



**Taos County  
Planning Department**

**RZO-001-2019**  
Application No.

**TAOS COUNTY **DRAFT** REZONE APPLICATION  
FOR THE UPPER LAS COLONIAS NEIGHBORHOOD  
(revision 11.8a.19 JWG-JH)**

LIST THE TYPE OF:

NEIGHBORHOOD ZONE     COMMUNITY ZONE     PLANNED UNIT DEVELOPMENT ZONE

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1. Name of Neighborhood Association: Upper Las Colonias Neighborhood Association
  
2. Mailing Address: 88 Taos Ski Valley Rd, Taos, NM 87571  
 Telephone Number: 575770-0333  
 Contact Person: Kurt Edelbrock email: [ulcnataos@gmail.com](mailto:ulcnataos@gmail.com)
  
3. Applicant: (check one):  
 Property Owner  Neighborhood association  Taos County Planning Department
  
4. Applicant Name: Taos County  
 Mailing Address: 105 Albright street  
 Telephone Number: 575-737-6446
  
5. Submit copies of resolution of recognition by Board of Commissioners, minutes of yearly meeting, list of officers, a copy of the articles of association or incorporation (if Applicable) and by-laws. **See Below**
  
6. **Attach** copy of a written description of the boundaries of the Jurisdiction, map of Neighborhood Association Jurisdiction and mailing list of property owners of property within the neighborhood jurisdiction. Maps identifying of property owners. Taos County Planning Department will assist in the creation of maps and list of property owners. **See Below.**
  
7. **Survey.** An application shall include a survey and legal description prepared by a New Mexico Licensed Surveyor, which accurately describes the dimensions of the subject property, including its size in square feet or acres. This is exempt for Neighborhood Zones that will be established per the current Land Use Regulations the Planning department will create neighborhood or community zoning maps. **See Below**
  
8. **Preliminary Plan Application.** When rezoning is necessary to a land use that requires subdivision, then the applicant shall submit the subdivision preliminary plat application along with the rezoning request. **N/A**
  
9. **Special Use Permit Application Materials.** Any other materials required as part of the special use permit application for the use that will be conducted if the rezoning is approved. **N/A**
  
10. **Impact Analysis.** An analysis and description of the impacts of the rezoning, and a complete description of how impacts will be mitigated and standards will be satisfied by the applicant. **See Below**
  
11. **Compliance with Rezoning Standards.** A report that explains how the rezoning would satisfy the Following Approval Standards: **See Below**
  - a. The proposed change is consistent with the County Comprehensive Plan.
  - b. The zone change being proposed is appropriate for the proposed use(s);
  - c. The proposed change must be consistent with the general character of the existing and surrounding zoning or to provide a reasonable transition or buffer between uses;
  - d. The rezoning does not create or increase the risk to public health and safety or general good of the community beyond that of the existing zoning and, where possible, it improves existing conditions; and
  - e. The rezoning does not create "spot zoning"; i.e. an isolated use that is "out of place" or inconsistent with surrounding land use patterns, or which grants a special privilege to one property owner over others by imposing a lesser standard, or is done for the sole financial benefit of an individual owner.
  - f. A description of the existing uses of the subject property and of each property within 1000ft distance of the subject property.
  - g. A description of the proposed use, density, and the timetable for development.

**AFFIDAVIT REQUIRED:**

**AFFIDAVIT REQUIRED BY APPLICANT**

THE APPLICANT IS REQUIRED TO SUBMIT AN AFFIDAVIT ATTESTING TO THE INFORMATION PROVIDED IN THIS APPLICATION.

COUNTY OF TAOS            )  
  )  
  )        SS:

I \_\_\_\_\_, BEING FIRST DULY SWORN UPON OATH, DEPOSE  
AND

STATE THAT THE INFORMATION PROVIDED IN THIS APPLICATION IS TRUE AND FACTUAL TO THE BEST OF MY KNOWLEDGE.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

SUBSCRIBED AND SWORN TO before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by

\_\_\_\_\_  
PRINT NAME OF APPLICANT

Seal:

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

# ZONING IMPACT ANALYSIS

## 1. INTRODUCTION

Taos County, with the recommendation of the Taos County Planning Commission (TCPC), is proposing a number of actions, including a change to Upper Las Colonias Neighborhood Association (ULCNA) zoning map (included as Exhibit B), Re-Designation of Upper Las Colonias Neighborhood Land Use Sub Zones, repeal and replacement of ordinances 2003-1 & 2003-7, and Ordinance 2018-02 text amendments. It is the objective of this rezoning plan to preserve the vision of the Upper Las Colonias Neighborhood which is to maintain its traditional use as a rural community with compatible residential development, preservation of its farming and ranching heritage and to support compatible commercial development. Central to this vision is the conservation of the scenic beauty and the wellbeing of our residential and commercial land owners.

The boundaries of the Upper Las Colonias Neighborhood Zone and its eight (8) distinct Sub Zones and Highway Corridor (HC) Overlay as established therein are described and depicted on the Upper Las Colonias Neighborhood Zone Map and available for inspection at the Taos County Planning Department. In general, the Upper Las Colonias Neighborhood Zone is bordered to the southwest by Highway 522, to the east by State Road 150 and north and northwest by State Road 230 and Valencia Road, and also includes a triangle-shaped area that is bordered by State Road 150 to the Northwest, Highway 64 to the Southwest and Taos Pueblo lands to the Northeast.

Recognition of the Upper Las Colonias Neighborhood Zone is requisite to the Upper Las Colonias Neighborhood Association achieving its objectives in consonance with Taos County, especially in regard to future developments. The Upper Las Colonias Neighborhood Association should work in close coordination with the Taos County Planning Department to provide advice to Taos County, which has sole responsibility to implement, regulate, monitor and enforce compatible residential and commercial development in compliance with Taos County Land Use Regulations (LUR).

## 2. BACK GROUND OF PROPOSED ACTION

In response Traditional, Cultural revitalization efforts and Economic Development, a large number of communities were contacted in the late 1990's so that they may be recognized as Taos County Neighborhood Associations, with the goal of spurring public and private investments in their areas. Major public investments over the past three decades have reflected Taos County's desire to spur a recognition of the importance of encouraging and allowing established neighborhoods to create their own jurisdiction, objectives and bylaws.

As a result of these efforts, 22 Taos County Neighborhood Associations have been established or are in the process of being established through a collaboration of government, local businesses, advocacy organizations, and community support. In 2004, the adoption of the Taos County Comprehensive Plan released the Visions of Neighborhood Associations, a master plan that set forth a planning objective of the Taos County Smart Growth Plan Phase I which established a framework for identifying the location and land uses within Taos County such as agriculture, residential, commercial and public facility development. The report proposed land uses that would complement and support future development throughout Taos County.

Current zoning in much of Taos County is nonexistent and what is in place unduly restricts reasonable economic growth, expansion of commercial and residential growth in an organized fashion. Taos County is in a position to take advantage of the commercial development opportunities made possible by establishing zoning in Neighborhood Jurisdictions where none exist and improved zoning regulations where they do exist.

The current regulations allow uses incompatible with the adjacent business, institutional, and residential communities while prohibiting a mix of other uses and densities that would help Taos County to flourish as a regional economic and cultural center while providing a controlled range of growth for new housing opportunities.

In Taos County, increasing housing density as part of clustered mixed-use development would facilitate transit use and bring more shoppers within its jurisdiction, promoting new and expanded retail activity and more community oriented open space amenities. The resulting environment would foster development of more viable commercial business opportunities. And the proposed actions would generate increased employment opportunities for county residents along with increased tax revenues to support county services.

### **3. EXISTING, PROPOSED ZONING AND GOALS IN REZONING UPPER LAS COLONIAS NEIGHBORHOOD**

The Upper Las Colonias Neighborhood Association established the following Neighborhood Sub Zones within their recognized Neighborhood Zone Area jurisdiction per Ordinance No. 2003-1: Subzone 1, Subzone 1A, Subzone 1M, Subzone 2, Subzone 3, Subzone 3A and Subzone 4. Ordinance No. 2003-1 did not provide a clear description of “Allowed Uses” or process for creating them. All subzone uses required that uses be approved by the Taos County Planning Commission. Performance standards were referred to other sections of the regulations which make it difficult to understand the clear intent of the performance standards being required.

The rezoning area in the Upper Las Colonias Neighborhood Jurisdiction covers approximately 1077 acres, the area is currently zoned for low to medium density residential, higher density multifamily/condominium residential, commercial and agricultural uses. Certain changes to the zoning map have been instituted through the years to facilitate various projects, but most of the area is currently zoned as it was in 2003.

The proposed zoning changes would eliminate and rezone Upper Las Colonias Neighborhood’s current Sub Zone 1, Sub Zone 1A, Sub Zone 1M, Sub Zone 2, Sub Zone 3, Sub Zone 3A and Sub Zone 4 with new Sub Zone designations CE1, CE2, LC, R1M, R2, R3, R3A, A and a new Highway Corridor Zone Overlay designated HC, to encourage compatible land uses throughout Taos County as adopted in Ordinance 2018-02 Land Use Regulations.

Taos County Ordinance 2018-02, Land Use Regulations, has established Zone Designations that will be utilized throughout Taos County in establishing zoning of Neighborhoods and Communities. Planning staff, after working with Upper Las Colonia’s Neighborhood Association (ULCNA) current zoning regulations over the years, recognizes that because of the substantial changed conditions taking place within the community, there is a need for rezoning of the ULCNA Zoning Regulations. These community changes are resulting from massive investment and development in the Taos Ski Valley, the commercial and tourist development in Arroyo Seco, the increase in traffic in the ULCNA area to and from the Town of Taos, the construction of a liquid waste system in the Quail Ridge area, and the proposed PUD development located to the west of Highway 150 between Gavilan Road and Camino Del Cielo.

Staff is providing a new updated Upper Las Colonias Neighborhood Zoning Map (see Exhibit B) with new Rezone Designations that directly correlate with Ordinance 2003-1's Upper Las Colonias Neighborhood (ULCNA) Zoning Map and Sub Zone names. And Planning staff has established a use matrix that describes Allowed Uses (Permitted Uses), Prohibited Uses (Non-Permitted Uses), Special Uses and Development Standards for each new Rezone Designation.

Planning staff has incorporated some of the Upper Las Colonias Neighborhood Association Board and individual land owners' recommendations into its proposed zoning map and matrix. New Rezone Designations with which planning staff agrees with ULCNA Board recommendations are as follows: Rezone Sub Zone 2 to Rural Multiple Family/Multifamily Residential (R2), rezone Sub Zone 3 to Rural Single Family Residential (R3), rezone Sub Zone 3A to Rural Single Family Residential with Small Parcels (R3A), rezone Sub Zone 1M to Rural Mobile Home Residential (R1M), rezone Sub Zone 1 to two Commercial Sub Zones (CE1 & CE2), rezone Sub Zone 1A to Light Commercial (LC), rezone Sub Zone A4 to Agriculture (A), and creation of a new Sub Zone Overlay designation called Highway Corridor Overlay (HC).

