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**PLANNING & ZONING
COMMISSION:**

Thomas P. Wittman, Chair
Henry Caldwell
Richard Duffy
Yvette Klinkmann
Susan Nichols
J. Christopher Stagg
Jim Woodard

VILLAGE ADMINISTRATOR:
John Avila

**DIRECTOR OF PLANNING &
COMMUNITY DEVELOPMENT:**
Patrick Nicholson

VILLAGE CLERK:
Ann Marie Wooldridge

PLANNING & ZONING COMMISSION REGULAR MEETING AGENDA

Monday, September 13, 2021 1:00 P.M.

Via Zoom TeleConference

See www.vtsv.org for information to attend the meeting
TAOS SKI VALLEY, NEW MEXICO

AGENDA

I. CALL TO ORDER & ROLL CALL

II. APPROVAL OF THE AGENDA

**III. APPROVAL OF THE MINUTES OF THE JUNE 7, 2021 P&Z
COMMISSION MEETING**

IV. OLD BUSINESS

V. NEW BUSINESS

A. PUBLIC HEARING: Consideration to Approve a Front Yard
Setback Variance for a Residence Carport at 3 Phoenix Switchback

B. PUBLIC HEARING: Consideration to Approve a Conditional Use
Permit for a Commercial Restaurant at 1 Thunderbird Road

C. PUBLIC HEARING: Consideration to Recommend a Rezone
request for Bull of the Woods Lots B & C from Special Use Zone to
Residential Zone.

D. PUBLIC HEARING: Consideration to Recommend to Council
Approval of Ordinance No. 2022-30 Amending Village Ordinance
No. 17-30 to Include Provisions Regarding Cannabis Establishments
and Uses and Amending the Village's Official Zoning Map to Create
a Cannabis Overlay Zone District

VI. MISCELLANEOUS

**VII. ANNOUNCEMENT OF THE DATE, TIME, AND PLACE OF THE NEXT
MEETING**

VIII. ADJOURNMENT

For meeting packet go to [https://www.vtsv.org/village-
government/planning-zoning/meetings-agendas-minutes/](https://www.vtsv.org/village-government/planning-zoning/meetings-agendas-minutes/)



**PLANNING & ZONING COMMISSION
DRAFT MEETING MINUTES
MEETING HELD VIA ZOOM
TAOS SKI VALLEY, NEW MEXICO
MONDAY, JUNE 7, 2021 1:00 P.M.**

I. CALL TO ORDER & ROLL CALL

Commission Chair Tom Wittman called the meeting to order at 1:00 p.m. Roll call was taken, and a quorum was established. Commission members present: Henry Caldwell, Richard Duffy, Susan Nichols, Chris Stagg, Tom Wittman, and Jim Woodard. Commission members absent: Yvette Klinkmann. Staff members present: Planning Director Patrick Nicholson, Village Administrator John Avila, Village Clerk Ann Wooldridge, Building Inspector Jalmar Bowden, Public Works Director Anthony Martinez, and Attorney Susan Baker.

II. APPROVAL OF THE AGENDA

MOTION: To approve the agenda as presented

Motion: Commissioner Duffy Second: Commissioner Nichols Passed: 6-0

III. APPROVAL OF THE MINUTES OF THE MAY 3, 2021 P&Z COMMISSION MEETING

MOTION: To approve the minutes with the clarification that the number of acres to be cleared on the Northside property this summer is 276 acres.

Motion: Commissioner Duffy Second: Commissioner Woodard Passed: 6-0

IV. OLD BUSINESS

A. CONSIDERATION TO RECOMMEND TO COUNCIL APPROVAL OF ORDINANCE 2021-70 UTILITY CONNECTION ORDINANCE, Repealing Resolution No. 2007-128 and Resolution No. 04-88, and Establishing Connection Fees for Village Water and Sewer Systems

Public Works Director Martinez explained that the Village of Taos Ski Valley is in the process of adopting system development fees (impact fees) for water and sewer in compliance with the New Mexico Development Fees Act ("the Act"), NMSA Section 5-8-1, *et. seq.* With the adoption of these impact fees, the Village will repeal Resolution No. 2007-128 and Resolution No. 04-88, for water and sewer system development fees and, previously, water and sewer connection fees

The New Mexico Development Fees Act does not allow connection fees to be combined with system development fees, so with the adoption of revised system development fees, the Village must separately account for the cost of connection fees through the adoption of a new ordinance. Connection fees cover the cost of connecting to the existing water and sewer systems, including administrative charges, while development impact fees cover the costs of the expansion of these systems to serve new development.

The connection fee is related to the hydraulic capacity of the water system and represents the contributive share of the cost to operate the facilities; the amount of water the Village needs to supply its customers is directly related to their demand on the system. Customers placing a greater burden on the water system should bear a greater share of the costs for connecting to the system, he said. As development occurs, population increases, and there is a larger demand on utilities. Connection fees are the only funding source the Village has to ensure a continuing supply of potable water for its customers, as well as adequate wastewater treatment for the water that was sold for consumption. In order to meet legal requirements, connection fees must have a rational basis and must be proportional, based

upon the amount of use/type of use. Therefore, connection fees are generally higher for a larger commercial building as opposed to a small, two-bedroom residence.

The proposed Ordinance No. 2021-70 establishes connection fees and repeals outdated Resolutions No. 2007-128 and No. 04-88. The Ordinance includes appendices of fees that were calculated based upon the Villages' established EQR formula. These fees consider the actual physical cost of connection, as well as the long-term administrative costs of serving that connection, including the contributive cost of operating the water and sewer facilities

Discussion took place

MOTION: To RECOMMEND TO COUNCIL APPROVAL OF ORDINANCE 2021-70 UTILITY CONNECTION ORDINANCE, Repealing Resolution No. 2007-128 and Resolution No. 04-88, and Establishing Connection Fees for Village Water and Sewer Systems

Motion: Commissioner Duffy Second: Commissioner Woodard Failed: 2-4
(Commissioners Caldwell, Nichols, Stagg, and Wittman voting nay)

V. NEW BUSINESS

A. INTRODUCTION OF DEVELOPMENT IMPACT FEE UPDATE STUDY & COMPANION CAPITAL IMPROVEMENTS ADVISORY COMMITTEE REPORT by Willdan Financial Services, Ben Cook, Chairman of Capital Improvements Advisory Committee, & Patrick Nicholson, Director of Planning & Community Development.

Director Nicholson explained that staff and the Capital Improvements Advisory Committee (CIAC), have been engaged in the statutory requirement of updating the Village's Development Impact Fees. The updated Study, prepared in collaboration with Willdan Financial Services, summarizes an analysis of development impact fees needed to support future development in the Village through 2030. The CIAC, also required by State statute, has completed its review and recommendations on the Village's Capital Improvement Plan, Land Use Assumptions, and Development Impact Fee Schedule.

The Village Council will adopt the DIF Study by Ordinance and any proposed changes to the Capital Improvement Plan and Development Impact Fee schedule. The Planning & Zoning Commission has been asked to review and recommend adoption of the proposed Capital Improvement Plan and Development Impact Fee Schedule. A comparison survey of comparable Rocky Mountain ski communities was presented.

TSVI CFO Chaz Rockey suggested that increasing impact fees be part of an overall plan of finance for the Village, along with a needs assessment. He asked how the lengthy list of projects would get completed since there would still be a funding gap even with new fees. Mr. Rockey suggested that the proposed fees were not viable for a developer to accommodate.

