of the sale and cultivation of ornamental trees, shrubs, and plants, including incidental sale or rental of garden and landscape materials and equipment. Outdoor storage of such materials and equipment is included.
23. Recycling. The Recycling use type consists of collecting consumer waste within an area of not more than 500 square feet for the purpose of subsequently transporting it to be recycled.
24. Repair Services– General. The Repair Services–General use type consists of on-site repair and incidental sales of supplies for large consumer items and business equipment such as furniture, computers, large appliances, and construction tools, conducted within an enclosed building. This use type includes furniture refinishing and repair but excludes maintenance and repair of vehicles or industrial equipment.
25. Restaurants. The Restaurants use type consists of serving drinks and food prepared on-site, which do not have drive-through facilities, and which do not serve patrons seated in an automobile. This use type may be combined with serving alcoholic beverages but not the sale of alcoholic beverages for off-site consumption.
26. Retail Sales–General. The Retail Sales–General use type consists of the retail sale of goods or provision of services not specifically listed under another use type, and which primarily sell specialized items or that are primarily oriented to a local customer base. This use type includes stores selling clothing, hardware, books, flowers, jewelry, and furniture that occupy buildings less than 4,000 sf of gross floor area.

27. Schools—Elementary & Secondary. The Schools—Elementary & Secondary use type consists of primary or secondary schools, including elementary, junior high, and high schools operated by a public agency or private organization.
28. Storage—Personal. The Storage—Personal use type consists of providing storage services primarily for personal effects and household goods within enclosed storage areas having individual access.

### **Temporary Uses**

The following temporary uses are allowed upon written approval of the Planning Director.

1. Arts & Craft Shows: the outdoor display and sale of arts and crafts materials.
2. Circuses & Carnivals: circuses and carnivals operated for the entertainment of the public or paying customers.
3. Flea Markets & Swap Meets: non-recurring events held for the purpose of the sale or trade of primarily used merchandise.
4. Live Entertainment Events: musical or other entertainment events held outdoors or under a temporary structure.
5. Outdoor Exhibits: outdoor exhibits sponsored by a school, civic organization, government, or for-profit organization.
6. Recreation Events: non-recurring recreation events such as a marathon race.
7. Religious Assembly: non-recurring religious events held outdoors or under a temporary structure.
8. Retail Sales—Outdoor Temporary: the temporary outdoor sales of merchandise not otherwise allowed.
9. Seasonal Fruit & Vegetable Stands: the sale of fruit and/or vegetables produced on-site or within one mile of the stand.
10. Seasonal Sales Lots: the sale of Christmas trees, pumpkins, and similar seasonal merchandise.
11. Street Fairs: events sponsored by neighborhood or civic organizations that feature educational displays, small items for sale, food and beverages, entertainment, and similar activities.

## **Section V. Special Provisions**

The following Special Provisions are options that can be implemented for reducing the Development Standards requirements on minimum lot sizes and setbacks or to provide density bonuses when in conformance with the performance standards as outlined in the special provisions.

### **A. Irrigated Agricultural (IA) Land and Acequias**

The purpose of this Section is to protect and preserve the agricultural lands, the acequia systems, and the ground and surface water resources of Taos County by establishing criteria for review and approval of development, subdivisions, or division of land located within irrigated agricultural lands. For those parcels, or any portion of a parcel, within this district that don't possess water rights, the provisions of the RR (Rural Residential) district will apply.

1. To promote the clustering of lots, homes and structures on irrigated agricultural land in order to protect agricultural uses and cultural values while accommodating new development.
2. To ensure the integrity and availability of irrigated agricultural lands for future generations.
3. To promote the conservation and efficiency of the water resources for sustained and beneficial use and maintain the viability and health of the historic acequia system.
4. To minimize and reduce potential contamination of underground and surfaces water supplies from the proliferation of septic systems associated with new development.
5. To protect the water supply by regulating land use development, subdivisions or division of land, homes and other structures, private and community wells, and liquid wastewater disposal systems on irrigated agricultural land.
6. To require more compact development with irrigated agricultural land set aside to protect the historic settlement patterns and important visual qualities which make Taos County a special place to live.
7. To protect the agricultural uses from the negative impacts of development and from uses that are not compatible with irrigated agriculture.
8. To create development criteria that allows for harmonious development within irrigated agricultural land.
9. To reduce development and infrastructure costs by reducing the distance of extending utilities such as streets, water and sewer lines.
10. To provide for and protect the community's health, safety and welfare.

All the land within the Irrigated Agricultural (IA) District is separated into the following areas:

- a. Buildable area; A consolidated and contiguous land area that may be used for buildings and associated development purposes. and
- b. Agricultural area- A consolidated and contiguous land area set aside as permanent agricultural land.

#### **A. BUILDABLE AREA**

1. Purpose. The purpose of the buildable area is to provide housing and accessory structures associated with agricultural uses such as a parking, greenhouse, garage for farm equipment, corral, barn or other similar uses and structures on a portion of irrigated agricultural land lots.
4. Calculation of Size of Area. The maximum size of the buildable area for irrigated agricultural lots existing as of the effective date of this Section is set forth in the following table.