<b>Original Sub Zone Designation</b>	<b>New Rezone Designation (with mixed uses as defined in ULCN Land Use Matrix)</b>
2	Multiple Family/Multifamily Residential (R2)
3	Rural Single Family Residential (R3)
3A	Rural Single Family Residential with Small Parcels (R3A)
1M	Rural Mobile Home Residential (R1M)
1	Commercial CE1 (Commercially oriented mixed-use) Commercial CE2 (Community oriented mixed-use)
1A	Light Commercial (LC) (Low impact community oriented mixed-use)
A4	Agriculture (A)
	Highway Corridor Overlay (HC)

Planning Staff proposes that R3 will remain the same along Valencia road where properties have split zones because the zones are separated by an acequia. Parcels at the intersection of State Hwy 150 and State Hwy 522 to be zoned CE1 due to the development of the properties as commercial uses and the proximity to the industrial uses at the intersection of State Hwy 150 and State Hwy 522. And Subzone 1A along Palomas Drive and State Highway 150 to be rezoned LC.

Taos Pueblo Property along State Highway 522 presently has 3 zones within its property boundary that establishes 3 split zones that Staff wants to avoid in its rezone application. Planning staff is proposing one zone for the Taos Pueblo property, rezoning it to Commercial Sub Zone CE2 with HC-CE2 overlay. Planning Staff has also cleaned up the rest of the ULCNA zoning map to reflect one zone per property boundary, including their proposed rezoning parcels along State Highway 522 north of the Pueblo Lands to Upper Las Colonias Rd., from Subzone 1 to Commercial Sub Zone CE2 with HC-CE2 overlay.

The purpose of the Highway Corridor Sub Zone Overlay (HC) designation is to recognize the already established pattern of existing and potential residential and commercial uses along the highway 150 and 522 corridors, in a manner that minimizes disruption to residential neighborhoods while at the same time accommodating appropriate mixed uses and convenient accessibility to high retail business traffic, available regional transportation, deliveries and public safety.

In light of the prospective changes in the area and the ongoing major development of the Taos Ski Valley, Taos County Planning staff has concluded that the HC designation provides an appropriate overlay to the proposed rezoning for all

ULCN properties that border Highways 150 and 522.

The properties along Highway 150 north and south of Comanche Road are currently zoned to allow commercial and community facility development, but only if the use is approved by special use permit that is consistent with the same requirements and characteristics with the zoning regulations governing the current subzone 1A south of Comanche Road. Current zoning only encourages condominiums and apartment buildings on small zoning lots that are also restricted with a 17 foot height limit. The current zoning in certain areas along 150 is considered to be overly restrictive. Planning staff believes the rezoning, together with the HC Overlay designation, will be less restrictive and will meet the needs of the neighborhood in a more effective manner.

Planning staff concludes that the LC designation is too restrictive to meet the public needs on the ULCNA in this particular area of the highway corridor which could constitute down zoning within Subzone 1.

New Mexico state statute Section 3-21-1 (B) (2) grants the zoning power to governmental entities, but requires uniformity of zoning designations to similarly situate properties within the same zoning district. New Mexico court decisions prohibit wrongful disparate zoning impacts. Because the properties within the Subzone 1 and Subzone 1A are adjacent, similarly situate, and are uniform for the same development patterns, they should be zoned the same in order to comply with state statute and law, as Highway Corridor (HC). Consequently, Planning Staff's proposing that the Subzone 1A properties to the east and west of Comanche Road be rezoned HC (Highway Corridor), and to also rezone other areas shown on Staff's proposed Map as HC, complies with state statute and law.

As to the State Highway 150 properties, it is Planning staff's intent to provide for economic growth and redevelopment within that area. The proposed zoning changes would expand opportunities for new residential and mixed-use development, at a range of scales appropriate to surrounding building patterns near transit and highway access. The proposed zoning changes in this area are intended to provide for new development at higher densities in areas with good access to highways, while at the same time providing transition development requirements needed to protect the existing neighborhoods. Proposed zoning changes would increase the permitted density and provide for new mixed-use development along the area's streets in a manner that will be better able to accommodate and take advantage of excellent transit access. And the proposed changes would also provide a greater degree of required predictability due to regulations that impose development requirements and maximum building heights.

To help protect the existing neighborhood quality of life, The Upper Las Colonias Neighborhood Association is proposing the establishment of ULCN Outdoor Venue Rules and Regulations with Noise Restrictions and Temporary Use Permit requirement for every ULCN outdoor venue or event, such as for weddings, concerts, flea markets, etc. A county wide Ordinance would have to be created for noise enforcement, in addition to the existing 2003-1 Ordinance. The provisions of a noise control ordinance, of course, must be tailored to meet the enforcement needs of Taos County. As a step in drafting a noise ordinance, an enforcement action would need to be established and enforced beyond the 8 to 5 schedules of the Planning Department. Establishing time limits for opening and closing of Commercial Businesses would not be enforceable by the Planning Department. *(ACCORDING TO THE 2003-1 ORDINANCE ALREADY IN EFFECT, NO USES ARE PERMITTED THAT EMIT NOISES LOUDER THAN 60DB. THIS IS AN EXISTING REQUIREMENT THAT ULCN OWNERS AND RESIDENTS HAVE A RIGHT TO RELY ON. THIS ORDINANCE UPDATE INCLUDES THE FOLLOWING ULCNA MATRIX TABLE WITH SOUND REGULATION SUGGESTIONS FOR TAOS COUNTY TO CONSIDER. BEFORE GOING ANY FURTHER WITH RECOMMENDATIONS, WE NEED TO FIND OUT IF TAOS COUNTY SHERIFF'S DEPARTMENT COULD ENFORCE THIS REQUIREMENT LIKE THE SHERIFF DEPARTMENTS OF OTHER COUNTIES DO.)*

Development Standards	R2	R3	R3A	R1M	CE1	CE2	LC	A	Comments/Limitations
Maximum continuous sound limit in dB measured using the A scale at the property line of any R1M, R2, R3, or R3A parcel. Short, 1 hour or less, exceptions are allowed.	60 dB	60 dB	60 dB	60 dB	60 dB*	60 dB*	60 dB*	60 dB	* No more than 2 outdoor performing arts events per week for any venue. No more than 16 events per year, between Memorial Day and Labor Day. Events must be over by 10:30 PM on Fridays and Saturdays and 10 PM on other days. Indoor events are not restricted. If level of 60 dB at residential boundaries cannot be maintained, then number of concerts per summer is restricted to 4. Ongoing measures to minimize noise in ULC from any CE1, CE2, or LC parcel by use of sound barriers, orientation of loud speakers, sound level measurements, etc. are essential. Any complaints from residents of ULC received by the County involving CE1, CE2 or LC occupants will be addressed promptly and the exceptions (above) can be rescinded per county regulations.

The proposed rezoning of the Upper Las Colonias Neighborhood Zone would be guided by the following goals:

- Strengthen the business core by improving the working and living environments;
- Foster development in the area and provide direction and incentives for further growth where appropriate;
- Expand the retail, entertainment, and commercial character of the area in support of the area’s role as a major transportation hub to Taos Ski Valley;
- Provide commercial interface transition area standards to help protect the quality of life and interests of adjoining lower-scale residential zones;
- Improve the quality of new development in Upper Las Colonias Neighborhood;
- Encourage the design of new development that is in character with the area;
- Protect and enhance agricultural uses and resources.

**4. THE FUTURE WITHOUT THE PROPOSED ACTIONS OF CREATING ZONING CONDITIONS THROUGHOUT TAOS COUNTY**

Without the proposed zoning actions, it is anticipated that the proposed project areas would experience modest growth in commercial, manufacturing, and residential uses in the future, given the current zoning and commercial and residential housing trends in Taos County. Most of the project growth is expected to include further development of local retail space and residential development in existing low-density residential community. In the future with the proposed rezoning and zoning actions throughout Taos county, higher-density commercial and residential development is expected to occur in Taos County and along major thoroughfares, shifting development away from the lower-density communities. In addition, the reinforcement of certain commercial areas would allow for further commercial growth along commercial highway corridors. *(Taos County staff may be revising this)*

**5. PUBLIC REVIEW PROCESS**

The above-described actions are subject to The Taos County Land Use Regulation procedures. These review processes are described in Article 5 Section 5.4 and is a process specially designed to allow public review of a proposed action at 3 levels: Neighborhood Public meetings, in coordination with the Neighborhood President; a Public Hearing with the Taos County Planning Commission for recommendations; and the Public Hearing with Taos County Board of Commissioners. For Public Review: Publication of the Upper Las Colonias Neighborhood Zoning Regulation in the Taos County Web Site and issuance of the Notice of Completion to Neighborhood Association Board begins the public review period. During this time, the public has the opportunity to review and comment on the Upper Las Colonias Neighborhood Zoning Regulations either in writing or at a public hearing convened for the purpose of receiving such comments. Taos County must publish a



notice of the hearings at least 15 days before it takes place. All substantive comments received at the hearing become part of the record.

## 6. SUB ZONE DESIGNATIONS for Rezoning of Upper Las Colonias Neighborhood Zone:

- A. **R: Residential.** Residential use as defined in this ordinance, including Single-Family Residence and Multiple Family/Multi-Family Residence:
  - i. **R2: Rural Multiple Family/Multi-Family Residential** (High Density Multiple family/Multi-Family Sub Zone)
  - ii. **R3: Rural Single Family Residential** (Single Family Sub Zone in core of ULCN)
  - iii. **R3A: Rural Single Family Residential** (Subzone generally for smaller parcels at north end of ULCN)
  - iv. **R1M: Rural Mobile Home Residential** (Mobile Home Subdivisions on Valencia Rd)
  
- B. **A: Agricultural.** This Sub Zone reflects an area that is presently under agricultural uses including areas that were historically or are presently irrigated. Agricultural also includes grazing or dry land farming that has low development sensitivity.
  
- C. **CE: Commercial.** The following Sub Zone designations are provided for Commercial uses that are clustered near highway corridors to serve the region:
  - i. **CE1:** Larger mixed-use commercial, retail, industrial, institutional, civic and residential.
  - ii. **CE2:** Smaller scale mixed-use commercial, retail, hospitality, light industrial, institutional, civic and residential.
  
- D. **LC: Light Commercial.** This Sub Zone is intended for neighborhood oriented mixed-use residential and small scale commercial uses that include low impact, low traffic business activities.
  