Much discussion followed on the impacts of commercial development versus the impacts of residential development and on the list of proposed capital projects, among other items.

VI. MISCELLANEOUS

A. Administrative Approval of Alpine Village Suites Riverside Deck

Director Nicholson reported that the proposed deck at Alpine Village Suites would be cantilevered against the building, with no posts going into the ground. As such, he granted administrative approval for the deck.

B. TSVI Peter Talty said that the Kachina Master Plan document had been presented to Village staff as a

proposed addition to the Village's Comprehensive Plan.

VII. ANNOUNCEMENT OF THE DATE, TIME & PLACE OF THE NEXT MEETING:

The next meeting of the Planning & Zoning Commission is scheduled for July 12, 2021 at 1:00 p.m. via Zoom as a possible joint meeting with the Village Council. The next Planning & Zoning meeting is scheduled for September 13, 2021.

VIII. ADJOURNMENT

MOTION: To adjourn.

Motion: Commissioner Duffy **Second:** Commissioner Woodard **Passed:** 6-0

The meeting adjourned at 2:30 p.m.

Tom Wittman, Chairperson

ATTEST: _____
Ann M. Wooldridge, Village Clerk



Planning & Zoning Commission

Thomas P. Wittman, Chair

Henry Caldwell

Richard Duffy

Yvette Klinkmann

Susan Nichols

J. Christopher Stagg

Jim Woodard

Staff Report

Variance Request: Front Yard Setback 3 Phoenix Switchback Road

1. Case Summary

Date of Hearing: September 13, 2021
Application Received: August 12, 2021
Date of Posting: August 26, 2021
Plan Review Fees: \$800 - Variance Request

Project Description: The applicant is requesting a Variance from the 25-foot Front Yard Setback requirement to construct a carport deck. The proposed structure would be about 18 inches from the front property line. Due to unique site conditions and terrain, the property line is approximately 20 feet above Phoenix Switchback Road.

The applicant has provided a thorough description of the proposed project layout and justification for the Variance, which is included as Exhibits A-C.

Prior Actions/Approvals: None

2. Zoning Analysis:

- A.** The subject property is located along Phoenix Switchback Road and is zoned Residential (R).

The application as presented, complies with all other pertinent zoning regulations and conditions.

- B.** In Planning & Zoning Ordinance 17-30 Section 11:4 Supplemental Regulations within a R Zone - Minimum Setback requirements for a Front Yard Setback are as follows:

Front yard: twenty-five feet or average of the depth of the front yard depth of the adjacent yards on either side of the dwelling, whichever is less. The front yard is the side from which primary access is provided.

C. The Planning and Zoning Ordinance instructs the Commission in Section 25 - Variances, subsection 4: to follow the criteria below when evaluating and permitting a variance request:

- 1. Will cause no significant hazard, annoyance, or inconvenience to the owners or occupants of nearby properties.*
- 2. Will not significantly change the character of the neighborhood or reduce the value of nearby property.*
- 3. Will not impose significant cost burden upon the Village; and*
- 4. Will be in harmony with the general purpose and intent of the Ordinance and with the Comprehensive Plan.*
- 5. Financial hardships to the applicant will not be the determinative factor granting variances.*

The applicant has replied in their submittal packet and generally complies with the intentions of all the above variance criteria. Furthermore, the applicant has adequately addressed the NM State statute variance criteria in their submittal.

3. Recommendation: Staff recommends a motion to **Approve** the Variance.

4. Public Notice & Public Comments

The notice of public hearing was mailed to all abutting property owners within 100 feet on August 27, 2021. A public notice sign was placed on the property on August 26, 2021.

The application and Staff Report were made available at the Villages Office for public review. The following written comments were received by the public:

A. None.

5. Staff Endorsements

Submitted By:

Patrick Nicholson

Patrick Nicholson
Director, Planning & Community Development Department

6. Attachments

- A. Justification letter from applicant
- B. Site plan and design documents
- C. Project Site Photos

TSV Variance Request

13 August 2021

Residential Address: 3 Phoenix Switchback Rd.
Taos Ski Valley, NM 87525

Owner: Kai & Aaron Buck

Applicant/Developer: Modulus Design (Christian Harper)

Request for Special Exceptions:

Variance request for proposed carport deck to be 18" from front property line. The Commission may impose any necessary conditions in approving a variance to assure that the requested variance:

(a) Will cause no significant hazard, annoyance, or inconvenience to owners/occupants of nearby property.

This project is off the main road and is not directly adjacent to any of the neighboring properties and existing houses. The new carport will be directly in front of the existing cabin between the road and the cabin itself. This will cause no significant hazard, annoyance, or inconvenience to owners/occupants of nearby property.

(b) Will not significantly change the character of the neighborhood or reduce the value of nearby property.

We will match the existing aesthetic within this neighborhood and this carport will allow the resident to have a covered access to their property without disturbing owners of nearby properties or affecting the value of those properties.

(c) Will not impose any significant cost burden upon the Village.

This project will take place entirely on the applicant's piece of land and they will provide all funding for this project. This will not impose any significant cost burden on the Village.

(d) Will be in harmony with the general purpose and intent of this Ordinance and the Comprehensive Plan.

This project will be in harmony with the general purpose and intent of this Ordinance and the Comprehensive Plan.

(e) Financial hardships to the applicant will not be the determinative factor in granting variances.

Any financial hardships to the applicant will not be used as a determining factor in granting the variance for this project.

Project Narrative:

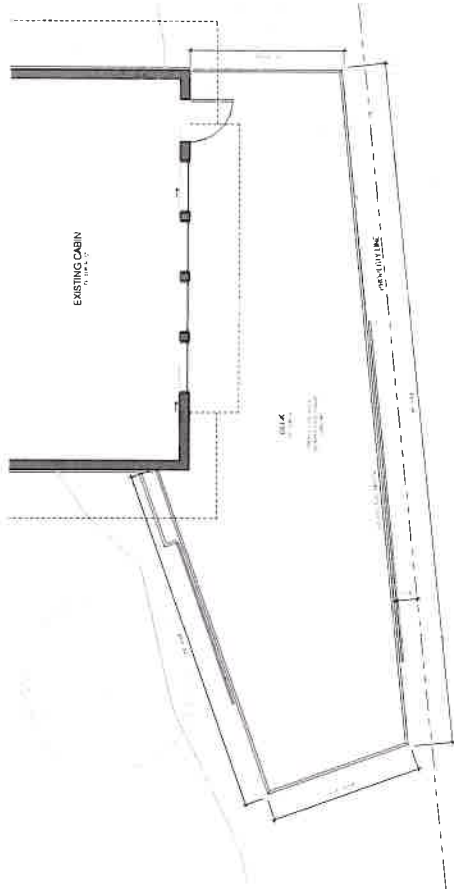
This site has a unique condition where the cabin is 15'-3" from the front property line and the property line is approximately 20' from the road below. The existing driveway is up against the mountain and is steep and narrow. This is the only vehicular access on the property. This driveway is bisected by the front property line and leaves little room for a covered place to park, which is something the owners are hoping to have during the winter months.

We are proposing a carport deck on the front side of the existing cabin. The cabin currently has a deck that extends 6 feet from the front-face of house. The new deck would extend closer to the front property line to the west and further out to the north in order to create a covered carport on the level below. This carport deck would be 1'-6" from the front property line and would be 21'-9" from the road at the closest point. This carport deck would be a steel frame with a trex screen on either side to keep additional snow from getting under the carport. The deck will either be trex or 2x material. Wood used will be painted to match existing cabin.

