

## Chapter 15.12

### LANDSCAPING

#### **Sections:**

15.12.010	Purpose.
15.12.020	Applicability.
15.12.030	Landscape Requirements.
15.12.040	Buffers and Screening.
15.12.050	Irrigation Requirements.
15.12.060	Landscape Submittal Process.
15.12.070	Installation and Completion.
15.12.080	Maintenance

#### **15.12.010 Purpose**

The purpose of this ordinance is to provide for the orderly and aesthetically pleasing development of the Town of Taos. It is the intention of this ordinance to achieve the following:

- I. Protect and enhance the value of residential and commercial properties within the Town.
- II. Provide a visual benefit to the public in the form of: shade, greenery, open space, and safe passage, especially along streets, sidewalks and in parking areas; prevent dust and allergens; provide for the visual softening of building masses and paved areas, and the screening of unpleasant structures from general view; and prevent large expanses of unbroken parking areas.
- III. Protect and/or promote xeriscape and the planting of desirable mature trees, established native plants and encourage other significant native vegetation;
- IV. Preserve significant environmental or geologic features and prevent soil erosion.
- V. Promote cost effective water conservation, including capture and use of storm water, and the appropriate use of gray water, to promote healthy and attractive public and private landscapes.
- VI. Provide buffering in the form of open space and/or attractive visual barriers for the separation of incompatible uses, as well as pleasant, safe common spaces on both public and private property.

**15.12.020 Applicability**

A landscaping plan shall be required on the following projects:

- I. All new development or construction.
  - a. All applications for planned unit developments, special reviews, multi-family dwellings, condominium developments of more than two units, commercial, commercial subdivisions, industrial and manufactured home parks shall be required to include landscaping and automatic, underground irrigation system(s), drip irrigation or soaker hose, per Section 15.12.050 of this ordinance, or other approved water methods and systems that accomplish the goals of this ordinance and assure efficient use of scarce water resources.
  - b. Single-family residences and duplexes are not required to follow these design standards unless required by a specific Planned Unit Development, Overlay Zone or Special District.
  
- II. All off-street parking lots are required to be landscaped.
  
- III. Buffer areas are required to be landscaped - as defined in Appendix C.
  
- IV. Lots with an existing commercial and industrial building(s) seeking permits for additions and alterations that require building permits, administrative permit or certificate of appropriateness.
  - a. All applicants for exterior remodeling projects shall be required to remove all prohibited and noxious plants, as identified in Appendix D of this ordinance.
  - b. All projects requiring a permit to pave an area that has not been paved previously shall be required to include off-street parking landscaping improvements and an irrigation system to bring the entire site into compliance with the code. If there is a conflict between the area needed to meet the parking and landscaping requirements, the parking requirement shall take precedence.
  - c. When application is made for a permit to repair or maintain existing paving only and no building modifications are proposed, the applicant shall not be required to provide a landscaping plan.
  - d. The landscape plan must be approved by the Planning Department prior to any final approval of a building permit or development plan.
  
- V. All property-owners are required to comply with this ordinance within five (5) years of its adoption.
  - a. Single-family residences and duplexes are not required to follow these design standards unless required by a specific Planned Unit Development, Overlay Zone, or Special District.
  - b. Property-owners may request a deferral of time to comply with this ordinance, for a period of two years, based on demonstrated economic hardship.

- i. Requests for deferrals shall be made to the Code Administrator.
  - ii. Deferrals that are granted by the Code Administrator shall not constitute a precedent for future requests.
- VI. The Town of Taos shall make every effort in its parks and landscaping projects, taking into account budget and cost, phasing requirements, and other considerations and constraints, to conform with or exceed the requirements of this ordinance.

### **15.12.030 Landscape Requirements**

- I. General
  - a. To determine the minimum required landscape area, deduct building footprint(s) and enclosed fenced or walled storage areas from the total area of the site and multiply the remainder by fifteen (15) percent. A fenced or walled storage area is an area that is surrounded by either a building or wall on all four sides, screened from public view, and used for storage of supplies, solid waste such as garbage, construction debris, commercial refuse, or other materials. Entry to the area must be provided by a door that can be closed to screen the contents of the storage area. Fences or walls, including buildings on the site that serve as walls, must be six (6) feet high, and the materials and exterior treatment of these walls must be of durable materials and complementary to the architecture and landscaping for the site.
  - b. In the event of conflicts between the Town's minimum parking requirements and the fifteen (15) percent minimum required landscaped area, as defined above (15.12.020), the parking requirement takes precedence.
  - c. The approved landscape plan may not have less than ten (10) percent landscaped area for the entire site. If an applicant identifies on the site plan a minimum open space area of ten (10) percent, as provided for in the Town's Open Space Ordinance, this open space area shall be landscaped according to the requirements of this ordinance.
  - d. New development shall comply with the Town of Taos recommended plant list, as set forth in Appendix D of this ordinance. In addition to the general list of recommended plants, the Town of Taos may develop further recommended plant lists applicable specifically to different types of landscaped areas, including standard areas, oasis areas, and arid areas.
  - e. All trees shall be a minimum of fifteen (15) gallon size and six (6) feet tall.
  - f. Any tree less than two (2) inches caliber size shall be staked or guyed (with flagging).
  - g. With the exception of grasses listed in Appendix D of the ordinance, or as approved by the Code Administrator, use of natural turf is discouraged due to its high water requirement.