- E. **HC: Highway Corridor Overlay for each Sub Zone.** Located on a designated state or county highway corridor to a distance of up to 200' from the highway right of way edge, this zoning overlay has been created to provide Highway Corridor enhancement planning guidelines, requirements and restrictions for the overlaid area of each Sub Zone. Its purpose is to encourage and promote cohesive Highway Corridor development with thoughtfully master planned ingress/egress access, signage, lighting, landscaping, parking lot screening, public safety solutions, architecture, etc. Such master planning recognizes and supports an already established pattern of existing and potential retail and service uses along the corridor in a manner that minimizes disruption to residential neighborhoods, while at the same time enhancing convenient accessibility to high retail business traffic, regional transportation, deliveries and public safety.
  - i. **HC-R2: Highway Corridor Multiple Family/Multi-Family Residential** (with Highway Corridor Restrictions)
  - ii. **HC-R3: Highway Corridor Residential** (Single Family with Highway Corridor Restrictions)
  - iii. **HC-R3A: Highway Corridor Residential** (Smaller Single Family with Highway Corridor Restrictions)
  - iv. **HC-CE1 & HC-CE2: Highway Corridor Commercial** (CE Commercial with Highway Corridor Restrictions)
  - v. **HC-LC: Highway Corridor Light Commercial** (Light Commercial Zone designation with highway Corridor Restrictions, located next to existing low to medium density residential zoning and development. The HC-LC zone is intended for low-traffic small-scale residential and commercial uses with low-impact business activities. Mixed-use is encouraged in the HC-LC zone)

# Rezoning Approval Standards

**Compliance with Rezoning Standards** analyze the impact of the proposed rezoning and provide a written point-by-point response to the following questions:

A report that explains how the rezoning would satisfy the Following Approval Standards:

1. The proposed change is consistent with the County Comprehensive Plan:

The Land and Water Element Goal 8 of the Taos County Comprehensive Plan: “Work with Neighborhood Associations to prepare and adopt neighborhood-based zoning plans. The plans may include land use and density designations, open space and trail plans, natural resources conservation strategies, infrastructure improvements, and recommendations for public facilities and services”. As per the Taos County Comprehensive Plan the following actions includes:

- An integration of developed land uses such as housing, retail, work places, schools, parks, and civic facilities are important to the daily life of the residents.
- A mixture of commercial land uses accommodates business growth and supports economic diversity.
- A diversity of housing types and densities are available to a wide range of income levels, age groups and abilities are essential to creating real and healthy communities.
- Growth and development standards and decisions that are clear, predictable, consistent, fair, timely, and cost effective serve the community and build confidence in local government.
- Fundamental roles of the county are to maintain fiscal soundness and protect community health and welfare.
- Land use planning with an engaged public remains relevant as the community evolves.
- *Adopt a "Cluster Development Irrigated Agricultural Overlay Zone" that provides incentives to set-aside 70% of the irrigated agricultural land from development.*
- *Permit the development of mixed-use development to encourage residential and neighborhood scale commercial mix where appropriate.*

2. The zone change being proposed is appropriate for the proposed use(s). The Upper Las Colonias Neighborhood Association established Neighborhood Zones within their recognized jurisdiction per Ordinance No. 2003-1 that established Sub Zone designations: Sub Zone 1, Sub Zone 1A, Sub Zone 1M, Sub Zone 2, Sub Zone 3, Sub Zone 3A and Sub Zone 4. The established zoning designations did not provide a clear description of “Allowed Uses” or a process for creating them. All Sub Zone uses required that uses be approved by the Taos County Planning Commission. Performance standards were referred to other sections of the regulations which make it difficult to understand the clear intent of the performance standards being required.

As noted above, Counties that create zoning within the State of New Mexico are required to provide for all land uses within their corporate boundaries. This is typically done by providing lists of permitted uses, whether by right, condition, or special exception, within the zoning ordinance. Identifying all conceivable uses in a zoning ordinance is not only impractical but also nearly impossible. To address uses that are not explicitly provided for within the zoning ordinance, some jurisdictions include a clause in their ordinances that identifies a process for permitting a use when proposed. This provides a method of avoiding exclusionary zoning challenges.

3. The proposed change must be consistent with the general character of the existing and surrounding zoning or to provide a reasonable transition or buffer between uses:

Proposed zoning changes stay in character of the present Sub Zone requirements within the present Upper Las Colonias's Neighborhood Zoning Regulations with the exception of Taos Pueblo Property along State Highway property 522 and along State Highway 150 with a zone change from existing commercial and residential zoning to a CE2 & HCCE2 which is intended to provide for economic growth and redevelopment within this area. Proposed zoning changes expand opportunities for new residential and mixed-use development at a range of scales appropriate to surrounding building patterns near transit and highway access. Proposed zoning changes in this area are intended to provide for new development at higher densities in areas with good access to highways. Current zoning along the area's thoroughfares is restrictive—particularly in the 1A subzones (restricted mixed use of residential commercial complexes) in areas characterized by commercial development but where no description of allowed uses exists to permit such uses. The properties East of Comanche RD allows commercial and community facility development which is consistent and the same property characteristics with properties West of Comanche Rd. Planning staff are rezoning the two areas to a zone designation CE2 & HCCE2 to be in line with NM State Statute. The statute requires uniformity where similar properties with the same mapping and matrix regulation divide the territory under its jurisdiction into districts of such number, shape, area and form as is necessary to carry out the purposes of zoning designations. The proposed zone change would increase the permitted density and provide for new mixed-use development along the area's streets and in Project Description will be better to accommodate and take advantage of excellent transit access. The proposed changes would also provide a greater degree of predictability with regulations that impose development requirements and maximum building heights.

4. The rezoning does not create or increase the risk to public health and safety or general good of the community beyond that of the existing zoning and, where possible, it improves existing conditions; and

This rezoning will provide a list of land uses described in a matrix, designated as not permitted, allowed or special use within the Upper Las Colonias Neighborhood Boundaries. The rezoning will provide enough land to accommodate residential and nonresidential land uses that are in demand in the area. This area still has enough vacant land that can support growth and this rezoning will provide a systematic path of growth within the Upper Las Colonias Neighborhood. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for *development of a variety of residential dwelling types and nonresidential uses*.

5. The rezoning does not create "spot zoning"; i.e. an isolated use that is "out of place" or inconsistent with surrounding land use patterns, or which grants a special privilege to one property owner over others by imposing a lesser standard, or is done for the sole financial benefit of an individual owner.

The Rezoning of Upper Las Colonias is not a detriment of comprehensive plan or public goals. The rezoning does not provide special benefits to a property owner or it is not creating negative impacts to surrounding property. Zoning a property differently than its surroundings doesn't necessarily qualify as spot zoning. Examples where this might occur is when a small portion of a residential area, perhaps at the intersection of two major roadways, is zoned commercial. Providing a limited amount of commercial uses near residential development is typically considered good planning practice and can be justified based on the need for nearby services.

6. A description of the proposed uses, density, and table for development standards are included in the following Section 5.6.

# UPPER LAS COLONIAS NEIGHBORHOOD ZONE

## Section 5.6.

### Upper Las Colonias Neighborhood Zoning Regulations

#### Section 5.6.1 Establishment, Boundaries and Purpose of the Upper Las Colonias Neighborhood

- A. **Establishment.** This section, by ordinance, establishes and recognizes the Upper Las Colonias Neighborhood Association as the neighborhood representative for purposes described in the Taos County Land Use Regulations (LUR).
- B. **Boundaries.** This section establishes the Neighborhood Land Use Overlay and Regulations for the neighborhood of Upper Las Colonias. The boundaries of this Neighborhood Zone, the boundaries of its Sub Zones and related Highway Corridor (HC) Overlay established therein are as described and shown on the Taos County Planning Department’s revised Upper Las Colonias Neighborhood Zoning Map (See Exhibit B).
- C. **Purposes.** Recognition of the Upper Las Colonias Neighborhood Zone is requisite to the Upper Las Colonias Neighborhood Association achieving the following objectives in consonance with Taos County especially in regard to future developments. Central to these purposes is close coordination with the regulatory authority of Taos County to provide advice to the county, which has sole responsibility to implement, regulate, monitor and enforce compatible residential and commercial development, in compliance with Taos County Land Use Regulations (LUR).
1. Preserve the vision of the Upper Las Colonias Neighborhood which is to maintain its traditional use as a rural community with compatible residential development, community facility development, preservation of its farming and ranching heritage and to support compatible commercial development. Central to this vision is the conservation of the scenic beauty and the wellbeing of our residential and commercial land owners.
  2. Ensure architectural standards that are compatible with the neighborhood’s established architecture and style, i.e. Spanish Pueblo Revival, Territorial Revival (including northern New Mexico version), Contemporary Interpretations and Farm/Ranch Vernacular.
  3. Enforce dark sky, noise and environmental quality protections.
  4. Protect valued ULCN view sheds that exist in practically every direction. The perimeters of ULCN properties are the areas most vulnerable to commercial and residential development activities that could easily block view sheds of the adjoining existing residential uses and zones. ULCN zoning and matrix provide guidelines for lot coverage, set back and building height limitations for each ULCN Land Use Sub Zone to help protect these view sheds as much as possible. This ULCN constraint also includes provisions for required screening, landscaping, siting of buildings, view shed sight line preservation and other improvements.
  5. Improve and promote highway safety by requiring NMDOT approved highway entrances and by minimizing the number of highway entrances and exits along Highways 150 and 522. Shared use of existing entrances is encouraged and new entrances are allowed only by approval of the New Mexico State Highway Department. For example, State Road 150 has limited shoulders and 45 mph speed limits which make ingress and egress by slower moving traffic a basic safety issue. ULCNA and Taos County Staff recommend only one additional entrance to the neighborhood be permitted between Gavilan Road and Cielo Road. All entrance requirements to be determined by NMDOT.

## **Section 5.6.2. Zone Overlay Designations**

### **1. Sub Zone Designations, Highway Corridor and Development Restrictions.**

The Upper Las Colonias Neighborhood Land Use Sub Zone designations and each designation's purpose are set out as follows:

#### **A. R: Residential.**

The following residential Sub Zone designations are provided for Single Family and Multiple Family/Multi-Family Residential uses:

- i. **R2: Rural Multiple Family/Multi-Family Residential** (Higher Density Multiple family/Multi-Family Sub Zone)
- ii. **R3: Rural Single Family Residential** (Single Family Sub Zone in core of ULCN)
- iii. **R3A: Rural Single Family Residential** (Subzone generally for smaller parcels at north end of ULCN)
- iv. **R1M: Rural Mobile Home Residential** (Only applies to Mobile Home Subdivisions on Valencia Rd)

#### **B. A: Agricultural.**

This Sub Zone includes ULCN zone areas that are presently under agricultural uses including areas that were historically or are presently irrigated, and includes grazing or dry land farming that has low development sensitivity. Taos County recommends and encourages the preservation and enhancement of our community's farming and ranching heritage for all ULCN agricultural land and resources.

#### **C. CE: Commercial.**

The following Sub Zone designations are provided for Commercial uses that are clustered near highway corridors to serve the region:

- i. **CE1:** Larger mixed-use commercial, retail, industrial, institutional, civic and residential.
- ii. **CE2:** Smaller scale mixed-use commercial, retail, hospitality, light industrial, institutional, civic and residential.

#### **D. LC: Light Commercial.**

This Sub Zone is intended for neighborhood oriented mixed-use residential and small scale commercial uses that can include low impact, low traffic business activities.

#### **E. HC: Highway Corridor Overlay for each Sub Zone.**

Located on a designated state or county highway corridor to a distance of up to 200' from the highway right of way edge, this zoning overlay has been created to provide Highway Corridor enhancement planning guidelines, requirements and restrictions for the overlaid area of each Sub Zone. Its purpose is to encourage and promote cohesive Highway Corridor development with thoughtfully master planned ingress/egress access, signage, lighting, landscaping, parking lot screening, public safety solutions, architecture, etc.