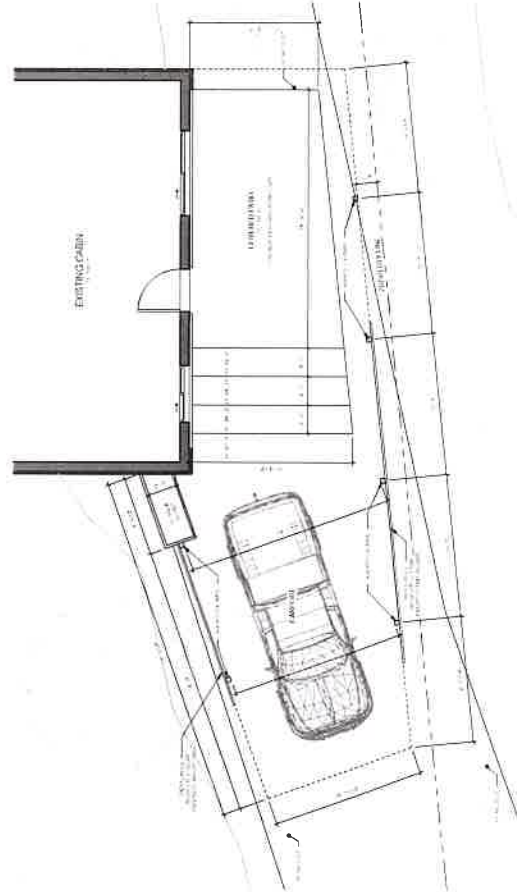


Modulus Design (Christian Harper)

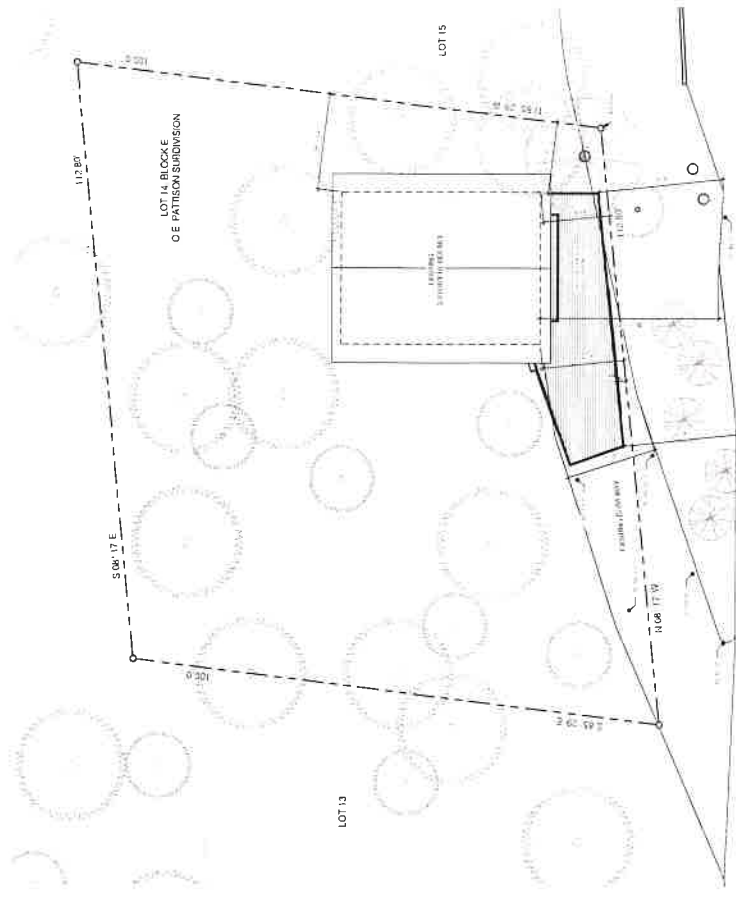
13 Aug 2021
Date



1. EXISTING PROPOSED
1/4" = 1'



1. EXISTING PROPOSED
1/4" = 1'



PHOENIX SWITCHBACK ROAD

1. EXISTING PROPOSED
1/4" = 1'

N



BUCK CABIN
11000 W. WILLOW ST.
TULSA, OK 74116



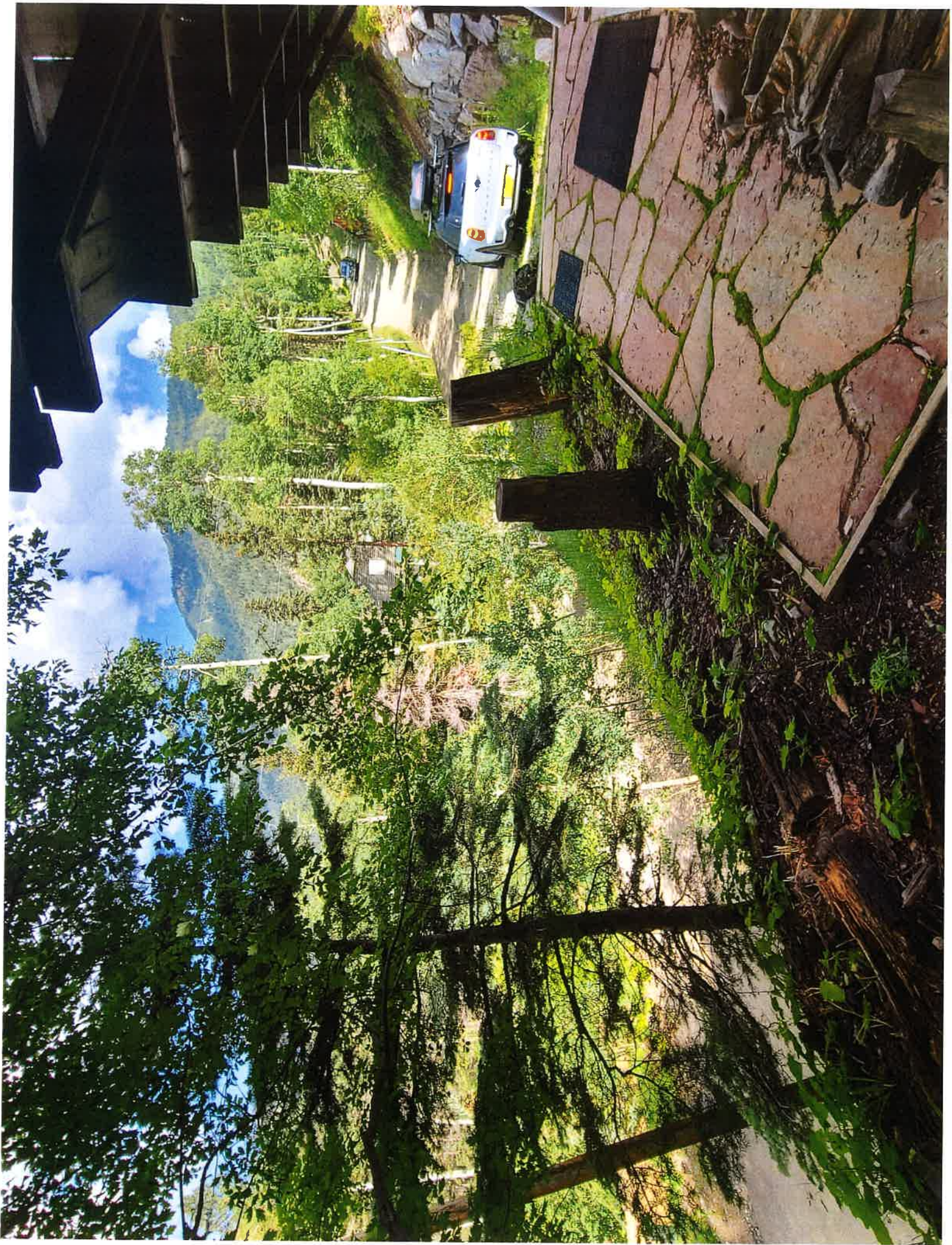
A001

PROPOSED CARPORT DECK

SCALE: AS SHOWN
1" = 10'