<b>Size of Lot</b>	<b>Percentage of Lot Defined as Buildable Area</b>
Less than 1.0 acre	Not Applicable
1.0 to 5.99 acres	30
More than 6.0 acres	25

3. Characteristics. Only one buildable area is allowed on a parcel.
4. Allowed Uses. The following uses do not require County approval but require review and approval by the County Planning Director:
  - a. Single-family residences;
  - b. Agricultural uses
  - c. Home/Cottage industries
5. Development Standards
  - a. When a shared alternative liquid waste disposal system is proposed, a 20-foot wide ingress/egress easement connecting the buildable area to the agricultural area shall be designated on the plat.
  - b. A shared well shall be required for lots less than  $\frac{3}{4}$  acre in size within the buildable area. The appropriate easements shall be provided. Individual domestic wells shall be allowed for lots which are  $\frac{3}{4}$  acre or larger within the buildable area, but shared wells are encouraged.
  - d. Impervious surfaces within the buildable area should be minimized. Shared driveways and access are encouraged.
  - f. The buildable area should be placed on the non-irrigated or driest portion of the parcel and closest to the access and utilities to minimize disturbance of the irrigated lands and reduce development costs.
6. Administrative Review. All development shall be reviewed and approved by the Planning Director for the purpose of ensuring that it complies with the provisions of this Section.

**B. IRRIGATED AGRICULTURAL AREA**

1. Purpose. The purpose of the agricultural area is to retain land in productive agricultural uses, encourage locally grown produce and livestock, and provide economic stability for future generations. Irrigated Agricultural Land are those lands listed as "Irrigated Agricultural Land" by the Taos County Assessor on the effective date of this Section; those lands identified by hydrographic survey that are described as having historically been used for irrigated agriculture; or those lands that are shown to be irrigated by acequia, mitigation wells or groundwater-pumped irrigation systems in the records of the acequia association and Office of the State Engineer.
2. Calculation of Size of Area. The size of the agricultural area is determined by subtracting the size of the buildable area from the size of the total irrigated agricultural land lot.
3. Allowed Uses. Allowed uses shall be limited to agriculture, livestock and liquid waste disposal systems required for development in the buildable area.
4. Special Uses. Special uses are limited to the allowed uses described for the Buildable Area provided the maximum Building Area percentage for the lot is not exceeded.
5. Administrative Review. All development shall be reviewed by the Planning Director for the purpose of ensuring that it complies with the provisions of this Section. The property owner shall provide the County a recorded deed restriction enforceable by the County designating the Agricultural area as in compliance with Section B, or a recorded conservation easement on the Agriculture area to a non-profit conservation organization.

The intent of this regulation is to preserve the lands for irrigated agricultural purposes. There are also a number of incentives available to keep the irrigated agricultural lands in production. These include:

- Irrigated Agricultural Land property tax exemptions
- Community Supported Agriculture (CSA) program
- Farm To Table Programs
- Conservation Stewardship Organizations (CSO)
- Rural Historic Landscape Districts
- Conservation Easements tax credits

Acequias should remain open and uncovered, have easy access and be unobstructed from fences, and retain a minimum 12' maintenance easement on at least one side.



Red line= Property line    Purple line = Buildable Area    Yellow line= Parcel split(s) or subdivision

## B. Cluster Development Option

- A. Purpose. It is the purpose of these provisions to cluster development on a portion of the larger land area (cluster development area) while preserving the remainder in open space (open space area) in order to:
1. Encourage creative and flexible site design that is sensitive to the land's natural features and adapts to the natural topography;
  2. Protect environmentally sensitive areas of a development site and preserve on a permanent basis open space, natural features, and agricultural lands;
  3. Promote cost savings in infrastructure installation and maintenance by such techniques as reducing the distance over which utilities, such as water and sewer lines, need to be extended or by reducing the width or length of streets;
  4. Facilitate a sense of community and reduce the need for vehicle trips by having residential and non-residential uses within walking distance of each other; and
  5. Provide opportunities for social interaction and walking and hiking in open space areas.
- B. Applicability. Cluster development shall be permitted as of right in the following districts:
1. SC Sustainable Community;
  2. RR- Rural Residential
- C. Open Space Area: Characteristics. The open space area should discourage development on lands with the highest environmental values and the highest level of natural hazards.
1. Areas that should be included within the open space area include the following:
    - a. Wetlands;
    - b. Floodplains;
    - c. Creeks and rivers;
    - d. Riparian buffers;
    - e. Agricultural lands;
    - f. Acequias;
    - g. Arroyos;
    - h. Well-protection areas (public wells);
    - i. Habitats;
    - j. Habitat corridors;
    - k. Natural drainage areas;
    - n. Scenic ridgelines and hilltops; and
    - o. Cultural features and archaeological sites.
  2. The configuration of the open space area should comply with the following principles:
    - a. The open space should be contiguous if possible;
    - b. The open space should maximize common boundaries with other open space;
    - c. The open space should maximize trail connections;
    - d. No single area of open space shall be less than 100 feet in its smallest dimension;
    - e. The boundaries of the open space area should be marked by natural features wherever possible; and
    - f. If marking boundaries of the open space area by natural features is not possible, landscaping or fences should be used to distinguish the open space from private land.

D. Open Space Area: Size. The percentage of the gross area to be retained in open space is shown in the following table:

District	Percent Open Space
SC Sustainable Community	60%
RR Rural Residential	35%

E. Open Space Area: Uses. The following are allowable uses within the open space area:

1. Agriculture;
2. Community gardens;
3. Trails, parks, playgrounds, and athletic fields;
4. Stormwater detention and/or retention;
5. Natural areas; and
6. Other similar low-impact uses.

F. Cluster Development Area: Characteristics. The cluster development area should be the portion of the land that is most suitable for development. Some criteria for selecting this area are:

1. The area has already been disturbed;
2. The area has good access to public road; and
3. The area possesses none or a minimum of the characteristics of an open space area (see above).