- i. **HC-R2: Highway Corridor Multiple Family/Multi-Family Residential** (with Highway Corridor Restrictions)
- ii. **HC-R3: Highway Corridor Residential** (Single Family with Highway Corridor Restrictions)
- iii. **HC-R3A: Highway Corridor Residential** (Smaller Single Family with Highway Corridor Restrictions)
- iv. **HC-CE1 & HC-CE2: Highway Corridor Commercial** (CE Commercial with Highway Corridor Restrictions)
- v. **HC-LC: Highway Corridor Light Commercial** (Light Commercial Zone designation with highway Corridor Restrictions, located next to existing low to medium density residential zoning and development. The HC-LC zone is intended for low-traffic small-scale residential and commercial uses with low-impact business activities. Mixed-use is encouraged in the HC-LC zone)

**Section 5.6.3. Land Use Matrix describing permit review requirements and land uses that are allowed (permitted uses) and prohibited (non-permitted uses).**

**Legend:**

**A** = Allowed Use (Permitted Use) that requires Administrative Zoning Clearance Approval;

**S** = Allowed Use (Permitted Use) that requires Special Use/Major Development Permit (Whichever is applicable);

**Blank** = Prohibited Use (Non-Permitted Use); requires rezoning to an Allowed Use or Sub Zone

**Variance** = (Taos County staff will create Variance description text)

**Note:**

**This Land Use Matrix (Sections 5.6.3 & 5.6.4) does not apply to Planned Unit Development (PUD) Zones.**

**Allowed uses and permit review requirements for PUD Zones are established as part of the PUD approval by Taos County.**

Residential Land Uses	R2 HCR2	R3 HCR3	R3A HCR3A	R1M	CE1 HCCE1	CE2 HCCE2	LC HCLC	A	Comments/Limitations
Single-family Residence	A	*A	A	A	A	A	A	A	<p>*In R3, a Single-family Residence is a “Dwelling” as defined in the International Residential Code (IRC), interpreted for the ULCN as a house and guest house where the guest house size is restricted to no more than 75% of the house size. A guest house can be attached to the house or built as an accessory structure or building.</p> <p><u>IRC Dwelling definition:</u> “Any building that contains one or two dwelling units used, intended, or designed to be built, used rented, leased, let or hired out to be occupied, or that are occupied for living purposes.”</p> <p><u>IRC Dwelling Unit definition:</u> A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.</p>
Accessory Structure or Building	A	*A	A	A	A	A	A	A	*In R3, no more than 2 accessory structures or buildings are allowed for lots under two acres. If a guest house is included as a separate building, it counts as one of the two allowed accessory structures or buildings. For R3 lots sized 2 acres or more, a 3 <sup>rd</sup> accessory structure or building is allowed for agricultural purposes.
Multiple Family/Multi-Family Residence	A				A	A	A		
Condominiums	A		A		A	A	A		
Duplex	A	*A	A		A	A	A		*Allowed as defined above in the Single-family Residence comments/limitation description.
Triplex	A				A	A	A		
Manufactured Homes	*A	*A	*A	A	*A	*A	*A		*Only allowed if constructed as a permanent structure with permanent foundation, in compliance with all applicable building codes, including the International Building Code as amended and adopted by the state of New Mexico.
Modular Homes	*A	*A	*A	A	*A	*A	*A		*Only allowed if constructed as a permanent structure with permanent foundation, in compliance with all applicable building codes, including the International Building Code as amended and adopted by the state of New Mexico.

Commercial, Governmental or Non Profit Land Uses	R2 HCR2	R3 HCR3	R3A HCR3A	R1M	CE1 HCCE1	CE2 HCCE2	LC HCLC	A	Comments/Limitations
Accessory Structure or Building Commercial					A	A	A		
Agro-Industrial								A	Feedlots & animal slaughter are prohibited.
Airport; Landing Strip									
Alcoholic Beverage Manufacturing					S				
Alcoholic Beverage Sales (onsite Consumption)					A/S	A/S			(A) if in restaurants, (S) for all other uses. Must be located at least 150' from existing residential use or zoning.
Alcoholic Beverage Sales (Retail)					A				
Animal Boarding					S	S			Must be located at least 150' from existing residential use or zoning.
Animal Care					A	A	A	A	Must be located at least 150' from existing residential use or zoning.
Arts and Cultural Uses A. Arts & Crafts  B. Music & Theater					*A/S  S	*A/S  S	S		*(S) if over 4,000sf, or if outside use and/or within 150' of existing residential use or zoning. >10,000sf not allowed for LC and CE-2. >30,000sf not allowed for CE-1. Not allowed within 150' of existing residential use or zoning. >10,000sf not allowed for CE-2. >30,000sf not allowed for CE-1.
Assisted Living Commercial					S				
Attached Wireless Communications Facility					A	A	A		Total height (including antenna) limited to building height plus 4'. Cell towers not allowed. <i>(need to add 5G federal regulation)</i>
Automotive Parts Sales					A	A			Must be located at least 150' from existing residential use or zoning.
Automotive Repair									
Automotive Sales									
Automotive Service Station									
Automotive Electric Charging Station					S				Must be located at least 150' from existing residential use or zoning.
Banks, credit unions or similar financial offices					A	A/S			(S) if within 150' of existing residential use or zoning and/or if proposed CE-2 use includes ATM or drive thru.
Bed and Breakfast	A				A	A	A		
Building Material Sales					*A/S				* A if <10,000SF and interior only. >30,000sf not allowed.
Business and Professional Services					A	A	A		
Cafe or Coffeehouse					A	*A	*A		Not allowed within 150' of existing residential use or zoning. * Drive Through not allowed.
Cemetery									
Churches and Community Centers					A	*A/S			*(S) if over 4,000sf and/or within 150' of existing residential use or zoning. >10,000sf not allowed for CE-2. >30,000sf not allowed for CE-1.

Commercial, Governmental or Non Profit Land Uses	R2 HCR2	R3 HCR3	R3A HCR3A	R1M	CE1 HCCE1	CE2 HCCE2	LC HCLC	A	Comments/Limitations
Club, private -Elk's VFW, etc					A	S	S		Not allowed within 150' of existing residential use or zoning.
Condominiums > 4 Units	A				A	A	A		
Dance and Fitness Studio A. Dance Studio  B. Fitness Studio					A  A	*A/S  *A/S	S		Not allowed within 150' of existing residential use or zoning. >10,000sf not allowed for CE-2. >30,000sf not allowed for CE-1. *(S) if > 4,000sf. Hours of operation restricted to 7am – 8pm.
Day Care Center or Nursery					A	*A	*A		Not allowed within 150' of existing residential use if for 7 or more children. * Hours of operation restricted to 7am – 8pm & occupancy limited to 20 children.
Equestrian facility					S				If part of resort complex.
Extractive Use									
Farmers Market					A	A		A	Not allowed within 150' of existing residential use or zoning.
Flea Market					S	S			Temporary Vender Permit Required. Not allowed within 150' of existing residential use or zoning.
Food Park					S	S			Not allowed within 150' of existing residential use or zoning. Utilities must be provided, including electricity, water and sewer/septic. Portable toilets are not allowed. 1 cart limit.
Food and Beverage Sales					A/S	A/S			(A) if < 4,000sf. S if > 4,000sf. >10,000sf not allowed in CE2. >30,000sf not allowed in CE1.
Freight Distribution									
Fuel Sales, other than for Vehicles									
Funeral Home or Mortuary					S				
Gallery (Definition Clarification?)					A	*A/S	S		4,000sf maximum for LC. >10,000sf not allowed in CE2. >30,000sf not allowed in CE1. *A if < 4,000sf.
Green House					A	A	S	A	>4,000sf not allowed for LC. >10,000sf not allowed for CE2. > 30,000sf not allowed for CE1.
Group Home Commercial					S				
Hardware Store					S				
Health Care Facility (Definition Clarification?)					A/S	A/S			(A) if under 4,000sf. S if over 4,000sf. Over 10,000sf not allowed in CE2. Over 30,000sf not allowed in CE1. Not allowed within 150' of existing residential use or zoning.
Hospitals									
Hotel, Motel, Lodging					S	S	S		>10,000sf not allowed in CE2 & LC. >30,000sf not allowed in CE1. Not allowed within 150' of existing residential use or zoning.
Industrial									
Industrial Repair									
Maintenance Yards									
Manufacturing					S	S			Not allowed within 150' of existing residential use or zoning.



Commercial, Governmental or Non Profit Land Uses	R2 HCR2	R3 HCR3	R3A HCR3A	R1M	CE1 HCCE1	CE2 HCCE2	LC HCLC	A	Comments/Limitations
Medical Clinics					A/S	A/S	A/S		(S) if >4,000sf and/or within 150' of existing residential use or zoning. >10,000sf not allowed for CE2 & LC. >30,000sf not allowed in CE1. Hours of operation restricted to 7am – 8pm. Urgent Care only allowed in CE-1.
Mining									
Mobile Home Park				A					Must comply with all applicable Taos County and New Mexico State Regulations. Summary subdivision of 2 to 5 lots, or for lease only if greater than 5.
Multiple Family/Multi - family 4 units or more	A				A	A	A		
Offices					A	A	A		
Park	A	A	A	A	A	A	A	A	Includes Open Space.
Personal Services					A	A	A		
Plant Nurseries					A	A	S	A	Not allowed within 150' of existing residential use or zoning. >4,000sf not allowed in LC. >10,000sf not allowed in CE2. >30,000sf not allowed in CE1.
Post Office					A	A	S		Not allowed within 150' of existing residential use or zoning. Facility access & hours restricted to 7am – 8pm.
Preschool, Private					A	S	S		Not allowed within 150' of existing residential use or zoning. >4,000sf not allowed in LC. >10,000sf not allowed in CE2. >30,000sf not allowed in CE1.
Radio or TV Station					S				
Recreation					A/S	A/S	S		(A) for indoor facility or existing facility. (S) otherwise.
Recycling Commercial									
Recycling Neighborhood					S				Not allowed within 150' of existing residential use or zoning.
Repair Services General					S	S			Indoor only. Not allowed within 150' of existing residential use or zoning.
Repair Services Limited					A	A	A		
Research and Development					A	A	A		
Restaurant					A	A			Not allowed within 150' of existing residential use or zoning. >10,000sf not allowed in CE2. >30,000sf not allowed in CE1.
Retail					A/S	A/S	A/S		(A) if <4,000sfs. (S) if 4,000sf – 30,000sf for CE1 or if 4,000sf -10,000sf for CE2 & LC. Over 30,000sf not allowed for CE1. >10,000sf not allowed for CE2 & LC. Not allowed within 150' of existing residential use or residential zoning.
RV Park or Campground									
Schools					A/S	A/S			(A) if under 4,000sf. (S) if 4,000sf – 30,000sf for CE1 or if 4,000sf -10,000sf for CE2. > 30,000sf not allowed for CE1. > 10,000sf not allowed for CE2. Not allowed within 150' of existing residential use or residential zoning.
Self-Serve Storage Facility					A	A			Only allowed if included as a development feature for development owners and/or tenants. Stand-alone facility not allowed.

