

TOWN OF TAOS

ZONE CHANGE / ZONE DESIGNATION

APPLICATION PACKET

PLANNING, COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT



ZONE CHANGE / ZONE DESIGNATION APPLICATION

Planning, Community and Economic Development Department
 400 Camino de la Placita
 Taos, NM 87571
 Phone (575-751-2016
 Fax (505) 751-2026



CASE NO PZ20 ____ - _____

PROPERTY OWNER INFORMATION

Name			
Mailing Address			
City ST ZIP Code			
Telephone Number		Cell Phone	
E-Mail Address			

AGENT INFORMATION

Name			
Mailing Address			
City ST ZIP Code			
Telephone Number		Cell Phone	
E-Mail Address			

ZONING INFORMATION

Subject Property Address		
Existing Zone	Proposed Zone	
Acreage of Subject Property		

ZONE CHANGE / ZONE DESIGNATION APPLICATION SUBMITTAL CHECK LIST

The following submittals are required in order to be placed on the Planning and Zoning Commission Agenda for their next available regularly scheduled monthly meeting. Please complete and submit 10 copies on 8 ½ x 11 paper of the requested information (except where otherwise indicated). Information will be due as seen fit by the Site Development Review Staff of the Town of Taos Planning, Community and Economic Development Department. Incomplete, inadequate or late submittals will result in delay or rejection of the request for a Zone Change or Zone Designation. Please contact staff with questions regarding the submittals required herein.

*NOTE: ALL DRAWINGS MUST BE DRAWN TO SCALE

- Completed Zone Change / Zone Designation Application
- Zone Change / Zone Designation Fee - \$250.00

- Owner's Affidavit (If Application submitted by an Agent)
- Copy of existing zoning map for subject area
- Copy of zoning map with proposed amendments
- Summary of all existing uses in proposed affected area
- Summary of all existing uses on adjacent properties
- Documentation of benefits to neighborhood if amendment was to be approved
- Documentation on adverse effect to neighborhood if amendment was to be approved
- Documentation showing that the zone change is justified
 1. Because the original zoning was in error
 2. Because a change has occurred in the condition of the vicinity, or
 3. Because a change has occurred in the Town of Taos' overall development policy.
- Legal description of property
- Copy of registered deed
- Vicinity Map
- Site Plan (minimum size 24" by 36") and Survey Plat (minimum scale 1" = 20'). Site plan shall depict all existing and proposed structures, setbacks, parking area and other applicable strict/standard requirements. Please see "Site Development Plan" in Section 16.20.080.5 of the Town of Taos Land Use Development Code.
- Property Owner information on file with the County Assessor as follows:
 - A. Copy of the tax map (including map number) depicting subject property and adjacent property
 - B. List of owners of record listed on file for adjacent properties within 300' of property line
- Site Threshold Assessment (STH) Form
- Must adhere to the requirements of section 16.20.080.5 of the Town of Taos Municipal Code
- Submit a narrative explaining how the use applied for will meet the requirements of Section 16.12.040.5 Application Procedure and 16.20.080.5 Zone Change Site Development Plan Requirements. (The Zone Change will not create a danger to the public health, safety or welfare, nor cause an extraordinary expense, nor create a nuisance.)
- Documentation or narrative showing that the proposed zone change is consistent with the direction and intent of existing Town of Taos Master Plan (Vision 2020)
- Documentation or narrative showing that the proposed zone change is consistent with the purpose and intent of the town of Taos zoning regulations.
- Documentation or narrative showing that the proposed zone change is consistent with the existing land use in the affected neighborhood.
- Documentation or narrative establishing that the proposed zone change will not create a danger to the public health, safety or welfare, nor cause an extraordinary public expense or create a nuisance.

Agreement and Signature

I, the undersigned, understand that any discussions and/or other communications between any authorized representative for this application and any/all Town of Taos Staff members regarding this application do not constitute the entire review of this application and that additional and/or alternate conditions and/or requirements above and beyond those that may have been discussed may be required. I also realize that failure to include applicable application material(s) may result in the rejection of my application or delays in the approval process. I also certify that the signature(s) affixed to this application are those for the property owner and authorized agent. If I am the agent, I am including an owner's affidavit.

