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ORDINANCE 2003-1
TAOS COUNTY, NEW MEXICO
AMENDING ORDINANCE NO. 1997-4

AN AMENDMENT TO TAOS COUNTY ORDINANCE 1997-4 FOR TAOS COUNTY,
REPEALING AND AMENDING PORTIONS OF THE TAOS COUNTY LAND USE
ORDINANCE.

WHEREAS, the Board of County Commissioners of Taos County (the "Commission") is the duly authorized governing body of Taos County (the "County"), a New Mexico political subdivision; and

WHEREAS, the Commission has the duty and responsibility to adopt Ordinances for the County pursuant to § 4-37-13, NMSA 1978 and the duty and responsibility for the management of the government of the County pursuant to § 4-38-1 through 4-38-42, NMSA 1978; and

WHEREAS, the Commission has found it to be in the best interest of the residents of Taos County to amend the Taos County Land Use Regulations; and

WHEREAS, there are four amendments contained herein; and

THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF TAOS COUNTY, NEW MEXICO THAT ORDINANCE 1997-4 BE AMENDED AS FOLLOWS:

First Amendment to Ordinance 1997-4

TAOS COUNTY
ELAINE S. MONTANO, CLERK
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12/12/2005 09:02:05 AM
BY DOLORES

Article Two, Section 1, is hereby repealed and amended to read: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 the brief strip of commercial land on 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 of 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

Article Two, Section 2, is hereby amended as follows:

C. Neighborhood Zoned Uses

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1. Upper Las Colonias Neighborhood

- 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 and 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 Neighborhood Association by certified mail and enclose a copy of the applicable permit application.
- d. The Upper Las Colonias Neighborhood Association shall:
 1. Form a Development Standards Advisory Board
 2. Provide analysis and findings 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. Legal Non-Conforming uses and parcels are governed by Article III, Section I, Paragraphs A and B of this ordinance.
- f. All artificial lighting must be shaded to meet "dark skies" conditions at night. This means that 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.
- g. No improvement or use can reduce the solar energy available to adjacent properties, except for early morning or late evening sun angles less than 15 degrees elevation.
- h. 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.
- i. 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 in the maximum height of new improvements depending upon the elevation relative to the other sites.

- j. Landscaping is strongly encouraged, especially xeriscaping, and should be designed and maintained with consideration of the neighbor's view sheds.
- k. 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.
- l. By Special Use permits, concepts such as clustering, pods and density bonus designs with attendant decreases in parcel coverage can be approved on a case-by-case basis.
- m. 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 Highway Department.
- n. The architectural standard for any building is territorial revival or Spanish pueblo as defined in the Town of Taos Historic District Regulations or creative variations on these traditional styles.

1 A. Upper Las Colonias SubZone #1

a. Allowed Use:

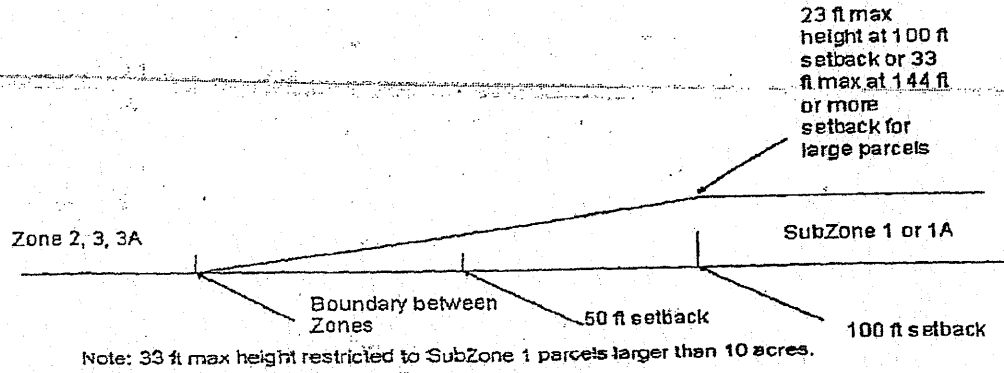
- i. Any that meets the performance criteria of this subzone as indicated herein and is approved by Taos County Planning Commission if such approval is required.

