

TOWN OF TAOS

# CERTIFICATE OF APPROPRIATENESS

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APPLICATION PACKET

PLANNING, COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT



# CERTIFICATE OF APPROPRIATENESS APPLICATION

Planning, Community and Economic Development Department  
 400 Camino de la Placita  
 Taos, NM 87571  
 Phone (575-751-2016  
 Fax (505) 751-2026



CASE NO HPC20 \_\_\_\_\_ - \_\_\_\_\_

## PROPERTY OWNER INFORMATION

Name			
Mailing Address			
City ST ZIP Code			
Telephone Number		Cell Phone	
E-Mail Address			

## AGENT INFORMATION

Name			
Mailing Address			
City ST ZIP Code			
Telephone Number		Cell Phone	
E-Mail Address			

## ZONING INFORMATION

Subject Property Address			
Acreage of Subject Property		Zone	
Gross Floor Area of Project	Existing:	New:	

## TYPE OF MODIFICATION

(Circle one)      CONTRIBUTING PROPERTY      NON-CONTRIBUTING PROPERTY

- New Construction
- Remodeling
- Demolition
- Relocation
- Changes in Use
- Rehabilitation
- Preservation

## CERTIFICATE OF APPROPRIATENESS APPLICATION SUBMITTAL CHECK LIST

The following submittals are required in order to be placed on the Historic Preservation Commission Agenda for their next available regularly scheduled monthly meeting. Please complete and submit 10 copies on 8 ½ x 11 paper of the requested information (except where otherwise indicated). Information will be due as seen fit by the Site Development Review Staff of the Town of Taos Planning, Community and Economic Development Department. Incomplete, inadequate or late submittals will result in delay or rejection of the request for a Certificate of Appropriateness. Please contact staff with questions regarding the submittals required herein.

### \*NOTE: ALL DRAWINGS MUST BE DRAWN TO SCALE

- Completed Certificate of Appropriateness Application
  
- Certificate of Appropriateness Fee - \$200.00
- Owner's Affidavit
- Legal description of property
- Copy of registered deed
- Vicinity Map
  
- Site Plan (minimum size 24" by 36") and Survey Plat (minimum scale 1" = 20'). Site plan shall depict all existing and proposed structures, setbacks, parking area and other applicable strict/standard requirements. Please see "Site Development Plan" in Section 16.20.080.4 of the Town of Taos Land Use Development Code.
- Photographs of the surrounding area taken from each elevation of the building or structure
- Floor plans (minimum scale 1/8" = 1') depicting:
  - A. Existing conditions
  - B. Proposed area for the Certificate of Appropriateness
  - C. Total amount of floor area used for Certificate of Appropriateness
- Photographs of all exterior building or structure elevations depicting:
  - A. Proposed construction
  - B. Photos may be submitted for existing Construction (Photos shall depict dimensions)
- Property Owner information on file with the County Assessor as follows:
  - A. Copy of the tax map (including map number) depicting subject property and adjacent property
  - B. List of owners of record listed on file for adjacent properties within 300' of property line
- Color of Stucco (submit sample)
- Color of Trim
- Type of windows and doors
- Type of Window and door opening treatments
- Landscape plan pursuant Chapter 15.12 Landscaping of the Town of Taos Municipal code if the project is a subdivision, multi-family, commercial or industrial development
- Grading and drainage plan, pursuant to Chapter 15.24 Storm Drainage of the Town of Taos Municipal Code, if the project is a subdivision, multi-family, commercial or industrial development;

if the project is within 150 feet of the centerline of an established arroyo; if grading, cut, fill or importation of material in excess of 500 cubic yards is proposed; or if grading or any area of 1 acre or more is proposed

- Submit a narrative explaining how the Certificate of Appropriateness applied for will meet the requirements of Section 16.16.220 HOZ Historic Overlay Zone 16.12.040.5 Application Procedure and (The Certificate of Appropriateness will not create a danger to the public health, safety or welfare, nor cause an extraordinary expense, nor create a nuisance.)

**Agreement and Signature**

I, the undersigned, understand that any discussions and/or other communications between any authorized representative for this application and any/all Town of Taos Staff members regarding this application do not constitute the entire review of this application and that additional and/or alternate conditions and/or requirements above and beyond those that may have been discussed may be required. I also realize that failure to include applicable application material(s) may result in the rejection of my application or delays in the approval process. I also certify that the signature(s) affixed to this application are those for the property owner and authorized agent. If I am the agent, I am including an owner's affidavit.

Property Owner Name (printed)	
Signature	
Date	
Agent Name (Printed)	
Signature	
Date	

**Attached:**

Section 16.16.220 HOZ Historic Overlay Zone

16.12.040.5: Application Procedure

Owner's Affidavit

Date Application Received: Stamped by Town of Taos.

**16.16.220: HOZ HISTORIC OVERLAY ZONE:**

**16.16.220.1: INTENT AND PURPOSE:**

The town intends to protect, preserve, and perpetuate areas of historical, cultural, architectural, artistic or geographical significance located within the town of Taos. The town finds it desirable to protect and enhance the town's economic base by attracting tourists, visitors and residents; to stabilize and improve property values; to foster civic pride by protecting the town's unique cultural heritage by prohibiting the unnecessary destruction and defacement of its cultural assets; to preserve historic architectural design and integrity; and to ensure the harmonious, architecturally sympathetic, orderly and efficient growth and development of the town. (Ord. 99-05, 1999)

**16.16.220.2: HISTORIC OVERLAY ZONE, HISTORIC DISTRICTS, CONTRIBUTING PROPERTIES:**

The historic overlay zone boundaries are shown on the most recent town of Taos zoning map. The town of Taos historic overlay zone contains two (2) historic districts, the La Loma Plaza historic district and the Taos downtown historic district, registered as such with the state of New Mexico office of cultural affairs, historic preservation division on April 15, 1982. Contributing properties are identified by the 1981 New Mexico historic building inventory conducted by Garner Hicks Architects and the 1996 New Mexico building inventory - Taos resurvey conducted by Vicente Martinez. The town may, from time to time, conduct an inventory of potentially contributing properties to determine if the property meets the criteria for designation as a contributing property. The historic preservation commission must receive written consent from the property owner prior to designating the property as a contributing property. (Ord. 11-04, 2011)

**16.16.220.3: APPLICABILITY OF OTHER HISTORIC STANDARDS:**

The code administrator and historic preservation commission may use the most recent guidelines and publications of the New Mexico state historic preservation office or the national register of the U.S. department of the interior in their decision making processes, so long as such guidelines and publications do not conflict with the provisions of this section 16.16.220. (Ord. 10-07, 2010)

**16.16.220.4: PROCEDURE FOR DESIGNATING A HISTORIC OVERLAY ZONE:**

Whenever, in the opinion of the historic preservation commission, an area meets the criteria for historic overlay zone designation, the historic preservation commission or property owner may initiate the procedure for designating such area as a historic overlay zone, as follows:

A. Notice: The historic preservation commission shall contact the property owner(s) within the area of the proposed historic overlay zone in order to inform them of the time, date and place of the historic overlay zone public hearing. Notice of the public hearing shall be given as follows:

1. Written notice of the time, date, place and subject of the public hearing shall be sent by registered or certified mail not less than thirty (30) days nor more than forty five (45) days prior to the hearing to all property owners of record who own property in the proposed historic overlay zone.
2. Signs indicating the proposed action and time, date and place of the public hearing, shall be posted by the historic preservation commission for a period of not less than fifteen (15) days immediately preceding the public hearing on the boundaries of all areas proposed for historic overlay zone designation.
3. A legal notice indicating the nature of the public hearing, the area involved, and the time, date and place of the hearing, shall be published once in a newspaper of general circulation in the town, at least fifteen (15) days prior to the public hearing.

B. Moratorium On Building Permits And Use Changes: Upon notification of the proposed rezoning to the property owners within a proposed historic overlay zone, no building permits will be issued nor will any

use changes be granted until the town council approves or rejects the historic overlay zone designation proposal.

- C. Hearing: A quorum of the historic preservation commission shall conduct the hearing. All interested parties shall be given a reasonable opportunity to express their opinions regarding the proposed designation(s). The historic preservation commission may establish reasonable limits on the length of individual presentations. A record of the hearing shall be made. The historic preservation commission's records shall include the name and address of each speaker; the organization or person represented, if any; whether or not the speaker is an owner or holder of some other interest in the affected property, or represents such owners or holder; and a summary of the relevant portions of each statement.
- D. Historic Preservation Commission's Recommendations: Within forty five (45) days after the public hearing, the historic preservation commission shall act upon the proposed designation. The historic preservation commission may approve, reject or modify any proposal without instituting a new designation procedure. If the historic preservation commission fails to act within sixty (60) days, the designation shall be deemed to have been rejected.
- E. Transmission To Town Council: If the historic preservation commission determines that the proposed historic overlay zone proposal warrants official designation, the proposal shall be transmitted to the town council. The town council may designate the recommended area as a historic overlay zone. If the town council fails to act on a proposal within ninety (90) days after receipt of the proposal, the designation procedure is terminated.
- F. Recording Historic Overlay Zone Boundary: Upon approval of the designation of any area as a historic overlay zone, the zoning map shall be amended to show the historic overlay zone boundaries. The historic overlay zone designation shall be an overlay zone which overlaps the various zones established on the official zoning map.
- G. Notification: Within fifteen (15) days after the recording of the historic overlay zone boundaries, all property owners within the overlay zone will be sent, by registered or certified mail, a letter explaining the reasons for the historic overlay zone designation, the historic overlay zone boundaries, and the design guidelines and development standards created by the designation.
- H. Design Guidelines And Development Standards: The historic preservation commission shall recommend to the mayor and council, within forty five (45) days after official designation of a historic overlay zone, design guidelines and development standards for reviewing changes in use, demolition, relocation and new construction, including preservation, reconstruction, rehabilitation and restoration, for a new historic overlay zone. In addition to the historic overlay zone design guidelines and development standards, the area within a historic overlay zone shall be subject to those requirements and regulations imposed by the existing zoning prior to historic overlay zone designation. Uses which may be permitted under the existing zoning determine what use or uses are inappropriate or inconsistent with the desired character of the historic overlay zone.
- I. Amending A Historic Overlay Zone: A historic overlay zone may be amended in the same manner as the original designation was made. (Ord. 11-04, 2011: Ord. 10-07, 2010: Ord. 99-05, 1999)

#### **16.16.220.5: TAOS VALLEY ARCHITECTURE:**

A. For purposes of understanding and classifying the historic styles and evolution of Taos architecture, the following architectural distinctions can be made:

1. Classical Pueblo Period Style: Before 1275 (Mesa Verde, Chaco Canyon);
2. Pueblo IV Period Style: 1275-1598 (Taos Pueblo);

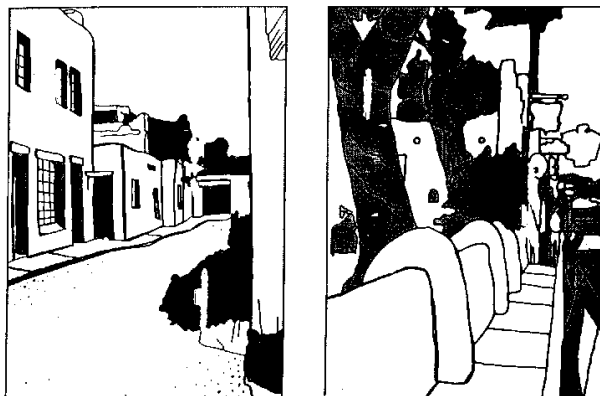
3. Pueblo V Period; Spanish Colonial Period Pueblo-Spanish Style: 1598-1848 (in line contiguous room structure surrounding an open area);
4. Hispanic Vernacular Style: Popular locally from 1780-1900. Also covers modest, linear, flat roofed, owner built houses through approximately 1950. Includes most early construction in Taos;
5. Territorial Style: 1846-1912. Includes both flat roofs and pitched roofs;
6. Folk Territorial (Folk Victorian) Style: 1880-1910. Similar to territorial style, but with inventive carpenter details such as "carpenter gothic" jigsaw work, or mass produced, lathe turned, slender columns and Italianate/Queen Anne style brackets;
7. New Mexico Vernacular Style: 1880-1910. Linear forms, adobe construction and pitched metal roofs, lacking any detail from the territorial or folk territorial styles;
8. Revival Period:
  - a. Colonial Revival Style Or Spanish/Pueblo Revival Style: 1908 to present. The combination of Pueblo and Spanish traditions employed in a self-conscious return to the historical traditions of this century. Indicated by portales or buildings with many carved corbel capitals or the ornamental use of exposed viga ends. Most buildings on and around Taos Plaza are of this style.
  - b. Territorial Revival Style: 1945 to present. Most have pitched metal or shingled roofs and also frequently employ simple Italianate/Queen Anne style brackets. Chambered, square posts usually replace the lathe turned columns that would have been combined with brackets in the late 1800s. (Ord. 11-04, 2011)

