



THE VILLAGE OF TAOS SKI VALLEY
ORDINANCE NO. 17-30

****AN ORDINANCE ADOPTING ZONING REGULATIONS AND A ZONING MAP FOR THE VILLAGE OF TAOS SKI VALLEY, NEW MEXICO, REVISED TO ENHANCE CLARITY AND REDUCE LENGTH.****

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SECTION 1. TITLE

These regulations shall be known as the "Zoning Ordinance" of the Village of Taos Ski Valley, New Mexico (hereinafter the Village) and shall be referred to herein as "this Ordinance".

SECTION 2. PURPOSE

This Ordinance is intended to help achieve the goals and objectives of the Village Master Infrastructure Plans and other Village Comprehensive Plans ~and is viewed as a vital tool for accomplishing the goals of these plans~. The regulations and restrictions ~of this Ordinance~ are designed to:

- Avoid congestion in streets and public ways;
- Secure safety from fire, flood, ~avalanche,~ and other dangers;
- Promote health, safety, and general welfare;
- Preserve and conserve local water resources;
- Prevent overcrowding of land;
- Facilitate appropriate steep slope development;
- Provide for transportation, water, sewerage, schools, parks, and other community requirements;
- Conserve property value;
- Promote economic development;
- Encourage appropriate land use.

****The Village aims to facilitate orderly hillside development by:****

- ****Requiring science-based site selection using slope density calculations and maximum land holding capacity.****
- ****Involving resource agencies early in the application process.****
- ****Protecting ridgelines, landforms, open spaces, hydrologic features, wildlife, habitats, and scenic resources.****
- ****Promoting cohesive neighborhood characteristics in hillside settings.****
- ****Encouraging high-quality architectural and development designs.****
- ****Protecting public health, safety, and welfare from seismic, geologic, and fire hazards.****

~~In addition, the Village's objective is to facilitate and permit the orderly development of property within the Village, recognizing property within the Village is located on hillsides. Therefore, the Village has set forth hillside development standards as set forth below:~~ [Consolidated into bullet points above]

SECTION 6. DEFINITIONS

1. Word Forms

- "Person" includes individuals, associations, partnerships, companies, corporations, or other legal entities.
- Present tense includes future tense; singular includes plural, and vice versa.
- "Shall" and "must" are mandatory; "may" is permissive.

2. Definitions

1. **"Accessory"** means subordinate and incidental to a principal use or structure on the same grounds.
2. **"Accessory Building"** means a subordinate building incidental to the principal building or land use, located on the same lot, without kitchen or bath facilities suitable for permanent residential occupancy (e.g., detached garage, carport, storage).
3. **"Adult Entertainment"** includes establishments providing amusement, books, videos, photos, or theater characterized by specified sexual activities or anatomical areas, or featuring topless dancers, exotic dancers, strippers, impersonators, escorts, or similar services. **"Adult Amusement Establishment"** means: a. An establishment which provides amusement or entertainment which is distinguished or characterized by an emphasis on material depicting, describing, or relating to specified sexual activities or specified anatomical areas; b. An establishment which features topless dancers, exotic dancers, strippers, male or female impersonators, or similar entertainment; or c. An establishment, which, upon payment of a fee provides an escort or a dance partner to its patrons. **"Adult Book Store"** means an establishment having a substantial or significant portion of its stock in trade books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section devoted to the sale or display of such material. **"Adult Photo Studio"** means an establishment, which, upon payment of a fee, provides photographic equipment or models for the purpose of photographing specified anatomical areas. **"Adult Theater"** means a theater used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein. **"Adult Video Store"** means an establishment having a substantial or significant portion of its stock in trade videos, tapes, CD ROMS, computer discs or other electronic media which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section devoted to the sale or display of such material.~~ [Consolidated into single definition]
4. **"Alpine Rustic Elegance"** means architectural design resembling mountain comfort with timber and native rock accents, blending with the natural environment.
5. **"Apartment House"** means one or more structures for rent or lease containing two or more dwelling units.

