

Ranchos de Taos Neighborhood Land Use Code (March 12, 2009 draft)

Taos County, NM

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- Recycling facilities

Ranchos de Taos Neighborhood Land Use Code (March 12, 2009)

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 Ranchos de Taos. The boundaries of this neighborhood and the boundaries of zoning districts established herein are described and shown on the Ranchos de Taos Neighborhood Land Use Map in the Taos County Planning Department.
- C. **General Intent.** The intent of this appendix is to assist the Ranchos de Taos Neighborhood in achieving the following objectives:
- *Protect and preserve the rural landscape, agricultural land use and the acequia system as essential and inseparable components of our history and culture.*
 - *Preserve and protect the historic buildings, landmarks and traditional neighborhoods.*
 - *Encourage the traditional plaza mixed-use model for local commercial and residential development.*
 - *Ensure a safe and healthful environment for all residents, where families can thrive, children's education and welfare is a priority, elders are respected, local business and agricultural interests are supported, and traditional ways are honored and passed on to future generations.*
 - *Natural resources will be protected and maintained in perpetuity using the methods of traditional land use that have been part of our history and culture that preserve open lands, wetlands, park areas, wildlife corridors and habitats, natural light and nighttime sky, maintain clean air, and ensure rural quietude.*
 - *Improve the quality of roadways and pedestrian safety while preserving the rural character of the roads and providing for alternative modes of travel.*
 - *Develop roadway drainage systems that protect the quality, quantity, and flow of water in the acequias.*
 - *Create community facilities through the adaptive reuse of existing buildings.*

Section II. District Designations

IA: Irrigated Agriculture: 1 residence/3 ac or 1 residence/parcel with 25% of parcel set-aside as buildable area.- areas that historically or are presently irrigated by ground or surface water (typically acequias) that are to be protected and maintained in this use. Site plan/building permit will be reviewed by Acequia Association for location of acequia and building placement.

TV: Traditional Village (TV): up to 4 residences/acre (or up to 10 residences/acre when meeting performance standards): these are existing historical villages that typically have a plaza and a mix of land uses associated with them, that are intended for future growth in a manner that represents the traditional settlement pattern. This pattern is of a clustered mixed use around a public space or church with residential housing in compounds close to the street (no setback) and on the dry uplands away from the irrigated agriculture lands.

CE: Commercial/Employment: 4 to 12 residences/ac; up to 70% lot coverage non-residential uses: larger commercial retail, employment/industrial and institutional/civic uses that are clustered on highway corridors to serve the region.

SHC: Scenic Highway Corridor Overlay: designated corridors to a depth of 100' from right of way edge: these are corridors with high scenic values and high 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.



Taos County Growth Management Plan
RANCHOS DE TACOS NEIGHBORHOOD WITH 2016 DOQQ IMAGERY

- Zoning**
- Mixed Residential (M)
 - Traditional Village (TV)
 - Commercial Employment (CE)
 - Specific Corridor (SC)
- Land Ownership**
- State Land
 - Forest Services, Wilderness
 - Forest Services
 - Pueblo Lands
- Misc. Boundaries**
- Subarea Boundaries
 - Incorporated Town Limits
 - National Forest Association Boundaries
 - Parcels



Section III. Allowed Land Uses

Home occupations are permitted in all zones.

P = Permitted

S= Special Use

Residential Uses	IA	TV	C/E
Bed and Breakfast	S	P	P
Day Care	P	P	P
Livestock Raising	P		P
Multiple Family		S	P
Private- Preschool		P	P
Residential Care Facilities	S	P	P
Single-Family Attached	P	P	P
Single-Family Detached	P	P	P
Non-Residential Uses			
Alcoholic Beverage Sales		S	P
Animal Boarding	S		P
Animal Care	S	P	P
Arts and Cultural Enterprises	P	P	P
Automotive– Repair		S	P
Automotive–Service Stations		S	P
Business & Profssnl Services		P	P
Café/Coffeehouse	P	P	P
Churches	P	P	P
Dance & Fitness Studios	S	P	P
Day Care Facilities		P	P
Farmers Markets		P	P
Food & Beverage Sales		S	P
Hospitals & Clinics		S	P
Lodging		S	P
Plant Nursery	S	S	P
Offices		P	P
Ag Related Research & Devlpmt	S		P
Restaurants–General		P	P
Retail Sales–General		P	P
Schools–Private/Public		S	P

Section IV. Development Standards

A. Lot Characteristics

	IA	TV	C/E	
Lot Area – Minimum	3 ac*	1 ac	NA	*No min. lot area when Irrigated Agricultural (IA) 75% set-aside provision is utilized (see Sec IV.B.).