Commercial, Governmental or Non Profit Land Uses	R2 HCR2	R3 HCR3	R3A HCR3A	R1M	CE1 HCCE1	CE2 HCCE2	LC HCLC	A	Comments/Limitations
Sewer System and treatment	A	A	A	A	A	A	A	A	For Development projects only.
Shooting Range Facility					S				Indoors only. Not allowed within 150' of existing residential use or zoning.
Shop Yard									
Solar Energy Commercial					S	S		S	<u><i>(Need "commercial" definition clarification – See LUR 4.13, pg 80)</i></u>
Surface Distribution Transportation Facility					A	A			Facility for public or personnel transportation allowed if at least 150' from existing residential use or zoning.
Technical Trade or Business Schools					S	S	S		> 30,000sf not allowed for CE1. >10,000sf not allowed for CE2 & LC. Not allowed within 150' of existing residential use or zoning.
University colleges post-secondary					S	S			Not allowed within 150' of existing residential use or zoning.
Veterinarian or Animal Hospital					S	S			Not allowed within 150' of existing residential use or zoning.
Wind power generation Commercial									
Wireless Communications Facility <i>(Definition Clarification?)</i>					S	S			Cell towers not allowed. For G5-G6 Technology, height limited to building height plus 4'. <i>(Note: Wireless Communication facility cannot be denied by Taos County)</i>

Any use not specifically listed herein shall require a permit, as required by Section 4.1 unless the County Planning Department determines that the use is similar to a listed permitted use, in which case, the applicant can proceed in accordance with the permitting process designated as identified within that zone.

Definitions of Uses: See definitions in Article 2 of the Land Use Regulations. This section defines the types of uses allowed (zoning clearance, administrative or special use) in this Neighborhood Zone Overlay.

**Matrix Development Standards & Requirements:** applies unless specified otherwise in Section IV.

GENERAL STANDARDS:	COMMENTS
Architectural Standard for commercial facilities, homes and guest houses	<p>Architectural Style Standard for all Sub-Zones and for any building: Spanish Pueblo Revival, Territorial Revival, Contemporary Modern Design Interpretations (such as the distillery) Farm/Ranch Vernacular or compatible building styles, similar to existing homes, businesses and subdivisions. Accessory buildings and landscaping standards must be consistent with the existing developments and character of the neighborhood. Commercial developments must have landscaping and screening.</p> <p>Architectural Standards for Commercial is that of a "Plaza", typical of many northern New Mexico communities. A "Plaza" standard consists of the following attributes:</p> <ol style="list-style-type: none"> <li>An entry and exit through openings in an "adobe style wall that defines the boundary of the development on at least the boundary of the development that faces the access roadway.</li> <li>The color of the "stucco style wall will be typical of the Northern New Mexico plazas, light tan, brown, off white, etc.</li> <li>The stucco style wall will be a minimum of 4' high and a maximum of 5' high, with an increased maximum of 8' high allowed for loading and outdoor storage area screening.</li> <li>Landscaping and Screening are required for all commercial developments.</li> <li>Architectural Style Standard (as described above).</li> </ol>
Exterior Lighting	All artificial lighting must be shaded to meet "dark skies" conditions at night. This means all lighting must be directed downward from the source and that the bulb not be visible beyond the parcel boundaries, except for motion detector lighting. The sensor cannot be activated beyond the parcel boundaries.
Landscaping	Landscaping is strongly encouraged, especially xeriscaping, and should be designed and maintained in a healthy condition with consideration of the neighbor's view sheds.
Minimum Parcel/Lot Size, Setback Relief & Subdivision Restriction	Minimum parcel lot size does not apply to any existing "legal lot" of record, if recorded prior to 5/20/03 when LUR Ordinance 2003-1 was adopted. Setback relief for odd shaped lots can be approved administratively. Once a parcel is improved to the maximum extent of coverage, it cannot be further subdivided. Legal Non-Conforming uses and parcels require a variance if they do not meet existing performance standards.
Noise	No improvement or use is permitted which emit noises louder than 60dB (a scale) measured at the perimeter of the property. Short, in-frequent exceptions are permitted.
Screening Requirements exception Zone R3 and R3A	<p>(from 2003-1, but with new Sub Zone names added)</p> <p>Screening is required for separation of CE1, CE2, HC and R2 from R3 or R3A. If the improvements of a CE1, CE2, HC or R2 parcel are adjacent to land in zone R3 or R3A, a 4ft. to 6ft. "adobe" style wall as required to screen this interface, e.g., dumpsters, vehicles, stored materials, propane tanks, etc. The screening for loading areas and outdoor storage areas shall be a minimum of 4 feet in height and a maximum of 8 feet in height. All screening shall provide protection of the enclosed area from animals and wind.</p> <p>Screening features, consisting of berms, solid fencing, walls, and/or landscaping, which do not impact existing view sheds negatively, are required for service areas, loading areas, outdoor storage areas, and trash receptacles for all parcels other than single-family houses to provide visual, noise and odor isolation from neighboring parcels.</p>
Solar Access	No improvement or use can reduce the solar energy available to adjacent properties that have solar access rights filed with Taos County, except for early morning or late evening sun angles less than a 15 degree elevation. (Check and verify)
View Shed Preservation	The View sheds of the adjacent parcels and existing improvements should be preserved to the maximum extent possible. This can be accomplished by orientation, changing the roof design, clustering, or reduction of the maximum height of new improvements depending on the elevation relative to the other sites.
<b>HIGHWAY CORRIDOR OVERLAY (HC) STANDARDS: (HC STANDARDS STILL NEED TO BE ADDED HERE)</b>	
HC Signage	
HC Ingress/Egress	An objective in this area is to improve safety by reducing the number of highway entrances and exits along highways 150 and 522. Users are encouraged to use existing entrances and new entrances are allowed only by approval of the New Mexico State Department of Transportation.
HC Screening	
HC Lighting	
HC Architecture	

**LUR DEFINITION REVISIONS: (LUR 2018-2 DEFINITION CHANGES TO BE ADDED HERE)**

**LUR 2018-2 PERFORMANCE STANDARDS:**

	Less than 2 acres	2 acres or more	
Minimum setback from acequias, And legal lateral (venitas) acequias <sup>2</sup>	*20 ft.	*50 ft. commercial *20 ft. residential	Measured from the nearest bank of acequias.
Minimum setback from water sources, streams, wetlands, springs etc.	85ft. commercial 40ft. residential	150ft. commercial 40ft. residential	Measured from the nearest bank of streams, springs, or from wetlands
Maximum developable slope	20%	20%	If >20% see Section 4.14

(1) Setbacks do not apply to fences, except for the front lot line.

(2) Allowed Setback may be more or less if established in acequia bylaws.

**Section 5.6.4. Development Standard Table and Specific Sub Zone Requirements**

Development Standard Table	R2 HCR2	R3 HCR3	R3A HCR3	R1M	CE1 HCCE1	CE2 HCCE2	LC HCLC	A	Comments/Limitations
Minimum parcel size	*1 acre	1 acre	.75 acre	2 acres	*1 acre	*1 acre	*1 acre	1 acre	*.25 acre if part of a subdivision served by community water and sewer.
Density: Units per acre	10 units	*1 unit	2 units	5 units	10 units	10 units	10 units	1 unit	*For R3, 1 unit is a Single-family Residence or "dwelling" as defined in the International Residential Code. A dwelling includes one or two dwelling units defined for the ULCN as a house and guest house. Guest house size cannot be larger than 75% of the house size.
Maximum Residential Lot coverage	50%	25%	25%	N/A	50%	50%	50%	*25%	Includes buildings, patios & decks. Excludes parking lots, roadways, driveways, courtyards, walkways, utilities, landscaping and agriculture. * "A" parcels or portions of "A" parcels used only for agriculture are exempt from coverage limits.
Maximum Commercial lot coverage					50%	50%	50%		Includes buildings, patios & decks. Excludes parking lots, roadways, driveways, courtyards, walkways, utilities, landscaping and agriculture. Combined Residential and Commercial Coverage cannot exceed 50%.
Minimum setback from HWY 150/522	65FT	65FT	65FT		65FT	*65FT	*65FT	65FT	Does not apply to Agriculture and Landscaping. *Minimum setback may be administratively adjusted down to 30' for narrow LC or CE2 parcels.
Minimum Setback from R1M, R2, R3 & R3A	30FT	30FT	30FT	*50FT	50FT	50FT	50FT	30FT	Does not apply to Agriculture and Landscaping. *R1M/R1M setback from property line is 10 FT.
Minimum Setback from Valencia, Del Norte, Gavilan and Upper Colonias Roads	30FT	30FT	10FT	*30FT	30FT	30FT	30FT	10FT	Does not apply to Agriculture and Landscaping. *Parking not allowed within setback.
All Other Setbacks	*10FT	30FT	10FT	10FT	*10FT	*10FT	*10FT	10FT	Does not apply to Agriculture and Landscaping. 0FT setback allowed within R2, LC, CE1 & CE2. *30' if adjoining a lot with existing permanent residential structure located in R3, R1M, LC or CE2.
Maximum Height	23FT	23FT	23FT	23FT	*23FT	*23FT	17FT	23FT	See Improvement (Building) Height Diagram exhibits for how building height is measured for CE1, CE2, LC and R2. Building Height for R3, R3A and R1M is measured where the building footprint meets the lowest point of existing grade prior to disturbing natural topography.  *Building height limit is 23' if building setback from existing neighborhood property boundary is at least 100' and 33' if building setback is increased to at least 144'.

## Development Standard Requirements for each Sub Zone

### 1. Upper Las Colonias Sub Zone CE1 (Larger mixed-use commercial, retail, industrial, institutional, civic and residential)

- a. Allowed Uses:
  - i. Any Use listed for Sub Zone CE1 in the Section 5.6.3 Land Use Matrix, [subject to all applicable Taos County requirements and approvals.](#)
- b. Prohibited Use:
  - i. Any use that requires a discharge or emissions permit from the federal, state or county governments, except for a state waste water treatment permit.
- c. Performance Criteria:
  - i. Minimum parcel size: One acre. A .25 acre minimum is allowed if part of a subdivision served by community water and sewer.
  - ii. Lot Coverage: The maximum coverage on any lot of all improvements including buildings, patios and decks is limited to no more than 50% of the lot size. Parking lots, roadways, driveways, courtyards, walkways, utilities, landscaping and agriculture are excluded. For mixed-use development, combined Residential and Commercial Coverage cannot exceed 50%.
  - iii. Density: No more than 10 Units/Acre. Higher density development (more units/acre) is allowed if more of the parcel is left as Open Space according to the 20%/10% rule: "if the density is 20% higher, the Open Space area must be increased 10%. Open Space may be used for landscaping, community oriented open space amenities and agriculture use.
  - iv. Maximum Improvement Height: Maximum height of any improvements is 23' or 33' as shown in Building Height Diagram Exhibit A, measured from existing grade prior to disturbing natural topography. 33' maximum height is restricted to Sub Zone CE1 parcels larger than 10 acres.

#### SEE EXHIBIT A – IMPROVEMENT (BUILDING) HEIGHT DIAGRAM FOR SUB ZONE CE1

- v. Minimum Building Setbacks: See Development Standard Table. Zero setbacks are allowed within parcel but not at perimeter of parcel if adjoining parcel is in a different Sub Zone.
- vi. Signage: Signage is restricted to 32 square feet, maximum or as defined in the Highway Corridor Overlay Standards, if applicable. All other requirements of the state or county signage regulations still apply. Neon signs are prohibited (**even in windows, such as "open/closed" signs?**).
- vii. Architectural Standards: See Architectural Style and Standards for Commercial (on page 19).
- viii. Parking: must be inside the wall specified in Architectural Standards for Commercial (on page 19).
- ix. Boundary Wall Requirement: If the improved portions of the parcel are adjacent to land in either zone R2, R3, R3A, a 4ft to 6ft "adobe" style wall is required to screen this interface, e.g.: dumpsters, vehicles, stored materials, propane tanks, etc.