Natural turf is permitted on a small five hundred (500) square feet area for each half-acre:

- i) On the site near main buildings or assembly areas where pedestrian activities are designed to occur;
  - ii) Where the area is designed as part of an area for seating, assembly, rest, dining, or employee break area, or it is designed to enhance a main pedestrian entryway;
  - iii) Where the oasis is located in an area of relatively low evaporation potential from wind and heat;
  - iv) Within an area of common recreation and patio facilities in multi-family development; and
  - v) When a water harvesting system or stormwater runoff design on the site is integrated with the turf area.
- The turf area is allowed if approved by the Code Administrator. A turf area larger than five hundred (500) square feet may be allowed if the applicant demonstrates extraordinary water savings.

h. Spacing for plants shall allow for their size at maturity.

i. Trees with surface root systems and/or broad branch structures shall be planted only where sufficient space is available. Root growth habits shall not cause damage to sidewalks and other paved surfaces. Trees with the potential for overhanging a walkway, driveway, bicycle path, parking space or street must be of a type that, at maturity, provides a canopy with an understory height clearance of eight (8) feet for walkways and bicycle paths, twelve (12) feet for driveways and streets, and fifteen (15) feet for loading spaces.

j. All bare ground on the site and/or landscaped area shall be covered with live plant material, decorative aggregate, or organic mulch.

k. Artificial plants are not acceptable for most landscaped areas, and use of artificial turf is restricted. Artificial turf (example: Waterwise Turf) may be allowed, up to a maximum of a 200 square feet area when used with decorative landscape elements such as large rocks, shrubs and ground cover.

l. Artificial turf is allowed without restriction when used for recreational areas such as playgrounds and ballfields.

m. If the soil has been compacted in the landscaped areas, the soil shall be loosened and aerated before planting to a depth of at least 6 inches.

n. The soil shall be amended with natural material suitable for the particular requirements of the plants to allow plants to grow and use water more effectively.

o. If vegetative ground cover is not intended, a minimum two (2) inch layer of organic (bark) or inorganic material (i.e., decomposed granite, decorative aggregate, organic mulch or other material) shall be used as ground cover under and around the vegetation in landscaped areas to help cool soil areas, reduce evaporation and

retard weed growth. Gravel may be introduced as an anti-compaction device.

- p. Landscape fabric (weed barrier) shall be used under vegetative or inorganic ground cover to inhibit the growth of weeds.
- q. Vegetation, such as those with spines, thorns or needles that may present hazards to pedestrians, bicycles or vehicles are to be planted a safe distance from the outer edge of a walkway, bike lane or path, roadway or parking area circulation aisle.
- r. Storm water detention and retention ponds shall be integrated landscape features, rather than single-purpose flood control and storm water management ponds. Storm water detention and retention ponds shall be planted with appropriate trees, shrubs and grasses with a minimum of one (1) tree and three (3) shrubs per two hundred and fifty (250) square feet of required ponding area. Plants located in the bottom one-third (1/3) of the detention or retention pond must be adaptable to periods of submersion.
- s. Constructed water features such as fountains, streams, and ponds shall be re-circulated and shall be designed to prevent seepage and leaks.

## II. Water Conservation

The Town of Taos both encourages and mandates water conservation techniques and xeriscaping within landscape design and site development planning in order to promote drought tolerant landscapes and to reduce the demand on the Town of Taos potable water system.

### Water Harvesting

The use of water harvesting and distribution systems for landscape irrigation is encouraged.

- a. **Passive Water Harvesting Systems.**  
Passive water harvesting techniques include but are not limited to:
  - i) Surface collection such as swales, parking lot islands, bar ditches, detention or retention ponds and constructed wetlands.
  - ii) In ground storage: soil amendments, constructed rain gardens, French drains, permeable paving and collection structures with infiltration fields or galleries.
- b. **Active Water Harvesting Systems.**  
Active water harvesting techniques include but are not limited to:
  - i) Storage and distribution systems, including ground rain barrels, storage tanks and below grade cisterns that use gravity or pumps to distribute water to an irrigation system.
  - ii) Cisterns and other storage devices shall be screened or otherwise hidden from public view, or if not hidden or screened, they must be integrated into the improvements in an aesthetically pleasing manner.

- c. Gray Water Systems.  
Gray water irrigation can be appropriate and is encouraged for some landscape installations. Gray water is regulated by the New Mexico Environment Department and the New Mexico State Engineer, and may or may not require a permit.

### III. Calculation for Landscape Area

- a. To determine the minimum required landscape area, deduct building footprint(s) and fenced or walled storage areas from the total area of the site and multiply the remainder by fifteen (15) percent.
- b. Landscaping shall respect unique features and viewsheds of a site including existing trees. Preservation of on-site existing plant material is encouraged and may be used to assist with fulfilling the landscape requirements.
  - i) Provided that the vegetation is undisturbed by cleaning or construction and the vegetation does not include tumbleweed, thistle, bindweed or any other noxious weed or plant identified on the prohibited plant list (see Appendix D). Only areas of existing, undisturbed naturalized vegetation may be exempt from installation of an irrigation system.
  - ii) Size and location of this material shall be indicated on the final landscape plan.
  - iii) Priority shall be given to preserving and protecting significant trees that provide screening, buffering, wildlife habitat and/or linkages to wildlife habitat. The applicant may remove mature healthy and non-invasive trees only within areas of a lot that are inside the proposed footprint area for the primary structure, and in this case only if a variance is granted. The applicant must replace mature trees that are removed on the site with trees of the same or similar species whose combined caliper dimensions equals that of the tree removed.
  - iv) During construction, existing plant material to be preserved shall be enclosed by a temporary fence.
- c. Courtyards, plazas, patios, trails, pocket parks, paving, covered walkways and other useable open space integrated with the landscape plan may be included in the overall landscape calculation.

### IV. Surface Parking Lots

The purpose of planting requirements for surface parking lots is to provide visual relief from large expanses of cars and pavement, to provide shade in order to reduce heat and glare, to help direct traffic flow and to reduce and control storm water runoff.