**16.16.220.6: STANDARDS FOR HISTORIC OVERLAY ZONE:**

These standards shall apply within the area designated as a historic overlay zone on the town zoning map, and as otherwise made applicable by town ordinance or regulation to other areas of the town:

**A. The Streetscape:**

1. The streetscape includes the street (public right of way) and the adjoining buildings, structures, and landscaping which define it. In some areas of the historic overlay zone of Taos, the streets are narrow and curvilinear, and are often physically very close to building facades, fences and landscaping, thus causing a zero setback;
2. The town of Taos shall preserve the narrow or curvilinear character of these existing streets;
3. The town of Taos shall make no effort to widen or straighten narrow or curvilinear streetscapes;

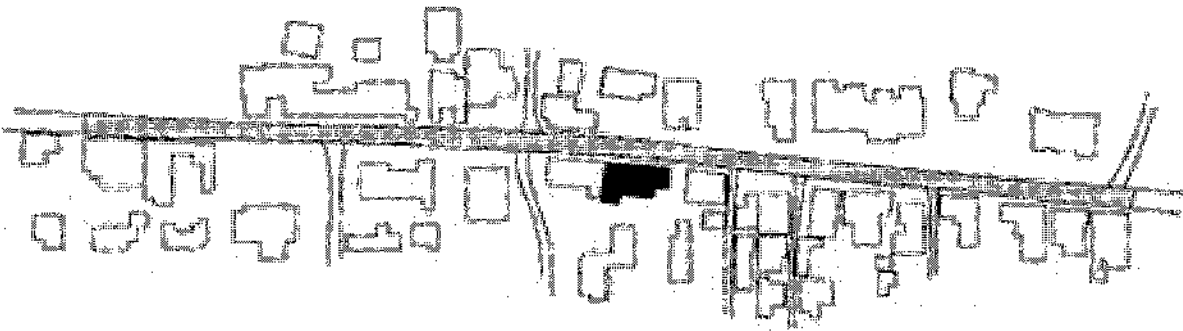


Figures 4-22.9 and 4-22.10: The historic Taos streetscape is characterized by narrow, winding streets closely lined with buildings.

B. Streetscape Criteria: Streetscapes shall be defined by the following criteria:

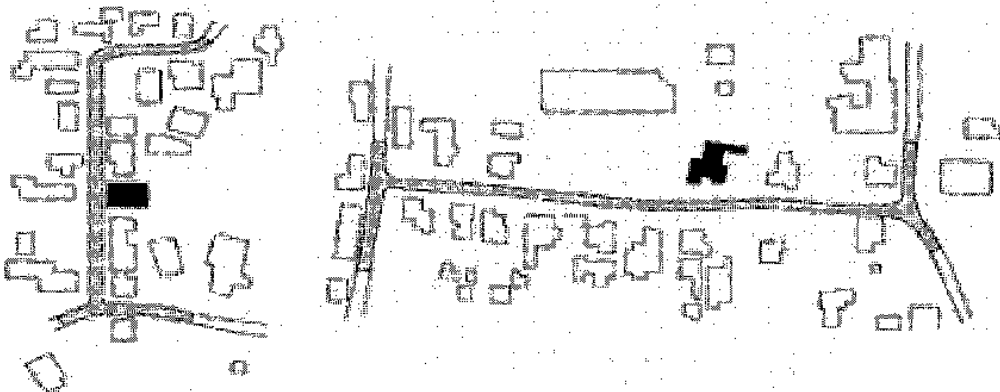
1. Project Types: The code administrator shall determine the applicability of this section to individual projects and the applicable streetscape as follows:
  - a. If the project location is sited on a street which extends linearly with no interruptions or truncations, the streetscape shall include buildings, yard walls, and fences on both sides of the street on which the proposed new construction is to be located, for a distance of six hundred feet (600') measured from the midpoint of the street facing facade(s) of the proposed new construction in both directions parallel to the street centerline. See figure 16.16.220.01, "Linear Street - No Interruptions Or Truncations", of this section.

FIGURE 16.16.220.01  
LINLEAR STREET - NO INTERRUPTIONS OR TRUNCATIONS



- b. If the streetscape is truncated by an intersecting block or a visual intrusion (such as a curve or turn in the streetscape) before the six hundred feet (600') is measured, the streetscape shall include all buildings, yard walls, or fences up to and including those which front the intersection or intrusion. See figure 16.16.220.02, "Truncation By An Intersecting Block Or Visual Intrusion", of this section.

FIGURE 16.16.220.02  
TRUNCATION BY AN INTERSECTING BLOCK OR VISUAL INTRUSION





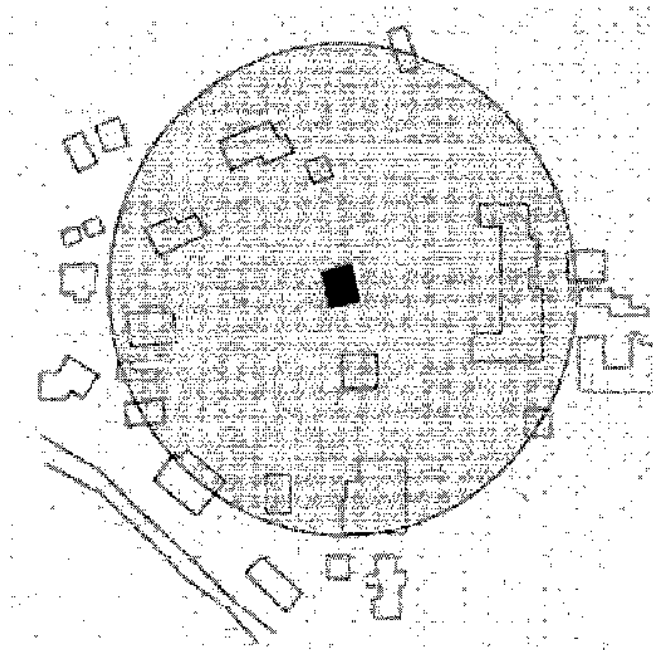
- c. If the proposed new construction fronts more than one street, the streetscape on each street frontage as determined in subsection B1a of this section shall be considered. See figure 16.16.220.03, "Frontage On More Than One Street", of this section.

FIGURE 16.16.220.03  
FRONTAGE ON MORE THAN ONE STREET



- d. When the proposed new construction is located on a lot with no frontage on rights of way, the streetscape is defined by measuring a distance of three hundred feet (300') in all directions beginning from the midpoint of the facade which contains the principal entrance of the building. The height of a proposed yard wall or fence shall not exceed six feet (6'). See figure 16.16.220.04, "Interior Lot With No Street Frontage", of this section.

FIGURE 16.16.220.04  
INTERIOR LOT WITH NO STREET FRONTAGE



- e. When the proposed new construction faces a T- or a Y-intersection, the streetscape shall include buildings, yard walls, and fences as defined in subsection B1a of this section and buildings, yard walls, and fences on both sides of the street creating the leg of the "T" or the arm of the "Y" for a distance of three hundred feet (300') parallel to the street centerline. See figures 16.16.220.05, "Location At A Y-Intersection", and 16.16.220.06, "Location At A T-Intersection", of this section;

FIGURE 16.16.220.05  
LOCATION AT A Y-INTERSECTION

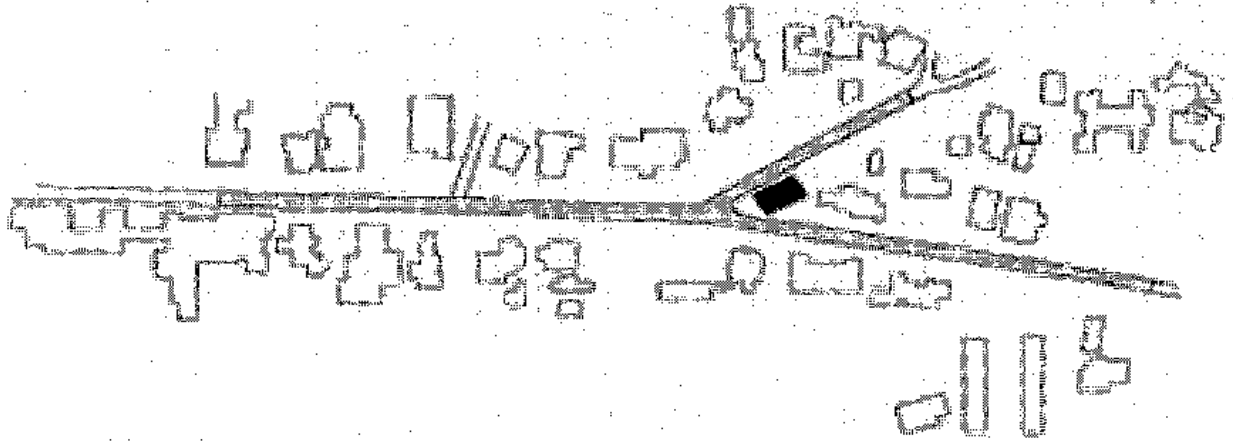
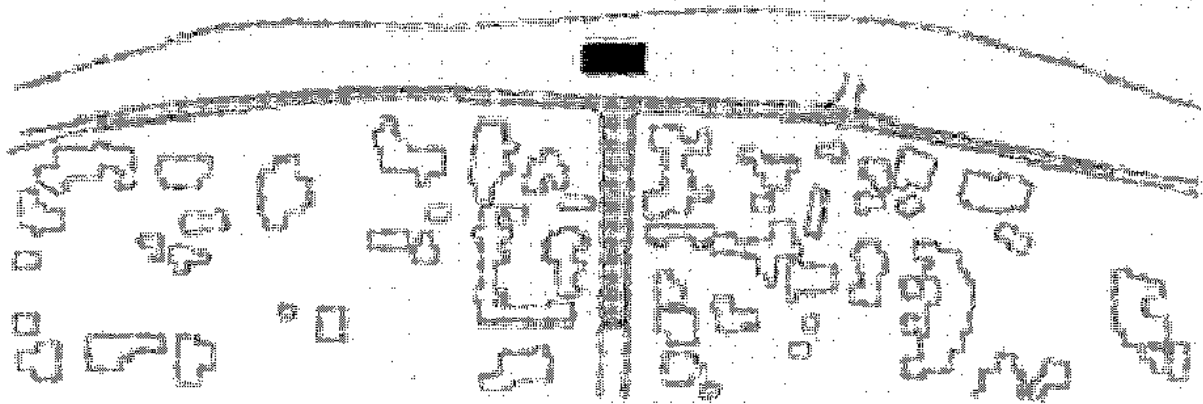


FIGURE 16.16.220.06  
LOCATION AT A T-INTERSECTION



2. Streetscape Standards:

- a. Streetscape borders shall not extend beyond the outer boundaries of the historic overlay zone.
- b. When determining an applicable streetscape, vacant lots or parcels shall not be included.
- c. If a portion of a structure or lot falls within an applicable streetscape, such structure or lot shall be considered as part of the applicable streetscape;

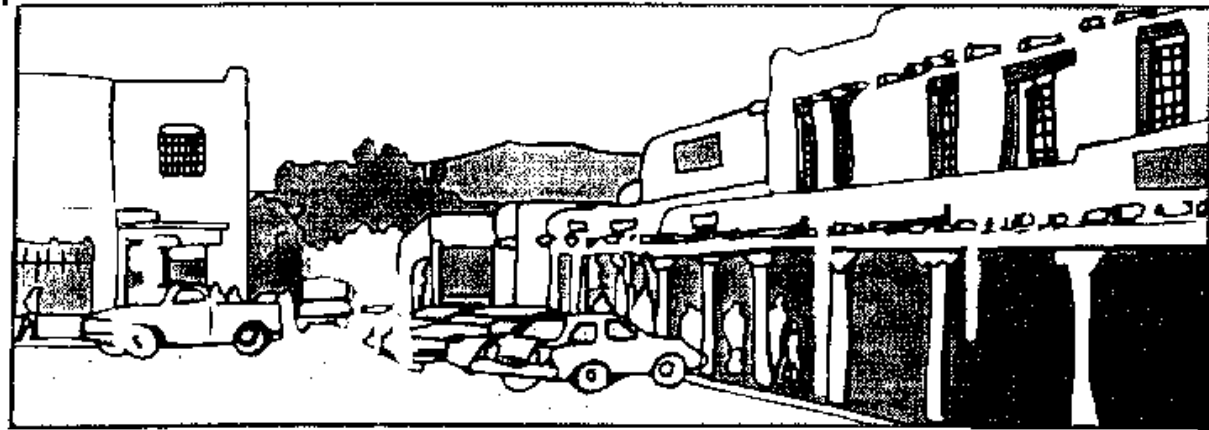


Figure 4-22.11 Most commercial buildings have portales over the sidewalk.