B. Building Placement

	IA	TV	C/E	
Front Setback	*25' min	25' max	25' min	*Or no min setback when IA 75% set-aside provision is utilized.
Minimum Side Setback	*15'	0'	0'	*Or no min. when IA 75% set-aside provision is used
Minimum Rear Setback	20'	20'	25'	
Minimum setback from acequia	15'	15'	15'	Site plan will be reviewed by Mayordomo for location of acequia and building.
Percentage of Building Built to Front Setback		60%		
Maximum Lot Coverage	NA	*70%	*70%	*Non-residential uses

C. Building Heights

	IA	TV	C/E	SHC
Principal Building Max	27'	27'	27'	20'

D. Scenic Highway Corridor (SHC) Overlay Zone- distance of 100' from edge of right of way.

A. Setbacks from Highways

- Any building containing a residential unit shall be set back a minimum of 20 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.
- Any building containing only non-residential uses shall be set back a minimum of 20 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. Pedestrian walkway and access is on the front and parking is located on the side and/or rear of the building.
- If a parcel in existence at the time of the adoption of this ordinance does not contain a building site meeting the required setbacks, 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

- 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.
- 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

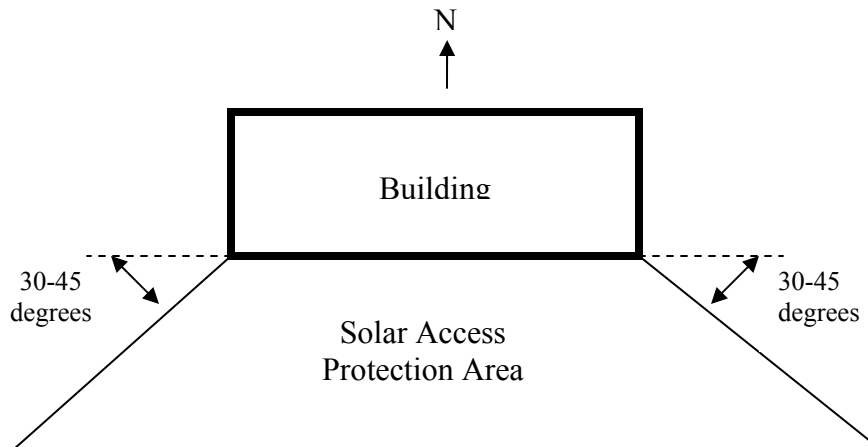
- Billboards or other signs advertising a product, service, or business not located on the same legal lot as the sign are prohibited.
- Signs shall not exceed 60 square feet in area.

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. **Trailers.** Trailers that are unattended and or abandoned and not attached to a vehicle and metal storage units or containers on or off wheels or franchise units shall not be located within 100 feet of the highway easement and must be partially screened with a minimum of a 6-foot fence from view of neighbors and the highway and if located on the property more than 6 months must be painted a earth tone color.
- C. **Landscaping.** Landscaping and xeriscaping are strongly encouraged, and should be designed and maintained with consideration of the neighbor's views.
- D. **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.
- E. **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.
- F. **Dark Skies.** All artificial exterior lighting must be shaded to meet New Mexico State "dark skies" laws and any Taos County Ordinances for "dark skies" conditions at night. Exterior lighting systems shall meet the functional and security requirements of the proposed land use, without producing nuisance glare or light trespass or does not adversely impact adjacent properties or the community.
- G. **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.
- H. **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.
- I. **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.
- J. **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.

- K. **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.
- L. **Solar Access Protection.** 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 should 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

A technical solar analysis may be substituted for the above, especially if the ground is uneven. Deciduous trees are encouraged on the east and west side of the building. All trees, including deciduous trees, planted within the Solar Access Protection Area should comply with the setback and height restrictions above.

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 ___ of the Taos County Land Use Regulations.