- a. Parking shall be placed to the side or rear of the site in conformance with the parking standards identified in Section 5-4.4.E of the LUDC.
- b. Off-street parking shall be screened from the street front and from any adjacent properties.
- c. A minimum six (6) feet wide landscape island shall be placed at the end of each parking isle.
- d. Parking spaces shall be broken with landscape islands:
  - Parking adjacent to the street front area every ten (10) spaces.
  - Rear parking every twenty (20) spaces.The landscape islands shall be distributed throughout the lot and may be combined as a component of a storm water management plan to facilitate water harvesting.
- e. Large surface parking lots shall be functionally divided into smaller well-landscaped parking clusters containing fifty (50) cars or fewer. Parking clusters shall be interconnected by the parking lots' internal circulation system and separated by ten feet (10') wide, or greater, landscaped pedestrian walkways.
- f. Surface parking areas shall provide interior landscaping at the rate of twenty (20) square feet per parking space.
- g. One (1) canopy tree shall be provided for every four (4) parking spaces. The trees must be evenly distributed through the surface parking lot. Canopy trees planted within the interior landscape border may count toward the canopy tree requirement provided the trees are planted within ten (10) feet of the surface parking lot and the number of canopy trees that are provided within the surface parking lot area is not reduced by more than fifty (50) percent of the amount required. The Town of Taos encourages species diversification appropriate to geographic areas of the Town, provided the species is identified as a permitted plant in the Recommended and Prohibited Plant List attached to this ordinance (See Appendix D).
- h. For each tree required within the surface parking area, a planter area with a minimum unpaved area of thirty-four (34) square feet and a four (4) feet minimum width is required, but six (6) feet is encouraged. The unpaved area may be covered with a permeable material or with grillwork, but air and moisture must be able to penetrate the soil.
- i. Landscaping elements such as berms, hedges, shrubs and hardscape elements such as building wall extensions, landscape walls, and fences adjacent to all vehicular egress, ingress points, and intersections within traffic circulation aisles shall be less than thirty (30) inches in height (including plants measured at maturity) and shall not block the clear sight triangle, as identified in the Town of Taos Land Use Development Code and the Traffic Access Manual. Any other landscaped area that may potentially obscure a driver's view of oncoming pedestrians, bicyclists, or vehicles is also subject to this requirement.

- j. To prevent damage to tree trunks, trees may not be placed within three (3) feet of curbing or end of a parking space. Durable wheel stops shall be used in limited space areas.
- k. Parking areas that exceed one hundred and twenty (120) spaces shall include a minimum ten (10) feet wide pedestrian walkway differentiated through a change in surface texture, style and/or color.
- l. Landscape design and placement of materials should deliberately influence pedestrian movement on a site, and should serve as a critical means of orienting and guiding pedestrians as they move through a site from parking areas, drop-off points and transit stops to the entrances or destinations of buildings.
- m. Storage areas, trash enclosures, transformers, generators, cisterns and other similar above-ground eyesores shall be combined with architectural and landscape treatments and located out of sight from public rights-of-way.
- n. Porous paving materials are encouraged in order to increase stormwater infiltration on site.

#### **15.12.040 Buffers and Screening**

Purpose: Buffer and screening elements shall be used to screen parking areas from public view; to screen service yards and other places which tend to be unsightly; and to buffer one land use from a less intensive use.

-Elements which may be used are: Landscaped spaces containing trees or tree groupings; building wall extensions; berms or other innovative methods, such as fences, landscapes, walls, shrubs.

-Encourage the use of open space, recreational, sitting or eating areas added into the landscape plans.

-Landscape Borders: There are two (2) types of landscape borders, a street landscape border and an interior landscape border.

- I. Street landscape borders are required on all projects.
  - a. Existing drought tolerant vegetation on adjacent sites shall be considered in design to prevent abrupt changes in plant types and to maintain a visual continuity along street frontages.
  - b. A street landscape border, which may include sidewalks, shall have a minimum width of ten (10) feet, running the full length of the street property line bounding the site except for points of ingress-egress. This ten (10) feet measurement starts from the street right-of-way.
  - c. When there is no sidewalk and no existing right-of-way for a sidewalk, the ten (10) feet landscape border shall include a pedestrian pathway when appropriate. The applicant may be required to dedicate a right-of-way for a future sidewalk within the ten (10) feet landscape buffer.

- d. Within the street landscape border, the required landscape elements include the following:
  - i) Canopy trees are to be provided in number equal to or greater than an average of one (1) per thirty-three (33) feet, excluding the access points, of the site frontage length, with a minimum of one tree per site.
  - ii) Fifty (50) percent or more of the street landscape border area must have shrubs and vegetative cover.
  - iii) A variety of placement approaches and appropriate locations may be applied, including the use of random clusters of trees and shrubs spaced no more than thirty-three (33) feet apart and formal alignments.
  - iv) Up to five (5) feet of the required ten (10) feet of landscaping may be located within the right-of-way if approved by the Town of Taos Public Works Department.
- e. Strong landscape accents shall be provided to highlight major entries to commercial, multi-family and subdivision developments.

II. An interior landscape border is a buffer area located along common property lines and is required per section 15.12.30. The minimum landscape elements required within the interior landscape border are canopy trees.

The canopy trees are to be provided in numbers equal to or greater than an average of one (1) per thirty-three (33) feet of property line.

- a. Trees are to be planted within ten (10) feet of non-street frontage property line.
- b. Inorganic ground cover is to comply with the requirements of 15.12.30.

III. Plant size, location, and spacing. Required plant characteristics and planting standards to various landscape applications are as follows:

- a. When vegetation is used to satisfy a screen requirement, the size of the plant shall be five (5) gallon minimum and be of a type that will maintain a screen. This screen shall be thirty-six (36) inches high. Street planting can be aligned, clustered, or unevenly spaced to provide interest as long as the plants provide a continuous screen at maturity. The plant chosen to provide screening must have a maturity width that will accomplish the goal of an opaque screen.
- b. In regards to coverage and spacing, fifty (50) percent of this area must be equally covered with vegetation and ground cover.
- c. Trees in this area shall be a minimum fifteen (15) gallon size.
- d. Trees planted near sidewalks or curbs shall be planted at a sufficient distance from these elements to prevent upheaval or soil settling.
- e. Shrubs in areas of required landscaping other than for opaque screening shall be a minimum one (1) gallon container size, with twenty (20) percent of the required number to be five (5) gallon container size or larger. Ground cover in areas on required landscaping may be one (1) gallon size or in flats.