G. Cluster Development Area: Uses. All principal and accessory uses otherwise allowed by right or by special use permit shall be allowed in the cluster development. In addition, the following uses are allowed without a special use permit:

1. Two-family dwellings (duplexes);
2. Townhouses (two or more single-family dwelling units physically connected on one or both sides); and
3. Commercial uses less than 3,000 square feet.

H. Cluster Development Area: Amount of Development.

1. The number of permitted dwelling units within a cluster development area shall be calculated in the following manner:
  - a. Measure the gross area of the proposed site in acres;
  - b. Subtract from the gross area the area of public and private streets and other publicly dedicated improvements;
  - c. Divide the area in acres as determined above by a factor of 0.33 for the area within the SC designation or 1.0 for the RR designation. The result is the maximum number of residential units allowed in the cluster development area.
2. One or more residential-unit allocations may be converted to non-residential uses using a conversion of 1 dwelling unit equals 2,500 square feet of non-residential use.

I. Cluster Development Area: Standards. Development shall comply with the following standards.

1. The minimum area of the cluster development shall be 2 acres;
2. The number of driveways leading to and from the public right-of-way shall be minimized in favor of common driveways and internal streets;
3. Parking requirements may be applied to the entire cluster development site rather than to any individual lot;
4. No minimum size, width, or depth of an individual lot shall apply;
5. A minimum separation of 10 feet shall be provided between all principal buildings and structures;
6. A minimum yard or common open space of a least 25 feet in depth shall be provided as measured from all public streets and from the boundary of the open space area; and

7. More than one principal building or structure may be placed on a lot.

J. Protection of Open Space Areas

1. The open space area may be owned by any of the following:
  - a. A homeowners association;
  - b. A governmental agency;
  - c. A non-for-profit conservation organization; or
  - d. An individual.
2. Regardless of the ownership, the open space area shall be restricted in perpetuity to open space uses by a conservation easement, deed restriction, or other legal instrument that runs with the land.
3. The legal instrument shall clearly state if the public or residents of the cluster development have access to the open space area.

K. Application. A site plan for a cluster development shall be submitted for approval and shall be approved before any ground disturbance or construction takes place.

1. The site plan shall include, but shall not be limited to, the following information:
  - a. The maximum number and type of dwelling units proposed;
  - b. The size and description of non-residential buildings proposed;
  - c. The areas of the site on which the buildings are to be constructed or are currently located and their size (this may take the form of the footprint of the building or a building envelope showing the general area in which the dwelling unit is to be located);
  - d. The calculations for the permitted number of dwelling units or non-residential space;
  - e. The areas of the site designated for common open space and their size;
  - f. The areas of the site designated for parking and loading, and the size of individual spaces;
  - g. The vehicular access to the public right-of-way and the internal street system;
  - h. The location of sidewalks, trails, and bike paths;
  - i. The number and percentage of dwelling units, if any, that are proposed to be affordable; and
  - j. The number of acres that are proposed to be preserved as common open space.
2. The proposed ownership and management plan for the common open space shall be submitted with the site plan.

L. Approval Process. The Planning Director shall review and approve, approve with conditions, or disapprove a cluster development in the manner provided for in the Taos County Land Use Regulations.

1. The review criteria are as follows:
  - a. The site plan satisfies the requirements of Section K above;
  - b. The project meets the requirements of this Chapter Clustering Provisions;
  - c. The project is consistent with any adopted plan for the area;
  - d. Vehicular access to public rights-of-way is minimized;
  - e. Parking is adequate but not excessive;
  - f. Individual lots, buildings, structures, streets, and parking areas are situated to minimize the alteration of natural features, natural vegetation, and topography;
  - g. Existing scenic views or vistas are permitted to remain unobstructed, especially from public streets;
  - h. Historic, cultural, and archaeological features of significant value are preserved;
  - i. Floodplains, wetlands, and other environmental features of significant value are protected from development;
  - j. Pedestrians can easily access the open space area, if such access is allowed; and

- k. The ownership and management plan for the open space area is feasible, will ensure that the area is properly maintained, and will protect the open space area from development.
- 2. The Planning Director may apply such special conditions to the approval of a cluster development as may be required to promote the objectives and purposes of any adopted plan or ordinance applicable to the area.

**Clustered Development Lot Sizes and Densities**

	SC	RR
Min lot size for one unit	.75 acre	1.3 acre
Clustering allowed	Yes	Yes
Max number of clustered units	2 res/ac or *3 res/ac within buildable area	1 res/ac or *2 res/ac within buildable area
Buildable Area for cluster development	60% of area	35% of area
Max lot coverage for non-residential	N/A	N/A

\*asterisk means that higher cluster density is allowed if at least two of the following elements are accessible within ¼ mile distance from the cluster development:

- Park (min 2 ac in size)
- Public school
- Community center
- Transit stop or facility
- Civic facilities
- Post office

### **C. Site Restoration/landscaping**

- A. Existing Vegetation. Existing trees and other vegetation should be retained whenever possible.
- B. Shade Trees.
  - 1. Shade trees should be planted on the east side of the building to provide shade from the morning sun.
  - 2. Deciduous shade trees should be planted on the west side of the building to provide shade from the afternoon sun.
  - 3. Shade trees, including deciduous trees, should be planted on the south side only if they do not adversely affect the solar energy system. (see Section G Renewable Energy)
- C. Plant Types. Native and drought-tolerant plants should be used for landscaping.
- D. Efficient Landscape Watering. Captured rainwater or recycled graywater should be used for landscape irrigation.
- E. Drip Irrigation. Any irrigation needed should be provided by a drip system in order to minimize water waste.
- F. Permeable Paving. Permeable paving should be used because it will help retain rainwater on site, which will minimize the need for irrigation.
- G. Walkway Lights. Photovoltaic walkway lights should be installed to save electricity and provide for safety.