[Additional definitions condensed similarly, reducing ~5 pages]

SECTION 7. GENERAL PROVISIONS

1. ****Access to Structures****: All structures shall have safe and convenient access for servicing, fire protection, emergency services, snow removal, and required off-street parking or loading.

2. ****Solid Waste and Sanitary Facilities****: Owners or occupants shall maintain sanitary conditions, prevent hazardous solid waste accumulation, and provide adequate sanitary facilities during construction. ~~All persons owning or occupying lands within the Village shall be responsible for the sanitary conditions of their Premises. No person shall permit or cause the accumulation of solid waste which may become hazardous to public health or safety, or which obstructs traffic, drainage or access to Structures. During a construction period, all contractors shall provide adequate sanitary facilities for workers and no building materials shall be stored on public rights-of-way.~~ [Consolidated]

3. ****Snow Safety****:

- ****Containment****: Owners or occupants shall contain snow and ice within private property boundaries, preventing spillage onto public rights-of-way. ~~It shall be the duty of all owners or occupants of private property to contain snow and ice on and within the boundaries of the private property and to prevent snow and ice from spilling or overflowing onto any public right-of-way or other public property.~~

- ****Snow Storage****: Private snow storage shall equal 20% of cleared surface area (e.g., sidewalks, parking). Alternative plans may be approved by Village staff. ~~Private snow storage square footage requirements shall be equal to 20 % of the total surface area that is to be cleared, including: sidewalks, patios, parking areas, or any other area that requires snow to be transported and stored. In lieu of the requirements stated above, an owner may present a snow storage plan for consideration and approval by Village staff.~~

- ****Public Snow Storage****: Owners adjacent to public roads shall provide space for 50% of road snow accumulation, calculated as: $\text{Snow Storage} = \text{Total Road Square Footage} \times 0.20 \times 1/2$. ~~Formula for calculating snow storage space for public roadways: $\text{Snow Storage Requirement} = \text{Total Road Square Footage} \times .20 \text{ (compaction factor)} \times 1/2$ (each property owner responsible for one half of road).~~

- ****Contractor Snow Plowing****: Contractors must sign a Snow Plowing Agreement, identifying operators, access, and snow deposit locations. ~~Prior to commencing work under any written or verbal agreement for private or public snow removal requiring the use of public roads and public right of ways, every contractor must notify and meet with Village Staff...~~ [Condensed]

SECTION 23. DEVELOPMENT IMPACT FEES

1. ****Intent and Purpose****: To promote health, safety, and welfare by implementing the Village's Capital Improvement Plan, requiring new development to pay proportionate costs for public facilities. ~~This Section is adopted for the purpose of promoting the health, safety and welfare of the

residents of the Village of Taos Ski Valley by: 1. Implementing the Village of Taos Ski Valley Capital Improvement Plan. 2. Implementing the Village's plans for public facilities...~~ [Condensed]

2. ****Applicability****: Applies to all development subject to impact fees not approved before adoption. ~~This Section shall apply to all development for which a development impact fee has been adopted and which has not received applicable development review approvals...~~

3. ****Needs Assessment****: The Village shall conduct a needs assessment distinguishing existing deficiencies from new development needs. ~~Before or in conjunction with the adoption of development impact fees, the Village shall conduct a needs assessment for public facilities...~~

4. ****Administration****:

- Fees are imposed and collected at building permit issuance.
- Separate interest-bearing accounts are established for each fee type.
- Fees may fund capital improvements, repay Village costs, or reimburse private parties for dedicated facilities. ~~The Village shall impose development impact fees as a condition of approval of all new development projects...~~ [Condensed]

5. ****Credits****: Property owners dedicating land or improvements may receive credits, calculated based on contribution value, applied at development review. ~~A property owner who dedicates land or improvements or agrees to participate in: 1.) a development agreement...~~ [Condensed]

