



CONDITIONAL USE

Application Packet
Town of Taos
Planning and Zoning Department

Ordinance 99-05
Land Use Development Code

PLANNING  & ZONING

APPLICATION FOR CONDITIONAL USE PERMIT
Town of Taos Land Use Development Code

Town of Taos
Planning and Zoning Department
400 Camino de la Placita
Taos, New Mexico 87571
Phone: (505) 751-2016 Fax: (505) 751-2026

Date: _____ Case Number: _____

Property Owner: _____

Address: _____
(mailing address)

(subject property address)

Phone Number(s):

Agent: _____

Address: _____

Phone Number(s):

ZONING: _____

ACREAGE OF SUBJECT PROPERTY: _____

**Attach a legal description of property and a copy of registered deed.*

USE: (See Land Use Development Code to ensure that the following use is listed as a Conditional Use in the Zone):

SUBMITTAL CERTIFICATION

I hereby certify that the documentation submitted for review and consideration by the Town of Taos Planning and Zoning Commission has been prepared in accordance with the Zoning Regulations of the Town of Taos Land Use Development Code and the Conditional Use submittal checklist and that failure to include the minimum submittals may result in the delay or rejection of my application. I also certify that the signature(s) affixed to this application are those of the property owner and authorized agent.

Property Owner's Signature Date

Agent's Signature Date

CONDITIONAL USE PERMIT
APPLICATION SUBMITTAL CHECKLIST

The following submittals are required in order to be placed on Planning and Zoning Commission agenda for its next regularly scheduled monthly meeting. Please complete and submit sixteen (13) copies on 8 ½" x 11", or larger, paper of the requested information. Submittals will be due as required by the Site Development Review Staff of the Town of Taos Planning and Zoning Department. Incomplete, inadequate or late submittals will result in delay of the request for a Conditional Use Permit. **It is strongly suggested that you meet with staff prior to submission of your application in order to avoid delays.** Please contact staff with questions regarding the submittals required herein.

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

- _____ Completed Conditional Use Permit application.
- _____ Vicinity Map
- _____ Site plan and survey plat (minimum scale: 1" = 20'). (Minimum Size -17" by 22")
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 5-8 of the Town of Taos Land Use Development Code.
- _____ Floor plans (minimum scale 1/8" = 1') depicting:
 - A) Existing conditions
 - B) Proposed area for the conditional use
 - C) Total amount of floor area used for conditional use
- _____ Exterior building elevations depicting:
 - A) Proposed construction
 - B) Photos may be substituted for existing construction
- _____ 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
- _____ Parking plan, shown on the site plan, defining the number of parking spaces
- _____ Number of employees
- _____ Copy of all required local and stated licenses
- _____ Hours of operation
- _____ Definition of any unusual traffic, noise, lighting or other potential disturbances
- _____ Design and location of any and all signage to be placed on the property
- _____ Narrative explanation of how proposed use will not create a danger to public health, safety, or welfare or cause an extraordinary public expense or create a nuisance. (See, LUDC, § 2-4.46)
- _____ Any additional requirements listed in the Town of Taos Land Use Development Code under the conditional use in the zone where the property is located.

CRITERIA FOR APPROVAL OF A CONDITIONAL USE PERMIT
(See, LUDC, Section 2-4.46)

2-4.46. Conditional Use

A use that may be approved on a case by case basis in the zones of this Code where it is specifically listed as a conditional use. The Commission may grant a conditional use permit providing that:

A. The use is specifically authorized conditional use in the zone in which the property is located;

B. All other requirements of the Code are met, unless a variance is granted for those Code requirements which are specific prerequisites for granting of the conditional use permit sought by the applicant; and

C. The special use or conditional use will not create a danger to the public health, safety or welfare; nor cause an extraordinary public expense, nor create a nuisance.

The Commission shall approve, approve with conditions or modifications, or deny, Conditional Use applications. The Commission may require or impose such conditions on the decision as will, in its judgement, be reasonably necessary to meet and secure the requirements and factors enumerated in this Code, and to secure substantially the objectives of this Code. The Commission, may, for cause, and upon either the request of the Code Administrator or of its own motion, revoke, amend, modify or continue an approved Conditional Use Permit.

Uses requiring a conditional use are enumerated separately in the individual sections of Article IV: Zoning Regulations of the Town of Taos Land Use Development Code, establishing the regulations governing individual zones. Unless a use is specifically permitted as a conditional use in a given zone, then no conditional use shall be issued authorizing such a use for property located in that zone. Conditional uses shall comply with the specific conditions placed upon them in any given zone.

NOTE:

The following information is meant to make the Town planning and zoning process more understandable and convenient. It will assist you in preparing the required plans for submittal as well as meeting procedural requirements. It is not to be interpreted as a complete and accurate account of the Town codes. The applicant is advised to refer to the Town of Taos Land Use Development Code (Ordinance 92-14) and to consult with the Planning and Zoning Staff on specific application requirements.

Advice from staff shall not be construed to result in the Town, its' officers, agents or employees becoming responsible for damages to the applicant as a result of his/her reliance on information given to them. The application packet and any advice to the applicant does not limit the discretion of the Planning and Zoning Commission or the Extra-Territorial Zoning Commission in their review of the application and any proposed development that was not anticipated at the time of the pre-application conference.