- f. Trees are to be planted an appropriate distance from refuse dumpster locations and loading spaces so that the tree canopy, at maturity, does not obstruct service.

IV. Crime Prevention Landscaping Guidelines: Security is enhanced when entrances to and exits from buildings or open spaces around buildings, including pedestrian walkways, are open and in view of the surrounding neighboring sites. Positioning, location and type of plant material, screening, and other landscaping elements shall allow for natural surveillance of the outdoor spaces from within buildings, from outdoor locations on-site and from adjacent buildings, sites and rights-of-way. The more open the view of a space, the less likely that space shall be used for the commission of a crime.

- a. Encourage the utilization of curbs, sidewalks and landscaped trails to define public, semipublic and private areas;
- b. Utilize screening that is no higher than required for safety but is effective enough to create a barrier to entry;
- c. In areas adjacent to doors and windows, select plant material of such height to retain visibility of building openings from the street or from other development;
- d. Shrubs and ground cover located within four (4) feet of the edge of a walkway shall not exceed thirty (30) inches in height. Trees located less than twelve (12) feet from the edge of a walkway shall be trimmed to a minimum eight (8) feet canopy height.
- e. Unless adjacent to a pedestrian path, barrier plants shall be planted below and extending at least twelve (12) inches beyond each side of windows. Plant materials in this area shall be no higher than the sill height of the window.
- f. Use of landscape lighting can be an effective security measure, but shall comply with the lighting requirements of the Town of Taos Dark Skies Ordinance.

#### **15.12.050 Irrigation Requirements**

Irrigation systems are designed to promote water conservation, including prevention of water run-off and overspray.

- I. All required landscape areas shall be irrigated by an automatic underground irrigation system, drip irrigation or soaker hose.
- II. *Water conservation:* The Town of Taos promotes the use of efficient irrigation methods and practices. Where possible and practical in landscaped areas, bubbler and drip irrigation systems shall be utilized. Follow manufacturer manuals to determine proper calculations for these systems.

- III. *Xeriscape*: The Town of Taos encourages the use of Xeriscape concepts on landscape in the Taos area.
- a. Xeriscaping means low water use with emphasis on the utilization of water conserving irrigation systems and drought tolerant vegetation.
  - b. Xeriscape landscaping is a transitional planting zone concept that may include several zones going from lush (or oasis) areas to drought tolerant landscaped areas.
  - c. Oasis areas are generally not encouraged due to high-water requirements, and are permitted only in some geographic areas. If used, they must be near the building entrance and preferably integrated with a planned water catchment system. This is the only place turf is appropriate - with a five hundred (500) square feet area limit.
  - d. The seven principals of Xeriscape are:
    - i) Good design, with a landscaping plan integrated with and complementary to the architecture and site plan;
    - ii) Thorough soil preparation.
    - iii) Careful, planned use of shrub and lawn area.
    - iv) Adapted, low water demand plants.
    - v) Effective and efficient watering methods.
    - vi) Mulched flower and shrub beds.
    - vii) Proper landscape maintenance and management.
- IV. If an automatic drip irrigation system is proposed, the following requirements are:
- a. Indicate the source of the irrigation water, whether potable or reclaimed.
  - b. Irrigation lines under paved surfaces shall be contained in PVC schedule forty (40) pipe sleeves.
  - c. Pipe lines carrying water under constant pressure shall be buried to a minimum depth of twenty-four (24) inches. Those that are under intermittent pressure shall be buried to a minimum depth of eighteen (18) inches.
  - d. Non-pressure polyethylene lines shall be buried to a minimum depth of eight (8) inches. Non-pressure PVC lines shall be buried to a minimum depth of twelve (12) inches.
  - e. Turf and shrub heads closer than twelve (12) inches to any paved surface shall be pop-up heads.
  - f. Turf, shrub and bubbler heads located within twenty-four (24) inches of any paved surface shall be installed with a system that allows the riser assembly to absorb impacts and return to normal position.
  - g. Temporary spray irrigation systems may be used to establish seeded areas for grass and groundcover. Drip irrigation is encouraged.
  - h. Trees and shrubs shall be irrigated with low-flow bubblers or emitters.
  - i. The irrigation system shall be controlled by a digital controller.

- j. Identify the point of drainage of roof areas and disposition of flow if the landscaped area is to utilize roof catchment runoff.

### **15.12.060 Landscape Submittal Process**

- I. *Intent:* The landscape plan will provide the Town of Taos with a clear impression of how a proposed project will look, work and be maintained.
- II. *Preparer:* Landscape plans shall be prepared by a qualified landscape architect or designer and must demonstrate conformance with the grading, drainage and erosion plans, if applicable, through the stamp of a registered engineer in the State of New Mexico. Water harvesting shall be integrated with landscaping, grading, drainage and erosion control plans.
- III. *Scale and Size of Plans - minimum 1 inch = 20 feet:* Size of plans is variable as long as presentation clearly portrays the design concepts.
- IV. *Contents (to include but not limited to):*
  - a. Existing Conditions
    - i) Basic information including project address; property owner's name, address, phone number; designer name, address and phone number; scale; property line; north arrow; adjacent public right-of-way; street names; and vicinity map.
    - ii) Existing conditions - grades and vegetation.
    - iii) Existing improvements including but not limited to: buildings, driveways, sidewalks, walls, fences, and mechanical, electrical and utility equipment - including overhead and underground lines.
    - iv) Existing vegetation - identify removal or relocation information.
  - b. Landscape Plan Information
    - i) Location and description of existing and proposed fences and walls including retaining, ornamental and privacy; and sidewalks, patios, or other paved or finished surfaces; and other hardscape improvements.
    - ii) Identify location of proposed landscaping on plan.
    - iii) A plant list using common and botanical names:
      - a. tree species and quantities
      - b. shrub species and quantities
      - c. ground cover species and quantities
      - d. proposed plant sizes
    - iv) When a final plan is submitted, an estimated date for completion of all plantings and related work must be on the plan.
  - c. Parking Information
    - i) Proposed layout of vehicular use areas including the location, dimensions of parking spaces, landscape islands,