### 2. Upper Las Colonias Sub Zone CE2 (Smaller mixed-use commercial, retail, industrial, institutional, civic and residential)

- a. Allowed Uses:
  - i. Any Use listed for Sub Zone CE2 in the Section 5.6.3 Land Use Matrix, subject to all applicable Taos County requirements and approvals. Business activities are allowed to operate between the hours of 7am and 8pm.
- b. Prohibited Use:
  - i. Any use that requires a discharge or emissions permit from the federal, state or county governments, except for a state waste water treatment permit.
- c. Performance Criteria:
  - i. Essentially the same as Upper Las Colonias Sub Zone CE1, but with smaller commercial mixed-uses, including the Maximum Improvement Height requirement shown in Exhibit A - Building Height Diagram, measured from existing grade prior to disturbing natural topography. 33' maximum height is restricted to Sub Zone CE2 parcels larger than 10 acres. Zero setbacks are allowed within parcel but not at perimeter of parcel if adjoining parcel is in a different Sub Zone.

#### SEE EXHIBIT A – IMPROVEMENT (BUILDING) HEIGHT DIAGRAM FOR SUB ZONE CE2

## Development Standard Requirements for each Sub Zone (cont.)

3. **Upper Las Colonias Sub Zone LC (Neighborhood oriented mixed-use residential and small-scale commercial uses with low impact low traffic business activities)**
- a. Allowed Uses:
    - i. Single family residences or cottage industries, multiple family residences or low impact, low traffic business activities and uses listed for Sub Zone LC in the Section 5.6.3 Land Use Matrix, subject to all applicable Taos County requirements and approvals. Business activities are allowed to operate between the hours of 7am and 8pm. Allowed uses may be more restrictive for some Sub Zone LC parcels located within existing subdivisions.
  - d. Prohibited Use:
    - i. Any use that requires a discharge or emissions permit from the federal, state or county governments, except for a state waste water treatment permit.
  - e. Performance Criteria:
    - i. Essentially the same as Upper Las Colonias Sub Zone CE2, except that commercial uses are more restrictive and the maximum height of any improvement located next to residential use is limited to 17 feet measured the same way as specified for Sub Zone CE1 and as shown in Exhibit A - Building Height Diagram, measured from existing grade prior to disturbing natural topography. Improvement height up to 23 feet is possible beyond the 100' setback from residential use. Zero setbacks are allowed within parcel, but not at perimeter of parcel if adjoining parcel is in a different Sub Zone. Additional restrictions may apply to some Sub Zone LC parcels located within existing subdivisions.

**SEE EXHIBIT A – IMPROVEMENT (BUILDING) HEIGHT DIAGRAM FOR SUB ZONE LC**

4. **Upper Las Colonias Sub Zone R1M (Rural Mobile Home Residential)**
- a. Allowed Uses:
    - i. Agriculture (as restricted in Sub Zone A); single family residences; cottage industries; mobile homes and any Use listed for Sub Zone R1M in the Section 5.6.3 Land Use Matrix, subject to the performance criteria for this Sub Zone and all applicable Taos County requirements and approvals.
  - b. Prohibited Use:
    - i. Any use that requires a discharge, or emissions permit from the federal, state or county governments, except for a state waste water treatment permit.
  - c. Performance Criteria:
    - i. Similar to Upper Las Colonias Sub Zone R3, except minimum parcel size is 2 acres and the number of units per acre is limited to five and the number of free standing buildings is limited to five per acre. See Section 5.6.4 Development Standard Table for other requirements, such as setbacks.

## Development Standard Requirements for each Sub Zone (cont.)

### 5. Upper Las Colonias Sub Zone R2 (Rural Multiple Family /Multi-family Residential)

- a. Allowed Uses:
  - i. Agriculture (as restricted in Sub Zone A); single family residences; cottage industries; multifamily/multiple family residences or Bed and Breakfast Operations, and any Use listed for Sub Zone R2 in the Section 5.6.3 Land Use Matrix, subject to the performance criteria for this Sub Zone and all applicable Taos County requirements and approvals.
- b. Prohibited Use:
  - i. Any use that requires a discharge, or emissions permit from the federal, state or county governments, except for a state waste water treatment permit.
- c. Performance Criteria:
  - i. Compliance with all applicable state and county land use regulations, subdivision regulations and building codes regardless of construction method, i.e., manufactured housing must meet all standards for site built housing.
  - ii. Minimum Parcel Size (as shown in the Development Standard Table): One acre. A .25 acre minimum is allowed if part of a subdivision served by community water and sewer.
  - iii. Lot Coverage (as shown in the Development Standard Table): The maximum coverage on any lot of all improvements including buildings, patios and decks is limited to no more than 50% of the lot size. Parking lots, roadways, driveways, courtyards, walkways, utilities, landscaping and agriculture are excluded.
  - iv. Maximum Improvement Height (as shown in the Development Standard Table): Maximum height of any improvements is 23 feet measured from the where the mid point of the building footprint meets existing grade prior to disturbing natural topography. If an R2 parcel is adjacent to a zone 3 or 3A parcel then the height is further restricted as shown in Exhibit A - Building Height Diagram.

### SEE EXHIBIT A – IMPROVEMENT (BUILDING) HEIGHT DIAGRAM FOR SUB ZONE R2

- v. Setbacks: See Development Standard Table on page 20 for setback requirements. Zero setbacks are allowed within parcel but not at perimeter of parcel if adjoining parcel is a different Sub Zone.
- vi. Density (as shown in the Development Standard Table): No more than 10 units per acre.
- vii. Screening: See the Matrix Development Standards Table on page 19 for screening requirements.
- viii. Architectural Standard: For Architectural Standard requirements, see the Matrix Development Standards Table on page 19.
- ix. Signage is restricted to 32 square feet maximum, or as defined by the Highway Corridor Overlay for lots located within the Highway Corridor overlay area.

### 6. Upper Las Colonias Sub Zone R3 (Prevailing Single Family Residential in the core of ULCN)

- a. Allowed Uses:
  - i. Agriculture (as restricted in Sub Zone A); single family residences and cottage industries. For each single family residence, no more than two non-family employees are permitted to work in the cottage industry at any given time.
- b. Prohibited Use:
  - i. Any use that requires a discharge or emissions permit from the federal, state or county governments, except for a ground water discharge permit issued by the New Mexico Environment Department under the New Mexico.
- c. Performance Criteria:
  - i. Compliance with all applicable state and county land use regulations, subdivision regulations and building codes regardless of construction method, i.e., manufactured housing must meet all standards for site built housing.
  - ii. Minimum Parcel Size (as shown in the Development Standard Table): One acre minimum. Parcels smaller than one acre and recorded with the county prior to the adoption of the land use regulation Ordinance 2003-1 amendment are exempt from this requirement.
  - iii. Lot Coverage (as shown in the Development Standard Table): The maximum coverage on any lot of all improvements including buildings, patios and decks is limited to no more than 25% of the lot size. Parking lots, roadways, driveways, courtyards, walkways, utilities, landscaping and agriculture are excluded.
  - iv. Maximum Density (as shown in the Development Standard Table): Only one Single Family Residence or “dwelling” as defined in International Residential Code (IRC) is permitted per parcel. A dwelling can include one or two dwelling units defined for Sub Zone R3 as a house and guest house, where the guest house size cannot be larger than 75% of the house size. (Clarify: LUR Ord. 2003-1 misrepresented the intention by referencing dwelling unit instead of dwelling. Existing homes in ULCN R3 zone follow the IRC definition of dwelling that allows for two dwelling units per parcel)
  - v. Maximum Improvement Height (as shown in the Development Standard Table): Maximum height of any improvements is 23 feet measured from where the building footprint meets the lowest point of existing grade prior to disturbing natural topography.
  - vi. Setbacks (as shown in the Development Standard Table on page 20): Any improvements must meet a minimum setback of 30 feet from all property boundaries. Variances are available for unusual parcel shapes.
  - vii. Architectural Standard: For Architectural Standard requirements, see the Matrix Development Standards Table on page 19.
  - viii. Signage is restricted to 2 square feet maximum, or as defined by the Highway Corridor Overlay for lots located within the Highway Corridor overlay area.

## Development Standard Requirements for each Sub Zone (cont.)

### 7. Upper Las Colonias Sub Zone R3A (Single Family Residential area with smaller lots located at north end of ULCN)

Note: This Sub Zone is primarily composed of existing residences, cottage industry activities, mixed architectural styles and some mixed agricultural uses. Some of the parcels are smaller than one acre with shapes tailored to the needs of the owners and their families. Since this use pattern is considered substantially different than Sub Zone R3, a separate Sub Zone was created to reflect the needs of this area more accurately.

a. Allowed Uses:

- i. Agriculture (as restricted in Sub Zone A); single family residences and cottage industries. If used for agriculture, there shall be no more than 5 farm animal units per acre. One farm animal unit is defined as one large animal (cows, horses, llamas, etc.) with offspring until weaned, two medium animals (sheep, goats, pigs, etc.) with offspring until weaned or four small animals (chickens, ducks, etc.) with offspring until full size. The number of non-family cottage industry employees per Lot is limited to 3.

b. Prohibited Use:

- i. Any use that requires a discharge or emissions permit from the federal, state or county governments, except for a ground water discharge permit issued by the New Mexico Environment Department under the New Mexico.

c. Performance Criteria:

- i. Compliance with all applicable state and county land use regulations, environmental regulations, subdivision regulations and building codes regardless of construction method, i.e., manufactured housing must meet all standards for site built housing.
- ii. Minimum Parcel Size (as shown in the Development Standard Table): Minimum parcel size is 3/4 acre. Parcels smaller than 3/4 acre and recorded prior to the adoption of the land use regulation Ordinance 2003-1 amendment are exempt from this requirement.
- iii. Lot Coverage (as shown in the Development Standard Table): The square foot area of all buildings and structures shall not exceed 25% of the Lot size.
- iv. Parcel Subdivision: Parcels smaller than 1.5 acres shall not be subdivided. Parcels equal to or larger than 1.5 acres may be subdivided provided that the area of the building and structures on each resulting parcel shall not exceed 25% of parcel sizes.
- v. Maximum Improvement Height (as shown in the Development Standard Table): Maximum height of any improvements is 23 feet measured from where the building footprint meets the lowest point of existing grade prior to disturbing natural topography.
- vi. Setbacks (as shown in the Development Standard Table on page 20): All buildings and structures (improvements) must meet a minimum setback of 10 feet from all property boundaries unless this setback requirement prevents a viable use the parcel, then setback must be determined by the Taos County Planning Commission.
- vii. Architectural Standard: For Architectural Standard requirements, see the Matrix Development Standards Table on page 19.
- viii. Signage is restricted to 6 square feet, maximum or as defined by the Highway Corridor Overlay for lots located within the Highway Corridor overlay area.