### **D. Stormwater Management/Water Harvesting and Graywater**

**Stormwater and drainage** concepts serve to preserve and enhance the natural arroyos. The natural arroyos channel the water off the site and maintain the habitat for resident wildlife.

## Harvesting Rainwater and Water Harvesting

With an annual average precipitation rate of 12 inches, water availability is and will remain one of the most critical issues facing Taos County. The county intends to conserve this vital resource by encouraging water conservation practices, harvesting rainwater, re-use of gray water for landscaping, and effectively managing stormwater through ecological design.

### Principles of Successful Water Harvesting

*(Rainwater Harvesting for Drylands, Brad Lancaster, 2006)*

- **Start at the top (highpoint) of your watershed and work your way down.** Water travels downhill, so collect water at your high points for more immediate infiltration and easy gravity-fed distribution. Start at the top where there is less volume and velocity of water.
- **Start small and simple.** Work at the human scale so you can build and repair everything. Many small strategies are far more effective than one big one when you are trying to infiltrate water into the soil.
- **Slow, spread, and infiltrate the flow of water.** Rather than having water erosively runoff the land's surface, encourage it to stick around, "walk" around, and infiltrate into the soil. Slow it, spread it, sink it.
- **Always plan an overflow route, and manage that overflow as a resource.** Always have an overflow route for the water in times of extra heavy rains, and where possible, use the overflow as a resource.
- **Maximize living and organic groundcover.** Create a living sponge so the harvested water is used to create more resources, while the soil's ability to infiltrate and hold water steadily improves. □□
- **Maximize beneficial relationships and efficiency by "stacking functions."** Get your water harvesting strategies to do more than hold water. Berms can double as high and dry raised paths. Plantings can be placed to cool buildings in summer. Vegetation can be selected to provide food.



For a thorough introductory description of water-harvesting principles and additional ethics see *Rainwater Harvesting for Drylands and Beyond, Volume 1* (Rainsource Press, 2006).

### Roof and Surface Rainwater Catchment Areas

There is potential for nearly any surface to be used to catch water. Structural surfaces, hardscaped areas and landscaped surfaces (vegetated, gravel, bare) all can create invaluable sources of water if designed accordingly. On average 1" of rain can produce 600 gallons of water per 1,000 square feet of catchment surface, and on a larger scale 27,000 gallons on 1 acre of catchment surface. Below are two equations that can be used to estimate volume of runoff off catchment surfaces.

#### Estimated Net Runoff from a Catchment Surface Adjusted by its Runoff Coefficient

catchment area (ft<sup>2</sup>) x rainfall (ft) x 7.48 gal/ft x runoff coefficient = net runoff (gal)

\* To account for potential loss, determine the runoff coefficient that is appropriate for your area and impervious catchment surface (0.80 to 0.95)

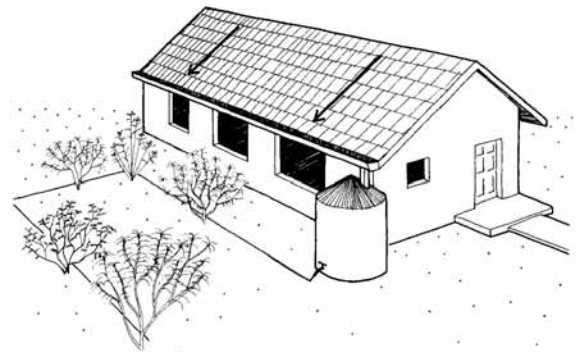
- *Desert uplands (healthy indigenous landscape): range 0.20–0.70, average 0.30–0.50*
- *Bare earth: range 0.20–0.75, average 0.35–0.55*
- *Grass/lawn: range 0.05–0.35, average 0.10–0.25*
- *For gravel use the coefficient of the ground below the gravel*

*(referenced from Harvesting Rainwater for Drylands and Beyond, Brad Lancaster, 2006)*

A simple system usually consists of catchment area and means of distribution, which operates by gravity. The water is deposited in a landscape holding area, a concave or planted area or planted area with edges to retain water, where it can be used immediately by plants.



A more complex system can include a storage tank such as a cistern, and a distribution system through an underground irrigation system.



Effective rainwater harvesting design and systems include:

- Above ground cisterns (larger quantities) and rain barrels (smaller quantities)
- Below ground cisterns and storage tanks
- Swales designed on contour and vegetated swales
- Infiltration zones (stripped landscaping, ponds, basins)
- Pumice wicks
- Permeable and vegetated surfaces\*
- French drains
- Retention ponds

