



## ORDINANCE NO. 26-02

**AN ORDINANCE AMENDING SECTIONS OF THE EXISTING LAND USE DEVELOPMENT CODE, TITLE 16, CHAPTER 16.12, SECTIONS 16.12.020 COMMISSION, HISTORIC PRESERVATION COMMISSION; 16.12.020.1 COMMISSION, APPOINTMENT, TERM, PROCEEDINGS; 16.12.020.2 PLANNING COMMISSION POWER AND DUTIES; AND 16.12.020.4 HISTORIC PRESERVATION COMMISSION, POWERS AND DUTIES, AND REPEALING SECTION 16.12.020.3 HISTORIC PRESERVATION COMMISSION, APPOINTMENT, TERMS, PROCEEDINGS.**

**WHEREAS**, the Town Council, the Governing Body, and the Town of Taos, finds it necessary to amend Sections 16.12.020.1, 16.12.020.2, 16.12.020.3, and 16.12.020.4 of the Municipal Code with respect to combining the Planning and Zoning Commission and Historic Preservation Commission; and

**WHEREAS**, the Planning and Zoning Commission has been delegated the responsibility for review of all changes to the Land Use Development Code and Ordinances of the Town of Taos; and

**WHEREAS**, the Planning and Zoning Commission held a duly published, noticed, and posted meeting on this ordinance on the 3rd day of December, 2025, and recommended to the Town Council that this ordinance be approved by the Town of Taos Town Council; and

**WHEREAS**, according to the Land Use Development Code of the Town of Taos (Ordinance 99-05), a final public hearing before the Town of Taos Town Council on a proposed amendment to the Land Use Development Code shall be held.

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the Town of Taos, meeting in Regular Session this 10th day of February, 2026, and after having held a public hearing on the matter, that the following Ordinance is hereby adopted, approved, and ratified:

**16.12.020: PLANNING, ZONING AND HISTORIC PRESERVATION COMMISSION:**

**16.12.20.1: PLANNING, ZONING AND HISTORIC PRESERVATION COMMISSION, APPOINTMENT, TERM, PROCEEDINGS:**

- A. The Planning, Zoning, and Historic Preservation Commission (the “Commission”) shall consist of five (5) members and two (2) alternate members. Each member of the town council shall appoint one (1) member of the Commission and the mayor shall appoint one (1) member and two (2) alternate members of the Commission with the formal consent of the governing body. Five (5) of the members so appointed shall be residents of the town and the remaining two (2) may be at large.
- B. Members of the Commission shall be appointed for staggered terms of two (2) years each. Members may be reappointed for additional terms of two (2) years each.
- C. Should any vacancy occur among the members of the Commission, whether as a result of resignation or removal, immediate notice thereof shall be given by the Commission or code administrator to the Town Manager. The elected official responsible for appointing the vacating member, with consent of the governing body, shall appoint the replacement for the vacancy. The newly appointed member shall serve on the Commission for the remainder of the vacating member’s term.
- D. After a public hearing of the town council, members of the Commission may be removed for cause, stated in writing and made part of the public record, by either the mayor, with the consent of the town council, or by a majority vote of the town council.
- E. Members who have failed to attend three (3) regular meetings in one (1) year, without a valid excuse as determined by the Commission, shall be deemed to have tendered their resignations, which the town council may accept or reject.
- F. Members of the Commission shall elect their own chairperson and vice chairperson, annually at the first regular commission meeting of each year.
- G. The Commission shall adopt rules for the conduct of its affairs.
- H. Regular meetings of the Commission shall be held at least once a month, at regularly scheduled times. Special meetings shall be held at the call of the Code Administrator and chairperson upon such prior notice as is required in the rules of the commission. All meetings shall be held and conducted according to the open meetings act of the state of New Mexico.
- I. A majority of all five (5) of the Commission members shall constitute a quorum at any meeting. There shall be no proxy voting. The alternate members shall attend each meeting and shall fill in for absent members or at such time when a Commissioner has recused themselves due to a conflict of interest.
- J. The Commission shall keep minutes of its proceedings, showing the vote on each question. The Commission shall keep a public record of all of its transactions, findings, resolutions and determinations which shall be filed in the office of the code administrator.