SECTION 5-8. SITE DEVELOPMENT PLAN

5-8D. Special Use Permit/Conditional Use Permit/Provisional Permit-Site Development Plan Requirements.

Applications for Special Uses, Conditional Uses or Provisional permits shall be accompanied by (i) a Site Development Plan; (ii) a Site Threshold Assessment (STH) form obtained from the Code Administrator; and (iii) and the applicant's narrative statement outlining, at a minimum, the following:

- (a).A statement addressing the consistency (or lack of consistency) of the proposed Special, Conditional or Provisional Use with the policies of the Town of Taos;
- (b).A statement setting out any benefits or detriments that the proposed Special, Conditional or Provisional Use will have concerning public health, safety or welfare.

The Special, Conditional, or Provisional Use Site Development Plan shall consist of at least two parts, one of which shall reflect existing conditions, and one of which shall show proposed land form alterations, improvements and structures, utilities, circulation patterns, land uses and all other detail necessary to describe the proposed Special, Conditional or Provisional Use. The Site Development Plan shall contain the following basic information; where applicable; provided, the Code Administrator may require additional information or more detail as is deemed reasonably necessary to properly interpret and evaluate such plan:

Existing Conditions:

- A. The Special, Conditional or Provisional Use Permit Site Development Plan map(s) shall include an accurate true north arrow and shall be illustrated at a minimum scale of one-inch equals twenty feet (1:20), on a paper size not to exceed 24 inches by 36 inches. If the subject parcel must be illustrated on more than one sheet of paper, then the applicant shall also include a site development plan at the largest scale possible so that the parcel can be illustrated on one sheet of 24 inch by 36 inch paper. The site development plan shall contain the following detail;
- B. Boundary Survey with a legal description of all property in the development;
- C. Description of existing sizes, locations and arrangements of the buildings, structures, public and private parking areas, land uses, dedicated/reserved parks and open spaces, both on the property and within 300 feet of the property;
- D. Description of existing topography with elevation contour lines at a maximum of four-foot intervals;
- E. Location, size and names of existing public and private streets, public rights of way, alleys, walkways and trails, both on the property and within 300 feet of the property;
- F. Location and description of all existing easements, noting purpose and grantee of the easement, both on the property and within 300 feet of the property;

- G. The layout and improvement standards of existing private and public streets, pedestrian and bicycle ways, parking areas, and loading areas. The site development plan shall show the detailed arrangement of existing parking and loading spaces and the locations of ingress and egress points;
- H. The location of existing signs, fences, walls and landscaped areas, including a description of existing vegetation and size, location of significant vegetation and other environmental features;
- I. Locations and size of existing acequias and watercourses, including a description of existing drainage plan and any existing or proposed method of treatment or correction of flooding problems.

Proposed Changes:

- A. Proposed private and public streets, pedestrian and bicycle ways, parking areas, loading areas and the proposed plan for circulation of vehicles, goods and pedestrians, including any on-site or off-site traffic mitigation measures. The site development plan shall show the detailed arrangement of proposed parking and loading spaces and the locations and design improvements of ingress and egress points;
- B. Landscape improvement and maintenance plan in conformance with the Town of Taos Landscape Ordinance, identification of any such trees or other significant environmental features that are to be removed and proposed bonding or other assurances for replacement and maintenance of landscaping that fails during the first two years following issuance of occupancy permits for the project;
- C. Drawings of the location, design and size of any proposed signs, fences, or walls;
- D. Detailed description and location of any proposed open spaces including dedicated open spaces and park sites and reserved open spaces, together with proposed instruments, such as irrevocable offers of dedication, deeds, improvement bonds, covenants, conditions and restrictions, or easements that will effectively implement such projects and/or dedications;
- E. Conceptual description of any proposed method of treatment in conformance with the Town of Taos Storm Drainage Ordinance or correction of flooding problems, and documentation that acequia rights of way will be respected.

Prior to the final public hearing before the Commission, the following additional information, where applicable, shall be supplied provided the Commission and/or Code Administrator may require additional information as is deemed reasonably necessary to properly interpret and evaluate the plan:

- A. Completed Traffic Study as required by the Town of Taos Access Management Manual and as requested by the Code Administrator;
- B. Utilities Improvement Plan containing detailed construction drawings and provisions for any required bonding or other financing for any proposed or required public utility improvements including, but not limited to, improvements to sewer, water, electric lines, telephones lines, gas lines, cable, drainage and walkways;
- C. Engineered grading, drainage, erosion control and terrain management plan in conformance with the Town of Taos Storm Drainage Ordinance and Flood Damage Prevention Ordinance;
- D. Architectural Plans including floor plans, elevations and/or exterior perspectives, and exterior details of all improvements. Construction level detail of floor plans, elevations and/or perspective drawings, and exterior details of all proposed improvements, if applicable;
- E. A lighting plan submitted in conformance with the Dark Skies Ordinance (Section 5-1.4);
- F. Final implementation plan for all proposed public facilities including, but not limited to, any on-site and off-site traffic mitigation improvements (such as roadway, signalization, or other measures), public utility improvements (including, but not limited to, sewer, water, electric lines, telephones lines, gas lines, cable), schools, cultural centers, dedicated open spaces, trails, park sites and the like. Such plan shall provide for any required bonding or other financing necessary to implement the plan.