Planning & Zoning Commission

Thomas P. Wittman, Chair

Henry Caldwell

Richard Duffy

Yvette Klinkmann

Susan Nichols

J. Christopher Stagg

Jim Woodard

Staff Report

Conditional Use Permit: Commercial Restaurant 1 Thunderbird Road

1. Case Summary

Date of Hearing: September 13, 2021
Application Received: August 10, 2021
Date of Posting: August 26, 2021
Plan Review Fees: \$750 - Conditional Use Permit (Minor)

Project Description: The applicant is requesting a Conditional Use Permit (CUP) to establish a commercial restaurant on an existing commercial use property. Currently, besides a B&B lodging facility, the applicant operates a small food truck/satellite kitchen under an expiring temporary administrative permit. The owner seeks to expand the business into a full-service restaurant with indoor seating.

The applicant has provided a site plan and brief description of the proposed expanded use layout, which is included as Exhibits A-B.

Prior Actions/Approvals: None

2. Zoning Analysis:

A. The subject property is located at 1 Thunderbird Road and is within the Core Village Zone (CVZ). The purpose of this zoning is to recognize the unique importance and characteristics of properties near and adjacent to the base Village of Taos Ski Valley and to provide for:

1. The enhancement of the character of the CVZ area through best practice town-center design and planning principles.

2. The promotion of uses which attract/serve both tourists and the local community.
3. The encouragement of high quality and sustainable development.
4. The promotion of more intense, compact and integrated development.
5. The timely and orderly development of the CVZ's proposed system of roads, utilities, drainage, and trails/paths.
6. Parking flexibility so that all parking does not have to be provided on site.
7. The encouragement of pedestrian walkways and vehicle-free areas.
8. Path/trail connectivity to the proposed river walk and nearby trails and open space.
9. A flexible approach, through the use of performance standards, to implement the goals of the Village of Taos Ski Valley's plan.
10. The preservation and enhancement of the unique visual characteristics of the Village of Taos Ski Valley.

The proposed development, where applicable, meets the intentions of the above.

- B.** The Planning and Zoning Ordinance instructs the Commission in Section 26 - Conditional Use Permit, subsection 4: to follow the guidelines below when evaluating and permitting a CUP request:

The Commission shall not approve any Conditional Use Permit unless satisfactory provision has been made concerning the following, where applicable:

1. Access to property and proposed structures thereon, with particular reference to automobile and pedestrian safety, traffic control, and emergency access in case of fire, flood, avalanche or catastrophe.
2. The economic, noise, glare, or odor effects of the Conditional Use on adjoining properties.
3. General compatibility with adjacent properties and other properties in the Village with regard to height, landscaping, setbacks, lighting, signs, parking, and design standards when adopted by the Village Council.
4. Compliance with supplementary regulations as delineated in zone in which the property will be located.
5. All improvements required by the Village Planning Department and/or Village Engineer in the Public Works Plan have been completed or completion plans, designs and costs are approved by an agreement approved by the Village Council.

The applicant has replied in their submittal packet and generally complies with the intentions of all the above CUP guidelines.

3. Recommendation: Staff recommends a motion to **Approve** the Variance.

4. Public Notice & Public Comments

The notice of public hearing was mailed to all abutting property owners within 100 feet on August 27, 2021. A public notice sign was placed on the property on August 26, 2021.

The application and Staff Report were made available at the Villages Office for public review. The following written comments were received by the public:

A. None.

5. Staff Endorsements

Submitted By:

Patrick Nicholson
Director, Planning & Community Development Department

6. Attachments

- A. Site Plan
- B. Project description
- C. CUP guidelines response
- D. NMED Food Permit

IN MARCH 2021 THE BROWNELL CHALET LLC
OPENED UP FOR FOOD SERVICE WITH A
GRAB AND GO SATELLITE KITCHEN ALONG
1 THUNDERBIRD ROAD IN TAOS SKI VALLEY, NM.

THE PLAN IS TO OPEN UP INDOOR SEATING
INSIDE THE BED & BREAKFAST CHALET
BUILDING AND HAVE A FULL SERVICE
RESTAURANT FOR THE PUBLIC WITH
A BEER AND WINE LICENSE. THE
LIQUOR APPLICATION IS UNDERWAY
WITH THE STATE OF NEW MEXICO.



Christof,

Below are the Qs from the Zoning Ord. to provide a response.

The Commission shall not approve any Conditional Use Permit unless satisfactory provision has been made concerning the following, where applicable:

1. Access to property and proposed structures thereon, with particular reference to automobile and pedestrian safety, traffic control, and emergency access in case of fire, flood, avalanche or catastrophe.

Yes, property has great access with vehicle driveway and pedestrian entrance. There are 10-12 parking spots available for house guests and residents. There are two fire hydrants within 10 and 30 feet of the property on Thunderbird Road. All snow removal is on property. No avalanche or flood danger present.

2. The economic, noise, glare, or odor effects of the Conditional Use on adjoining properties.

There are no economic, noise, glare, or odor effects of the CUP to adjoining properties.

3. General compatibility with adjacent properties and other properties in the Village with regard to height, landscaping, setbacks, lighting, signs, parking, and design standards when adopted by the Village Council.

Does not apply. All conditions are existing with the exception of updated signage for the expanded use of the property.

4. Compliance with supplementary regulations as delineated in zone in which the property will be located.

Yes, complies with supplementary regulations as delineated in zone of property and the NM State retail food permit.

5. All improvements required by the Village Planning Department and/or Village Engineer in the Public Works Plan have been completed or completion plans, designs and costs are approved by an agreement approved by the Village Council.

Does not apply. All facilities to be used are existing and there are no plans for improvement other than general maintenance and repairs.



New Mexico Environment Department
Environmental Health Bureau

Permit to Operate

Owner Name: Brownell Chalet LLC
Facility Name: Brownell Chalet Garten
Location: 1 Thunderbird Rd. Taos Ski Valley, NM 87525
Permit Type: Food Retail Permit
Permit Number: 034671

Failure to maintain and operate the facility in compliance with the applicable State Regulations may result in suspension or revocation of this permit by an authorized representative of this Department.