**16.12.20.2: PLANNING, ZONING AND HISTORIC PRESERVATION COMMISSION, POWERS AND DUTIES:**

The powers and duties of the Commission shall be as follows:

- A. To exercise all powers granted to a planning authority or zoning commission pursuant to New Mexico Statutes Annotated 1978, Chapter 3, Articles 19, 20, and 21, as amended, except to the extent that such powers are reserved to, or retained by, the town council;
- B. To hold public hearings;
- C. To review, modify, reverse, affirm, approve, or disapprove all applications with or without conditions, restrictions, or clarifications, in connection with the following matters pursuant to the requirements of this title:
  - 1. Subdivision applications, including requests for preliminary and final plat approvals within the town limits, and within the concurrent planning and platting jurisdiction;
  - 2. Appeals, where error is alleged in any order, requirement, decision, determination, or other action, or failure to take action, by the code administrator or other administrative staff acting, or failing to act, pursuant to this title, subject to the requirements and restrictions contained in Section [16.12.080](#) of this chapter;
  - 3. Applications for variances from the terms of this title and applications for the grant of special use permits and conditional use permits, so long as:
    - a. The requirements of this title are met; and
    - b. The grant of a variance, special use permit or conditional use permit shall not be contrary to the public interest, health, safety or welfare;
  - 4. Proposed annexations;
  - 5. Planned unit development, cluster overlay zone, neighborhood preservation district overlay zone, special use overlay zone, and provisional permit applications; and
  - 6. Rezoning applications;
- D. To hold public hearings and recommend changes to the town council concerning all amendments to this title;
- E. To approve, disapprove, modify, revise and update, as required, the town of Taos master plan for the town;
- F. To approve and adopt such forms as the commission deems advisable;
- G. To carry out all duties, responsibilities, investigations, and studies related to all planning and zoning activity as assigned to the commission.

**16.12.20.3: PLANNING, ZONING AND HISTORIC PRESERVATION COMMISSION,  
POWERS AND DUTIES WITHIN THE HISTORIC OVERLAY ZONE:**

The powers and duties of the members of the planning, zoning and historic preservation commission within the Historic Overlay Zone shall be as follows:

- A. Recommend criteria for the identification and designation of buildings, and/or structures worthy of preservation as a contributing property provided that the historic preservation commission receives written consent of the property owner prior to designating a building or structure as a contributing property;
- B. Conduct, or cause to be conducted, reviewed, and updated, a comprehensive survey and inventory of buildings and/or structures and areas worthy of historical preservation;
- C. Review areas, buildings, and/or structures in order to determine eligibility for designation as historic districts or historic overlay zones;
- D. Conduct public hearings prior to making recommendations to the town council in order to provide a reasonable opportunity for all interested parties to express their opinions regarding a proposed designation of a historic overlay zone or historic district;
- E. Make recommendations to the town council concerning the designation of any historic district overlay zone;
- F. Promulgate design guidelines, development standards, and use guidelines for reviewing changes in use, demolition, relocation, and new construction, including preservation, reconstruction, rehabilitation, and restoration, within historic districts and historic overlay zones, and/or to contributing properties for final approval and adoption by the town council;
- G. Review applications to approve or disapprove applications for certificates of appropriateness for changes in use (if applicable), demolition, relocation, and exterior new construction, including preservation, reconstruction, rehabilitation, and restoration;
- H. Make such recommendations and initiate proposals to the mayor and town council and other public and private agencies concerning land use and development in historic districts and historic overlay zones as it deems appropriate;
- I. Recommend to the town council the adoption of rules and regulations for the administration and enforcement of preservation regulations not inconsistent with this title; and
- J. Exercise those powers and responsibilities which are necessary to implement the provisions of this title relating to historic preservation only.

Severability. If any section, paragraph, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional or otherwise invalid or ineffective by the final, non-appealable order or judgment of any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance. The Town Council hereby declares that it would have adopted each section, paragraph, sentence, clause, and phrase of this ordinance irrespective of the fact that any one or more sections, paragraphs, sentences, clauses, or phrases may be declared unconstitutional, invalid or ineffective.

Effective Date. This Ordinance shall become effective five (5) days after publication, as specified in NMSA 1978, Section 3-17-5.

**ORDAINED, ADOPTED, AND APPROVED** this 10th day of February, 2026 by the following vote:

Mayor Pro Tem Genevieve Oswald	<u>Yes</u>
Council Member Darien Fernandez	<u>Yes</u>
Council Member Billy Romero	<u>Yes</u>
Council Member Tetsuro Namba	<u>Yes</u>

**TOWN OF TAOS**

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**Daniel R. Barrone, Mayor**

**ATTESTED:**

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**Denise Martinez, Town Clerk**

**APPROVED AS TO FORM:**

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**Phoebe Roderick, Town Attorney**