- interior landscaping, pedestrian walkways, and maneuvering aisles.
- ii) Indicate street traffic direction using two-way or one-way arrows.
- d. Calculations
  - i) Area of the site.
  - ii) Area of the building footprint(s).
  - iii) Square footage of the vehicular use area(s); number of parking spaces, including the required and provided parking space calculations; and the number of parking area canopy trees.
  - iv) Square footage of all landscape areas required and provided and quantities of plant materials required for the landscape area provided.
- e. Irrigation Plan
  - i) Source of irrigation water.
  - ii) Type, size and location of piping.
  - iii) Type, size and location of irrigation heads.
  - iv) Type and location of back flow prevention devices, valves and controllers.
- f. Water Budget
 

The Administrator shall review and approve a water budget before the landscaping plan is approved. Applicants shall provide, as part of the landscape plan, a water budget that includes the following:

  - i) Source and estimated amount of all types of water that shall be used to maintain grass, plants, and trees on the site, including potable water, recycled water, stormwater, and gray water.
  - ii) Methods used to collect, store, and release water to support landscaping on the site, and estimates of the total water amount each method will provide in the overall water budget.
  - iii) Anticipated water usage for the site, taking into account choice of plant material, seasonal use, orientation, shading, evaporation and evapotranspiration, and other factors.
  - iv) Total water budget and description of the amount of potable water from the Town of Taos necessary to support landscaping on the site.

**15.12.070 Installation and Completion**

- I. When the final plan is submitted, a proposed date for completion of all landscaping and related work must be provided.
- II. Prior to the issuance of a certificate of occupancy for any project pursuant to the zoning ordinance, all work as indicated on the approved landscaping plan shall be inspected and approved by the planning department.

- III. If the landscaping cannot be installed prior to the desired time for a certificate of occupancy, then the planning department may allow the escrowing of funds or other acceptable financial guarantees. Cost estimates for landscaping not installed at that time must be presented to the planning department for approval. (Prior code § 10-22)
- IV. Required landscaping for a project may be installed in proportion to the construction phasing of the project. For multi-unit projects, certificates of occupancy for units associated with the final phase of the project shall be withheld until the landscape plan is completed.

**15.12.080 Maintenance**

- I. The extent and quality of maintenance is essential if a development is to have continued good appearance. Therefore, the developer and his successor or assigns are responsible for the maintenance of the landscaping plan as originally approved. The landscape shall be maintained in a healthy, clean, weed-free, and litter-free condition. Healthy plant material and turf areas require regular irrigation, fertilization, mowing and edging, dethatching, aerating and, if necessary, pesticide application. All plants shall be properly pruned or trimmed to avoid interference with installation, maintenance, or repair of any public utility, or restriction of pedestrian or vehicular traffic, or creation of a traffic hazard. Weeds shall be removed from landscape area. The developer shall enter into a agreement with the Town of Taos to assure proper maintenance, as defined in the Maintenance Agreement provided in Appendix B of this ordinance.
- II. Plant materials which exhibit evidence of insect pests, disease or damage shall be appropriately treated, and dead plant materials shall be replaced. (Prior code § 10-23)
- III. Tree canopies shall be maintained a minimum of eight (8) feet from grade upon tree maturity if they are near pedestrian or vehicular movement.
- IV. Dead plant material shall be replaced with living plant material that complies with the approved landscape plan. This shall be required within thirty (30) days of loss or within the next reasonable planting season.
- V. Maintenance and irrigation of plant material shall continue regardless of the occupation status of the building.
- VI. Irrigation systems shall be kept in good working order. Irrigation systems with run-off into the street or onto other properties shall be repaired, redesigned and/or reinstalled.

**APPENDIX A**



**LANDSCAPE AGREEMENT TO PLANT IN THE TOWN PUBLIC RIGHT-OF-WAY**

"The undersigned acknowledges that the landscaping as proposed in the landscape plan, dated \_\_\_\_\_, and planted within the Town of Taos public right of way for the property at \_\_\_\_\_ (fill in the address), Taos, New Mexico, \_\_\_\_\_ (fill in zip code) shall be maintained by the property owner in accordance with the requirements of the Landscape Ordinance of the Town of Taos, New Mexico, and amendments thereto. Furthermore, the property owner agrees to prohibit the placement or planting of any trees within ten (10) feet of any water line. In the event the landscaping is obstructed, damaged or destroyed by routine street maintenance by the Town of Taos Public Works Department or any other department of the Town of Taos, the property owner at its own expense shall be responsible for returning the landscaping to the condition as indicated in the aforementioned landscape plan.

\_\_\_\_\_ Printed Name

\_\_\_\_\_ date

\_\_\_\_\_ Signature

*Subscribed and sworn to before me at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 2005. Signed: \_\_\_\_\_  
My commission expires: \_\_\_\_\_*

**APPENDIX B**



**LANDSCAPE MAINTENANCE AGREEMENT**

"The undersigned acknowledges that the landscaping as proposed in the landscape plan, dated \_\_\_\_\_, for the property at \_\_\_\_\_ (fill in the address), Taos, New Mexico, \_\_\_\_\_ (fill in zip code) shall be maintained by the property owner in accordance with the requirements of the Landscape Ordinance of the Town of Taos, New Mexico, and amendments thereto.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
date

\_\_\_\_\_  
Signature

*Subscribed and sworn to before me at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 2005. Signed: \_\_\_\_\_*  
*My commission expires: \_\_\_\_\_*

## **APPENDIX C**

### **LANDSCAPE DEFINITIONS**

For the purpose of this ordinance, the following definitions shall apply:

**BERM** - A raised mound of earth used for various landscaping and screening needs.

**BUBBLER** - Irrigation heads that flood the surrounding soil area with water measured in gallons per minute-(GPM).

**AS-BUILT PLAN** - A scaled drawing indicating the location, as installed, of all the landscape elements, including plants, and irrigation system elements on a site.