Residential Use Types

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 six (6) or fewer consecutive nights, with no cooking facilities in the guest rooms, and providing breakfast and snacks 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. **Multiple Family.** The Multiple Family use type consists of three or more dwelling units within the same structure, each with its own kitchen and bathroom facilities.
7. **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.
8. **Residential Care.** The Residential Care use type consists of providing 24-hour non-medical care in a residential setting for six (6) or fewer people in need of personal services, supervision, protection, or assistance for sustaining the activities of daily living.
9. **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.
10. **Single-Family Detached.** The Single-Family Detached use type consists of one dwelling unit, exclusive of a secondary unit, on a single parcel, which is separated from any other dwelling unit. 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 Use Types

1. **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.
2. **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.
3. **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.
4. **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. 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.
5. **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. *[May want to place a limit on number of people living in the building.]*
6. **Automotive Parts Sales.** The Automotive Parts Sales use type consists of the sale of parts used in automobiles, motorcycles, trucks and similar vehicles, but does not include the on-site installation of such parts or lubricants.
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 Sales.** The Automotive Sales use type consists of the sale or long-term lease of new or used automobiles, trucks or motorcycles, and the rental of automobiles or trucks, including onsite outdoor storage of such vehicles for sale or rent.
9. **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."
10. **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.
11. **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, printing, and janitorial services.
12. **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..
13. **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.
14. **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.

15. 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.
16. 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.
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 outside the State of New Mexico is not included in this use type.
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 must be combined with the Alcohol Beverage Sales use type in order to sell alcoholic beverages. Uses include supermarkets, grocery stores, or delicatessens.
19. Hospitals. The Hospitals use type consists of state-licensed facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons, including overnight stays at the facility. This use type includes facilities for inpatient or outpatient treatment as well as training, research, and administrative services for patients and employees.
20. Lodging. The Lodging use type consists of providing six (6) or more guest units, with no or minimal kitchen facilities in the units, intended for occupancy on a commercial basis, primarily for seven (7) or fewer consecutive nights. Guest units may be reached either from a common entrance or directly from the outside of the building. This use type includes restaurants or reception facilities operated in conjunction with the hotel or motel.
21. 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.
22. Manufacturing. The Manufacturing use type consists of the manufacturing of finished or unfinished products primarily from extracted, raw, recycled, or secondary materials. The manufacturing of acetylene, cement, lime, gypsum or plaster-of-Paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic and synthetic resins, and radioactive materials are prohibited. Operations involving furnaces, plating, heat treating, enamel coating, or lacquering are prohibited except for art and crafts. Management offices and incidental services for employees, such as recreational facilities, are included.
23. 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.
24. Offices. The Offices use type consists of offices of firms or organizations providing professional, executive, management, medical, or administrative services not included in another use type. This use type excludes home offices that meet the criteria for home occupations.
25. 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.
26. 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.
27. Recreation. The Recreation use type consists of recreational and entertainment operations taking place indoors, such as bowling alleys, and outdoors, such as sports fields.
28. 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.

29. **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.
30. **Repair Services—Limited.** The Repair Services—Limited use type consists of on-site repair and incidental sales of supplies for consumer items such as small household goods, shoes, clothing, watches, cameras, and similar items, conducted within an enclosed building.
31. **Ag-related Research & Development.** The Research & Development use type consists of the research, development, and limited production of high-technology electronic, industrial, biological, or scientific products. Typical uses include biotechnology firms and software firms. Management offices and incidental services for employees, such as recreational facilities, are included.
32. **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 must be combined with the Alcohol Beverage Sales use type in order to serve alcoholic beverages.
33. **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 80,000 sf of gross floor area.
34. **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.
35. **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. The incidental sale of boxes and packing materials and the rental of trucks and trailers for personal use are included.

Temporary Uses. The following temporary uses are allowed upon written approval of the Planning Director in consultation with the Neighborhood Association.

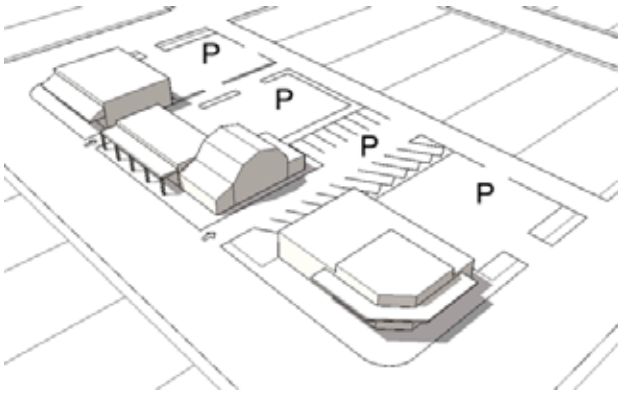
1. **Arts & Craft Shows:** the outdoor display and sale of arts and crafts materials.
2. **Circuses & Carnivals:** circuses and carnivals operated for the entertainment of the public or paying customers.
3. **Flea Markets & Swap Meets:** non-recurring events held for the purpose of the sale or trade 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 Building type and placement is required for all new development within the TV (Traditional Village) zoning designation.