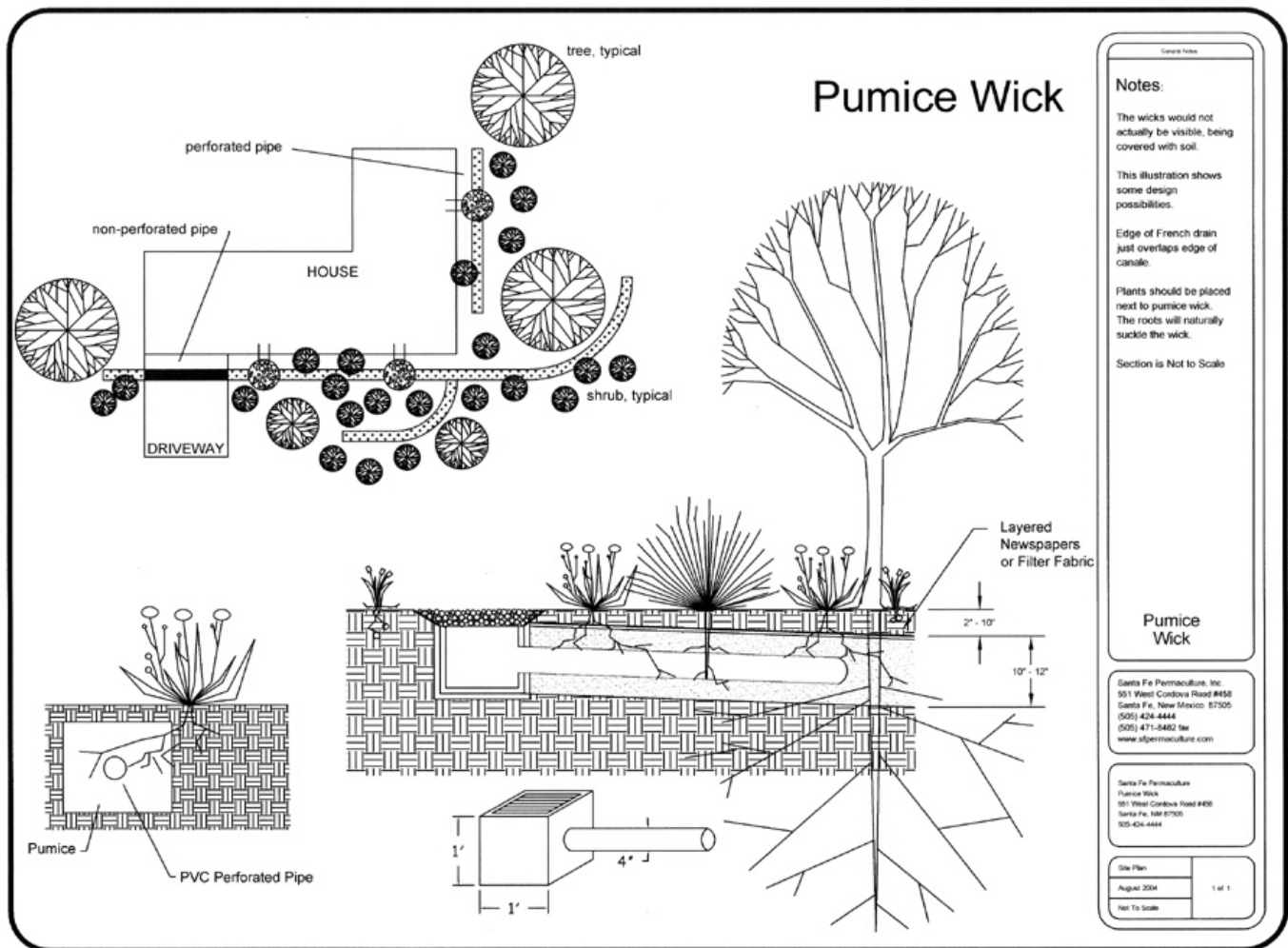
## Graywater Systems

Graywater systems can utilize waste water from bathroom sinks, showers and washing machines as a supplemental source for landscape irrigation. Reuse of gray water helps conserve our fresh water supplies by not applying drinking water to the landscape.

In New Mexico Gray water is defined as,

"untreated household wastewater that has not come in contact with toilet waste and includes wastewater from bathtubs, showers, washbasins, clothes washing machines and laundry tubs, but does not include wastewater from kitchen sinks or dishwashers or laundry water from the washing of material soiled with human excreta, such as diapers."

The 2003 Legislature passed House Bill 114, codified at 74-6-2 and 74-6-4 NMSA 1978, that set conditions whereby up to 250 gallons per day of residential gray water may be used for household gardening, composting or landscaping irrigation without a permit. Gray water harvesting systems designed to discharge more than 250 gallons/day requires a permit issued by the New Mexico Environmental Department (NMED).



*Drought tolerant garden planted with pumice wick water harvesting system (above) and Design for Pumice Wick (left): Santa Fe Permaculture*