**BUFFER AREA** - A landscape area on a lot, situated between all street views and all vehicles, structures and areas to be buffered from those views.

**BUFFERING** - The use of landscaping (other than mere grass on flat terrain) or the use of landscaping along with berms, walls or decorative fences that at least partially and periodically obstruct the view from the street, in a continuous manner, of vehicular use areas, parking lots and their parked cars.

**BUILDING FOOTPRINT** - The area of land within the lot, tract, or parcel dedicated to the foundation of a structure.

**CALIPER** - The diameter of a tree trunk measured four (4) feet above ground level.

**CANOPY TREE/SHADE TREE** - A woody single or multiple trunk plant that commonly reaches a mature height of at least 25 feet.

**DETHATCH** - To remove (dead grass) from a lawn, usually to aerate the soil.

**DROUGHT ADAPTED VEGETATION** - Plants that are adapted to grow in conditions of less than 12 inches of rain per year.

**DROUGHT TOLERANT VEGETATION** - Plants that can be grown with moderate to no supplemental irrigation once they are established. For good appearance, supplemental irrigation may be required during the growing season.

**FRONTYARD** - The area between the front property line and the building footprint.

**GRADING PLAN** - A scaled drawing indicating the finish grades and drainage pattern of a site.

**GRAY WATER** - Untreated household wastewater that has not come in contact with toilet waste and includes wastewater from bathtubs, showers, washbasins, clothes washing machines and laundry tubs, but does not include wastewater from kitchen

sinks or dishwashers or laundry water from the washing of material soiled with human excreta, such as diapers.

**GROUND COVER** - Low growing (typically attaining a height of less than two (2) feet), densely spreading plants. Perennials, turf and native grasses, as well as other plants, are included in this definition.

**HARDSCAPE** - Landscape features including sidewalks, paved parking lots, paths, patios, decks, driveways, fences and walls.

**HIGH-WATER-USE PLANTS** - Plants characterized by high transpiration rates, shallow rooting, the need for frequent watering during summer months or with exposure to hot and drying climatic conditions.

**IRRIGATION PLAN** - A scaled drawing indicating the location on a site and relationships of irrigation system elements to the plants and other landscape elements and structures indicated in a landscape plan.

**IRRIGATION SYSTEM** - An automatic underground water conveyance system that shall meet all Town codes and include pipes, valves, heads of adequate size and proper location, bubblers, emitters and controller to efficiently irrigate all proposed planting.

**LANDSCAPE** - The arrangement of plant material in combination with structural materials intended to improve a property's visual appeal and enhance human use and enjoyment.

**LANDSCAPE AREA** - Area of the site that does not include the building footprint, buffer yard or fenced storage area. The area shall be a permeable surface available for plant material installation and survival.

**LANDSCAPE PLAN** - A scaled drawing indicating the locations, dimensions, and type of plants, structure footprints, paved areas, special site features and other landscape elements and landscape.

**LOW-WATER-USE PLANTS** - Plants that generally, once established, can survive with little or no irrigation.

**MICROCLIMATE** - The climate of a specific area in the landscape that has substantially differing sun exposure, temperature, or wind than surrounding areas of the area as a whole.

**MULCH** - A material covering the soil of a landscaped area that can allow water and air to reach the soil, suppress weeds, insulate plant roots, give the area a finished appearance and conserve soil and soil moisture.

**NATIVE VEGETATION** - Vegetation indigenous to the site.

**NOXIOUS WEED** - Any plant that becomes invasive in locations to which it is not native. Examples in our area include Tumbleweeds, Salt Cedar, Russian olive and Siberian elm.

**OASIS** - A lush planting area, which is encouraged in expanded public use areas.

**ORNAMENTAL TREES** - Woody plants, deciduous or evergreen, that are typically planted as accents for their showy flower, form or foliage. Usually attain less than 25 feet height at maturity.

**PARKING LOT** - The area of the site used primarily for vehicular access and is composed of driving aisles and parking stalls.

**PARKWAY** - The area of public right-of-way located between the curb or edge of pavement and the property line.

**POINT-OF-CONNECTION (POC)** - The location where an irrigation system is connected to a water supply.

**PRESERVATION AREA** - A portion of the undeveloped property to be protected and preserved in its existing state -retaining all quality, healthy vegetation and remaining undisturbed and un-graded.

**RUNOFF** - Irrigation water that is not absorbed by the soil or landscape area to which it is applied and which flows to other areas.

**SCREENED** - Shielded, concealed and effectively hidden from the view of a person standing at ground level on an abutting site or outside the area or feature so screened, by a fence, wall, hedge, berm or similar architectural or landscape feature which is, or will grow to, at least six (6) feet in height.

**SERVICE AREA** - Area that is dedicated to accessory uses or activities related to use of a primary structure, e.g., loading dock/bays, dumpster bays, grease container areas.

**SHRUBS** - Woody plants, deciduous or evergreen, generally multi-stemmed with small branches near the ground, smaller than trees at maturity.

**SITE** - The lot described within the application for which the permit is sought.

**SOD** - A mat layer of monocotyledonous plants with shallow rooting structures requiring frequent watering during the growing season as well as regular maintenance and mowing.

**WATER BUDGET:** Quantity of water to maintain a landscape, taking into account: water availability from various sources, including stormwater, potable water, re-used and recycled water; on-site methods of water collection, storage and re-use; and encouraging choice of plant materials, irrigation and other methods that promote the efficient use of water.