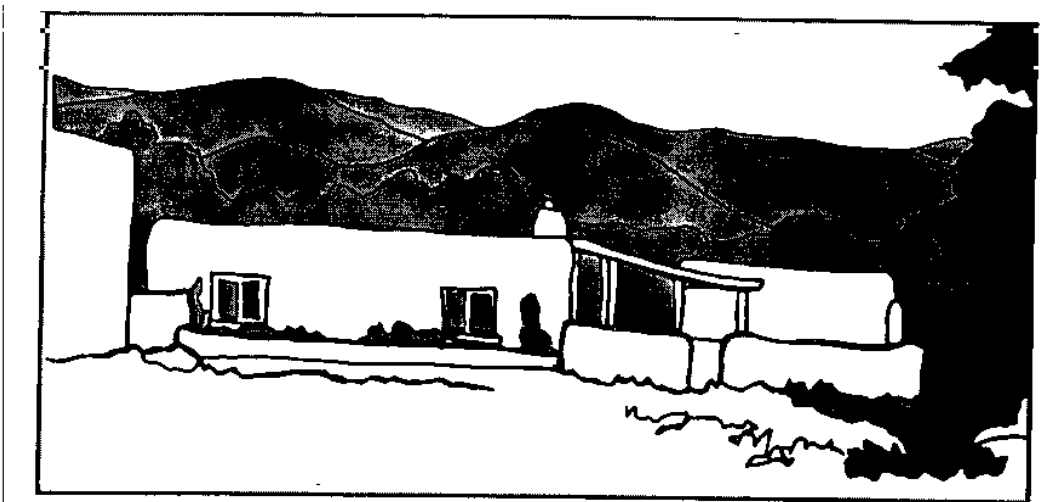
3. Streets: The streets (public rights of way) shall be defined by a combined effect of the following: zero setback building facades, portales, stuccoed walls, or landscaping;
4. Commercial Buildings: Commercial buildings shall line the sidewalk and have a portal over the sidewalk whenever possible;
5. Off Street Parking: When off street parking fronts on the street, definition and screening shall be provided by stuccoed walls or fences and landscaping;
6. Preserving Traffic Visibility: Stuccoed walls, latilla fences, and landscaping shall provide the necessary definition of the street, while preserving traffic visibility;
7. Rehabilitation Proposals: Rehabilitation proposals shall maintain existing zero setback facades, walls, and landscaping. When no such definition is present, plans shall include appropriate walls and/or landscaping;
8. Views Of Structure Provided: In all cases, walls and landscaping shall provide views of the structure, particularly if it is a contributing property;
9. Parking Areas: Parking areas shall be placed to the rear or sides of buildings whenever possible.



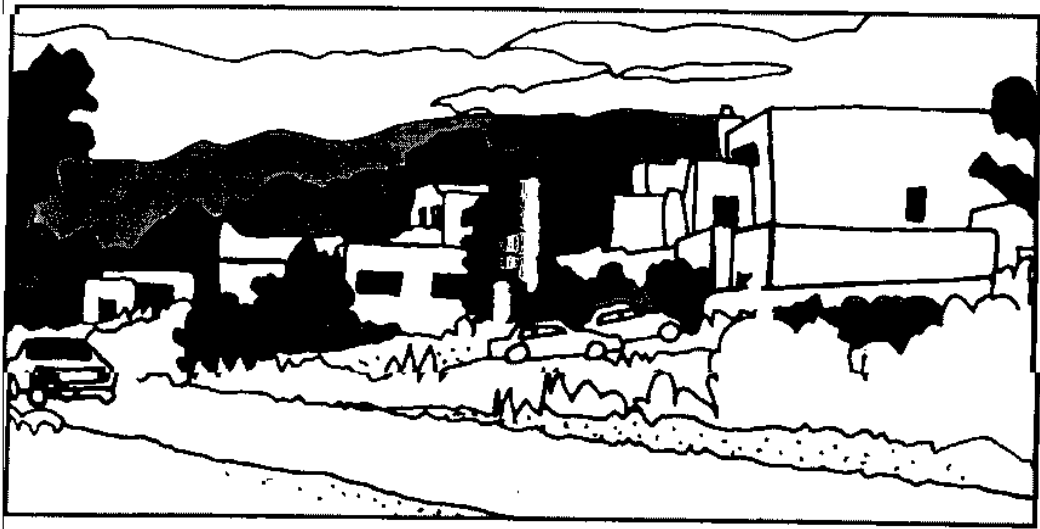
Figures 4-22.12 and 4-22.13 The houses face streets on multiple sides (rear, back, north, south, west, east) and have views of neighboring buildings and mountains views.

C. The Environment:

1. The environment includes features which are important to the historic character of Taos. Features such as large trees, the buildings, the mountain vistas, and the town's historical, cultural, and archaeological sites and resources shall be protected. All applications for a certificate of appropriateness must demonstrate that the proposed new construction does not deteriorate the existing mountain vistas from within the streetscape. See streetscape definition in this section;
2. Historic, cultural, and archaeological sites and resources shall be protected and preserved in place per state law HB 360 [3.22.201.6](#) as amended from time to time;
3. Existing trees and mountain vistas shall be preserved. In the course of new construction and rehabilitation projects, existing healthy trees shall be preserved and incorporated into the landscaping plan, as much as is practical. If trees must be removed, they shall be replaced by trees of an appropriate species of a comparable size and must comply with all provisions of the town Taos landscape ordinance 06-05.



Figures 4-22.14 and 4-22.15: The natural environment of Taos plays an important role in maintaining its historic character.



#### **16.16.220.7: PRESERVATION REQUIREMENT:**

A. Preservation Required: All owners of properties within a historic overlay zone shall be responsible for the preservation and maintenance of all buildings and structures on their property to prevent decay and deterioration. Owners shall repair buildings or structures if they are found to have any of the following defects:

1. Deteriorated or failing foundation;
2. Deteriorated or failing flooring or floor structure;
3. Deteriorated or failing walls, whether structural load bearing or nonload bearing;
4. Deteriorated or failing roofs, ceilings, porches, portales or other building or structure parts such as, but not limited to: fireplaces, chimneys, doors, windows, antennas, etc.;
5. Deteriorated or failing plaster or roofing membranes; or
6. Should the structural adequacy of a building or structure part become suspect, the owner shall provide to the code administrator written documentation prepared by a licensed engineer as to the structural state of the items in question.

B. Standards: Preservation or rehabilitation of contributing properties shall meet the following standards, or the most recent standards for preservation outlined in "The Secretary Of The Interior's Standards For The Treatment Of Historic Properties", if different:

1. The historic character and distinctive architectural features of a contributing property shall be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces, and spatial relationships that characterize a building or structure shall be avoided. Fifty percent (50%) or more of the original materials must be unrepairable in the written opinion of the code administrator in order to be replaced, provided that the new material matches the old in composition, design, color and texture, and shall not, in any way, damage original parts, features or materials of the building or structure;
2. Each contributing property shall be recognized as a physical record of its time, place and use. Work needed to stabilize and conserve existing historic materials and features will be physically and visually compatible, identifiable upon close inspection, and properly documented for further research;
3. Changes to a contributing property that have acquired historical significance in their own right shall be retained and preserved;
4. Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a building or structure shall be preserved;
5. The existing condition of distinctive historic features shall be evaluated by the code administrator to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of distinctive historic features, the new material shall match the old in composition, design, color and texture, and shall not, in any way, damage original parts, features or materials of the building or structure. Fifty percent (50%) or more of the original materials must be unrepairable in the written opinion of the code administrator in order to be replaced, provided that the new material matches the old in composition, design, color and texture, and shall not, in any way, damage original parts, features or materials of the building or structure;
6. Chemical or physical treatments, if deemed appropriate by the code administrator, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used; and

7. Archaeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.
- C. Role Of Historic Preservation Commission: Buildings or structures requiring preservation may be observed by the historic preservation commission or the need for preservation may be reported to the code administrator. It shall not be the historic preservation commission's responsibility to inspect the historic overlay zone to determine the state of buildings or structures. All decisions by the historic preservation commission that a building or structure requires preservation shall be made at a public hearing, and in determining whether the building or structure required preservation or maintenance, the owner of such building shall be given fifteen (15) days' prior written notice of the public hearing by registered mail that his or her building or structure is being reviewed for preservation or maintenance. If the historic preservation commission determines that a building or structure requires preservation or maintenance, the owner of said building or structure shall provide and furnish the suggested preservation or maintenance within thirty (30) days after the historic preservation commission's decision. If a property owner fails to provide suggested preservation or maintenance, he/she shall be subject to the penalty provisions hereinafter provided. (Ord. 11-04, 2011: Ord. 10-07, 2010: Ord. 99-05, 1999)

#### **16.16.220.8: STANDARDS FOR NONCONTRIBUTING PROPERTIES:**

- A. Changes In Use: Changes in use (if applicable), and new construction of noncontributing properties shall follow the standards of this section.
- B. Consistent Style Of New Construction: The appropriate style for new construction should be consistent with the predominant type and style of architecture of the streetscape. See streetscape definition in section [16.16.220.6](#) of this chapter. At the discretion of the historic preservation commission, new construction may emulate the style of an existing contributing property, provided that the application for a certificate of appropriateness is accompanied by substantial documentation and architectural details demonstrating that the proposed new construction is consistent with the predominant style of architecture in the streetscape. When additions to or modification of an existing building are contemplated, every effort shall be made to maintain the integrity of the existing building's style while emulating the original style of the building. Under no circumstances shall manufactured or mobile home parks be permitted within the historic overlay zone.
- C. Historic Photographic Documentation: Historic photographic documentation shall, when possible, be submitted to verify the historic use of specific materials, style and detailing for a specific preservation or rehabilitation project.
- D. Design Standards For Architectural Style Of New Construction:
1. At the discretion of the historic preservation commission, all new construction shall comply with the design standards of one of the following architectural styles. New construction includes additions to a contributing property. A combination of styles may be permitted at the discretion of the historic preservation commission, provided that the design meets the design standards for each style.
    - a. The Pueblo/Spanish revival style:
      - (1) Massing/Scale: Buildings shall express a massive structural quality in appearance as opposed to a "single facade" appearance. Buildings over one story shall be designed to appear more as an aggregation of smaller "building blocks" rather than a single large box or block.