### 8. Upper Las Colonias Sub Zone A (Agriculture)

a. Allowed Uses:

- i. Agriculture (as described in LUR 2018-2 definitions, Section 2.1.2): "The production, storage, keeping, harvesting, grading, packaging, processing, boarding or maintenance, for sale, lease or personal use, of plants and animals useful to humans, including but not limited to: forages and sod crops; grains and seed crops; dairy animals, and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of all such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; herbs, nursery, floral, ornamental, and greenhouse products; soil, compost and mulch production; or lands devoted to stream restoration or a soil conservation of forestry management program. One Single Family Residence (or dwelling as defined by IRC) per parcel and farm structures such as a barn or greenhouses are also allowed.

b. Restricted Use:

- i. All agricultural use is restricted to what is allowed by US Federal, New Mexico State and Taos County requirements and regulations.
- ii. Large farm animals may not be confined in buildings for more than a week.
- iii. Surface water pollution, ground water pollution and raw sewage lagoons are prohibited.
- iv. Any usage of an agricultural parcel which emits mechanical noises louder than 60dB (sustained for more than 1 hour) measured at the perimeter of the parcel is prohibited.

c. Performance Criteria:

- i. Compliance with all applicable federal, state and county land use regulations, environmental regulations, subdivision regulations and building codes regardless of construction method, i.e., manufactured housing must meet all standards for site built housing.
- ii. Minimum Parcel Size (as shown in the Development Standard Table): Minimum parcel size is one acre.
- iii. Lot Coverage (as shown in the Development Standard Table): The maximum residential coverage on any lot for all improvements including buildings, patios and decks is limited to no more than 25% of a one acre lot size, even if the lot is larger. Parking lots, roadways, driveways, courtyards, walkways, utilities, landscaping and agriculture are excluded.
- iv. Maximum Density (as shown in the Development Standard Table): Only one Single Family Residence or "dwelling" as defined in International Residential Code (IRC) is permitted per parcel, in addition to allowed farm structures (such as barn or greenhouse). A dwelling can include one or two dwelling units defined as a house and guest house, where the guest house size cannot be larger than 75% of the house size.
- v. Maximum Improvement Height (as shown in the Development Standard Table): Maximum height of any improvements is 23 feet measured from where the building footprint meets the lowest point of existing grade prior to disturbing natural topography.
- vi. Setbacks: See Development Standard Table on page 20 for setback requirements.
- vii. Architectural Standard: For Architectural Standard requirements, see the Matrix Development Standards Table on page 19.
- viii. Signage is restricted to 32 square feet, maximum.
- ix. No development of other Sub Zone uses is allowed without approval from Taos County for a zoning change to one of the other Sub Zones.



**9. Upper Las Colonias Neighborhood Procedures and Process for Consideration of Special Conditions or Changes to Neighborhood Sub Zoning (from LUR Ord. 2003-1):**

- a. The Upper Las Colonias Neighborhood Land Use Sub Zones are those described herein and shown on the Upper Las Colonias Neighborhood Land Use Map located in the Taos County Planning Department.
- b. All land uses other than those defined in Article Two, Section I-A require the appropriate permit issued by Taos County, pursuant to the requirements herein. Compliance with all applicable state and county land use regulations, subdivision regulations, building codes and signage restrictions is required.
- c. All land use applications, building permit applications and appropriate permit applications applicable to this area as outlined in this section require the Taos County Planning department to notify the Upper Las Colonias Neighborhood Association by certified mail that must include an enclosed copy of the applicable permit application documents.
- d. The Upper Las Colonias Neighborhood Association shall:
  - 1. Form & maintain a Development Standards Advisory Board.
  - 2. Provide analysis and finding to the Taos County Planning Department or Taos County Commission on any proposed improvements, subdivisions or other activities affecting this neighborhood.
  - 3. Provide analysis and findings for each permit application in the Upper Las Colonias area.
  - 4. Respond to all inquiries in 30 calendar days or less.
- e. The Taos County Commission will determine any zoning changes, variances, or exceptions to these standards or boundaries. The Taos County Planning Commission can determine variances or exceptions as delegated by the Taos County Commission.
- f. By Special Use Permits or with a PUD, concepts such as clustering, pods and density bonus designs with attendant decrease in parcel coverage can be approved on a case by case basis.
- g. Any Neighborhood Sub Zone designation by this Ordinance or amendments thereto, can be modified by the affected Neighborhood petitioning the Taos County Planning Commission for a Zoning Change. Such change requires approval of the Planning Commission. If such change is approved by the Planning Commission, the proposed change(s) will be presented to the County Commission for approval and amendment to this Ordinance.

**2003-1 Ordinance Amendments to Previous Ordinances (Need to make sure these are accommodated in the Rezone Application)**

**1. First Amendment to Ordinance 1997-4**

Article Two, Section I, is hereby repealed and amended to read:

- A. Designation of Areas and Zones: For the purpose of this ordinance, the County of Taos is designated as a County Rural Area (as described in Section 4-29-1 NMSA, 1978) except for any area that is within the zoning jurisdiction of a municipality, the Town of Taos, Taos County Extra-Territorial Zone, the Pueblos, Taos County recognized Neighborhood Zones or any land under the jurisdiction of the State or Federal Governments. This ordinance hereby establishes the following community and/or neighborhood zones:
  - 1. Upper Las Colonias Neighborhood Zone. Upper Las Colonias is bordered to the west by Highway 522, to the east by Highway 150 and to the north by Highway 230 and Valencia Road and includes a brief strip of commercial land to the east side of 150.
- B. Identification on official maps: Such land and the classification shall be shown on a map designated as the "Land Use Map of Taos County," New Mexico, which is incorporated into this ordinance and is available for viewing in the County' Clerk's office. Later alterations of this map, adopted by amendment as hereafter provided, shall be similarly signed, dated, filed and made available for public reference in the office of the County Clerk. Designation of slopes more than 20% grade as defined in the regulations shall be shown on a map designated as the "Steep Slope Map of Taos County" and shall be similarly signed, dated and filed and made available for public reference in the office of the County Clerk. Individual Community and/or Neighborhood Area or Zone designation:
  - 1. Upper Las Colonias Neighborhood Zone.

**2. Second Amendment to Ordinance 1997-4**

Article Two, Section II, is hereby amended as follows: The words "on public highway" contained in Item B.1.b are deleted.

**3. Third Amendment to Ordinance 1997-4**

Article One, Section VI, item A 3 is deleted in its entirety and Article Two is amended to include the following:

**Section VII Fee Schedule**

A developer or applicant submitting an application for zoning approval shall pay non-refundable review fees to defray costs associated in reviewing of data submitted, costs associated with public notification requirements, and other associated administrative costs. For fee amounts see Taos County fee schedule as amended for the following:

- Appeals
- Special Use Permits
- Variances
- Zoning Clearances
- Copy of Land Use Regulations
- Copy of Comprehensive Plan

**4. Fourth Amendment to Ordinance 1997-4**

Article 1, Section V is amended so that the following definition is added:

Zoning Clearance: As used in these regulations, a zoning clearance is an official document issued by the Planning Department to indicate that a proposed development, or use of property, is in accordance with zoning requirements and complies with other applicable federal, state and county requirements.

**ULCNA MATRIX BOARD GROUP'S NOTES & RECOMMENDATIONS THAT HAVE NOT YET BEEN ACCOMMODATED IN THE REZONE APPLICATION:**

- **NEW HIGHWAY CORRIDOR (HC) SUB ZONE OVERLAY:** THE REZONE APPLICATION PROPOSAL INCLUDES A NEW HIGHWAY CORRIDOR (HC) SUB ZONE OVERLAY TO PROVIDE NECESSARY PERFORMANCE STANDARD REQUIREMENTS FOR ALL HIGHWAY CORRIDOR LOTS FRONTING ON STATE HIGHWAYS 150 AND 522. HC PERFORMANCE STANDARDS SHOULD PRIMARILY INCLUDE REQUIREMENTS FOR HIGHWAY SAFETY INGRESS/EGRESS, SIGNAGE, LIGHTING AND AESTHETIC STANDARDS THAT ARE COLLECTIVELY NEEDED TO PROVIDE AN ATTRACTIVE, EFFICIENT AND SAFE HIGHWAY CORRIDOR EXPERIENCE. NEW STANDARDS STILL NEED TO BE FLEDGED OUT FOR THIS PURPOSE WITH TAOS COUNTY STAFF AND ADDED TO THE REZONE APPLICATION.
- **REDUCED HIGHWAY SETBACK ACCOMMODATION:** FOR A FEW CE2 AND LC PARCELS WITH UNUSUAL OR NARROW SHAPES (PERPENDICULAR TO HIGHWAY, FRONT TO REAR), PERFORMANCE STANDARDS NEED TO BE CREATED AND ESTABLISHED THAT PROVIDE FOR AN OCCASIONAL REDUCED 30' HIGHWAY SETBACK THAT CAN BE APPROVED ADMINISTRATIVELY BY TAOS COUNTY STAFF IF CERTAIN REQUIREMENTS ARE MET. SUCH REQUIREMENTS STILL NEED TO BE FLEDGED OUT WITH TAOS COUNTY STAFF.
- **ULCNA PLAN REVIEW PROCESS CLARIFICATION:** SUGGEST ULCNA SHOULD PROVIDE TWO LEVELS OF REVIEW FOR ULCNA PLAN SUBMITTALS, ONE FOR "CONCEPTUAL" REVIEW OF PRELIMINARY DESIGNS/PLANS AND A SECOND FOR FINAL REVIEW OF CONSTRUCTION DOCUMENTS. CONCEPTUAL REVIEW WOULD BE RECOMMENDED FOR COMPLEX PROJECTS AND MAJOR DEVELOPMENTS, AND COULD BE SUBMITTED DIRECTLY TO ULCNA. FOR THE CONSTRUCTION DOCUMENT REVIEW, CONSTRUCTION DOCUMENT SUBMITTAL WOULD BE PROVIDED TO ULCNA BY TAOS COUNTY (NOT BY APPLICANT) FOR REVIEW AND APPROVAL/DISAPPROVAL RECOMMENDATION LETTER. THIS REVIEW PROCESS NEEDS TO BE FLEDGED OUT WITH TAOS COUNTY STAFF AND ADDED TO THE REZONE APPLICATION.
- **ACCOMMODATION FOR OTHER COMMUNITY ISSUES:** ULCNA NEEDS TO ESTABLISH POLICY AND REGULATIONS IN THE REZONE APPLICATION FOR DEALING WITH OTHER COMMUNITY ISSUES OF IMPORTANCE TO ULCNA MEMBERS, SUCH AS BURN PERMITS, PET MANAGEMENT, TRAVEL TRAILERS, RVs, ETC.
- **LUR DEFINITION ADDITIONS AND REVISIONS SPECIFIC TO THE ULCN:** SOME ADDITIONS AND REVISIONS TO THE EXISTING LUR DEFINITIONS STILL NEED TO BE ADDED TO THIS REZONE APPLICATION.