Date Issued: January 27, 2021
Date of Expiration: January 31, 2022



Authorizing Official
NMED

*This permit shall be renewed annually, but is not transferable to another individual, establishment, or location.
This permit must be displayed in conspicuous place.*

**VILLAGE OF TAOS SKI VALLEY
PLANNING & ZONING COMMISSION MEETING
AGENDA ITEM**

AGENDA ITEMS TITLE: Consideration to Recommend to Council Approval of **Ordinance No. 2022-30** Amending Village Ordinance No. 17-30 to Include Provisions Regarding Cannabis Establishments and Uses and Amending the Village's Official Zoning Map to Create a Cannabis Overlay Zone District

DATE: September 13, 2021

PRESENTED BY: Susan Baker, Village Attorney

STATUS OF AGENDA ITEM: New Business/Urgent

CAN THIS ITEM BE RESCHEDULED: Not Recommended

BACKGROUND:

The proposed ordinance amendments create zoning regulations regarding the use, sale, production, manufacturing, and cultivation of cannabis. According to the New Mexico Cannabis Regulation Act ("the Act"), the Village has the authority to regulate the "time, place and manner" of cannabis uses within the Village's jurisdictional limits.

Village staff proposes creating a "Cannabis Overlay District" where certain retail establishments would be allowed as a permissive use. The Cannabis Overlay District is defined in the proposed amendments to our zoning regulations, Ordinance No. 17-30, Section 17. Creation of this District also requires amendment to our original Zoning Map, Ordinance No. 17-30, Section 10.

Your packets include overlay maps defining the proposed Cannabis Overlay District, with options for retail uses exclusively in Amizette, and then a proposal for additional retail uses within designated portions of the Village Core. Because the Village Core District Zoning in Ordinance No. 17-30 currently requires that all commercial and retail uses obtain a conditional use permit, the same would be true for a cannabis establishment, if the Cannabis Overlay District is approved for the Core. From a legal standpoint, staff would discourage the use of conditional use permits for cannabis operations in general because of the potential legal scrutiny on both sides of the fence. Staff prefers to allow retail cannabis establishments as a permissive use in certain zone districts, or designated areas, as defined by the overlay maps. The current proposals allow for retail cannabis establishments as a permissive use in the "C-B Commercial /Business Zone" District.

Consumption areas are treated differently than cannabis retail establishments in the proposed draft ordinance amendments. They will require a conditional use permit in the "C-B Commercial /Business Zone" District (they are not allowed in the Core)

because they have more potential impact on neighboring properties, especially if customers are smoking marijuana on an outside patio. This proposal could be changed to allow consumption areas in the C-B Commercial /Business Zone, excluding the Core, as a permissive use. Or consumption areas could be barred altogether. The New Mexico Cannabis Act allows for local governments to ban consumption areas, but not cannabis establishments in general. In addition, consumption areas require a separate State license.

Cannabis establishments for manufacturing, production or cultivation are not allowed in the C-B Commercial /Business Zone or Core. In addition, no cannabis establishments are allowed in the Residential Zone or as a Home Occupation. They are proposed to be allowed in the Industrial Zone, but only as a conditional use due to their potential impact on surrounding neighbors.

RECOMMENDATION:

Consideration of the proposed Ordinance for formal recommendation to the Village Council, including adoption of the preferred Cannabis Overlay District maps.
Pass a motion by formal vote to recommend approval, denial, or approval with changes/conditions.

**THE VILLAGE OF TAOS SKI VALLEY
ORDINANCE NO. 2022-30**

**AN ORDINANCE OF THE VILLAGE OF TAOS SKI VALLEY AMENDING ORDINANCE
NO. 2017-30 TO INCLUDE PROVISIONS REGARDING CANNABIS ESTABLISHMENTS
AND USES AND AMENDING THE VILLAGE’S OFFICIAL ZONING MAP TO CREATE A
CANNABIS OVERLAY ZONE DISTRICT**

WHEREAS, both the Village of Taos Ski Valley Planning and Zoning Commission and Council have determined that the retail sale, production, manufacturing, distribution, and cultivation of cannabis and cannabis infused products may be harmful to the public health, safety and welfare if not locally regulated based upon “time, place, and manner” restrictions;

WHEREAS, local governments are authorized by the State of New Mexico to regulate “time, place, and manner” in relation to cannabis as set forth in the New Mexico Cannabis Regulation Act, as amended;

WHEREAS, the Planning and Zoning Commission and Council find and declare that cannabis issues are a matter of local concern and municipal interest, recognizing the Village’s police and zoning powers under NMSA Sections 3-17-1, 3-18-1, and 3-21-1.

WHEREAS, in the best interest of Village citizens, this Ordinance establishes zoning for specific uses related to cannabis retail sale, production, manufacturing, distribution, and cultivation.

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE OF TAOS SKI VALLEY AS FOLLOWS:

SECTION I.

Ordinance No. 2017-30, Section 6, titled “Definitions” is amended to add the following terms:

(1) “Cannabis” except where the context clearly indicates otherwise, means growing cannabis plants, harvested cannabis in any state, and cannabis infused products of all kinds, including for medical use, and as that term is defined in the New Mexico Cannabis Act. For the purpose of this Ordinance, the term cannabis and medical cannabis are interchangeable.

(2) “Cannabis Establishment” means an entity licensed by the Village pursuant to this Ordinance and may include any of the following:

(a) A single retail location where the licensee may sell cannabis and cannabis infused products to consumers, including edibles. It includes both recreational and medical cannabis.

(b) An offsite manufacturing and production facility at which the licensee may manufacture and produce cannabis and cannabis infused products, which are not sold on location but are sold or transferred to consumers at other locations. It includes both recreational and medical cannabis.

(c) A cultivation facility at which the licensee may grow or cultivate cannabis and cannabis infused products, which are not sold on location but are sold or transferred to consumers at other locations. It includes both recreational and medical cannabis.

(d) A combined retail, production, and manufacturing location where the licensee may produce and manufacture cannabis and cannabis infused products, including edibles, and also sell these products to consumers at the same location. It includes both recreational and medical cannabis.

(e) A combined retail, production, manufacturing and cultivation/growing location, where the licensee may cultivate and grow cannabis, produce and

manufacture cannabis, including cannabis infused products and edibles, and also sell these products to consumers at the same location. It includes both recreational and medical cannabis.

(f) A cannabis establishment is not permitted within three hundred (300) feet of any public or private school or other childcare facility. The distances referred to in this paragraph are to be computed by direct measurement from the nearest property line of the land used for a school or campus, to the nearest portion of the lot that is the situs of the building that is proposed for a licensed premises.

(3) "Cannabis Establishment/Adjacent Grounds" means all areas that the Cannabis Establishment has an exclusive right to possess by virtue of his ownership or lease, which are outside the enclosed main premises, but adjacent and contiguous to the premises, including but not limited to porches, patios, decks, entryways, lawns, parking lots, and similar areas and all fixed and portable things in those areas, including but not limited to lights, signs, speakers, and security devices.

(4) "Cannabis Establishment/Consumption Areas" means all areas where cannabis is consumed on premises or on adjacent grounds, including smoking, eating, and vaping.

(5) "Cannabis License" means a specific type of business license obtained by a Cannabis Establishment to operate within the Village limits and pursuant to Village Ordinance No. 2022-071, as amended, and the New Mexico Cannabis Act, as amended.

(6) "The Cannabis Overlay Zone District" means an area depicted on the Village's zoning map allowing for the location of specified types of cannabis establishments, either as a permissive uses, or conditional uses, and as otherwise limited in designated zone districts, as set forth in the Village's zoning regulations.

SECTION II.

Ordinance No. 2017-30, Section 11, titled "Residential Zone," subsections (2) titled "Permissive Uses," and (3)(3) titled "Conditional Uses"/"Home Occupations" are amended as follows:

R - RESIDENTIAL ZONE.