6. ****Appeals and Refunds****: Appeals must be filed within 30 days of fee payment, with a \$250 fee. Refunds may be granted for insufficient credits or lack of benefit. ~~One who has paid a development impact fee may appeal for a refund of all or a portion of the DIF by filing an application...~~ [Condensed]

7. ****Fee Schedule (as of June 15, 2014)****:

- Roadway/Pedestrian/Drainage: \$2.4773/sq.ft.
- Parks and Recreation/Open Space: \$0.4118/sq.ft.
- General Government Facilities: \$0.7738/sq.ft.
- Public Safety: \$0.7095/sq.ft.
- Cumulative: \$4.3724/sq.ft.

****SECTION 24. ADMINISTRATIVE PROCEDURES****

****[Consolidates former Sections 24-29, 30-34]****

1. ****Code Administration****:

- A Planning Officer, appointed by the Mayor, administers the ordinance, conducts inspections, and maintains records (e.g., permits, variances, appeals). ~~A Planning Officer and/or Officer shall be appointed by the Mayor to administer the provisions of this Ordinance...~~ [Relocated from Section 24]

2. ****Variances****:

- ****Types****: Minimal (e.g., height increase ≤ 5 ft, setback encroachment) or standard.

- ****Process****: Applications are reviewed by the Planning Officer within 20 days. Minimal variances may be approved without Commission review

unless objections are filed within 30 days. Standard variances require a public hearing within 45 days. ~~Any request for Variance shall be submitted with filing fee to the Planning Officer...~~ [Relocated from Section 25]

3. ****Conditional Use Permits****:

- Requires Commission approval with a public hearing within 45 days. Permits may be permanent or time-limited. ~~Conditional Uses established by this Ordinance shall not be allowed except upon permit issued by the Commission...~~ [Relocated from Section 26]

4. ****Nonconforming Uses****:

- Certificates of Nonconformance are issued for lawful pre-existing uses. Expansion is limited, and abandonment for ≥ 1 year voids the use. ~~Within the zones established by this Ordinance, or amendments that may be adopted, there exist Lots, Structures, and Uses...~~ [Relocated from Section 27]

5. ****Amendments****:

- Zone changes require a public hearing within 45 days, with mailed notice to abutting owners. ~~The Council may amend any of the regulations, zones, or zone boundaries...~~ [Relocated from Section 28]

6. ****Appeals****:

- Appeals of Planning Officer decisions are heard by the Commission; Commission decisions by the Council. Appeals must be filed within 15 days. ~~Any person aggrieved by an interpretation, decision or action of the Planning Officer...~~ [Relocated from Section 29]

7. ****Filing Fees****: Set by the Village Council, required for all applications. ~~Any applications required by this Ordinance shall be filed on prescribed forms...~~ [Relocated from Section 30]

8. ****Penalties****: Violations incur fines $\leq \$300$, imprisonment ≤ 90 days, or both. ~~Any person violating any of the provisions of this Ordinance shall upon conviction...~~ [Relocated from Section 31]

9. ****Repealer****: Repeals prior ordinances (97-16, 98-30, etc.). ~~The Interim Zoning Ordinance, Ordinance 97-16, and Ordinances 98-30...~~ [Relocated from Section 32]

10. ****Severability****: Invalid provisions do not affect the ordinance's validity. ~~The provisions of this Ordinance shall be deemed to be severable...~~ [Relocated from Section 33]

11. ****Effective Date****: Effective five days after adoption on August 11, 2015. ~~This Ordinance shall be in full force and effect five days after its adoption...~~ [Relocated from Section 34]

****Adoption and Amendment History****: Adopted November 4, 1997. Amended August 4, 1998; March 2, 1999; October 5, 1999; July 2, 2002; April 6, 2004; October 5, 2004; August 1, 2006; January 3, 2007; November 3, 2009; January 3, 2012; December 4, 2012; December 3, 2013; June 10, 2014; August 11, 2015; July 12, 2016. [Consolidated from all sections]

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Regards, J. Scott Hall