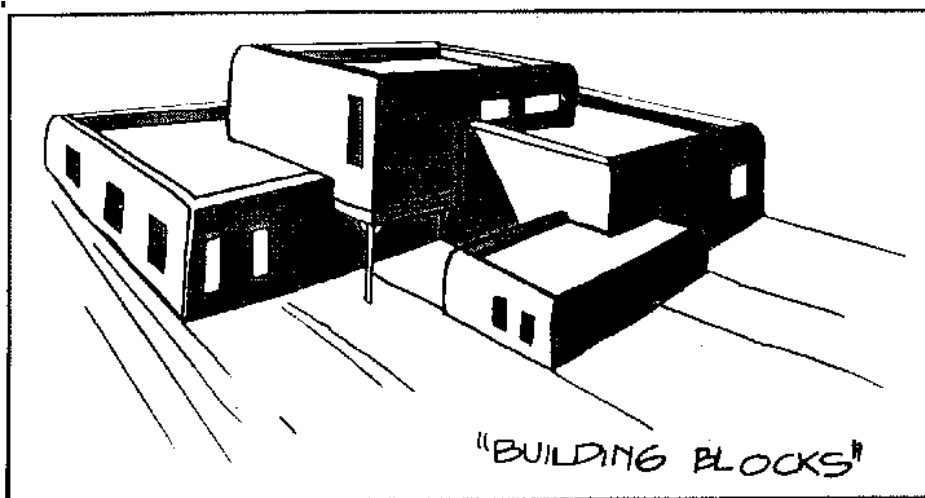
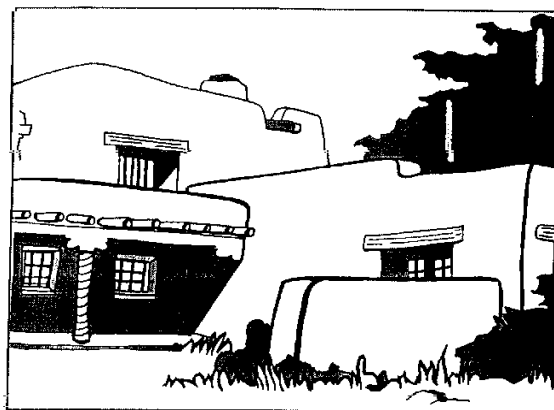
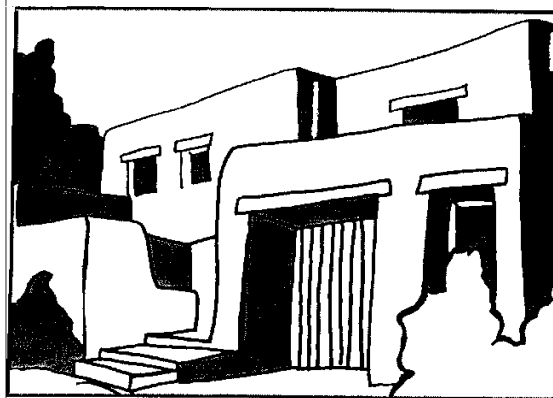


Figure 4-22.16: "Building blocks" appropriate to the Spanish/Pueblo Revival Style.

- (A) Buildings shall be designed to be "wall dominated" so that building geometry is more defined by walls, and the roofs are visually less dominant in the overall design.
- (B) Wall thickness shall be revealed at door and window openings. Columns, lintels and other exposed structural elements should be scaled in a manner that corresponds to the mass of the building.



Figures 4-22.17 and 4-22.18: The Spanish/Pueblo Revival Style can be simple or complex. Figure 17 (above) includes elaborate detailing such as portales, canales and projecting vigas, while Figure 18 (below) relies on its forms and massing.



(C) Building shall be topped by "flat" (moderately sloped) roofs obscured by parapets (firewalls). Dead flat roofs are not recommended. Parapets should obscure the sloping roof surface on the front and side facades as proper drainage may allow. Alternative treatments should be consistent with the building style.

(D) Building cantilevers or other visually and apparently unsupported structures are not permitted.

(2) Light And Shadow: Building masses should be arranged so that they cast shadows on each other and emphasize the contrast of light and shaded surface at corners. The suggestion as to the use of shadows shall not be construed as to override adjacent building owners' solar rights.

(3) Surface Material And Texture:

(A) Buildings shall be coated with mud plaster, stucco or related material that has a texture which simulates that of mud plaster;

(B) Stucco which expresses a smooth but massive surface shall predominate.

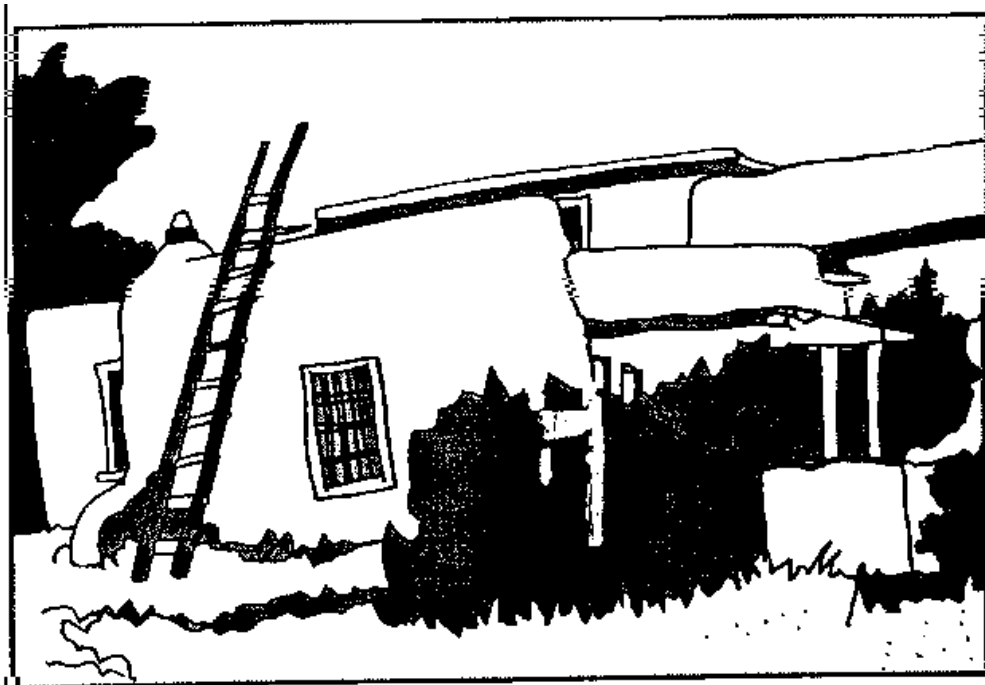
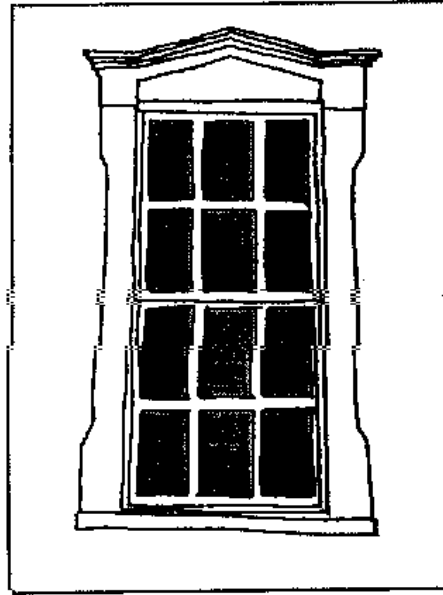
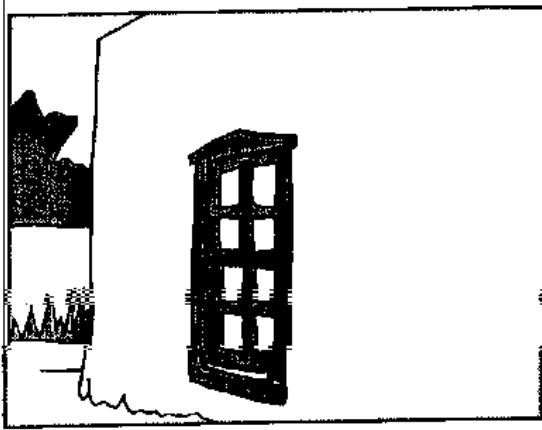


Figure 4-22.20: Spanish/Pueblo Revival Style structures are typically covered with stucco, have flat roofs with parapets and are one (1) story high.

(4) Doors And Windows:

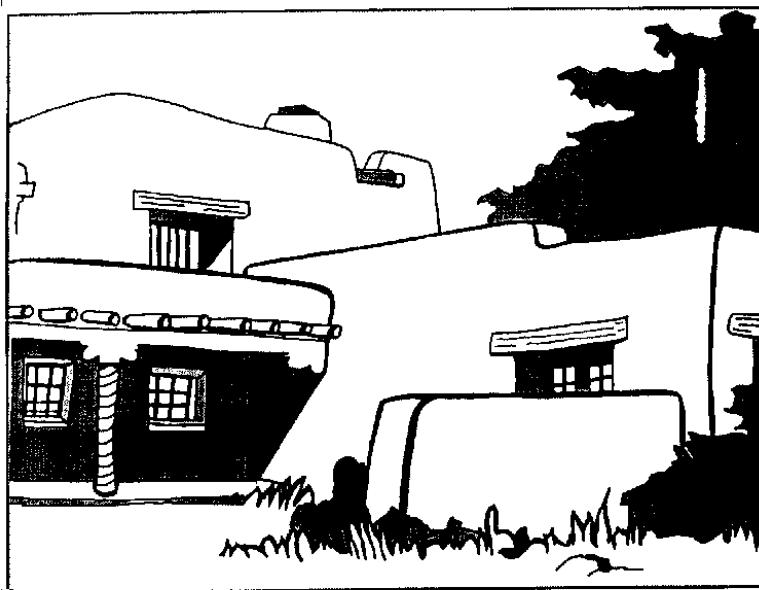
(A) Window shapes, arrangements and types should be reminiscent of those found in contributing properties. True divided light windows are encouraged. Simulated divided light windows are discouraged;





Figures 4-22.21 and 4-22.22: Divided light windows.

- (B) The combined door and window area in any facade facing a street shall not exceed forty percent (40%) of the total area of the facade, except for the use of large display windows under portales of commercial buildings;
- (C) No door or window in a facade facing the street shall be located nearer than three feet (3') from the corner of the facade;
- (D) Window and door openings or areas shall be recessed a minimum of four inches (4"). Doors shall be wooden or a combination of wood and glass;
- (E) Skylights should not be visible from the streetscape as defined in section [16.16.220.6](#) of this chapter.



Figures 4-22.23: Example of recessed windows in Spanish/Pueblo Revival Style construction. All Spanish/Pueblo Revival Style structures should lack large exposures of glass.

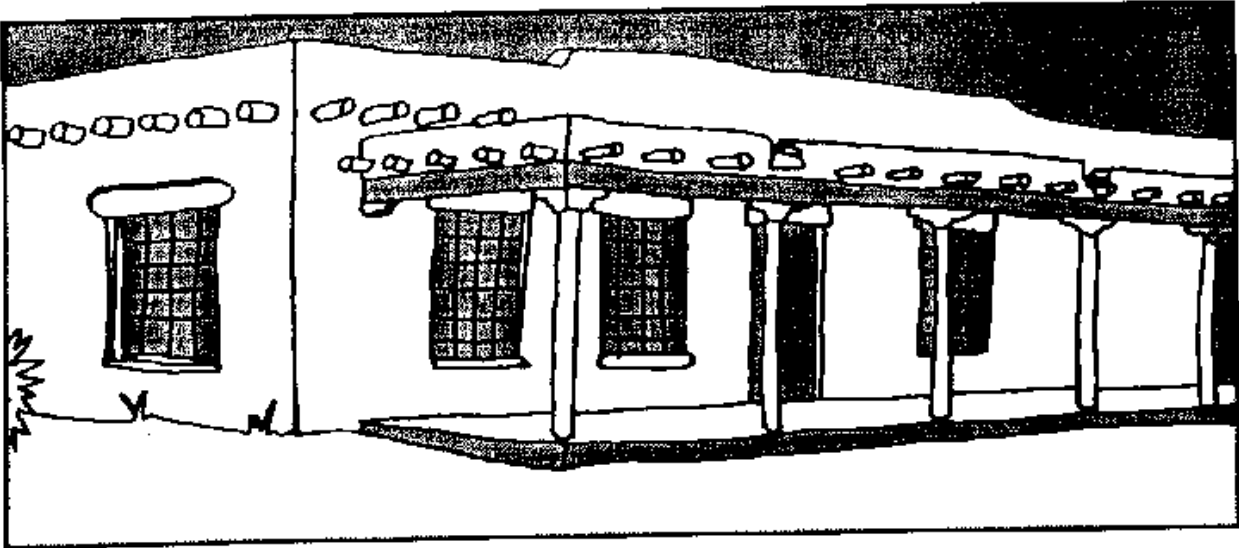


Figure 4-22.24 (above): Spanish/Pueblo Revival Style architectural detailing, including portal, canales and exposed vigas.