Property Owner Name (printed)	
Signature	
Date	
Agent Name (Printed)	
Signature	
Date	

Attached:

16.20.080.5: Zone Change Site Development Plan Requirements

16.12.040.5: Application Procedure

16.12.060: Amendments to this Title

Owner's Affidavit

Date Application Received: Stamped by Town of Taos.

16.20.080.5: ZONE CHANGE SITE DEVELOPMENT PLAN REQUIREMENTS:

A. Where applicable, the zone change site development plan shall be accompanied by: 1) a site threshold assessment (STH) form obtained from the code administrator; and 2) the applicant's narrative statement outlining, at a minimum, the following:

1. A statement addressing the consistency (or lack of consistency) of the proposed zone change with the policies of the town of Taos;
2. How the proposed zone change is consistent with the criteria for approval of an amendment to the code as set forth in section [16.12.060.2](#) of this title for zone changes or for approval of variances as set forth in the definition of "variance", section [16.08.020.3](#) of this title.

B. The site development plan shall contain the following basic information, where applicable; provided, that the code administrator, commission and/or town council may require additional information as is deemed reasonably necessary to properly interpret and evaluate such plan:

1. The preliminary schematic site development plan maps shall include an accurate true north arrow and shall be illustrated at a minimum scale of one inch equals twenty feet (1" = 20'), on a paper size not to exceed twenty four inches by thirty six inches (24" x 36"). If the subject parcel must be illustrated on more than one sheet of paper, then the applicant shall also include a site development plan at the largest scale possible so that the parcel can be illustrated on one sheet of twenty four inch by thirty six inch (24" x 36") paper;
2. Boundary survey with a legal description of the subject property;
3. Description of existing sizes, locations and arrangements of the buildings, structures, public and private parking areas, ingress/egress of existing parking areas, land uses, dedicated/reserved parks and open spaces, both on the property and within three hundred feet (300') of the property;
4. Location and description of all existing easements, noting purpose and grantee of the easement, both on the property and within three hundred feet (300') of the property;
5. Location, size and names of existing public and private streets, public rights of way, alleys, walkways and trails, both on the property and within three hundred feet (300') of the property;
6. Location and size of existing signs, fences, walls and landscaped areas, including description of existing vegetation and size, location of significant vegetation and other environmental features;
7. Locations, size and names of existing acequias and watercourses, including a description of existing drainage plan and any existing or proposed method of treatment or correction of flooding problems;
8. Description of existing topography with contour lines at a maximum of four foot (4') intervals;
9. Description of capacities of existing public utilities, both on the property and within three hundred feet (300') of the property, to meet utility demands in the event that the property is ultimately developed to the highest extent allowed by any permitted use within the zoning district sought by the applicant;
10. Description of the applicant's proposed method of assuring implementation of any necessary infrastructure, including, but not limited to, traffic mitigation improvements, utility capacity improvements, and other measures that address future potential demands on public resources or public health, safety and welfare by virtue of the uses permitted by the requested zone change or variance. Assurances may take the form of bonding, certificates of deposit or other binding methods acceptable to the town. (Ord. 04-12, 2004)

16.12.040.5: APPLICATION PROCEDURE:

This section governs applications for development of any type which is not governed administratively by the code administrator pursuant to section [16.12.040.4](#) of this chapter. Nothing herein shall be deemed to relieve an applicant from complying with all other provisions of this title, both substantive and procedural, and state law.