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 of 2 acres.
- ii. The maximum coverage on any parcel of all improvements, including buildings, parking, roadways, driveways, patios, courtyards, etc is limited to no more than fifty percent. Parcels larger than 2 acres, once improved to the maximum coverage, shall not be further subdivided or improved.
- iii. No more than 10 units per acre and no more than two freestanding buildings per acre. Higher density, more units per acre, development is allowed if more of the parcel is left unimproved according to the 20%/10% rule: "If the density is 20% higher, the unimproved area must be increased 10%".



- v. Minimum building setback from highway or public roadway is 75 feet and minimum building setback from the other property boundaries is 50 feet.
- vi. Signage is restricted to 32 square feet, maximum. All other requirements of the state or county signage regulations still apply. Neon signs are prohibited.
- vii. Architectural standard of a "Plaza", typical of many northern New Mexico communities. A "Plaza" standard consists of the following attributes:
 - a. an entry and an 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
 - b. the color of the "stucco" style wall will be typical of Northern New Mexico plazas, light tan, brown, off white, etc.
 - c. the "stucco" style wall will be a minimum of 4 ft high and a maximum of 5 ft high
 - d. The architectural standard for any buildings is territorial-revival, Spanish pueblo revival or creative variations on these traditional styles.
- viii. Parking must be inside the wall of specification #7.
- ix. If the improved portions of the parcel are adjacent to land in either Zone 2,3 or 3A, a 4 ft to 6 ft "adobe" style wall as required to screen this interface, e.g., dumpsters, vehicles, stored materials, propane tanks, etc.

2 A. Upper Las Colonias SubZone #1A

a. Allowed Use

- i. Any that meets the performance criteria for this subzone as indicated herein and is approved by the Taos County Planning Commission. Agriculture (as restricted in SubZone 4), single family residences or cottage industries. Multiple family residences or low impact, low traffic business activities that operate primarily between the hours of 7am to 8pm and are approved by Taos County Planning Commission.

b. Prohibited Use:

- i. any requiring a discharge or emissions permit from the federal, state or county governments, except for a state waste water treatment permit

c. Performance Criteria

- i. Same as Upper Las Colonias SubZone 1 except that the height of any improvement is limited to 17 feet, maximum, measured the same way as specified in SubZone 1.

3 A. Upper Las Colonias SubZone #1M

a. Allowed Use

- i. Any that meets the performance criteria for this subzone as indicated herein and is approved by the Taos County Planning Commission. Agriculture (as restricted in SubZone 4), single family residences or cottage industries and mobile homes that are approved by Taos County Planning Commission

b. Prohibited uses

- i. any requiring a discharge or emissions permit from the federal, state or county governments, except for a state waste water treatment permit.

c. Performance Criteria

- i. Same as Upper Las Colonias SubZone 1 except that the number of units per acre is limited to four (instead of 10) and the number of free standing buildings is limited to four (instead of two).

4 A. Upper Las Colonias SubZone #2

a. Allowed Uses

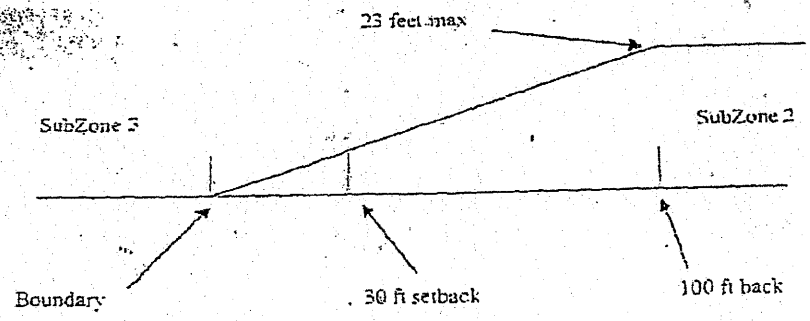
- i. Any that meets the performance criteria for this subzone as indicated herein and is approved by the Taos County Planning Commission. Agriculture (as restricted in SubZone 4), single-family residences or cottage industries. Multiple family residences or Bed and Breakfast Operations that are approved by Taos County Planning Commission.