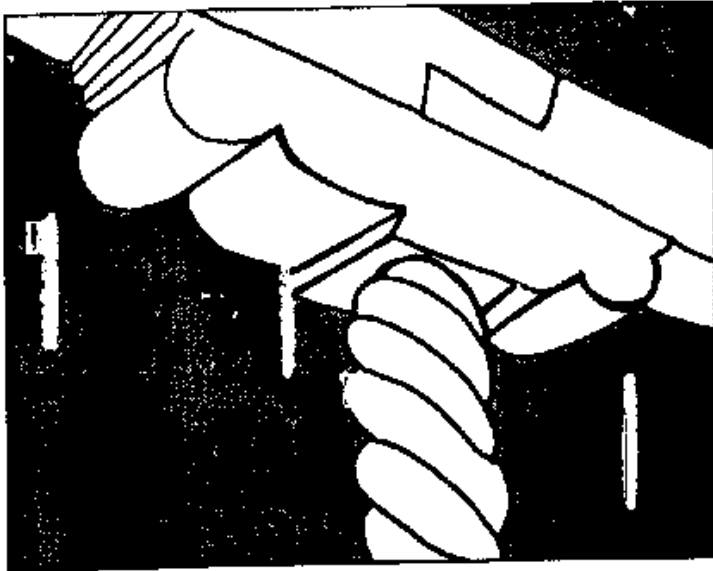


Figure 4-22.25 (left): Corbel characteristic of Spanish/Pueblo Revival Style architectural detailing.

(5) Architectural Detailing:

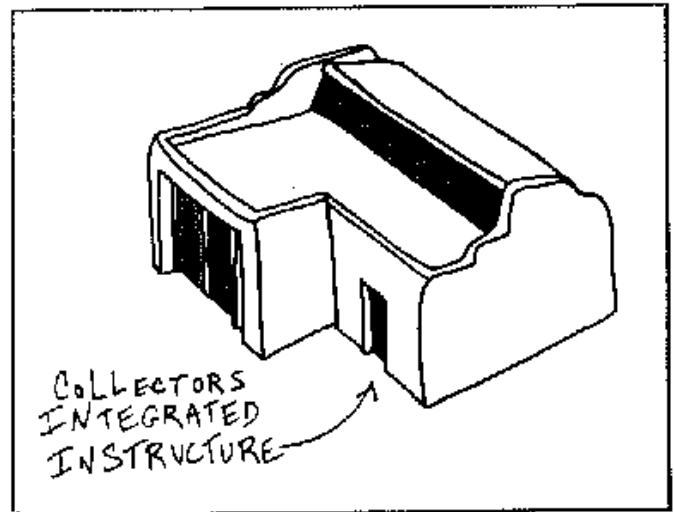
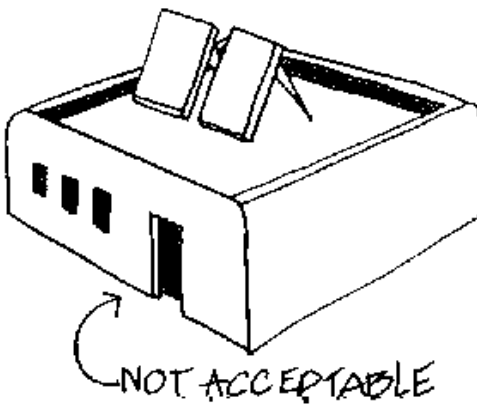
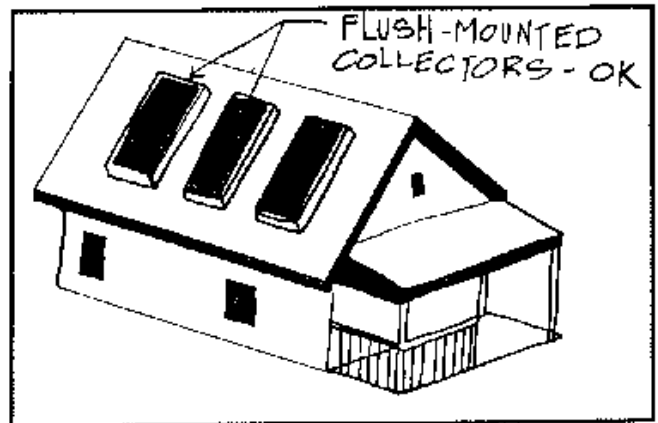
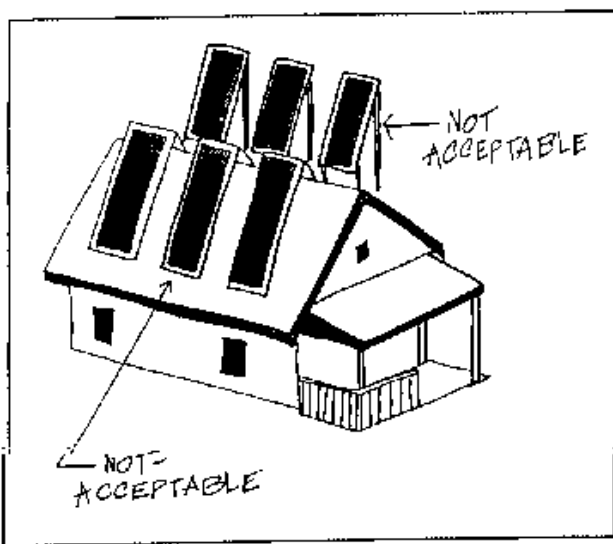
- (A) Detailing should be functional. Portales should provide protection from weather, canales should drain a roof area, and projecting vigas should reflect structural members within. Weaving vigas projecting from the same plane in different directions and in the same building block as shown in figure 4-22.24 of this section are not permitted. All exposed structural elements should express understanding of the traditional structural sense. Applied, nonfunctional structural elements (such as exposed viga ends where no viga beams are used for actual structural members) and other "applied" architectural details are not permitted;
- (B) Window and door moldings and exposed lintels are appropriate. Wood trim should be minimal around window and door openings. A rounding effect or bullnosing should be used creating a transition from wall surface to window surface. Exposed lintels above window and door openings should be made of wood;
- (C) Awnings shall be reviewed on a case by case basis for a certificate of appropriateness pursuant to subsection [16.16.220.12D](#) of this chapter. Retractable awnings with a documented historical precedent are encouraged. Aluminum, plastic and bubble shaped awnings are prohibited;

(D) Portales should have exposed beams and columns with transitional devices such as corbels. Corbels may have ornamental design.

(6) Solar Integration:

(A) The use of solar and other energy collecting and conserving features may be used;

(B) Solar features, such as trombe walls, sunspaces, greenhouses and clerestories should be hidden, and are best handled if they are integrated into the new structure and should not be visible from the streetscape. Skylights must not be visible;



Figures 4-22.26 and 4-22.27 (above): Non-acceptable solar integration for Spanish/Pueblo Revival Style structures in the Historic Overlay Zone.

Figures 4-22.28 and 4-22.29 (above): Acceptable solar integration for Spanish/Pueblo Revival Style structures in the Historic Overlay Zone.

(C) Solar hardware such as collectors, especially water heating collectors, shall not appear to have been set on roofs, walls or the ground as an afterthought. They shall be built into and integrated into the overall building design;

(D) Solar features that do not comply with the above shall be hidden from the streetscape by a screening device or disguise. Screening methods include: sufficiently high parapets, roof mounted apparatus, fences, berms, landscaping or buildings to block from public view, and ground mounted apparatus;

(E) The use of glass areas for collectors, trombe walls, greenhouses, or direct solar gain is acceptable on a south elevation, provided the percent of glass on the south elevation does not exceed seventy five percent (75%) of the total wall surface;

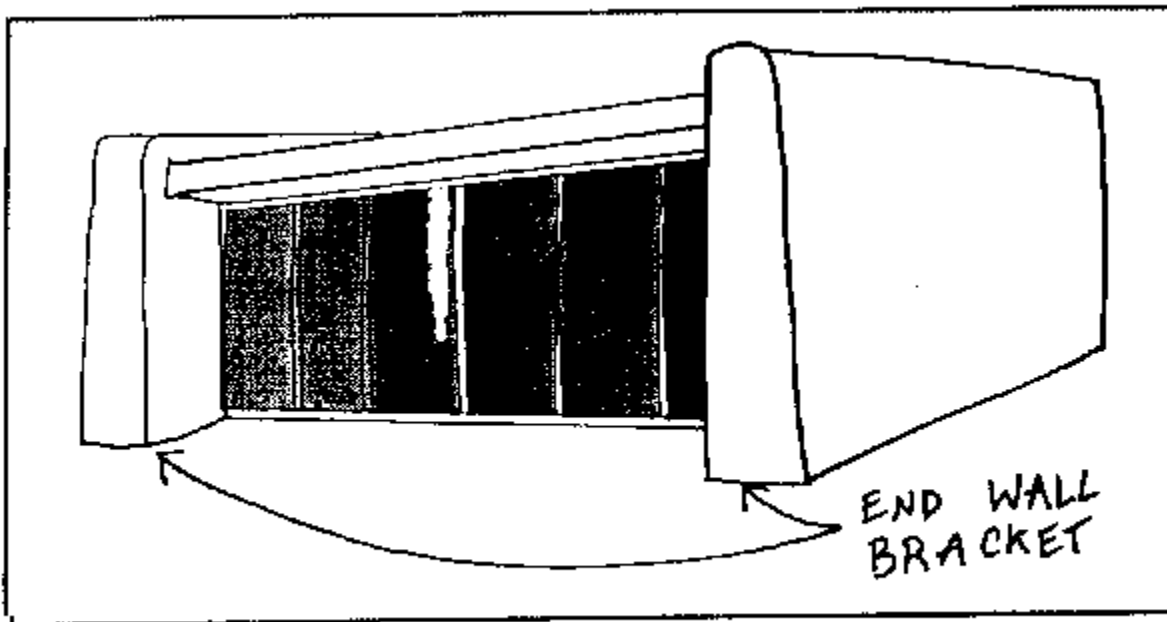


Figure 4-22.30: End walls used as a screening device for direct gain glass. The glass area, however, shall not exceed more than seventy five percent (75%) of the total wall surface.

(F) Reflected glare on nearby buildings, streets or pedestrian areas shall be avoided.

(7) Mechanical Equipment:

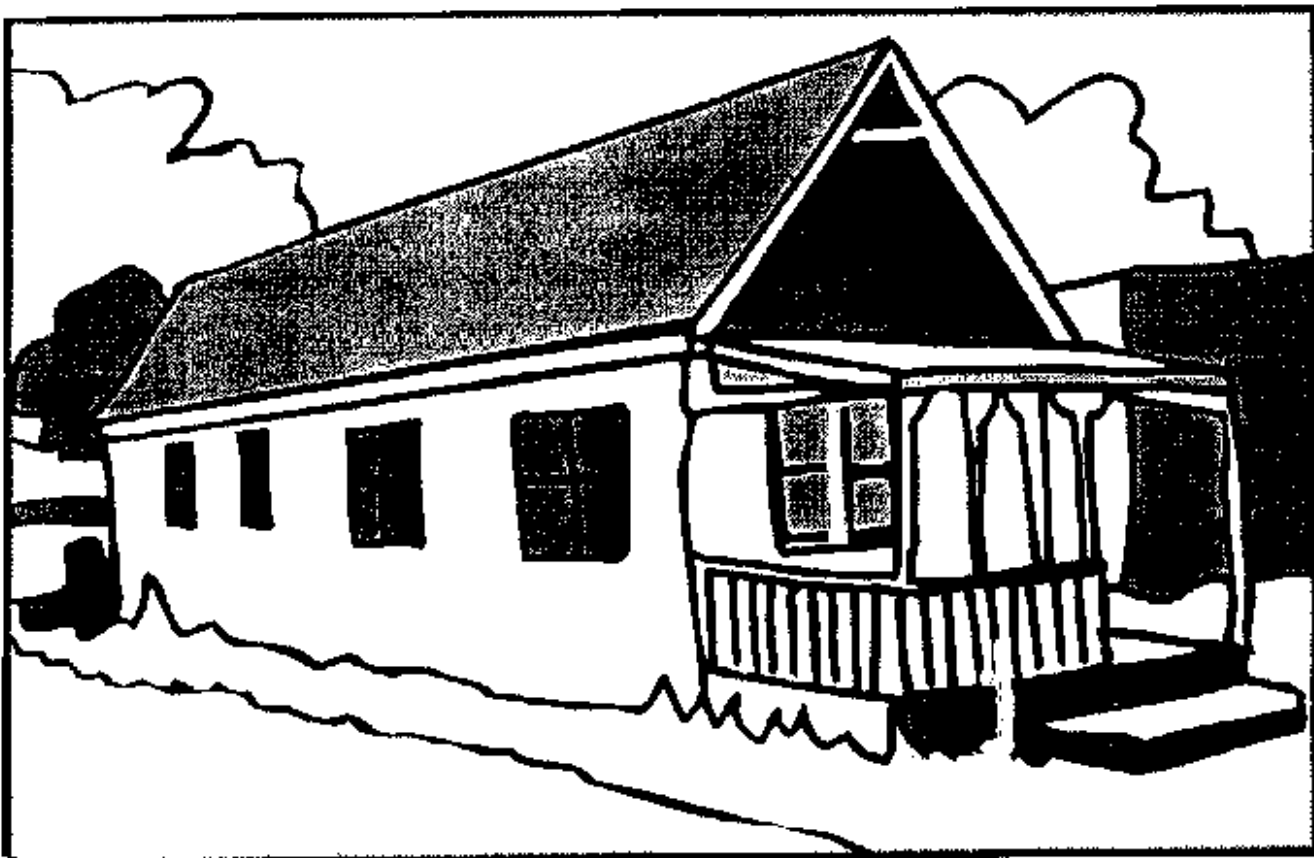
(A) Exterior mounted mechanical and electrical equipment, vents, solar hardware and satellite dishes shall be architecturally screened and not publicly visible from the streetscape as defined in section [16.16.220.6](#) of this chapter;