XERISCAPE - An attractive, sustainable landscape based on sound horticultural practices that involves the practice of conserving water and energy and protecting the environment through landscaping design that limits lawn areas, irrigates efficiently, improves soils, uses mulches, chooses appropriate low water use plants, and employs good maintenance practices. Especially beneficial in drought-ridden areas. Denver Water trademarks the term.

XERISCAPING. Landscape practices that create xeriscapes.

## APPENDIX D

### RECOMMENDED AND PROHIBITED PLANT LIST

- I. The following plants grow well in Taos. Each plant is listed as Native (N), Naturalized (NZ), or Introduced (I). Recommended plants below

#### TREES

##### A. Deciduous Shade, Street, and Specialty Trees

- Arizona alder-*Alnus oblongifolia* (N)
- Green ash-*Fraxinus pennsylvanica* and varieties (I)
- Paper birch-*Betula papyrifera* (I)
- Western chokecherry-*Prunus virginiana* (N)
- Cottonwood, Aspen, and Poplar: Trees of the Genus *Populus*
  - a. Aspen-*Populus tremuloides* (I)
  - b. Lombardy poplar-*Populus nigra 'Italica'* (I)
  - c. Narrowleaf cottonwood-*Populus angustifolia* (N)
  - d. Plains cottonwood-*Populus sargentii* (N)
  - e. Rio Grande cottonwood-*Populus fremontii 'Wislizeni'* (N)
  - f. White (silver) poplar-*Populus alba* (NZ)
- American elm-*Ulmus americana* (I)
- Honey locust-*Gleditsia triacanthos inermis* varieties
  - a. 'Moraine' (I)
  - b. 'Shademaster' (I)
  - c. 'Sunburst' (I)
- Common horsechestnut-*Aesculus hippocastanum* (I)
- Littleleaf linden- *Tilia cordata* (I)
- Locust
  - a. Black locust-*Robinia pseudoacacia* (NZ)
  - b. New Mexico locust-*Robinia neomexicana* (N)
- Maple and Box elder
  - a. Box elder-*Acer negundo* (N)
  - b. Rocky Mountain maple-*Acer glabrum* (N)
- Gambel oak-*Quercus gambelii* (N)
- Willow
  - a. Globe Navajo willow-*Salix matsudana 'Navajo'* (I)
  - b. Peachleaf willow-*Salix amygdaloides* (N)
  - c. Weeping willow-*Salix babylonica* (and other weeping willow species) (I)

##### B. Flowering Ornamental Trees

- Flowering crab-*Malus 'Hopa'* et al (I)  
(also bearing apple, *Malus sylvatica* varieties)
- Hawthorn-*Crataegus* spp. (I, N)
- Bradford pear-*Pyrus calleryana* (I)
- Purpleleaf plum-*Prunus cerasifera* (I)

C. Evergreen Trees

Douglas fir-*Pseudotsuga menziesii* (N)

White fir-*Abies concolor* (N)

Juniper

a. Rocky Mountain juniper-*Juniperus scopulorum* varieties (N)

b. Singleseed (one-seed) juniper-*Juniperus monosperma* (N)

Pine

a. Austrian pine-*Pinus nigra* (I)

b. Bristlecone pine-*Pinus aristata* (N)

c. Limber pine-*Pinus flexilis* (I)

Spruce

a. Blue spruce-*Picea pungens* (N)

b. Engelmann spruce-*Picea engelmanni* (N)

**SHRUBS**

A. Deciduous

Apache plume-*Fallugia paradoxa* (N)

Common butterfly bush-*Buddleia davidii* (I)

Shrubby cinquefoil-*Potentilla fruticosa* (N)

Cotoneaster

a. Cranberry cotoneaster-*Cotoneaster apiculatus* (I)

b. Rock cotoneaster-*Cotoneaster horizontalis* (I)

c. Rockspray cotoneaster-*Cotoneaster microphyllus* (I)

Currant and gooseberry-*Ribes spp.* (I)

Red osier dogwood-*Cornus stolonifera* (N)

Fernbush-*Chamaebatiaria millefolium* (N)

Forsythia-*Forsythia spp.* (I)

Shrub or Tatarian honeysuckle-*Lonicera tatarica* (I)

Hop tree-*Ptelea trifoliolata* (N)

Common lilac-*Syringa vulgaris* (I)

Mountain mahogany-*Cercocarpus montanus* (N)

Cistena plum-*Prunus cistena* (I)

Sand plum-*Prunus americana* (N)

Flowering quince-*Chaenomeles speciosa* (I)

Rose-*Rosa spp.* (N)

Snowball-*Viburnum opulus 'Roseum'* (I)

Bridal wreath-*Spiraea prunifolia* (I)

Sumac

a. Skunkbush-*Rhus trilobata* (N)

b. Smooth sumac-*Rhus glabra* (N)

Weigela-*Weigela florida* (I)

Willow

a. Coyote willow-*Salix exigua* (N)

b. Pussywillow-*Salix discolor* (I)

Winterfat-*Ceratoides lanata* (N)

B. Evergreen

Barberry

- a. Colorado barberry-*Berberis fendleri* (N)
- b. Japanese barberry-*Berberis thunbergii* (I)
- c. Wintergreen barberry-*Berberis julianae* (I)

Parney cotoneaster-*Cotoneaster lacteus* (I)

Chinese junipers

- a. Armstrong juniper-*Juniperus chinensis* 'Armstrong' (I)
- b. Pfitzer juniper-*Juniperus chinensis* 'Pfitzerana' (I)
- c. Sea Green juniper-*Juniperus chinensis* 'Sea Green' (I)

Mahonia

- a. Oregon grape-*Mahonia aquifolium* (I)
- b. Creeping mahonia-*Mahonia repens* (N)