A. The applicant shall submit to the code administrator a completed application in writing, on forms, the content of which has been approved by the code administrator, along with the fee established pursuant to appendix A attached to ordinance 99-05 and available to the public at the office of the code administrator, in good funds. The application shall be complete before it is accepted by the planning department and shall contain not less than all of the following information:

1. The name(s) and address(es) and phone numbers of the owner(s) and, where applicable, the name and address of any lessee and/or owner's agent and a document providing that the owner's agent is authorized to act on behalf of the owner;
2. A description and the location of the property for which the application is requested;
3. A specific description of the application requested;
4. The basis for requesting the application approval, including a statement of the hardship which the applicant will suffer if the application is denied;
5. Any other information deemed necessary by the code administrator;
6. For a plat vacation, the application shall also be signed and filed by all owners of the land subject to the application for plat vacation, and be accompanied by a statement of all owners of the land, duly attested, designating the subject plat or portion thereof proposed.

B. The code administrator shall accept and shall review only a completed application and the development proposed and the code administrator shall advise the applicant of all approvals required under the code and all other applicable ordinances of the town administered by the code administrator. This information is to be provided for the convenience of the applicant and orderly processing of the application. However, at all times, the provisions of this title and other applicable ordinances of the town shall govern the application and proposed development. Accordingly, representations by the code administrator shall not preclude the town from requiring that all applicable approvals be obtained, even if the code administrator did not advise the applicant that such an approval would be necessary.

C. The code administrator shall review the application for compliance with the requirements of this title, and if the application is complete and in compliance with this title, then the code administrator shall forward the application, with all relevant documents, exhibits, submissions and any findings of the code administrator and other town staff, to the hearing officer, DRC, commission or the historic preservation commission, as appropriate, within thirty (30) working days, or at such other time as may be reasonable not to exceed sixty (60) days, from the date the completed application is accepted by the planning department.

D. When the application is complete, in compliance with this title and submitted to the hearing officer, the DRC, commission or the historic preservation commission, as appropriate, pursuant to subsection C of this section, the code administrator shall schedule a preliminary presentation before the DRC. At the preliminary presentation, the applicant shall have the opportunity to informally explain the proposed development to the DRC.

E. At or after the preliminary presentation, the code administrator, on behalf of the DRC, shall inform the applicant of the order in which the various required approvals will be processed.

F. After the applicant has submitted all the necessary and required documents to the code administrator prior to the preliminary hearing, a public hearing shall be scheduled. The code administrator shall, in consultation with the DRC, commission, historic preservation commission, or hearing officer, as appropriate, schedule the time, place and

date of the public hearing on the application. The code administrator shall notify the applicant in writing, by mail, or electronic delivery, of time, place and date of such public hearing and it is the responsibility of the applicant to provide necessary public notice prior to such public hearing as set forth in subsections G through J of this section.

G. No zoning regulation, restriction or boundary shall become effective, amended, supplemented or repealed until after a public hearing at which all parties in interest and citizens shall have an opportunity to be heard.

H. Following the scheduling of a public hearing, the applicant shall post notice of the filing of the application and the time, place and date of the public hearing. The notice shall be posted prominently for public view on the land, dwelling or other structure which is the subject of the application not less than fifteen (15) days prior to such hearing.

I. At the applicant's expense, the applicant shall cause to be published, on forms, the content of which has been approved by the code administrator, notice of the time, place and date of the public hearing in a newspaper of general circulation in the county. The notice must be published once, not less than fifteen (15) days prior to the date of the public hearing. Alternately, the applicant may elect to request the town provide the required public notice at the cost of said notice plus a service fee as set by the town council.

J. At the applicant's expense, the applicant shall mail or personally serve public notice to the last known address of each landowner as shown by the records of the county assessor. If mailed, public notice shall be sent by certified mail, return receipt requested, from the U.S. postal service or first class mail with full postage attached thereto, in a timely manner to the required parties. In the event of a protest as to notice received by any interested party, then the burden shall be on the applicant to establish that service has been accomplished to the satisfaction of the entity hearing the application. Electronic return receipts are acceptable as provided by the U.S. postal service. Town staff may provide a list and map of the adjacent property owners as known by the town to assist the applicant however the applicant must verify the accuracy and completeness of said list with the Taos County assessor's office. The notice shall be on forms, the content of which has been approved by the code administrator and the notices must be mailed not less than fifteen (15) days prior to the date of such public hearing. Landowners within three hundred feet (300'), excluding public right of way, of the exterior boundary of property which is the subject of the application shall receive written notice of the time, place and date of the public hearing. However, when a change in zoning is proposed for an area of one block or less, notice of the public hearing shall be mailed by certified mail, return receipt requested, to the owners, as shown by the records of the county assessor, of lots of land within the area proposed to be changed by a zoning regulation and within one hundred feet (100'), excluding public right of way, of the area proposed to be changed by zoning regulation. In addition, with a change in zoning application, if the notice by first class mail to the owner is returned undelivered, the zoning authority shall attempt to discover the owner's most recent address and shall remit the notice by certified mail, return receipt requested, to that address. Alternately, the applicant may elect to request the town provide the required public notice, either by certified mail or first class mail as provided herein, at the cost of said notice plus a service fee as set by the town council.