b. Prohibited Use

- i. any requiring a discharge, or emissions permit from the federal, state or county governments, except for a state waste water treatment permit

c. Performance Criteria

- j. 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 of the standards of site built housing.
- ii. Minimum parcel size is 1 acre. The maximum coverage on any parcel of all improvements, including buildings, parking, roadways, driveways, patios, courtyards, etc is limited to no more than fifty percent. Parcels larger than 1 acre, once improved to the maximum coverage, shall not be further subdivided or improved.
- iii. Maximum height of any improvements is 23 feet measured from the lowest point of existing grade prior to disturbing the natural topography. If the parcel is adjacent to a zone 3 or 3A parcel then the height is further restricted as shown in the following figure:



- iv. Any improvements must meet a minimum setback of 30 feet from all property boundaries
- v. No more than 10 units per acre and no more than two freestanding buildings per acre.
- vi. If the improved portions of the parcel are adjacent to land in Zone 3 or 3A, a 4 ft to 6 ft "adobe" style wall as required to screen this interface, e.g., dumpsters, vehicles, stored materials, propane tanks, etc.
- vii. The architectural standard is territorial-revival, Spanish pueblo revival or creative variations on these traditional styles.
- viii. Signage is restricted to 32 square feet maximum.

5 A. Upper Las Colonias SubZone #3

a. Allowed Uses

- i. Agriculture (as restricted in SubZone 4), single-family residences and cottage industries, except that in this SubZone, no more than two non-family employees are permitted to work in a cottage industry at any given time.

b. 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 of the standards of site built housing.
- ii. Minimum parcel size is 1 acre. Parcels smaller than one acre and recorded with the county prior to adoption of these amendments to the land use regulations are exempt from this requirement.
- iii. The maximum coverage on any parcel of all improvements, including buildings, patios and walled areas is limited to no more than twenty-five percent of the parcel size. Parking, driveways and landscaping are excluded from this coverage limitation. Parcels larger than 1 acre, once improved to the maximum coverage, shall not be further subdivided or improved. Only one single family dwelling unit per parcel is permitted.
- iv. Maximum height of any improvements is 23 feet measured from the lowest point of existing grade prior to disturbing the natural topography.
- v. Any improvements must meet a minimum setback of 30 feet from all property boundaries (variances are available for unusual parcel shapes).
- vi. The architectural standard is territorial-revival, Spanish pueblo revival or creative variations on these traditional styles. See the illustrations below.
- vii. Signage is restricted to 2 square feet, maximum.

6 A. Upper Las Colonias SubZone #3A

Note: This SubZone is composed, primarily, 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 SubZone 3, a separate SubZone was created to reflect the needs of this area more accurately.

a. Allowed Uses

- i. Agriculture, 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 is limited to 3.

b. 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 of the standards of site built housing.
- ii. Minimum parcel size is 3/4 acre. Parcels smaller than 3/4 acre and recorded with the county prior to adoption of these amendments to the land use regulations are exempt from this requirement.
- iii. The area (measured in square feet) of all buildings and structures shall not exceed 25% of the parcel size.
- iv. Parcels smaller than 1.5 acres shall not be subdivided.
- v. Parcels equal to or larger than 1.5 acres may be subdivided provided that the area of the buildings and structures on each resulting parcel shall not exceed 25% of the parcel sizes.
- vi. Maximum height of any improvements is 23 feet measured from the lowest point of existing grade prior to disturbing the natural topography.
- vii. 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 of the parcel, then the setback must be determined by the Taos County Planning Commission.
- viii. The architectural standard is territorial-revival, Spanish pueblo revival or creative variations on these traditional styles. See the illustrations below.
- ix. Signage is restricted to 6 square feet, maximum.