A. Building Types

Building types describe the form and placement of the buildings on the lot for each of the land use districts. They are not architectural designs but provide guidance on massing, setbacks, parking, and access.



All buildings should be to the street with pedestrian access in front and parking on the side and/or rear yards. These building types are permitted in the Traditional Village Districts.

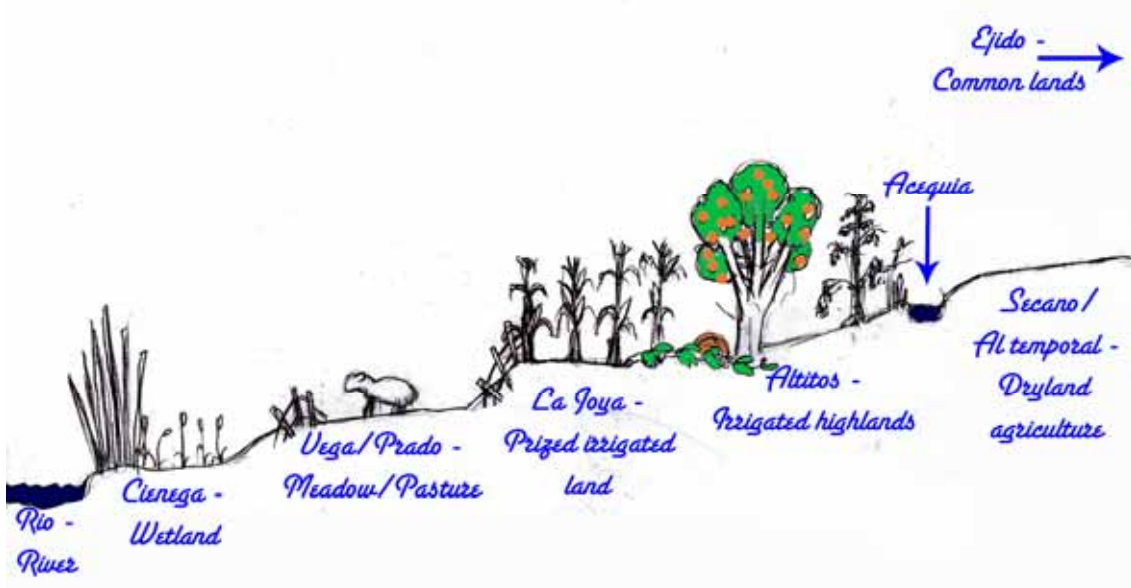
The following Special Provisions are guidelines and as such advisory, or are options that can be implemented for reducing the Development Standards requirements on minimum lot sizes and setbacks or to provide density bonuses when in conformance with the performance standards as outlined in the special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

B. 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.

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 parking, greenhouse, garage for farm equipment, corral, barn or other similar uses and structures on a portion of irrigated agricultural land lots.

1. 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.

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

2. Characteristics. Only one buildable area is allowed on a parcel.
3. 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
4. Development Standards