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**FOR OFFICIAL USE ONLY**

DATE OF PRE-APPLICATION CONFERENCE: \_\_\_\_\_

DATE APPLICATION WAS SUBMITTED: \_\_\_\_\_

DATE OF PUBLICATION FOR A PUBLIC HEARING: \_\_\_\_\_

NAME OF NEWSPAPER HANDLING THE PUBLICATION: \_\_\_\_\_

DATE NOTICES WERE SENT TO ADJACENT PROPERTY OWNERS IN THE

AREA OF NOTICE: \_\_\_\_\_

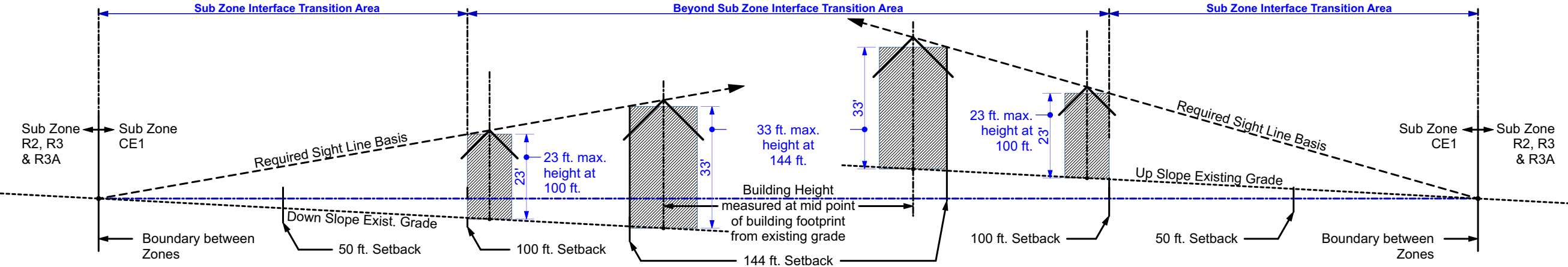
DATE NOTICE WAS SENT TO NEIGHBORHOOD ASSOCIATION: \_\_\_\_\_

DATE OF HEARING: \_\_\_\_\_

SIGNATURE OF PLANNING DEPARTMENT STAFF PERSON THAT

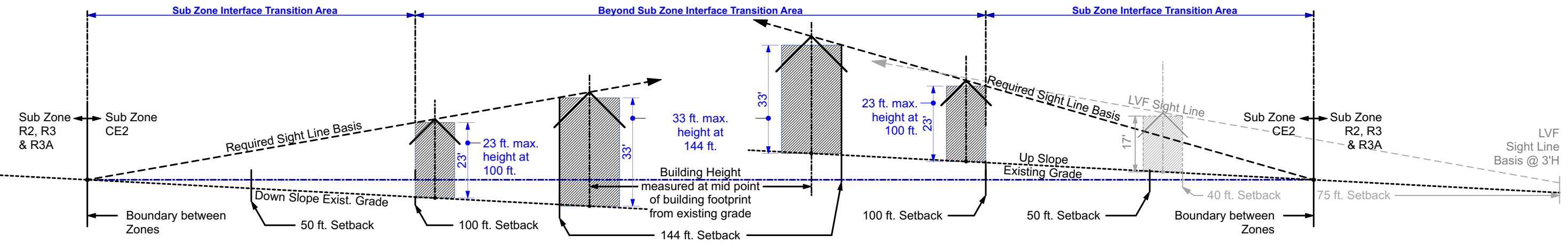
REVIEWED THE APPLICATION AND DEEMED IT COMPLETE:

\_\_\_\_\_ (SIGNATURE)



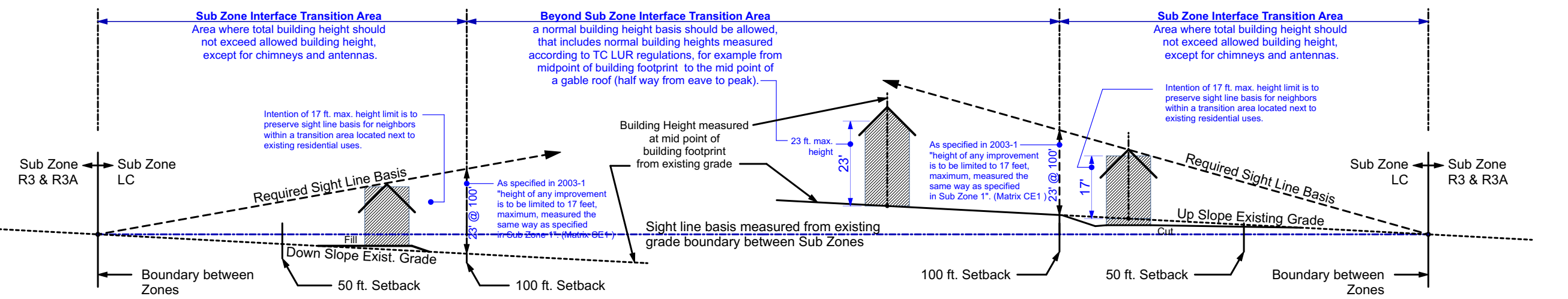
**Allowed Improvement (Building) Height Diagram for Upper Las Colonias Neighborhood Sub Zone CE1**

Note: 33 ft. max. height restricted to Sub Zone CE1 parcels larger than 10 acres. Sight Line basis measured from existing grade at boundary between Sub Zones.

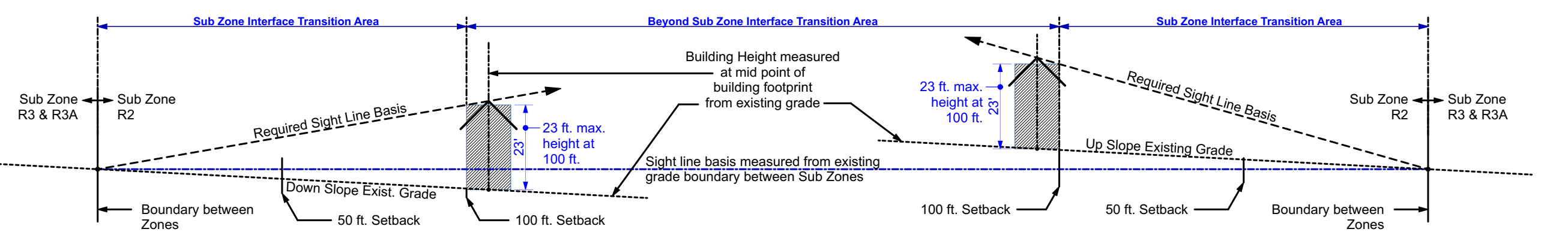


**Allowed Improvement (Building) Height Diagram for Upper Las Colonias Neighborhood Sub Zone CE2**

Note: 33 ft. max. height restricted to Sub Zone CE2 parcels larger than 10 acres. Sight Line basis measured from existing grade at boundary between Sub Zones.

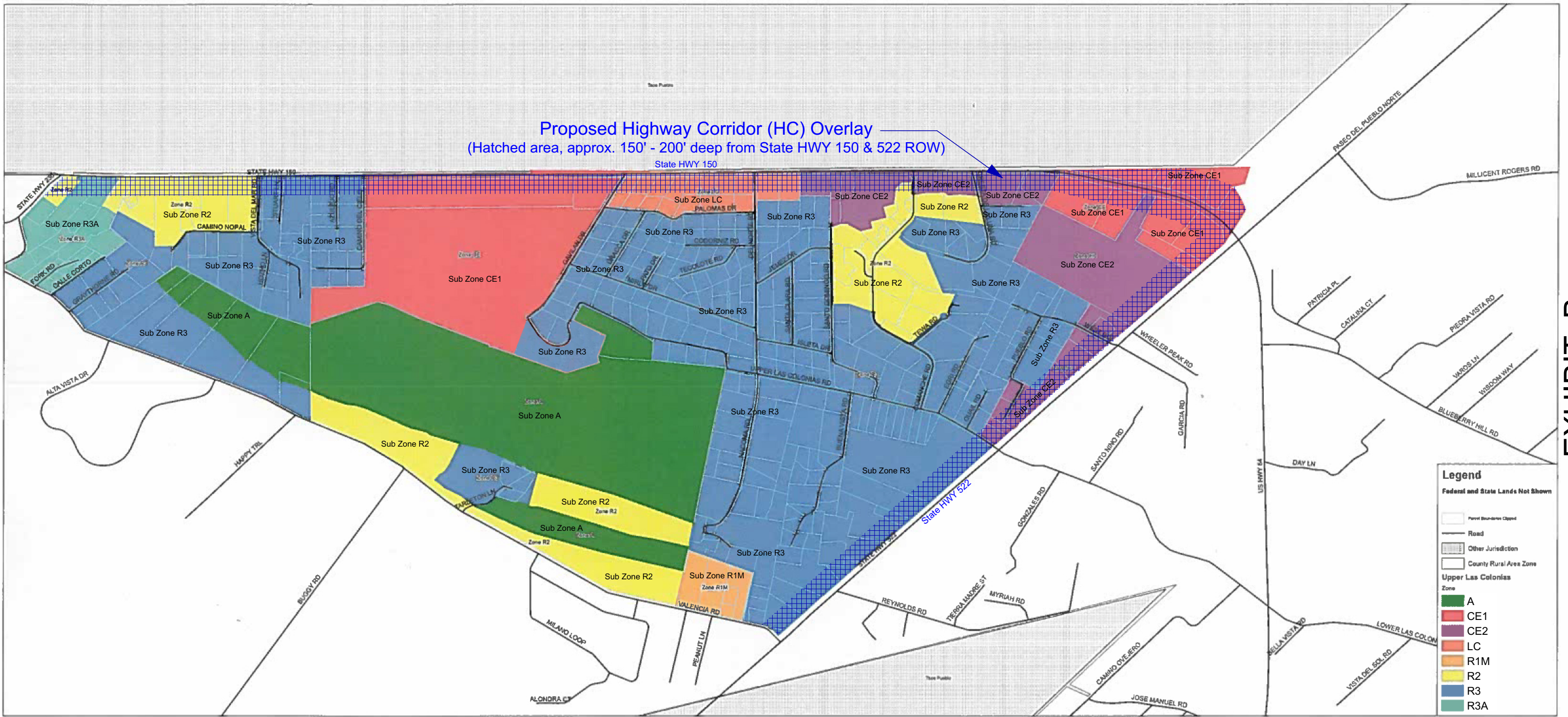


**Allowed Improvement (Building) Height Diagram for Upper Las Colonias Neighborhood Sub Zone LC**



**Allowed Improvement (Building) Height Diagram for Upper Las Colonias Neighborhood Sub Zone R2**

**NOTE:** These conceptual ULCNA improvement (building) height diagrams have been prepared for the 11/8/19 DRAFT Taos County Rezone Application, based on the 2003-1 Taos County Ordinance. A final official version will be provided by Taos County that will be different. Final version will include separate drawings for flat and pitched roof conditions and requirements for roof mounted equipment and antennas.



**Upper Las Colonias Neighborhood Zoning**

This map depicts property boundaries as of the date of adoption. The location of parcels is approximate and is intended for demonstration purposes only. This is not to be used as a survey document.

3 of 3

**CERTIFICATE OF APPROVAL**  
We the undersigned County Commissioners of the County of Taos, New Mexico, do hereby approve the filing of the Taos County Zoning Maps.  
PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2019 by the Taos County Board of Commissioners.

Tom Blankenship, Chairman  
John K. Fabela, Vice-Chairman  
Candace O'Connell, Commissioner  
Mark Challege, Commissioner  
Gabriel J. Romero, Commissioner



**NOTE:**  
This is a conceptual ULCNA zoning map revision prepared for the 11/8/19 DRAFT Taos County Rezone Application. A final official version will be provided by Taos County that may be different.