K. Prior to the public hearing, the applicant shall deliver a list of the names and addresses of all landowners notified of the application to the code administrator. Attached to the list shall be United States postal service certified mail receipts showing evidence of the proper mailing of the notices and all return receipts received from the postal service showing delivery of the notices on or before the date of the hearing, or the signature of each landowner notified by personal service, or an affidavit of the applicant attesting that all mailings were sent, first class mail with full postage attached thereto, in a timely manner to the required parties. Alternately, the applicant may elect to request the town provide the required public notice at the cost of said notice plus a service fee as set by the town council. In the event of a protest as to notice received by any interested party, the burden shall be on the applicant to establish that service has been accomplished to the satisfaction of the entity hearing the application.

L. If the applicant fails to give proper notice, or fails to file proper proof of notice, then the public hearing shall be postponed. If, after two (2) consecutively scheduled public hearings, proper notice is not given, or proper proof of notice is not filed, then the application shall be deemed withdrawn, the application fee forfeited and no further action shall be taken thereon without a new application being filed by the applicant. Failure to receive notice due to inaccuracies contained in the records of the Taos County assessor shall not constitute a failure to provide sufficient notice.

M. If an application is for a special use permit (excluding special use permits for a cellular tower or antenna), variance or conditional use permit, a site development plan containing the elements listed in section [16.20.080.4](#) of this title is required for a special use or conditional use permit or section [16.20.080.6](#) of this title for a variance, and there is a two (2) step procedure for commission review:

1. Preliminary presentation before the DRC; and
2. Public hearing before the commission at which the commission shall approve, approve with modifications or conditions, or deny.

N. If an application is for a special use permit for a cellular tower or antenna¹, a site development plan containing the elements listed in section [16.20.080.4](#) of this title is required, and there is a three (3) step procedure for review:

1. Preliminary presentation before the DRC;
2. Public hearing before the commission, at which the commission shall recommend approval, approval with modifications or conditions, or denial; and
3. Public hearing before the town council.

O. If an application is for a provisional permit to increase commercial and industrial gross size area limitations, a site development plan containing the elements listed in section [16.20.080.4](#) of this title is required, and there is a three (3) step procedure for review:

1. Preliminary presentation before the DRC;
2. Public hearing before the commission, at which the commission shall recommend approval, approval with modifications or conditions, or denial; and
3. Public hearing before the town council.

P. If an application is for establishment of a planned unit development overlay zone, then a preliminary schematic site development plan containing the elements listed in section [16.20.080.1](#) of this title is required, and there is a three (3) step procedure for review leading to establishment of the overlay zone:

1. Preliminary presentation before the DRC;
2. Public hearing before the commission, at which the commission shall recommend approval, approval with modifications or conditions, or denial; and
3. Public hearing before the town council at which time the planned unit development overlay rezoning and preliminary schematic site development plan are approved or rejected.

In the event that the requested planned unit development overlay zone and preliminary schematic site development plan are approved by the town council, development of the property may not proceed until a final site development plan has been submitted and approved by the commission in accordance with section [16.20.080.2](#) of this title.