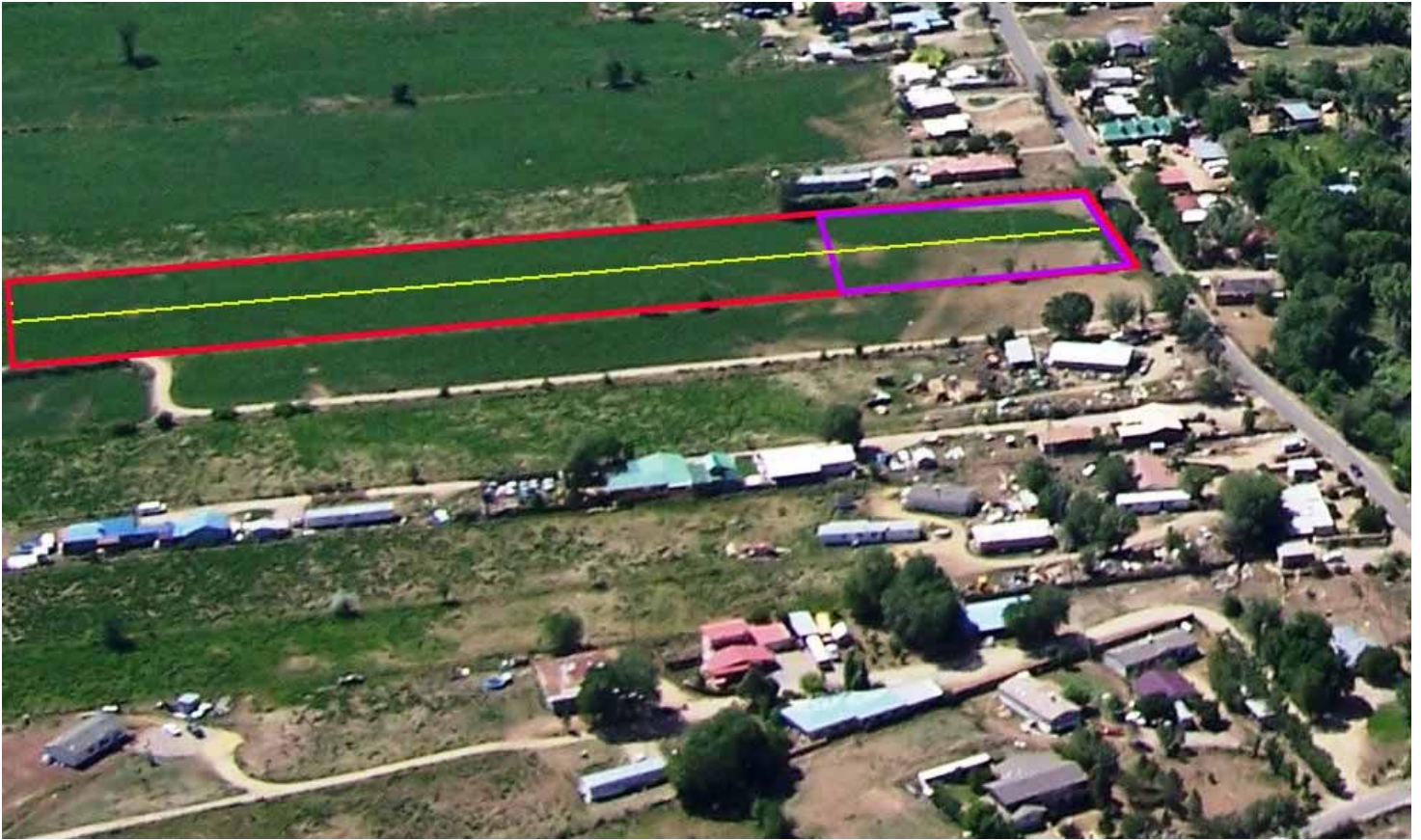
- a. When a shared alternative liquid waste disposal system is proposed, a 20-foot wide ingress/egress easement connecting the buildable area to the agricultural area shall be designated on the plat.
 - b. A shared well shall be required for lots less than $\frac{3}{4}$ acre in size within the buildable 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.
5. 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

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 (ft²) 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*

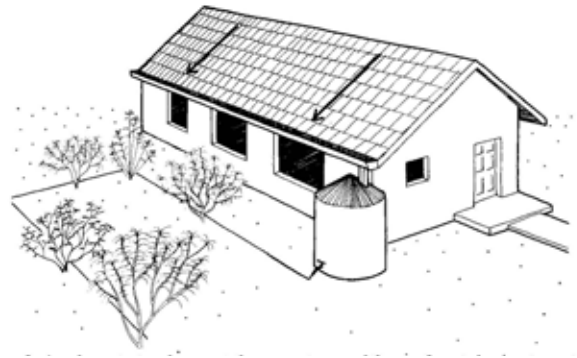
- Grass/lawn: range 0.05–0.35, average 0.10–0.25
- For gravel use the coefficient of the ground below the gravel

(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:

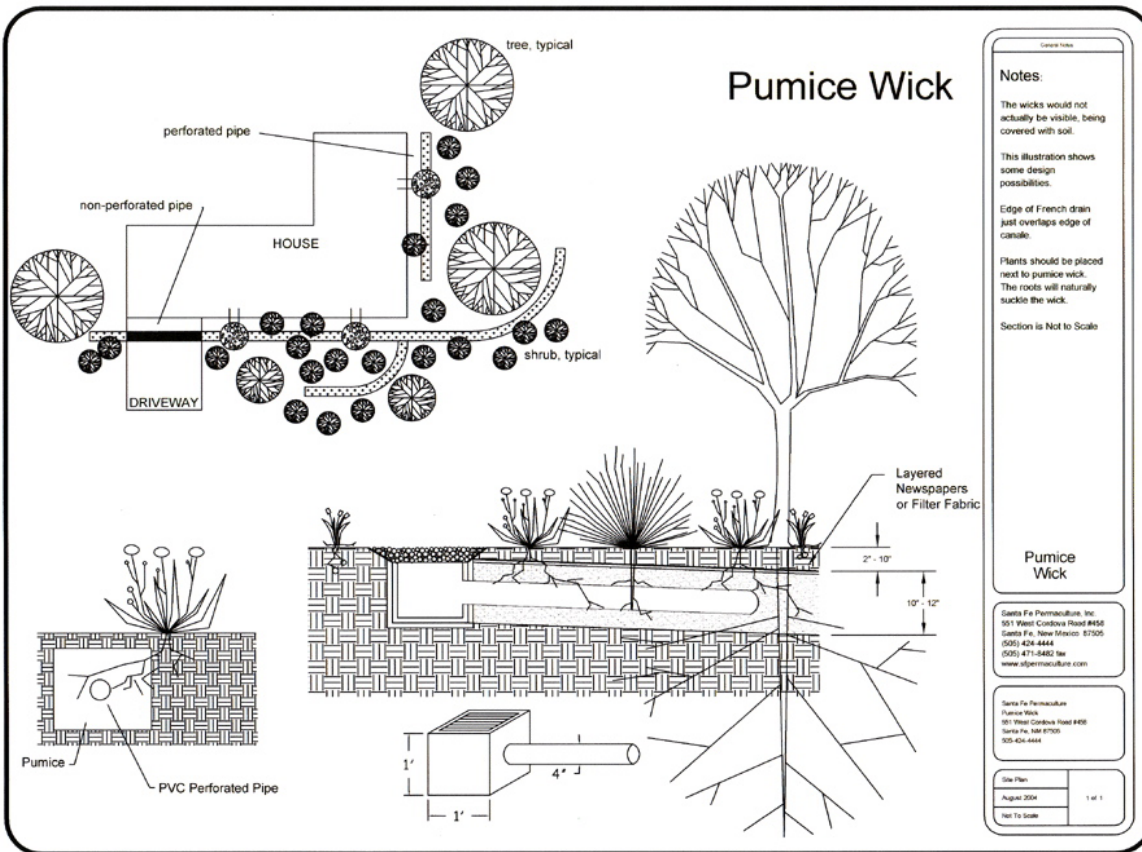
- Above ground cisterns (larger quantities) and rain barrels (smaller quantities)
- Below ground cisterns and storage tanks
- Swales designed on contour and vegetated swales
- Infiltration zones (stripped landscaping, ponds, basins)
- Pumice wicks
- Permeable and vegetated surfaces*
- French drains
-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



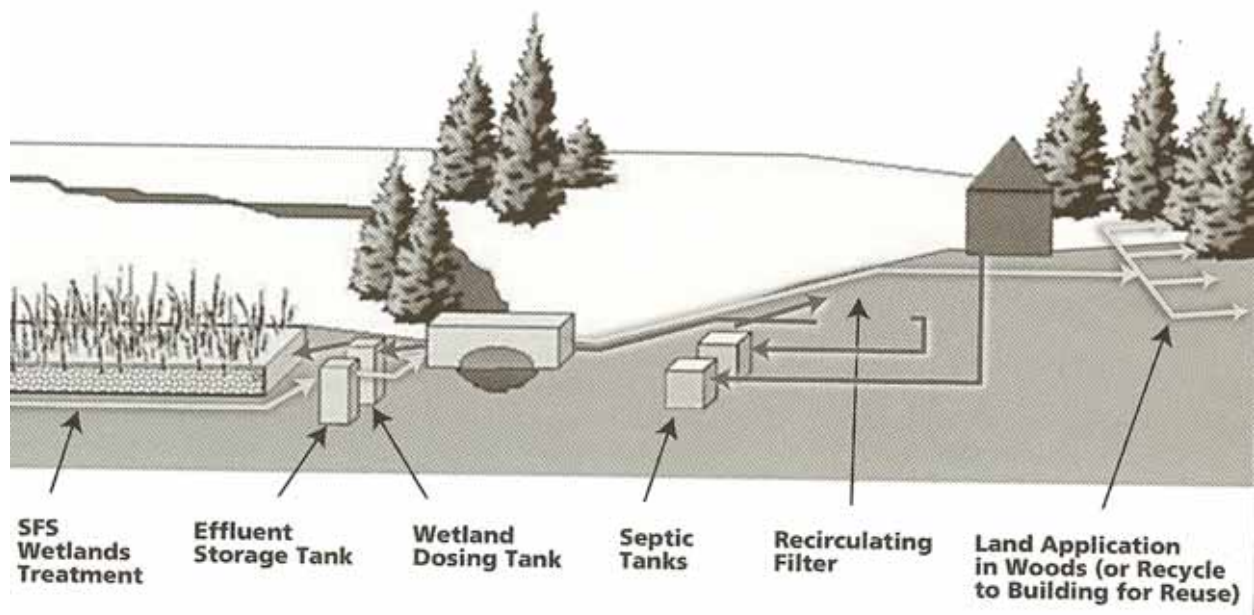
Drought tolerant garden planted with pumice wick water harvesting system (above) and Design for Pumice Wick (left): Santa Fe Permaculture