1. Intent. The intent of this zone district is to provide for the development of single-family homes of mixed construction including conventional housing, modular or prefabricated Dwelling Units. Certain other Uses specified in this section are allowed, provided they are compatible with the development of the neighborhood. Density shall not exceed one Dwelling Unit per Lot.

2. Permissive Uses.

Any of the following Permissive Uses are allowed in this zone district.

One Single-Family Dwelling; One Auxiliary Unit; Accessory Buildings, Structures, or Uses customarily incidental to the uses allowed in this zone, provided that in total their square footage does not exceed 30% of the square foot calculations for the primary unit.

Cannabis establishments are not permitted in the Residential Zone District.

3. Conditional Uses.

1. Multi-family dwellings: Apartments, Bed and Breakfasts (not larger than five guestrooms), Condominiums, and other multi-family dwellings provided that there are not more than three dwelling units on lots of adequate size to comply with the regulations and standards of the Village and other governmental agencies.

2. Public utility services.

3. Home Occupations, provided that:

a. No more than 25% of the square footage of the buildings on the lot shall be devoted to the home occupation; and

b. One related on-premises; non-illuminated sign is permitted with a sign face not exceeding two and one half square feet.

c. Cannabis establishments are not permitted as a Home Occupation.

4. Modular or manufactured home

5. Temporary buildings

Section III.

Ordinance No. 2017-30, Section 11, titled “C-B Commercial /Business Zone” subsections (2) titled “Permissive Uses” and (3) titled “Conditional Uses” are amended as follows:

2. Permissive Uses.

Any of the following Permissive Uses are allowed in this zone district:

1. All Permissive Uses in the R zone;
2. Retail business establishments, including licensed retail cannabis establishments that do not have a consumption area, and which are located exclusively within the Village’s Cannabis Overlay Zone District, and more than 300 feet from a school, daycare, or child learning facility;
3. General and professional offices;
4. Business and personal services;
5. Banking and financial services;
6. Boarding, Rooming, Lodging House or Bed and Breakfast.
7. Galleries and Museums.
8. Ski trails and slopes, lifts, snowmaking equipment or other related functions not requiring an enclosed building
9. Licensed retail cannabis establishments, that do not have a consumption area, and which are located exclusively within the Village’s Cannabis Overlay Zone District, and more than 300 feet from a school, daycare, or child learning facility.
10. Cannabis establishments involving production, manufacturing or cultivation are not allowed.

3. Conditional Uses.

The following uses may be allowed in this zone district only upon permit granted by the Commission in accordance with this Ordinance:

1. All uses conditional in the R zone;
2. Hotels and motels, provided there are community water and sewer systems to serve the development;
3. Eating and drinking establishments;
4. Licensed retail cannabis establishments that include a consumption area on the premises or on the adjacent grounds, which are located exclusively within the Village's Cannabis Overlay Zone District and more than 300 feet from a school, daycare, or child learning facility.
5. Cannabis establishments involving production, manufacturing or cultivation are not allowed.

Section IV.

Ordinance No. 2017-30, Section 13, titled "Core Village Zone (CVZ)", subsections (6), titled "Conditional Uses," are amended as follows:

6. Conditional Uses.

The following are permitted uses with approval of conditional use:

1. Residential (single-family and multi-family)
2. Hotel
3. Lodge
4. Shared ownership/timeshare
5. Bed and breakfast
6. Commercial , including a licensed retail cannabis establishment, that does not have a consumption area, and located exclusively within the Village's Cannabis

Overlay Zone District and more than 300 feet from a school, daycare, or child learning facility.

7. Restaurant

8. Bar

9. Retail, including a licensed retail cannabis establishment, that does not have a consumption area, located exclusively within the Village's Cannabis Overlay Zone District and more than 300 feet from a school, daycare, or child learning facility.

10. Other Commercial Services

11. Skier services

12. Office

13. Amenity Facilities

14. Parking

15. Recreational Uses

16. Accessory uses/structures

17. Maintenance/service/utility facilities

18. Clubs and places of assembly when conducted completely within enclosed Buildings, with the exception of cannabis establishments or consumption areas.

19. Mixed Use structures with any combination of the above.

Short-term rental of all single-family, multi-family, hotel and lodge units is specifically permitted

20. Cannabis establishments involving production, manufacturing or cultivation are not allowed.

SECTION V.

Ordinance No. 2017-30, Section 17, titled “Overlay Zones”, is amended to add a subsection (5), titled “Cannabis Establishment Overlay Zone,” as follows:

1. Intent; Permissive Use. The intent of overlay zones is to provide for areas within the Village for the development of multiple uses on the same parcel or lot. All overlay zones are conditional uses in all zones within the Village of Taos Ski Valley.

2. Mobile Home Parks and Mobile Home Subdivisions

1. Mobile home parks and subdivision overlays are only conditional in a Mobile Home Overlay Zone to the Farming and Recreational Zone.

2. Supplementary Regulations.

a. **Size.** A Mobile Home Park or a Mobile Home Subdivision must have a minimal size of four acres.

b. **Density.** No more than four mobile homes may be located on one acre.

c. **Setback Requirements.** For each mobile home unit, the lot on which it sits must be on an area not less than sixty feet in width and sixty feet in length and the distance between any mobile home unit and the outer boundary of the Overlay Zone shall be a minimum of twenty-five feet. Spacing between each unit shall not be less than twenty-five feet, whether the mobile homes are placed side-by-side or end-to-end.

d. **Streets and Roads.** All private roads within a Mobile Home Park must be at least twenty-four feet in width and have a snow storage easement of at least twenty feet on each road.

e. **Off-Street Parking.** There must be at least two off-street parking places for each mobile home unit.

f. **Utilities/Services.** All Mobile Home Parks or Subdivisions must be connected to and served by the Village’s water and sewer system.

3. Residential-Commercial Overlay Zone.

1. A combination of residential and commercial uses is an overlay in any zone.
2. The supplementary requirements for a residential-commercial overlay are those requirements applicable to a commercial zone.

4. Environmental Protection Overlay Zone.

1. The Environmental Protection Zone provides the highest level of protection to the natural environment of the Village. Development will be approved in the environmental protection zone only in rare and unusual circumstances

5. Cannabis Overlay Zone District

1. The Cannabis Overlay Zone District provides designated areas, as depicted on the overlay zoning map, for the location of specified types of cannabis establishments, either as a permissive uses, or conditional uses, and as otherwise limited in designated zone districts, as set forth in the Village's zoning regulations.
2. No cannabis establishment or use is permitted outside of the Cannabis Overlay Zone District, with the exception of personal use as defined in the New Mexico Cannabis Act, as amended, and Village Ordinance No. 2022-71, as amended.

SECTION VI.

Ordinance No. 2017-30, Section 18, titled "Industrial Zone 1", is amended as follows:

SECTION 18. INDUSTRIAL ZONE 1.

1. Intent.

This zone is intended to promote and encourage modern industrial and research development facilities and other similar uses, which can meet strict development standards, while maintaining enough flexibility to efficiently meet the needs of the developer and user. For this reason, Planned Industrial Parks are strongly encouraged in this zone. Residential uses are not permitted, including manufactured home parks, courts or subdivisions or RV parks.