Mugo pine-*Pinus mugo* (I)

Rubber rabbitbrush-*Chrysothamnus nauseosus* (N)

Big sage (sagebrush)-*Artemisia tridentata* (N)

Alberta spruce-*Picea glauca* 'Conica' (*Picea albertiana*) (I)

**GROUND COVERS**

A. Deciduous

Spring cinquefoil-*Potentilla tabernaemontani* (I)

Clover-*Trifolium* spp. (NZ, N)

Cranberry cotoneaster-*Cotoneaster apiculatus* (I)

Mint-*Mentha* spp. (I, N, NZ)

Prairie sage-*Artemisia ludoviciana* (N)

B. Evergreen

Bearberry cotoneaster-*Cotoneaster dammeri* (N)

Creeping euonymus-*Euonymus fortunei* (I)

Honeysuckle-*Lonicera japonica* varieties (I)

Horizontalis junipers

- a. Bar Harbor juniper-*Juniperus horizontalis* 'Bar Harbor' (I)
- b. Wilton carpet juniper-*Juniperus horizontalis* 'Wiltonii' (I)

Sabina junipers .

- a. Broadmoor juniper-*Juniperus sabina* 'Broadmoor' (I)
- b. Buffalo juniper-*Juniperus sabina* 'Buffalo' (I)
- c. Tam (tammy) juniper-*Juniperus Sabina* 'Tamariscifolia' (I)

Kinnickinnick (mountain bearberry)-*Arctostaphylos uva-ursi* (N)

Creeping mahonia-*Mahonia repens* (N)

Periwinkle-*Vinca major* and *Vinca minor* (I)

Pussytoes-*Antennaria parviflora* (N)

Santolina

- a. Gray santolina-*Santolina chamaecyparissus* (N)

Strawberry-*Fragaria* spp. (N)

**GRASSES**

A. Traditional Turf Species

Fescue-*Festuca spp.* (I)  
Ryegrass-*Lolium spp.* (I)

B. Native Turf and General-Use Species

Galleta-*Hilaria jamesii* (N)

Grama

a. Blue grama-*Bouteloua gracilis* (N)

b. Sideoats grama-*Bouteloua curtipendula* (N)

Wheatgrass

a. Western wheatgrass-*Agropyron smithii* (N)

b. Crested wheatgrass-*Agropyron desertorum* (I,NZ)

c. Pubescent wheatgrass-*Agropyron trichophorum* (N)

C. Ornamental Species

Blue fescue-*Festuca caesia* (I)

Purple threeawn-*Aristida longiseta* (N)

**VINES**

A. Deciduous

Boston ivy-*Parthenocissus lricuspidata* (I)

Clamatis-*Clamatis jackmanni* (I)

Silver lace vine-*polygonum aubertii* (I)

Virginia creeper (et al)-*Parthenoeissus quinquefolia* (N, I)

B. Evergreen

English ivy-*Hedera helix* (I)

Honeysuckle-*Lonieera spp.* (I)

**FLOWERS**

A. Annuals

Ageratum-*Ageratum houstonianum* (I)

Purple aster-*Aster bigelovii* (N)

Bedding begonia-*Begonia spp.* (I)

Cosmos-*Cosmos spp.* (I)

Four o'clock-*Mirabilis ialapa* (I)

Gaillardia (blanketflower, firewheel)-*Gaillardia pulthella* (N)

Geranium-*Pelargonium hortorum* (I)

Impatiens-*Impatiens wallerana* (I)

Pansy-*Viola wittrockiana* (I)

Salvia-*Salvia spp.* (I)

Snapdragon-*Antirrhinum maius* (I)

Sunflower-*Helianthus annus* (N)

Viola (Johnny jump-ups)-*Viola spp.* (I)

Wallflower-*Erysimum capitatum* (N)

B. Perennials

Chrysanthemum-*Chrysanthemum morifqlium* (I)

Colorado columbine-*Aquilegia spp.* (N)  
 Coneflower-*Ratibida columnifera* (N)  
 Daylily (asphodel)-*Hemerocallis spp.* (I)  
 Delphinium-*Delphinium belladonna* (I, N)  
 Blue flax-*Linum perenne* (N)  
 Geranium (cranesbill)-*Geranium spp.* (N)  
 Hollyhock-*Aleea rosea* (I, NZ)  
 Indian paintbrush-*Castilleja integra* (N)  
 Lobelia-*Lobelia erinus* (I) .  
 Maximilian's daisy-*Helianthus maximiliani* (NZ)  
 Penstemon-*Penstemon spp.* (N)  
 Phlox-*Phlox spp.* (I)  
 Primrose-*Primula vulgaris* (I)  
 Red rocket (scarlet gilia)-*Ipomopsis aggregata* (N)  
 Shasta daisy-*Chrysanthemum maximum* (I)  
 Violet-*Viola odorata* (N, I)  
 Woolly yarrow-*Achillea spp.* (N, I)

C. Bulbs

Daffodil-*Narcissus 'King Alfred'* (I)  
 Iris-*Iris spp.* (N)  
 Tulip-*Tulipa spp.*(I)

II. The following are **Prohibited Plant Species** that are prohibited for use in Taos.

Russian Olive-*Elaeagnus Angustifolia*

a) Very invasive, fast spreading by birds, high water consumption

Salt Cedar-*Tamarisk, Tamarack, Tamarix Chinensis* (formerly *tamarix pentardra*)

a) Very invasive, fast spreading, takes over water sources

Siberian Elm – *Ulmus Pumila*

a) Very invasive, fast spreading, can invade plumbing systems and mature branches are brittle.

III. The following are known **allergy inducing** plants and are not recommended for use:

Junipers - use female form

Cottonwoods - use "cottonless" varieties

IV. Noxious Plants .....

Russian, canadian, or scotch thistle

Salt Cedar

Tumbleweed

Bindweed  
Common Mallow  
Cockleburr or sheepsburr