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.

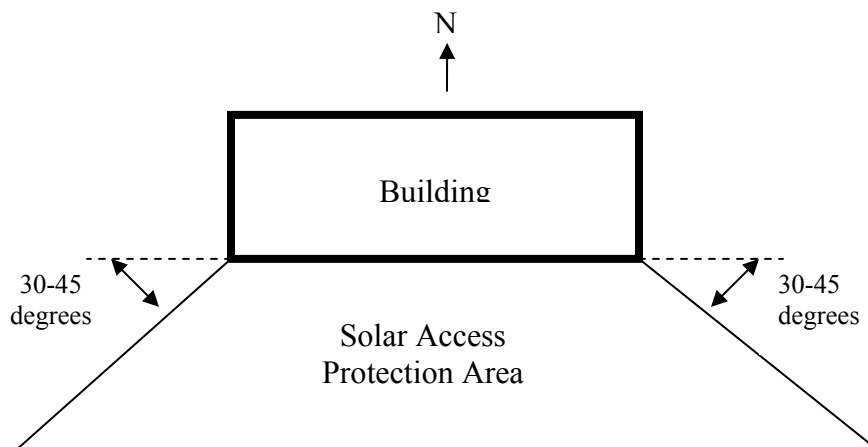
A more complex community wastewater system can be a **constructed wetlands** system that is an alternative to individual septic fields and tanks. The reclaimed water from this system can be used to irrigate landscape areas but not food crops.



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. The area beyond the south-facing wall of a building should be a solar access protection area. This area is shown below.



1.

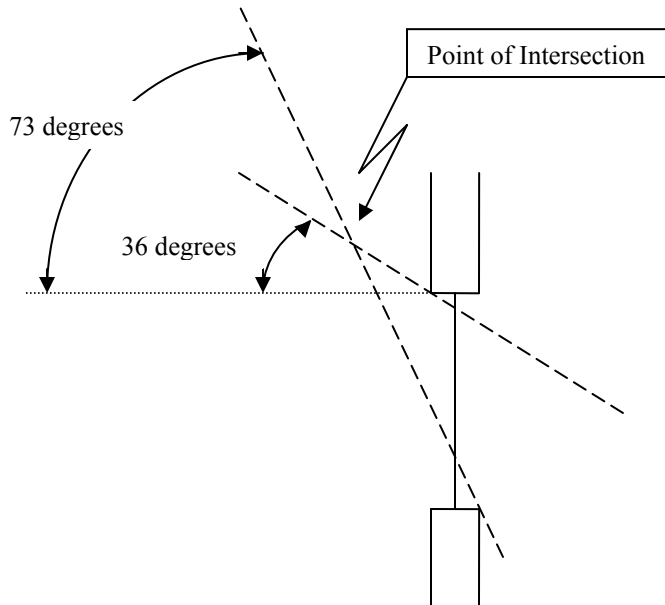
Within the Solar Access Protection Area, trees and structures should be restricted as follows:

- 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. Deciduous trees are encouraged on the east and west side of the building. 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