2. Permissive Uses.

1. Manufacturing operations within a completely enclosed building, with the exception of cannabis manufacturing, production or cultivation establishments.
2. Warehouses and storage facilities.
3. Retail sales which are incidental to a manufacturing activity, with the exception of cannabis establishments.
4. Governmental services, ski services, public utility services, including storage or repair services.
5. Offices for professional services and the above listed services.
6. Business and trade schools.
7. Taxi stands, bus stops, public parking lots and garages.
8. Gas service stations.
9. Outdoor sales of nursery stock.
10. New and used automobile, truck, mobile home and agricultural equipment sales.
11. Wholesale establishments, with the exception of cannabis establishments.
12. Lumberyards and building supplies.
13. Vehicle repair garages or shops

3. Conditional Uses.

1. Adult entertainment uses where the exterior building wall of the building in which the uses exist are not within 500 feet of the exterior property lines of:
 - a. A nursery school, elementary school, secondary school or high school.
 - b. Public libraries, service clubs, neighborhood or community public recreation facilities.

c. A church

d. A bar or cocktail lounge

2. Any adult entertainment use that lawfully exists is not rendered a violation of these provisions by the subsequent location of any of the uses described above.

3. Any adult entertainment shall not be located within five hundred feet of an existing residential zone.

3. A cannabis establishment that is more than 300 feet from a school, daycare, or child learning facility, or not within 1000 feet of a residential zone or use.

SECTION VII. AMENDMENTS TO VILLAGE'S ZONING MAP

Section 10 of Ordinance No. 17-30, adopting the Village's Official Zoning Map, is amended to include maps depicting the "Cannabis Overlay Zone District," as set forth herein and in Exhibit A, attached hereto.

SECTION VIII. PENALTIES

To the extent permitted by law, any violation of this Ordinance will result in a citation with penalties of up to \$300 for each separate violation, and with possible cumulative penalties for each day a violation continues.

The Village may also enforce against violations through civil actions and penalties, including injunctive relief.

SECTION XIX. REPEAL OF CONFLICTING PROVISIONS

All Village ordinances or parts of ordinances in conflict with the provisions of this Ordinance, or any part thereof, are hereby superseded and repealed.

SECTION X. SEVERABILITY CLAUSE

If any court of competent jurisdiction or the State of New Mexico finds any provision of this Ordinance to be unlawful, this provision shall be severable and the remainder of this Ordinance shall remain in full force and effect.

SECTION XI. PUBLICATION, EFFECTIVE DATE AND SUNSET PROVISION.

This Ordinance will shall be in full force and effect after its adoption, approval, and publication as provided by law. .

PASSED, APPROVED AND ADOPTED THIS ____day of _____, 2021.

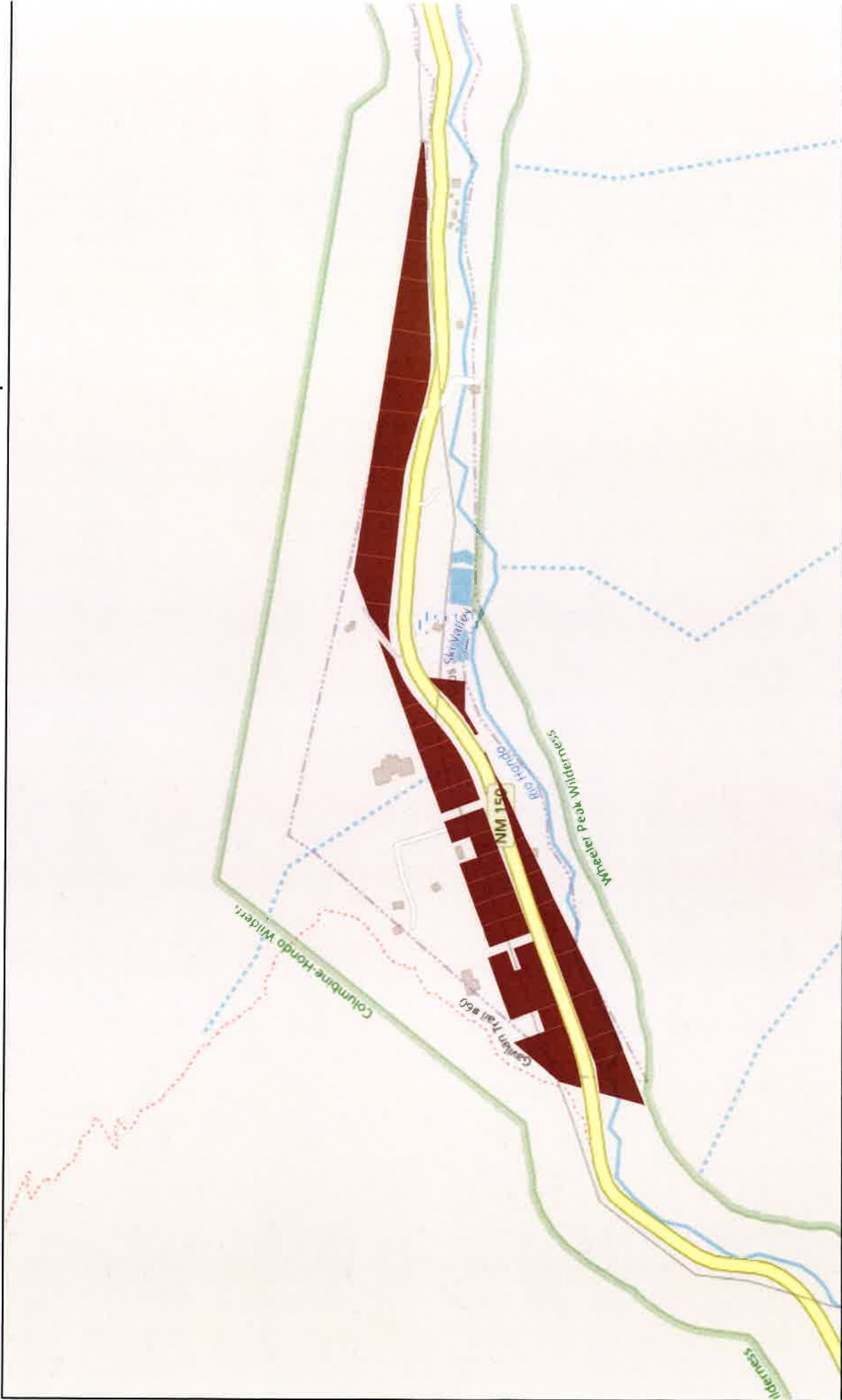
VILLAGE OF TAOS SKI VALLEY, NEW MEXICO

Christof Brownell, Mayor

ATTEST:

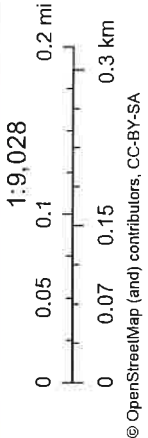
Ann Wooldridge, Village Clerk

Proposed Amizette Retail Cannabis Sales-Option 1

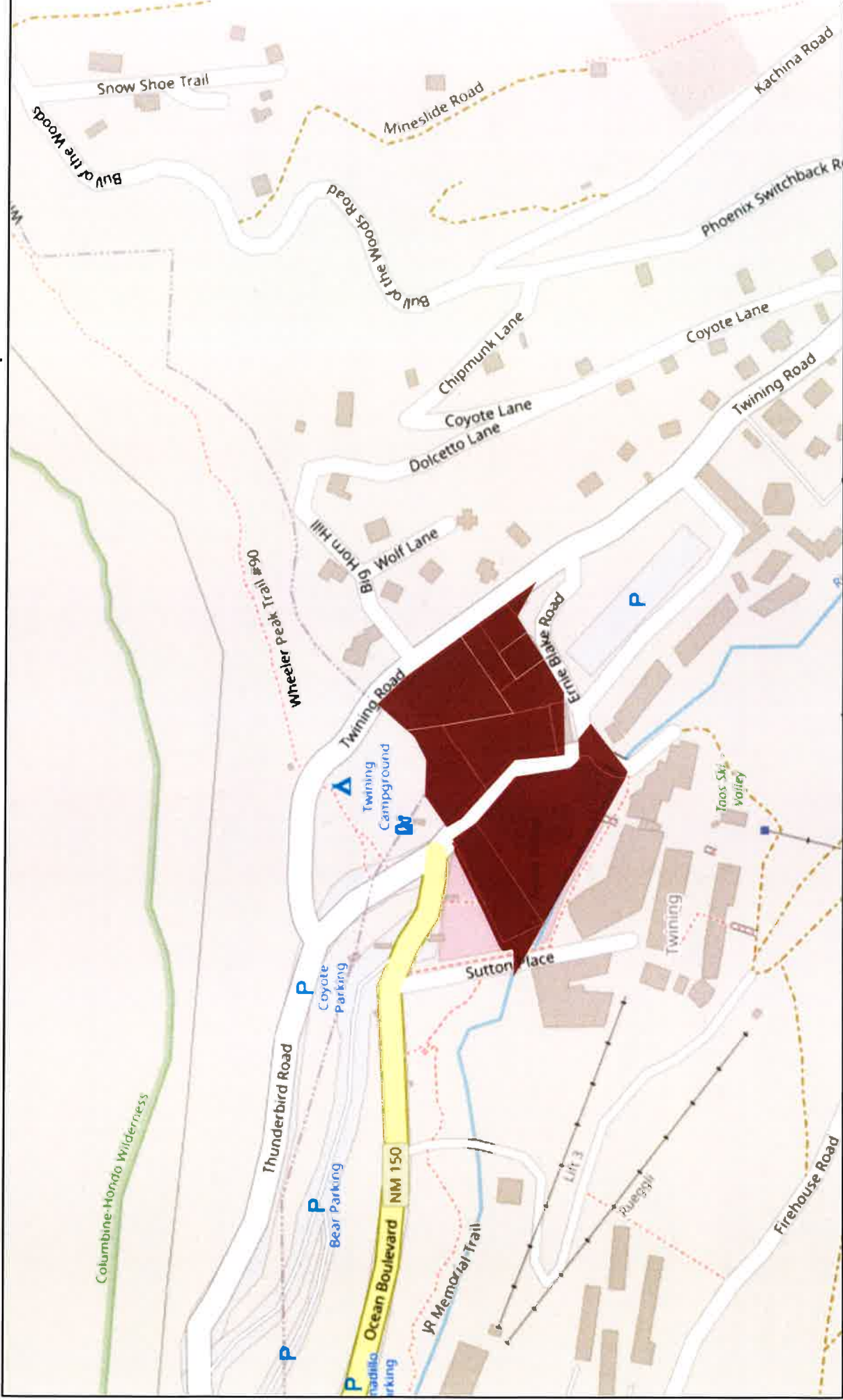


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Commercial Overlay Zone



Proposed Village Core Retail Cannabis Sales-Option 2

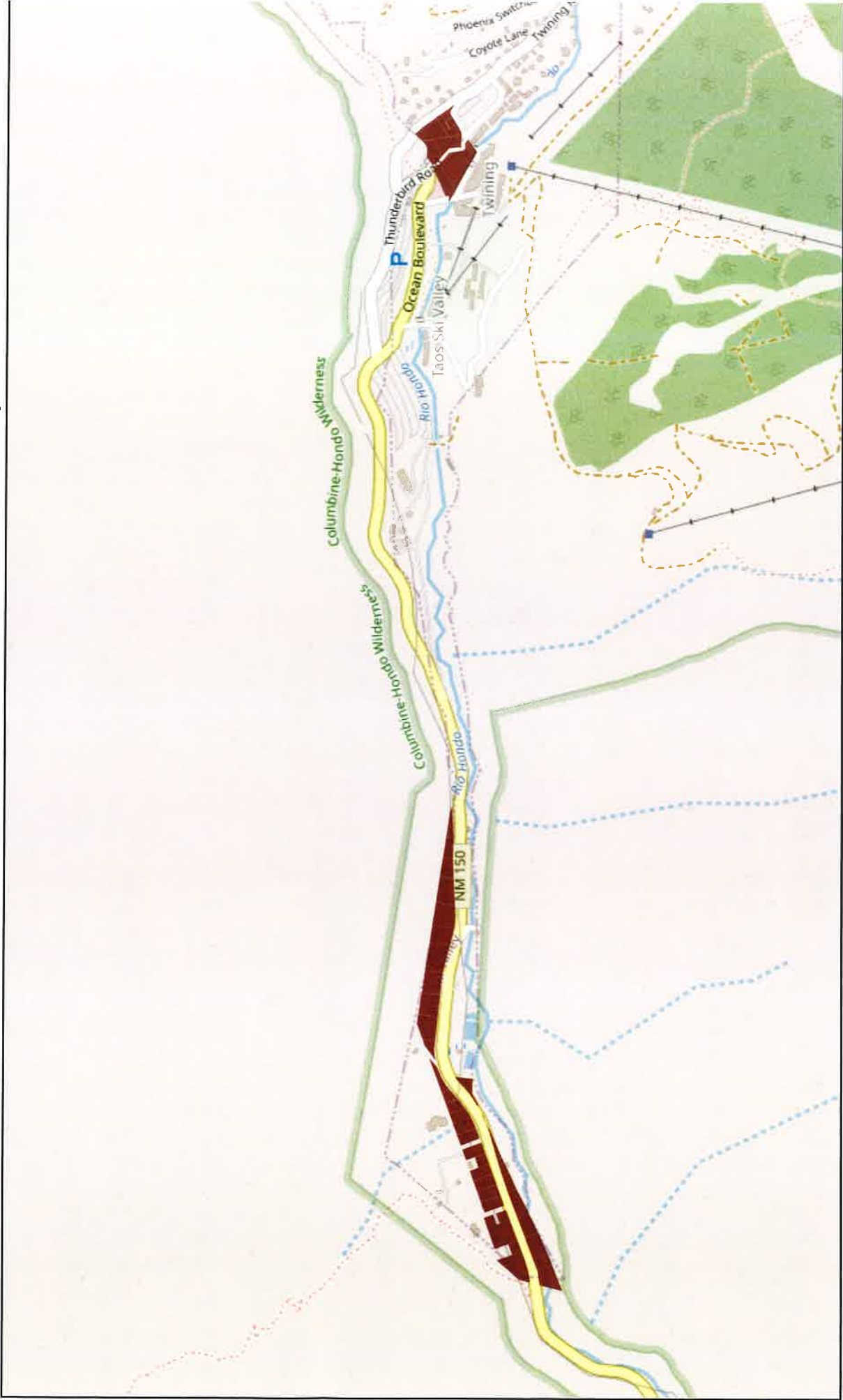


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Commercial Overlay Zone

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Proposed VTTSV Retail Cannabis Sales-Option 2



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 Commercial Overlay Zone

1:18,056
0 0.13 0.25 0.35 0.7
0 0.17 0.35 0.7 km
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