(B) Roof mounted satellite dishes, larger than twenty four inches (24") in diameter, are prohibited. Screening for ground mounted satellite dishes shall be accomplished in a manner as described for solar hardware.

b. The pitched roof territorial revival:

(1) Massing/Scale:

(A) Buildings are to be designed to appear as based on a single block, usually rectangular in shape;



Figures 4-22.31 and 4-22.32: Examples of Territorial Revival Style. Figure 31 (above) is a house near La Loma Plaza whose basic features include a metal pitched roof, wood porch and double-hung windows.

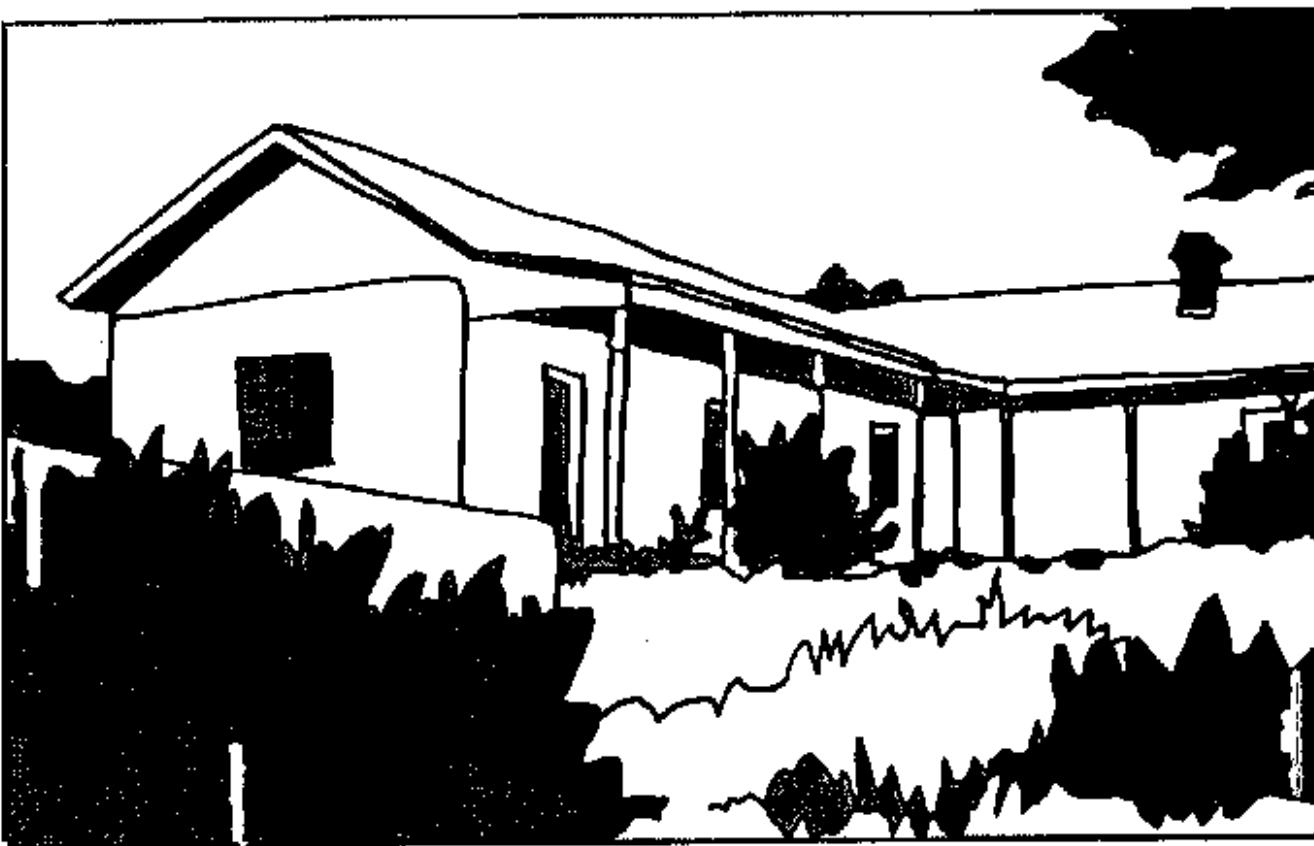




Figure 4-22.33: Example of Territorial-Revival Style.

- (B) Partial multi-story additions to an existing single-story building are not permitted;
  - (C) A human scale should be achieved near ground level on larger buildings and along street facades and entryways through the use of scale elements such as porches, doors, windows, columns (usually square) and railings;
  - (D) Buildings should not appear to have multiple layers of facades. A single wall plane should dominate all elevation;
  - (E) Porches are encouraged and shall be designed to appear as "attachments" to the main portion of the building. Porches should provide a transition between the outside street and the building interior.
- (2) Materials And Texture: Buildings shall be coated with mud plaster or a stucco material that has a texture which emulates that of mud plaster to have a smooth massive surface.
- (3) Roofs:
- (A) Roofs shall be pitched, either gable or hip, with a substantial slope, but not to exceed twelve to twelve (12:12) nor less than four to twelve (4:12);
  - (B) Porch roofs shall have a slope visibly different from the main portion of the building;

(C) Roof material shall be composition shingles, roll roofing, plastic corrugated, or metal. Roof glazing, within the plane of the roof may be allowable, provided the total area does not exceed twenty percent (20%) of the roof area on any one elevation. Domed skylights are not permitted;

(D) Dormers are allowed to provide additional usable space in half-story areas. Dormer exterior walls should have wood shingles, horizontal wood siding or stucco. Dormer roofing material should be consistent with the building roofing material;

(E) Flat skylights may be permitted.

(4) Doors And Windows:

(A) Window shapes, arrangements and types shall be reminiscent of those found in contributing properties of the pitched roof territorial style.

(B) The combined door and window area of any publicly visible facade shall not exceed forty percent (40%) of the total area of the facade, except for the use of large display windows located under the porches of commercial buildings not to exceed eighty percent (80%) of the total area of the facade.

(C) Windows and doors may be topped by wood pedimented moldings and have wide side and bottom casings.

(D) Doors shall be wooden or a combination of wood and glass. True divided light is encouraged.

(5) Architectural Detailing:

(A) Porches should provide protection from the weather and be constructed of square or turned wood posts with simple detailing reminiscent of those found in contributing properties of the pitched roof territorial style;

(B) Porch railings shall have balusters of turned or square shape and should terminate at simple top and bottom rails;

(C) Shingles and horizontal wood siding or stucco may be used in gable ends and for dormers reminiscent of those found in contributing properties of the pitched roof territorial style.

(D) Awnings may be permitted on a case by case basis. Retractable awnings with a documented historical precedent are encouraged. Aluminum, plastic and bubble shaped awnings are prohibited.

(6) Solar Integration:

(A) Solar collection features incorporated into the building facade are not appropriate;

(B) Solar hardware shall be flush with the roof;

(C) Solar hardware such as collectors, especially water heating collectors, shall not appear to be set on roofs, walls, or the ground as an afterthought; and rather they shall be built into and integrated into the overall building design;

(D) Solar features that do not comply with the above shall not be visible from the streetscape as defined in section [16.16.220.6](#) of this chapter. Screening methods include: fences, berms, landscaping or building;

(E) The use of glass area for collectors, trombe walls, greenhouses, or direct gain is acceptable on a south elevation, provided the percentage of the glass on the south elevation does not exceed sixty five percent (65%) of the total wall surface;

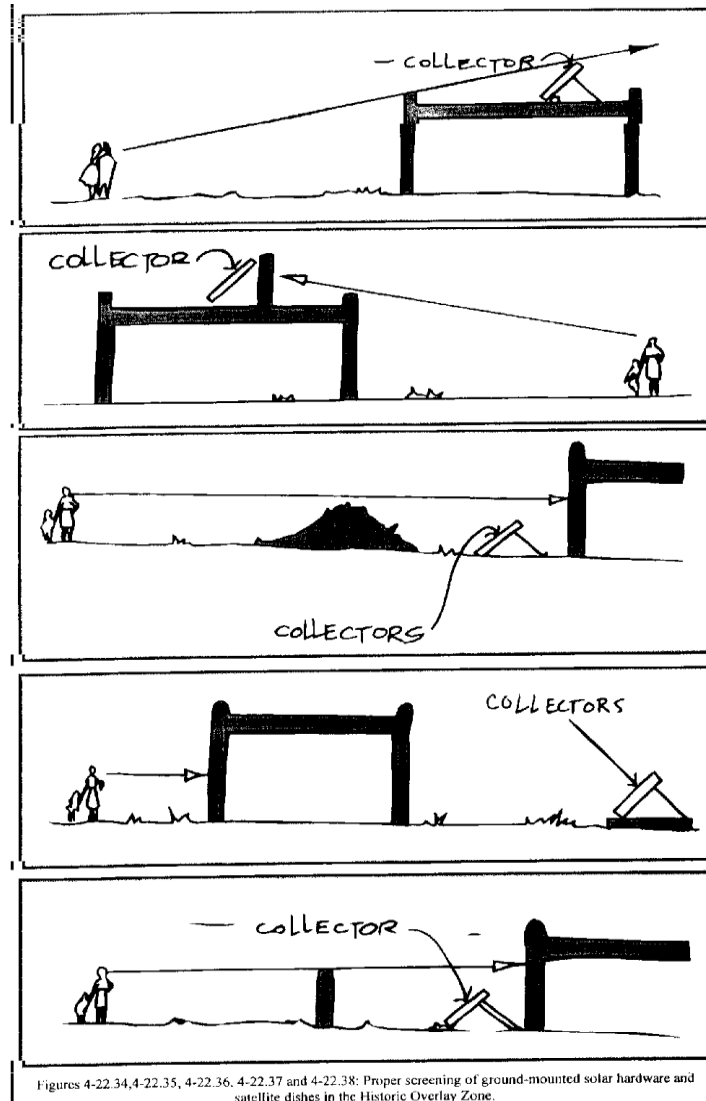
(F) Reflected glare on nearby buildings, streets or pedestrian area is not permitted.

(7) Mechanical Equipment:

(A) Exterior mounted mechanical and electrical equipment, vents, solar hardware and satellite dishes shall be architecturally screened and, in particular, roof mounted equipment shall not be visible from the streetscape as defined in section [16.16.220.6](#) of this chapter;

(B) Solar hardware shall be mounted flush with the roof consistent with the roof pitch and profile and be included in overall glazing allowances;

(C) Roof mounted satellite dishes larger than twenty four inches (24") in diameter are prohibited. Screening for ground mounted satellite dishes shall be accomplished in a manner as described for solar hardware.



c. Bungalow/craftsman style:

(1) Massing/Scale: One to one and one-half (1½) story structures with low simple lines and projecting roofs. Porches and eaves have exposed roof rafters. Large covered front porches have massive buttressed columns as an extension of the main roof.