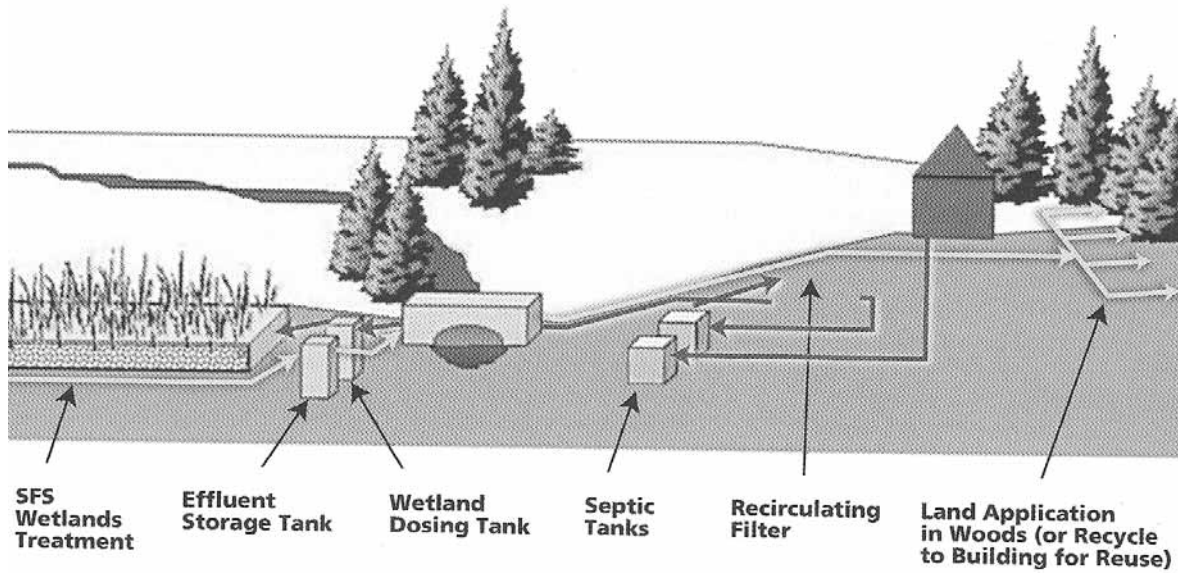
**Gray water harvesting and reuse systems must comply with the following regulations (NMED)**

- Gray water should not be used in vegetable gardens to irrigate root crops or edible parts of food crops that touch the soil. However, gray water can be used on fruit trees.
- The gray water distribution system must be constructed so that overflow from the system drains into the sanitary sewer or septic system. In some cases, a liquid waste permit may be necessary if an on-site septic system is modified.
- If gray water is going to be stored, it should not be held more than 24 hours to prevent growth of bacteria. A gray water storage tank must be covered to restrict access and to eliminate habitat for mosquitoes or other vectors.
- Gray water should be discharged only in areas where there is vertical separation of at least five feet between the point of discharge and the ground water table to protect ground water resources from possible contamination. Current liquid waste disposal regulations require that gray water not be applied within 100 feet of a domestic well or within 200 feet of a public water supply.
- The gray water system must not be located in any area susceptible to flooding.
- Gray water pressure piping should be clearly identified as carrying non-potable water and not be connected with the drinking water system. (Purple pipe is traditionally used to denote gray water piping, but any easy-to-identify labeling

is sufficient.) Alterations or additions to a plumbing system should be made by a licensed plumber, or a homeowner must apply for a homeowner's plumbing permit.

- Gray water must be used on the site where it is generated and may not run off the property.
- Gray water should be applied in a manner that minimizes the potential for contact with people or domestic pets.
- To avoid contact, gray water must be applied to a mulched area or through a subsurface piping or irrigation system.
- Ponding of gray water is prohibited, and application of gray water must be managed to minimize standing water, encourage infiltration, and prevent over-saturation of the soil.
- Gray water must not be sprayed.
- Gray water must not be discharged to a watercourse. Current liquid waste disposal regulations require that discharges of gray water be made at least 100 feet from streams or lakes or 25 feet (plus the depth of the arroyo) from an arroyo.
- Gray water use shall comply with all applicable municipal or county ordinances, local building codes, state laws, and related regulations and guidelines.

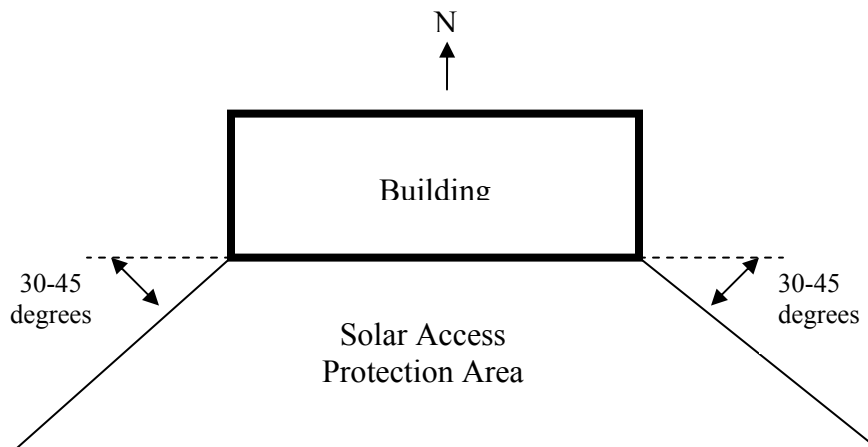
A more complex community wastewater system can be a **constructed wetlands** system that is an alternative to individual septic fields and tanks. The reclaimed water from this system can be used to irrigate landscape areas but not food crops.



## E. Solar and Wind Generation

### Solar Energy

- A. Intent. It is the intent of the County of Taos to encourage the use of solar energy systems in order to reduce reliance on imported oil, minimize environmental impacts, and reduce the costs of energy to building owners. Solar energy systems include those used to produce electricity (photovoltaic (PV) systems) or used to produce hot water or hot air (solar thermal systems).
- B. Codes. The solar energy system shall meet all applicable county and state building, plumbing, and electrical codes.
- C. 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.
- D. Building Orientation. The longest axis of the building should generally run in an east-direction with the largest face of the building at an azimuth (compass reading) between approximately 205 and 175 degrees, with the ideal being approximately 190 degrees.
- E. Solar Access Protection. In order to protect solar access to adjoining properties, all new construction and landscaping on a parcel shall consider the following provisions as it relates to adjoining parcels. The area beyond the south-facing wall of a building should be a solar access protection area. This area is shown below.