7 A. Upper Las Colonias SubZone #4

a. Allowed Uses

- i. Agriculture, as defined in Section V

b. Restricted Use

- i. The number of farm animals on an agricultural parcel shall not exceed one farm animal per acre, excluding domestic pets (e.g., cats and dogs) with a minimum parcel size of two acres. This restriction does not govern how the animals can be dispersed on the parcel.
- ii. Farm animals may not be confined in buildings for more than a week.
- iii. Raw sewage lagoons are prohibited.
- iv. Any usage of the agricultural parcel which emits noises louder than 60dB measured at the perimeter of the parcel is prohibited.
- v. Signage is restricted to 32 square feet, maximum

c. Performance Criteria

- i. No development is allowed without approval from Taos County for a zoning change to one of the other SubZones.

D. Changes to Neighborhood Zoning Process

Any Neighborhood Zone designated 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.

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.

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 review fees to defray costs associated in the reviewing of data submitted, costs associated with public notification requirements, and other associated administrative costs. These fees shall not be refundable.

Appeals	\$200.00
Special Use Permits	\$200.00
Variances,.....	\$200.00
Zoning Clearances	\$ 50.00
Copy of Land Use Regulations.....	\$ 10.00
Copy of Comprehensive Plan	\$ 15.00

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.

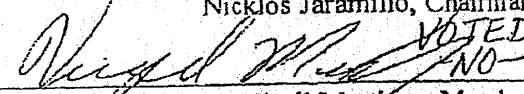
PASSED, ADOPTED AND APPROVED THIS 19th DAY OF MAY 2003.

BOARD OF COUNTY COMMISSIONERS
OF TAOS COUNTY, NEW MEXICO

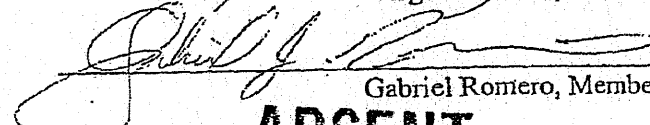
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BY DOLORES



Nicklos Jaramillo, Chairman

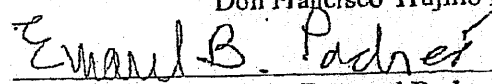


Virgil Martinez, Member

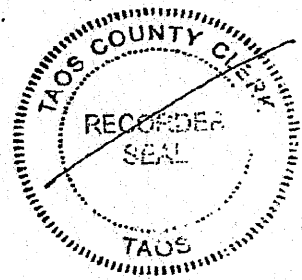
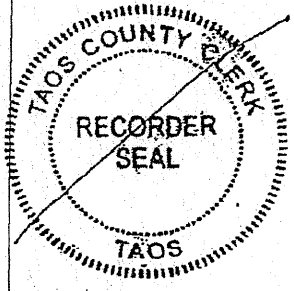


Gabriel Romero, Member

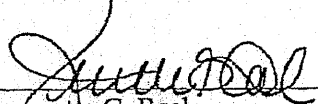
ABSENT

Don Francisco Trujillo II, Member


Emanuel Pacheco, Member



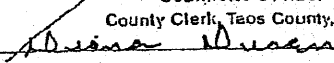
ATTEST:



Jeannette G. Rael
Taos County Clerk

Vote Record:			
N. Jaramillo	<input checked="" type="radio"/> yes	<input type="radio"/> no	<input type="radio"/> abstain <input type="radio"/> absent
V. Martinez	<input checked="" type="radio"/> yes	<input type="radio"/> no	<input type="radio"/> abstain <input type="radio"/> absent
G. Romero	<input checked="" type="radio"/> yes	<input type="radio"/> no	<input type="radio"/> abstain <input type="radio"/> absent
D.F. Trujillo II	<input type="radio"/> yes	<input type="radio"/> no	<input type="radio"/> abstain <input checked="" type="radio"/> absent
E. Pacheco	<input checked="" type="radio"/> yes	<input type="radio"/> no	<input type="radio"/> abstain <input type="radio"/> absent

COUNTY OF TAOS)
STATE OF NEW MEXICO)

I hereby certify that this Instrument was filed
for record on the 20th day of May A.D.
2003 at 2:45 o'clock PM m
and was duly recorded in book M-379
page 409-418 of the records of Taos County,
Witness my Hand and Seal of Office
Jeannette G. Rael
County Clerk, Taos County, N.M.


Deputy