- (2) Light And Shadow: A single main shape and decorative extensions of the roof and large dormers on the roof are appropriate. The building may be side gabled, front gabled, or cross gabled.
  - (3) Surface Material And Texture: Exteriors may have any combination of weatherboard, stucco, and stone veneer.
  - (4) Doors And Windows: Should be four (4) over one or six (6) over one double hung windows.
  - (5) Architectural Detailing: Include exposed rafters and decorative brackets under the eaves. Handcarved wood motifs and no shutters are typical.
  - (6) Solar Integration:
    - (A) Solar collection features incorporated into the building facade are not appropriate to this style and should be avoided;
    - (B) Solar hardware shall be flush with the roof;
    - (C) Solar hardware such as collectors, especially water heating collectors, shall not appear to be set on roofs, walls, or the ground as an afterthought; and rather they shall be built into and integrated into the overall building design;
    - (D) Solar features that do not comply with the above shall be hidden from the streetscape as defined in section [16.16.220.6](#) of this chapter by a screening device or disguise. Screening methods include: fences, berms, landscaping or building;
    - (E) The use of glass areas for collectors, trombe walls, greenhouses, or direct gain is acceptable on a south elevation, provided the percentage of the glass on the south elevation does not exceed sixty five percent (65%) of the total wall surface;
    - (F) Reflected glare on nearby buildings, streets or pedestrian areas is not permitted.
  - (7) Mechanical Equipment:
    - (A) Exterior mounted mechanical and electrical equipment, vents, solar hardware and satellite dishes shall be architecturally screened and, in particular, roof mounted equipment shall not be visible from the streetscape as defined in section [16.16.220.6](#) of this chapter;
    - (B) Solar hardware shall be mounted flush with the roof consistent with the roof pitch and profile and be included in overall glazing allowances;
    - (C) Roof mounted satellite dishes larger than twenty four inches (24") in diameter are prohibited. Screening for ground mounted satellite dishes shall be accomplished in a manner as described for solar hardware.
2. Design standards applicable to all styles:
- a. Fluorescent and pastel colors are not permitted. All colors shall be approved at the discretion of the historic preservation commission, provided that the application is accompanied by a color sample of all proposed colors.
  - b. All surface materials and textures shall be approved at the discretion of the historic preservation commission, provided that the application is accompanied by a sample of all proposed surface materials and textures.

- c. Any color of finish should minimize any glare. Aluminum, copper, and steel may be treated to minimize glare.
- d. Attic vents must be placed on the inside of a parapet. If the building does not include parapets, attic vents must be painted to match the color of the building.
- e. Aluminum casing is permitted on doors and windows provided that the casing is painted or acid etched.
- f. Chainlink fencing is prohibited; wire fencing may be permitted.
- g. The total area of windows as a percentage of the total facade may exceed the maximum amount permitted only on the north elevation.
- h. Wood shutters are permitted.
- i. Carvings and corbels and lintels are encouraged; carvings may be painted.
- j. Metal caps on exposed vigas are permitted.
- k. Signage may be painted on the wall of a building, provided that the sign does not exceed more than two (2) words and must only advertise the product or service made available (e.g., "pharmacy" or "art gallery"). Such sign shall not exceed twenty (20) square feet.
- l. Only wooden garage doors are permitted.
- m. Pyramid skylights may be permitted.
- n. Enclosing an existing portal is permitted provided that a new portal is added.
- o. Street walls must change at least six inches (6") in height every thirty feet (30') and must be proportional to the mass and scale of the building.
- p. Drainage collectors with downspouts may be the same color as the building. (Ord. 15-07, 2015: Ord. 11-04, 2011: Ord. 10-07, 2010: Ord. 02-11, 2002: Ord. 99-05, 1999)

**16.16.220.9: STANDARDS FOR CONTRIBUTING PROPERTIES:**

- A. Changes in use (when applicable), relocation and new construction, including preservation and rehabilitation, of contributing properties shall follow the standards for new construction of noncontributing properties listed in section [16.16.220.8](#) of this chapter and the following rehabilitation standards, or the most recent standards for rehabilitation outlined in "The Secretary Of The Interior's Standards For The Treatment Of Historic Properties", if different:
1. If a proposed rehabilitation will cause that building or structure to lose its status as a contributing property, the application cannot be approved;
  2. A contributing property shall be used as it was historically, or be given a new compatible use that maximizes the retention of distinctive materials, features, spaces, spatial relationships, site and environment. Examples of compatible uses include conversion of a residence to professional offices, a second story of commercial building to apartments, and retail space to offices;
  3. The historic character of a contributing property shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a contributing property shall not be permitted;

4. Each contributing property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features of elements from other contributing properties, shall not be permitted;
5. Changes to a contributing property that have acquired historic significance in their own right shall be retained and preserved;
6. Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a contributing property shall be preserved;
7. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence. Missing features should be duplicated or replaced, based on careful study of similar features and historical evidence. Economic hardship shall not be used as a justification for deferred maintenance or exemption from this provision;
  - a. Substitute material may be proposed in the following circumstances:
    - (1) Unavailability of historic materials. This application must include written representation of due diligence to locate historic materials;
    - (2) Unavailability of skilled labor. The application must include written representation of due diligence to locate skilled labor;
    - (3) Inherent flaws in the original materials; or
    - (4) Code required changes;
  - b. If substitute material is proposed, it shall be evaluated according to the following standards:
    - (1) The substitute material is compatible in appearance with the original material;
    - (2) The physical properties of the substitute material are compatible with those of the original material, so as to produce no negative impact on adjacent historic materials;
    - (3) The substitute material is installed correctly and in a manner that tolerates differences and is careful to protect adjacent historic materials; and
    - (4) The substitute material has been tested in similar applications and is expected to perform well. Specifically, stability of color and texture, compressive or tensile strengths (if appropriate), the acceptable range of thermal coefficients, and the durability of coatings and finishes should be considered;
8. Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used;
9. Archaeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken;
10. New additions, exterior alterations, or related construction shall not destroy historic materials, features and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment;

11. New additions may be approved if the purpose for the addition cannot be met by altering existing portions of the building. New additions and adjacent or related construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the contributing property and its environment would be unimpaired. If additions or adjacent or related construction is proposed, it shall be evaluated according to the following standards:

- a. The result is as inconspicuous as possible from the public view and set back ten feet (10') from the elevations visible from the public byways adjacent to the property as defined in streetscapes, section [16.16.220.6](#) of this chapter; and
- b. The result will not threaten character defining features, including the setting and/or relationship of buildings and structures. (Ord. 11-04, 2011: Ord. 10-07, 2010: Ord. 99-05, 1999)

**16.16.220.10: RECONSTRUCTION AND RESTORATION:**

"Reconstruction" and "restoration", as defined in section [16.08.020.3](#) of this title, shall be undertaken according to the standards for reconstruction and standards for restoration, respectively, as defined in the most recent version of "The Secretary Of The Interior's Standards For The Treatment Of Historic Properties". Reconstruction and restoration of contributing properties requires a certificate of appropriateness under section [16.16.220.12](#) of this chapter. (Ord. 11-04, 2011)

**16.16.220.11: DEMOLITION:**

Demolition of a contributing property is not permitted. Demolition of a noncontributing property of more than one hundred twenty (120) square feet or a structure that is recommended as a contributing property is discouraged and must be approved with a certificate of appropriateness. Upon any application for demolition of a noncontributing property, the code administrator may notify, in writing, and provide a copy of the application, to the historic preservation division of the state of New Mexico office of cultural affairs. Comments received from the historic preservation division may be considered by the historic preservation commission in approving or denying the certificate of appropriateness application. (Ord. 11-04, 2011)

**16.16.220.12: HISTORIC OVERLAY ZONE REVIEW ADMINISTRATIVE PERMIT PROCESS AND CERTIFICATE OF APPROPRIATENESS PROCESS:**

Any act or process which changes an exterior architectural feature or otherwise affects the exterior appearance of a building within the historic overlay zone requires either an administrative permit or a certificate of appropriateness, unless explicitly exempted by this section. No work shall be commenced until the owner has obtained an administrative permit or a certificate of appropriateness for the specific work being permitted. Any substantive change in the nature of the work requires an amendment to the administrative permit or a certificate of appropriateness.

The purpose of the historic overlay zone administrative permit and certificate of appropriateness process and the substantive requirements of this code are not to arbitrarily impede development, but to encourage preservation and enhancement of historic Taos. Applications should be completed and presentations made with this in mind. It is the intent of the town for a review to proceed efficiently with minimum delays. Efficient reviews can be accomplished only if applicants submit complete and accurate applications with scaled plans and specifications. The historic preservation commission members shall familiarize themselves with applications prior to the public hearing. In addition, to the extent possible, the various reviews required by the code will proceed concurrently.

A. Activities Requiring Permit: The following activities within the historic overlay zone require an administrative permit:

1. Replacement in kind or with compatible substitute material of identical color and design, of:
  - a. Windows;

- b. Window frames;
- c. Doors;
- d. Doorjambs;
- e. Canales;
- f. Roofing and/or parapets;
- g. Brackets;
- h. Steps;
- i. Plaster;
- j. Lintels;
- k. Vigas, latillas, or the like;
- l. Portals;
- m. Change of use, provided that, in the opinion of the code administrator, the proposed change is compatible to the current use and will not cause a nuisance to adjacent property. If, in the opinion of the code administrator, the proposed change of use is not compatible with the current use, then the proposed change in use must receive a certificate of appropriateness;
- n. New construction to noncontributing properties that does not alter the appearance of more than ten percent (10%) of the total of all facades and/or do not increase the building footprint by more than ten percent (10%);
- o. Demolition of a structure that is less than one hundred twenty (120) square feet, provided that the structure is not a contributing property or is recommended as a contributing property.

**B. Administrative Permit Required:** An administrative permit shall be issued by the code administrator for any activity listed in subsection A of this section if the following requirements are met:

1. An application shall be made to the code administrator in writing on forms, the contents of which have been approved by the code administrator. The application shall include photographs and elevation drawings with an appropriate scale of the existing conditions and proposed conditions of all parts of the building which are the subject of the application;
2. The code administrator shall inspect the property before issuing the administrative permit;
3. The code administrator may approve, modify or deny the application in whole or in part. The application may be approved if the proposed work is consistent with the historic overlay zone design guidelines and development standards and is compatible with the spirit and purposes of this code. If the proposed work may have significant impact on the property, the code administrator will deny the application, causing the applicant to apply for a certificate of appropriateness under this section;

4. All approved work shall be inspected by the code administrator after the work is completed and prior to receiving a certificate of occupancy. No additional work will be completed after the inspection without a new administrative permit.

C. Activities Exempt From Permit: No permit is required for the following activities within the historic overlay zone unless a building permit is required pursuant to the latest building and fire codes adopted by the town of Taos:

1. Surface cleaning of a building;
2. Evaluation of the condition of a building to determine its condition and/or what work will be required; provided that the building is returned to its original condition;
3. Glass replacement;
4. Plaster repair;
5. Rust removal;
6. Caulking;
7. Painting, stuccoing, mud plastering or applying protective coatings, provided that the colors used comply with this section [16.16.220](#);
8. Replacement fencing, provided that the existing fencing meets all requirements of this code;
9. Temporary protective coverings ("Temporary" is defined by this section as being no longer than 30 calendar days.);
10. Landscaping provided that landscaping meets the requirements of the landscape ordinance;
11. Repair of existing mechanical, electrical and plumbing systems, or similar code required work, provided such work complies with this section. The installation of new mechanical, electrical and plumbing systems that are installed to the exterior of the building must be approved by an administrative permit;
12. Town of Taos public works projects, so long as such projects meet the criteria of this code;
13. Emergency temporary repairs.

D. Certificate Of Appropriateness: Within the boundaries of a historic overlay zone, an application for a certificate of appropriateness must be filed for all changes in use (if applicable), demolition, relocation and new construction, including preservation, reconstruction, rehabilitation and restoration, except for those activities requiring an administrative permit or specifically exempt from this code.

1. An application for a certificate of appropriateness shall be made in writing on the proper forms, the contents of which must be approved by the code administrator and shall be accompanied by a site plan prepared according to section [16.20.080.7](#) of this title, photos of all affected elevations of the building and structure, photos of the surrounding area taken from each such elevation of the building or structure, along with the fee established pursuant to appendix A, attached to ordinance 99-05 and available to the public at the office of the code administrator, in good funds. Once an application has been submitted, the code administrator shall review it for completeness and accuracy and whether it is a contributing property or noncontributing property. The application is then submitted to the historic preservation commission and the review proceeds as specified in this title.