1.

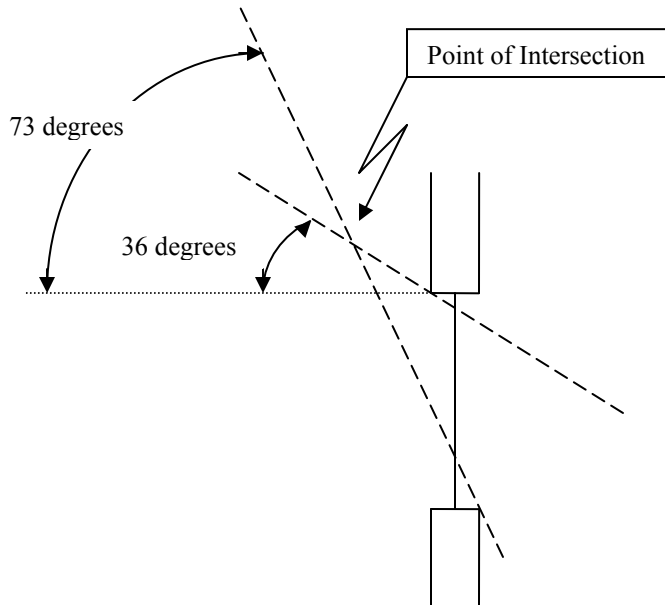
Within the Solar Access Protection Area, trees and structures shall be restricted as follows:

- a. 0 to 10 feet from the building: no obstructions
- b. 10 or more feet from the building: fences allowed
- c. 17 or more feet from the building: tree or structure with a maximum 12 foot-height allowed
- d. 39 or more feet from the building: tree or structure with a maximum 24 foot-height allowed
- e. 100 or more feet from the building: no height restrictions

2. A technical solar analysis may be substituted for the above, especially if the ground is uneven.

- F. Trees. All trees, including deciduous trees, planted within the Solar Access Protection Area should comply with the setback and height restrictions above.
- G. North-South Streets. On north-south streets better control over solar access can be achieved by allowing or requiring all of the side-yard setbacks to occur on the south side of the building with no side setback on the north side of the building (zero-lot line development).

- H. Overhangs. Overhangs should be used to assist in passive solar heating and cooling. The method of calculating the optimum overhang is shown below. It provides full 8 weeks of sun around the winter solstice and 8 full weeks of shall around the summer solstice. The lower edge of the overhang should be located at the point of intersection of the two dashed lines as shown below.



- I. Reflective Ground-level Surfaces. Highly reflective surfaces at the ground level should be avoided within the Solar Access Protection Area during June, July, August, and September.

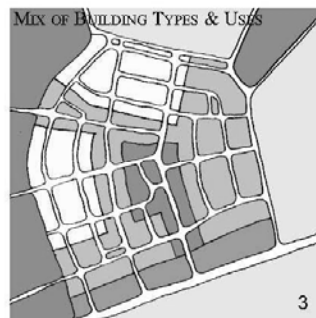
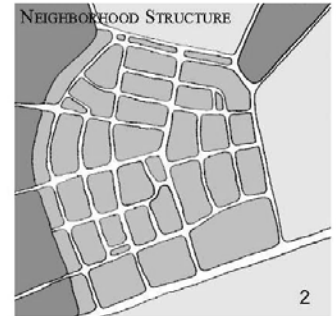
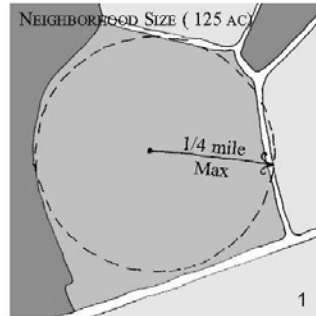
### **Wind Energy**

- A. Intent. It is the intent of the County of Taos to encourage the use of wind machines in order to reduce reliance on imported oil, minimize environmental impacts, and reduce the costs of energy to building owners. This section applies to non-commercial wind machines used to produce electricity primarily for the use of the owner of the lot on which the wind machine is located.
- B. Setbacks. A wind machine shall have a minimum setback from the property line a distance no less than the distance from finished grade to the maximum height of the turbine blade.
- C. Height: The maximum height from finished grade to the blade hub is 40 feet.
- D. Location. The wind machine tower and any of its guy wires shall not be located in the front yard of any residential or commercial building.
- D. Speed Control. All wind machines shall contain an internal governor or braking device that engages at wind speeds in excess of 40 miles per hour.
- E. Advertising. Advertising is prohibited on any portion of the wind machine.
- F. Illumination. Wind machines may not be artificially illuminated except where legally required by a governmental agency.
- G. Condition. All wind machines shall be kept in good repair, free from rust, and without damaged supports, framework, or other components.
- H. Non-operating Machine. An abandoned or unused wind machine shall be removed within 12 months of the cessation of operations. If the machine is not so removed, it shall be deemed a nuisance subject to legal abatement and removal.

- I. Noise. The noise level of the wind machine shall not exceed the lesser of 60 decibels (dBA) or the local noise level applicable to the lot upon which the machine is located.
- J. Codes. The wind machine shall meet all applicable county and state building and electrical codes.
- K. Grid Connection. A wind machine 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.

## **Section VI. Community facilities**

**Community facilities**, such as plazas, parks, neighborhood centers, schools, churches and postal facilities should be sited within a ¼ mile or on a 5 – 10 min walking distance within the neighborhood.