Q. If an application is for a zone change to other than a planned unit development overlay zone, or for zone designations of newly annexed territory, a site development plan containing the elements stated in section [16.20.080.5](#) of this title is required, and there is a three (3) step procedure for review:

1. Preliminary presentation before the DRC;

2. Public hearing before the commission, at which the commission shall recommend approval, approval with modifications or conditions, or denial; and

3. Public hearing before the town council at which the council approves or rejects the zoning change(s).

R. If an application is for a certificate of appropriateness, see section [16.16.220.12](#) of this title for the historic overlay zone review process.

16.12.060: AMENDMENTS TO THIS TITLE:

16.12.060.1: RULES AND PROCEDURES:

A. No provision of this title may be amended except by action of the town council.

B. Amendments to this title may be initiated by:

1. The verified application of the owners of property to be changed, reclassified or otherwise affected by the proposed amendment;
2. A request for approval of a planned unit development which requires a zone change;
3. Resolution of the town council; or
4. Resolution of the commission or historic preservation commission.

C. In the event that an amendment to this title is initiated pursuant to subsection B3 or B4 of this section, then the code administrator shall perform all duties and meet all requirements of the applicant unless otherwise directed by the town council, commission, or historic preservation commission.

D. No matter how an amendment to this title is initiated, no amendment to this title shall be enacted by the town council until the written recommendations of the commission or historic preservation commission either supporting or opposing the proposed amendment, with or without qualifications, are presented to the town council.

E. The provisions of sections [16.12.040.5](#) through [16.12.040.11](#) of this chapter shall apply to a proposed amendment to this title. The hearing officer, if any, shall summarize the evidence received and issue a recommendation regarding the proposed code amendment to the commission.

F. The commission shall issue its recommendation to the town council within ten (10) days of the public hearing or receipt of a recommendation by the hearing officer, if any, whichever is later in time.

G. The town council may, in its discretion, hold additional public hearings regarding the proposed code amendment. If additional public hearings are called, then notice for public hearings shall be given and proof of notice filed as provided in subsections [16.12.040.5G](#) through K of this chapter.

H. The town council may remand the application to the commission or historic preservation commission for further hearings and recommendations before the town council takes final action on the proposed amendment.

I. If the town council conducts one or more additional public hearings, then the provisions of section [16.12.040.7](#) of this chapter shall be applicable to each public hearing with the town council performing the functions assigned to the commission or historic preservation commission and the mayor performing the functions assigned to the chairperson.

J. The town council may accept all, some, or none of the recommendations of the commission, historic preservation commission, or hearing officer, if any.

K. The town council may issue written findings of fact and conclusions of law if such would be appropriate, given the type of code amendment being considered. (Ord. 10-07, 2010: Ord. 99-05, 1999)

16.12.060.2: CRITERIA FOR APPROVAL OF AN AMENDMENT TO THIS TITLE:

A. The following criteria will be used by the commission or historic preservation commission for the review and approval of an amendment to this title for recommendation to the town council:

1. The amendment is consistent with the direction and intent of the existing town of Taos master plan;
2. The amendment is consistent with the purpose and intent of town of Taos zoning regulations;
3. The amendment to this title is consistent with the existing land use in the affected neighborhood;
4. The benefit to the neighborhood will outweigh any potential adverse impact upon the surrounding properties;
5. The amendment to this title will not create a danger to the public health, safety, or welfare, nor cause an extraordinary public expense, or create a nuisance; and
6. The amendment is justified by the fact that the original zoning was in error, by change in condition in the vicinity, or by change in the town of Taos overall development policy. (Ord. 10-07, 2010: Ord. 99-05, 1999)



Owner's Affidavit
(To be completed only when an applicant has an agent)

State of New Mexico)

) SS.

Town of Taos)

We/I _____
(Please print full name(s))

Being duly sworn, depose and say that (I am) (we are) requesting a permit or application through the Town of Taos. Furthermore, (I) (we) hereby appoint _____
To act as our authorized agent on our behalf on all matters pertaining to the processing and obtaining of said permit with the exception of legal documents for recording purposes.

Signature

Date

Address

Subscribed and sworn to before me this
_____ Day of _____, 20_____.

Notary Public

My commission Expires: _____