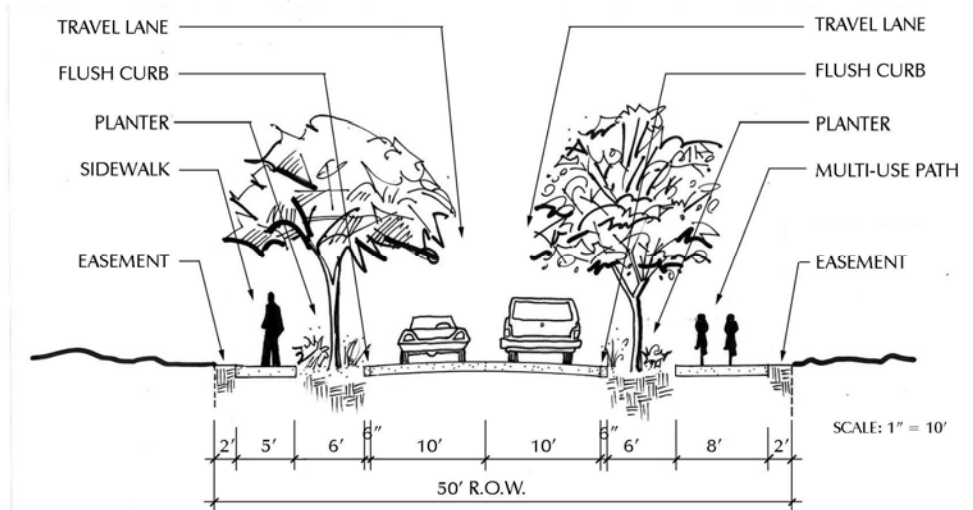
- A. Intent. It is the intent of the County of Taos to encourage the use of wind machines in order to reduce reliance on imported oil, minimize environmental impacts, and reduce the costs of energy to building owners. This section applies to non-commercial wind machines used to produce electricity primarily for the use of the owner of the lot on which the wind machine is located and as such are a permitted use.
- 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.
- E. 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.
- F. Advertising. Advertising is prohibited on any portion of the wind machine.
- G. Illumination. Wind machines may not be artificially illuminated except where legally required by a governmental agency.
- H. Condition. All wind machines shall be kept in good repair, free from rust, and without damaged supports, framework, or other components.
- J. 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.

- K. 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.
- L. Codes. The wind machine shall meet all applicable county and state building and electrical codes.
- M. 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. Transportation and Emergency Access

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.

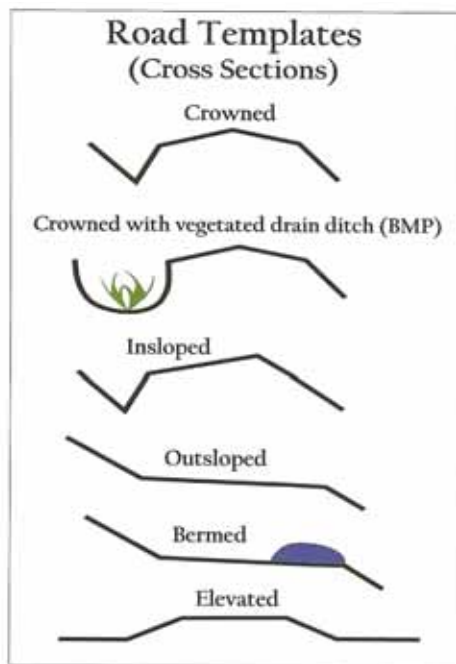


Figure III-3: Alternative cross sections used to assure sufficient cross sloping and drainage.

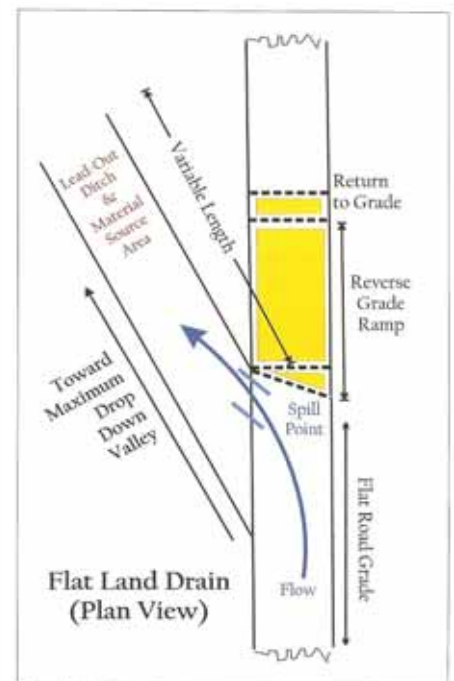


Figure V-4: Flat land drain schematic.

Section VII. 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.

The Ranchos de Taos neighborhood's highest priority is for a community and youth center. This facility could be accommodated within an existing building, such as an adaptive reuse of a historical structure. Several buildings are available for this use, such as the St. Francis School, the Old Martinez complex, and the Mary Rooney/Andy's Fiesta Lounge. The Taos County Commissioners should secure funding through legislative appropriations or grants to initiate the feasibility and conceptual strategy for securing a community center site.