**Recycling facilities** are also important community facilities that should be conveniently located within each neighborhood and have easy automobile access. These recycling centers do not need to be co-located with solid waste transfer stations.

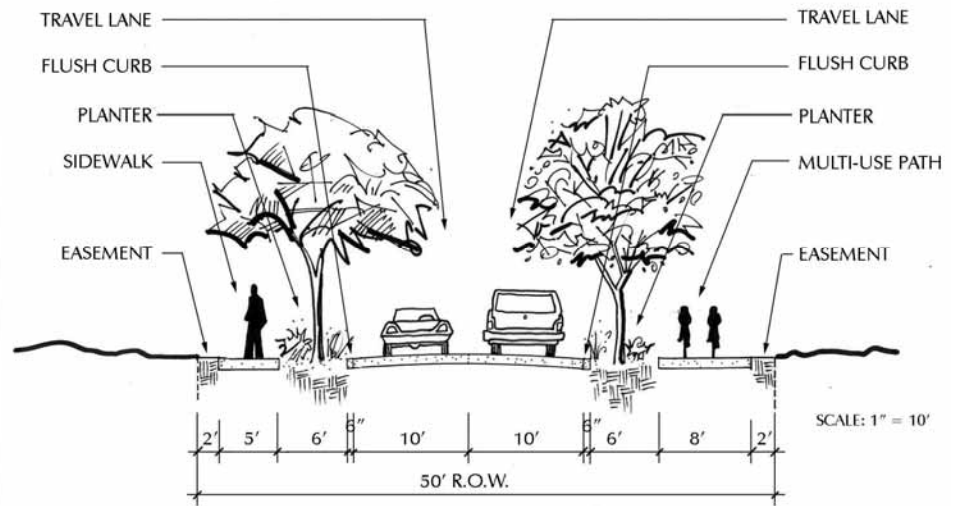


**Plazuelas and courtyards** can also be incorporated into housing and neighborhood designs as a central courtyard feature. Pedestrian pathways can also serve as access to front porches on the front yards to create a sense of neighborhood.

# Section VII. Transportation/Walkability

## Streets, Pedestrians and Bikes

Adequate right of way should be provided in all new developments. In most residential developments, a minimum of 50' of right of way is needed. Wider rights of way may be necessary at intersections and on major corridors. A residential street should provide 10' travel lanes with flush or no curbs to allow water runoff to the landscaped edges. Pedestrian walkways should be provided in both sides of the road. If only on one side, the pathways should be a minimum of 8' wide to provide both pedestrian and bike uses.



## Road Guidelines

Unpaved roads are prevalent in Taos County and are a major factor in soil erosion and reducing water quality in surface streams. Turbidity, due to soil erosion, is the number one cause of poor surface water quality in New Mexico.

Many issues with soil erosion from unpaved or dirt roads can be alleviated with proper road construction and maintenance.

Proper crowning and drainage of the roadway will improve maintenance requirements and allow opportunities for water harvesting from the road surface.

Permeable road surfaces are available such as Polypavement and RoadOyl that are organic emulsifiers that when mixed with or applied with native soils will reduce dust and erosion, and provide a natural looking surface that is pervious to water infiltration.

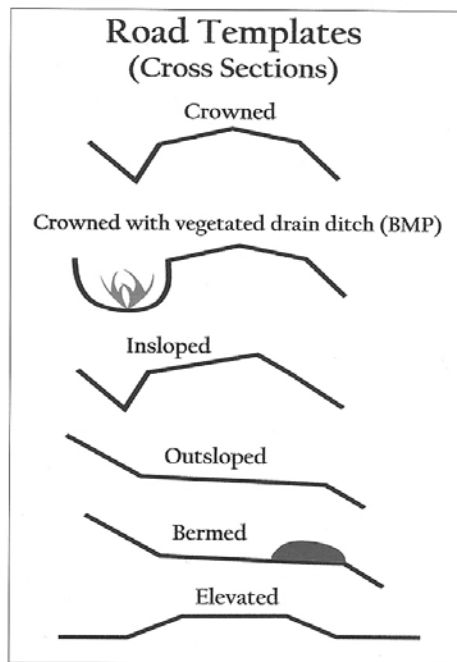


Figure III-3: Alternative cross sections used to assure sufficient cross sloping and drainage.

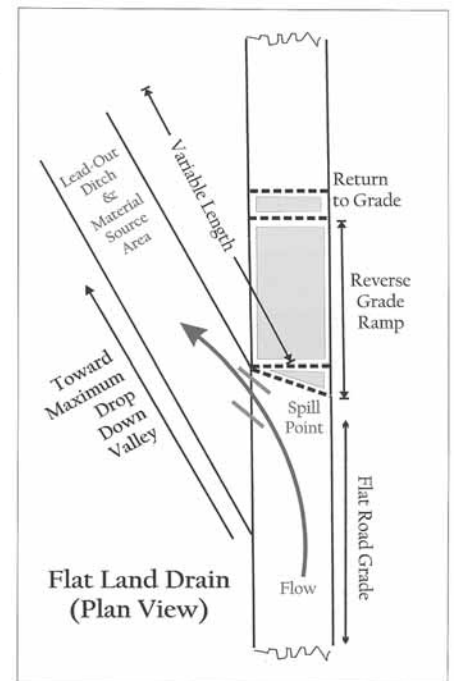


Figure V-4: Flat land drain schematic.