2. A preliminary public hearing before the development review committee shall be scheduled at the next available meeting after the application is submitted.
  3. After the preliminary public hearing before the development review committee, a final public hearing shall be scheduled with the historic preservation commission and conducted in accordance with section [16.12.040.5](#) of this title.
  4. At the final public hearing, the historic preservation commission shall approve, approve with modifications or conditions, deny, or suspend an application in whole or in part. If the historic preservation commission approves an application, with or without modifications or conditions, certificate of appropriateness is granted and the project can proceed, as long as all other permits are obtained.
    - a. "Approval" means that the proposed work is consistent with the design guidelines and development standards contained within this section, and is compatible with the spirit and the purposes of this title. A certificate of appropriateness is granted and the project can proceed, as long as all other permits are obtained.
    - b. "Approval with modifications or conditions" means that the applicant has agreed to alter the proposal in accordance with the recommendations of the historic preservation commission or commission. A certificate of appropriateness can be granted and the project can proceed, as long as all other permits are obtained.
    - c. "Denial" means that the historic preservation commission has found that the proposed project does not conform to this title. Any denial must be accompanied by a written statement from the preservation commission which documents the specific guidelines which have not been met and the reasons they have not been met.
    - d. "Suspension" means that the preservation commission lacks adequate information to review an application. Once that information has been requested, supplied, and approved by the code administrator, the review process can proceed, with proper notification. An application cannot be suspended for more than one hundred eighty (180) days.
- E. Notification Of Preservation Commission's Decision: Notification of the historic preservation commission's decision shall be made in writing to the applicant or the property owner(s) within fifteen (15) days after the final decision. (Ord. 15-07, 2015: Ord. 11-04, 2011: Ord. 10-07, 2010: Ord. 09-20, 2009: Ord. 04-12, 2004: Ord. 02-11, 2002: Ord. 99-05, 1999)

#### **16.16.220.13: PENALTIES, REMEDIES:**

- A. Any person who violates any provision of this section [16.16.220](#) shall, upon conviction, be punished by a fine not exceeding five hundred dollars (\$500.00) and/or imprisonment for a period not exceeding ninety (90) days. A violation exists whenever there is a performance of an act which is prohibited by the provisions of this section [16.16.220](#), or a failure to perform an act which is required by this section [16.16.220](#). Each day a violation exists shall be considered a separate offense.
- B. In case any building or structure is erected, constructed, externally reconstructed, externally altered, added to, or demolished in violation of this title, the town or any person may institute an appropriate action or proceeding in a court with competent jurisdiction to prevent such unlawful erection, construction, reconstruction, exterior alteration, addition or demolition, and the violating party shall pay all court costs and expenses, including reasonable attorney fees, if the court should find in favor of the town or persons suing on behalf of the town to enforce the provisions of this section [16.16.220](#). (Ord. 99-05, 1999)

#### **16.12.040.5: APPLICATION PROCEDURE:**

This section governs applications for development of any type which is not governed administratively by the code administrator pursuant to section [16.12.040.4](#) of this chapter. Nothing herein shall be deemed to relieve an applicant from complying with all other provisions of this title, both substantive and procedural, and state law.

A. The applicant shall submit to the code administrator a completed application in writing, on forms, the content of which has been approved by the code administrator, along with the fee established pursuant to appendix A attached to ordinance 99-05 and available to the public at the office of the code administrator, in good funds. The application shall be complete before it is accepted by the planning department and shall contain not less than all of the following information:

1. The name(s) and address(es) and phone numbers of the owner(s) and, where applicable, the name and address of any lessee and/or owner's agent and a document providing that the owner's agent is authorized to act on behalf of the owner;
2. A description and the location of the property for which the application is requested;
3. A specific description of the application requested;
4. The basis for requesting the application approval, including a statement of the hardship which the applicant will suffer if the application is denied;
5. Any other information deemed necessary by the code administrator;
6. For a plat vacation, the application shall also be signed and filed by all owners of the land subject to the application for plat vacation, and be accompanied by a statement of all owners of the land, duly attested, designating the subject plat or portion thereof proposed.

B. The code administrator shall accept and shall review only a completed application and the development proposed and the code administrator shall advise the applicant of all approvals required under the code and all other applicable ordinances of the town administered by the code administrator. This information is to be provided for the convenience of the applicant and orderly processing of the application. However, at all times, the provisions of this title and other applicable ordinances of the town shall govern the application and proposed development. Accordingly, representations by the code administrator shall not preclude the town from requiring that all applicable approvals be obtained, even if the code administrator did not advise the applicant that such an approval would be necessary.

C. The code administrator shall review the application for compliance with the requirements of this title, and if the application is complete and in compliance with this title, then the code administrator shall forward the application, with all relevant documents, exhibits, submissions and any findings of the code administrator and other town staff, to the hearing officer, DRC, commission or the historic preservation commission, as appropriate, within thirty (30) working days, or at such other time as may be reasonable not to exceed sixty (60) days, from the date the completed application is accepted by the planning department.

D. When the application is complete, in compliance with this title and submitted to the hearing officer, the DRC, commission or the historic preservation commission, as appropriate, pursuant to



subsection C of this section, the code administrator shall schedule a preliminary presentation before the DRC. At the preliminary presentation, the applicant shall have the opportunity to informally explain the proposed development to the DRC.

E. At or after the preliminary presentation, the code administrator, on behalf of the DRC, shall inform the applicant of the order in which the various required approvals will be processed.

F. After the applicant has submitted all the necessary and required documents to the code administrator prior to the preliminary hearing, a public hearing shall be scheduled. The code administrator shall, in consultation with the DRC, commission, historic preservation commission, or hearing officer, as appropriate, schedule the time, place and date of the public hearing on the application. The code administrator shall notify the applicant in writing, by mail, or electronic delivery, of time, place and date of such public hearing and it is the responsibility of the applicant to provide necessary public notice prior to such public hearing as set forth in subsections G through J of this section.

G. No zoning regulation, restriction or boundary shall become effective, amended, supplemented or repealed until after a public hearing at which all parties in interest and citizens shall have an opportunity to be heard.

H. Following the scheduling of a public hearing, the applicant shall post notice of the filing of the application and the time, place and date of the public hearing. The notice shall be posted prominently for public view on the land, dwelling or other structure which is the subject of the application not less than fifteen (15) days prior to such hearing.

I. At the applicant's expense, the applicant shall cause to be published, on forms, the content of which has been approved by the code administrator, notice of the time, place and date of the public hearing in a newspaper of general circulation in the county. The notice must be published once, not less than fifteen (15) days prior to the date of the public hearing. Alternately, the applicant may elect to request the town provide the required public notice at the cost of said notice plus a service fee as set by the town council.

J. At the applicant's expense, the applicant shall mail or personally serve public notice to the last known address of each landowner as shown by the records of the county assessor. If mailed, public notice shall be sent by certified mail, return receipt requested, from the U.S. postal service or first class mail with full postage attached thereto, in a timely manner to the required parties. In the event of a protest as to notice received by any interested party, then the burden shall be on the applicant to establish that service has been accomplished to the satisfaction of the entity hearing the application. Electronic return receipts are acceptable as provided by the U.S. postal service. Town staff may provide a list and map of the adjacent property owners as known by the town to assist the applicant however the applicant must verify the accuracy and completeness of said list with the Taos County assessor's office. The notice shall be on forms, the content of which has been approved by the code administrator and the notices must be mailed not less than fifteen (15) days prior to the date of such public hearing. Landowners within three hundred feet (300'), excluding public right of way, of the exterior boundary of property which is the subject of the application shall receive written notice of the time, place and date of the public hearing. However, when a change in zoning is proposed for an area of one block or less, notice of the public hearing shall be mailed by certified mail, return receipt requested, to the owners, as shown by the records of the county assessor, of lots of land within the area proposed to be changed by a zoning regulation and

within one hundred feet (100'), excluding public right of way, of the area proposed to be changed by zoning regulation. In addition, with a change in zoning application, if the notice by first class mail to the owner is returned undelivered, the zoning authority shall attempt to discover the owner's most recent address and shall remit the notice by certified mail, return receipt requested, to that address. Alternately, the applicant may elect to request the town provide the required public notice, either by certified mail or first class mail as provided herein, at the cost of said notice plus a service fee as set by the town council.

K. Prior to the public hearing, the applicant shall deliver a list of the names and addresses of all landowners notified of the application to the code administrator. Attached to the list shall be United States postal service certified mail receipts showing evidence of the proper mailing of the notices and all return receipts received from the postal service showing delivery of the notices on or before the date of the hearing, or the signature of each landowner notified by personal service, or an affidavit of the applicant attesting that all mailings were sent, first class mail with full postage attached thereto, in a timely manner to the required parties. Alternately, the applicant may elect to request the town provide the required public notice at the cost of said notice plus a service fee as set by the town council. In the event of a protest as to notice received by any interested party, the burden shall be on the applicant to establish that service has been accomplished to the satisfaction of the entity hearing the application.

L. If the applicant fails to give proper notice, or fails to file proper proof of notice, then the public hearing shall be postponed. If, after two (2) consecutively scheduled public hearings, proper notice is not given, or proper proof of notice is not filed, then the application shall be deemed withdrawn, the application fee forfeited and no further action shall be taken thereon without a new application being filed by the applicant. Failure to receive notice due to inaccuracies contained in the records of the Taos County assessor shall not constitute a failure to provide sufficient notice.

M. If an application is for a special use permit (excluding special use permits for a cellular tower or antenna), variance or conditional use permit, a site development plan containing the elements listed in section [16.20.080.4](#) of this title is required for a special use or conditional use permit or section [16.20.080.6](#) of this title for a variance, and there is a two (2) step procedure for commission review:

1. Preliminary presentation before the DRC; and
2. Public hearing before the commission at which the commission shall approve, approve with modifications or conditions, or deny.

N. If an application is for a special use permit for a cellular tower or antenna<sup>1</sup>, a site development plan containing the elements listed in section [16.20.080.4](#) of this title is required, and there is a three (3) step procedure for review:

1. Preliminary presentation before the DRC;
2. Public hearing before the commission, at which the commission shall recommend approval, approval with modifications or conditions, or denial; and
3. Public hearing before the town council.

O. If an application is for a provisional permit to increase commercial and industrial gross size area limitations, a site development plan containing the elements listed in section [16.20.080.4](#) of this title is required, and there is a three (3) step procedure for review:

1. Preliminary presentation before the DRC;
2. Public hearing before the commission, at which the commission shall recommend approval, approval with modifications or conditions, or denial; and
3. Public hearing before the town council.

P. If an application is for establishment of a planned unit development overlay zone, then a preliminary schematic site development plan containing the elements listed in section [16.20.080.1](#) of this title is required, and there is a three (3) step procedure for review leading to establishment of the overlay zone:

1. Preliminary presentation before the DRC;
2. Public hearing before the commission, at which the commission shall recommend approval, approval with modifications or conditions, or denial; and
3. Public hearing before the town council at which time the planned unit development overlay rezoning and preliminary schematic site development plan are approved or rejected.

In the event that the requested planned unit development overlay zone and preliminary schematic site development plan are approved by the town council, development of the property may not proceed until a final site development plan has been submitted and approved by the commission in accordance with section [16.20.080.2](#) of this title.

Q. If an application is for a zone change to other than a planned unit development overlay zone, or for zone designations of newly annexed territory, a site development plan containing the elements stated in section [16.20.080.5](#) of this title is required, and there is a three (3) step procedure for review:

1. Preliminary presentation before the DRC;
2. Public hearing before the commission, at which the commission shall recommend approval, approval with modifications or conditions, or denial; and
3. Public hearing before the town council at which the council approves or rejects the zoning change(s).

R. If an application is for a certificate of appropriateness, see section [16.16.220.12](#) of this title for the historic overlay zone review process.



Owner's Affidavit  
(To be completed only when an applicant has an agent)

State of New Mexico )

) SS.

Town of Taos )

We/I \_\_\_\_\_  
(Please print full name(s))

Being duly sworn, depose and say that (I am) (we are) requesting a permit or application through the Town of Taos. Furthermore, (I) (we) hereby appoint \_\_\_\_\_  
To act as our authorized agent on our behalf on all matters pertaining to the processing and obtaining of said permit with the exception of legal documents for recording purposes.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address

Subscribed and sworn to before me this  
\_\_\_\_\_ Day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My commission Expires: \_\_\_\_\_