

ARTICLE 3 ZONING DISTRICTS

Section 3.10 Establishment of Zone Districts

A. **General Zone Districts Established.** The following zone districts are established. The Use Tables set forth in Section 4.10 explain which uses are allowed in each zone district and the type of review that is required for the different uses.

1. **Agricultural District (A).** The purpose of the Agricultural District is to preserve and protect rural areas of the County where the conservation of agricultural resources and agricultural production is of major importance and where uses must be protected from uncontrolled and unmitigated residential, commercial and industrial uses. To that end, no parcel of land containing 160 or more acres, that is classified in the Agricultural Zone District, shall be permitted to be developed with more than one dwelling unit per 160 acres of land.
2. **Rural Residential District (RR).** The purpose of the Rural Residential District is to protect rural agricultural areas, while allowing for residential areas developed at a density and character compatible with agricultural uses. All unincorporated areas of the County which are recognized as within subdivisions by the County Assessor as of the enactment of this code and which subdivisions are predominantly lots of 35 acres or more are Rural Residential. To that end, no parcel of land containing more than 35 acres, that is classified in the Rural Residential District, shall be permitted to be developed with more than one dwelling unit per 35 acres of land.
3. **Estate Residential (ER).** The purpose of the Estate Residential District is to provide areas where management and maintenance of agricultural resources is of incidental value, allowing for residential areas developed at a higher density. All unincorporated areas of the County which are recognized as within subdivisions by the County Assessor as of the enactment of this code and which subdivisions are predominately lots of less than 35 acres are Estate Residential.
4. **Business/Commercial District (BC).** The purpose of the Business/Commercial District is to provide appropriate areas for commercial, service, wholesale and office uses required by residents of, and visitors to, Costilla County in a manner which is consistent with the Costilla County Comprehensive Plan.
5. **Industrial (I).** The purpose of the Industrial zone district is to provide appropriate areas for industrial and service businesses, in locations where conflicts with residential, commercial and other land uses can be minimized.
6. **Urban Residential District (UR).** The purpose of the Urban Residential District is to provide for residential development at higher densities in areas where central water and sewer services can be provided. This zone is also intended to be applied to existing developed areas of historic communities, particularly Ft. Garland. It is the intent that this zone district be applied to existing developed residential lots that are currently nonconforming as to lot size.
 - a. **Review Criteria.** The following criteria shall be applied to all zone change requests for the Urban Residential Zone District.
 - i. The area proposed for development, or the existing lots shall be served by central water and sewer systems.

- ii. Uses permitted in the Urban Residential Zone District shall be governed by the Use Table in Section 4.10 of this Code.
- iii. Application of the Urban Residential Zone District shall be consistent with the recommendations of the Costilla County Comprehensive Plan.

b. Dimensional Regulations.

- i. Building setbacks for new construction in the Urban Residential District shall be established during the Land Use Permit Review process.
- ii. All structures and setbacks existing in the Urban Residential District at the time of adoption of the zone District shall be considered to be legally established and exempt from the provisions of the Non-Conforming Use section of this Code. *Reference Article 7.*

B. Overlay Zone Districts Established. Overlay Districts are superimposed over the existing or underlying Zone District, and the Overlay District regulations are in addition to those of the underlying Zone District. Uses permitted in the underlying Zone District are permitted where an Overlay District is also in effect, as long as the proposed land use is found to be in conformance with the applicable standards for both the Zone District and the additional standards and restrictions of the Overlay District. The following Overlay Zone Districts are established.

1. Watershed Protection Overlay District.

- a. The boundaries of the Watershed Protection Overlay Zone District shall be established by Resolution of the Board of County Commissioners.
- b. All uses within the Watershed Protection Overlay Zone District are subject to Special Use Review.
- c. The purpose of the Watershed Protection Overlay District is to:
 - i. **Prohibit Significant Degradation to Environment.** Prohibit certain uses that because of their intensity or nature cause significant degradation to the watershed environment.
 - ii. **Protect Watershed from Pollution.** Regulate land development so that the watershed is protected from erosion, contamination, sedimentation and other point or non-point sources of pollution.
 - iii. **Maintain Harmony with Wildlife Habitat.** Ensure that development is planned and designed to be harmonious with wildlife habitat.
 - iv. **Preserve Resources and Aesthetics of the Environment.** Preserve the natural environment, historical and cultural resources, visual resources, and aesthetics of the watershed to the greatest extent possible.
 - v. **Ensure Compatibility.** Ensure compatibility between a proposed land use activity and natural conditions and constraints by requiring well-engineered design solutions to those conditions and constraints.

2. Floodplain Overlay District.

- a. **Boundaries and Jurisdiction.** These floodplain regulations shall be applied:

- i. To existing zoned areas containing flood hazard areas.
 - ii. To lands within the Designated Floodplain District (DFD) and the Flood Prone District (FPD) which is the 100-year floodplain as mapped on the Flood Insurance Rate Maps (FIRM).
 - iii. To all lands adjacent to any water course within the unincorporated area of Costilla County which could be inundated by a 100-year flood for that water course.
- b. **Purpose.** The purpose of the Floodplain Overlay District is to:
- i. **Flood-carrying Capacity.** Minimize or prevent adverse affects of proposed development on the flood-carrying capacity of flood hazard areas.
 - ii. **Minimize Flood Loss.** Minimize flood losses by restricting or prohibiting uses which are dangerous to public health, safety and property in times of flood or which cause increased flood heights or velocities within the 100-year floodplain.
 - iii. **Regulate Development in Flood-prone Areas.** Any proposed development within areas within designated 100 year floodplain areas, or areas prone to flooding shall demonstrate how drainage will be designed to protect property, both on site and off site, from flood damage prior to land use permit approval.

3. **Community/Townsite Overlay District.**

- a. **Boundaries and Jurisdiction.** The Board of County Commissioners may by resolution designate an area to be a Community/Townsite Overlay District. Each Resolution designating a Community Overlay District shall include a description of the characteristics of the district that justify its designation; shall provide a review process and standards for development located in such district; and shall identify the location and boundaries of the district.
- b. **Purpose.** The purpose of the Community Overlay District is:
- i. **To Identify Established Areas of Urban Densities and Use.** The following settlements are recognized communities subject to the terms of this Code: Viejo San Acacio, San Francisco, San Pablo, San Pedro, Chama, Los Fuertes, Fort Garland, Garcia, San Acacio, Mesita and Jaroso.
 - ii. **To Provide for Land Use Permit Application Procedures and Review Standards.**
 - iii. **To Promote Compatible Development.**
 - iv. **To Maintain Historic Resources and Development Patterns.**

ARTICLE 4 ZONE DISTRICT REGULATIONS

Section 4.10 Use Tables

- A Use requiring Administrative Zoning Review (***Land Use Administrator***)
- L Use requiring Limited Impact Review (***Review before the Planning Commission***)
- S Use requiring Special Review (***Review before the Board of County Commissioners***)
- E Use Exempt from Permit Requirement
- N Not Allowable Use

1. All uses in Floodplain Overlay and Watershed Protection Overlay Districts are subject to Special Use Review, except for the construction of Single Family Dwellings, subject to review by the Land Use Administrator. All Single Family Dwellings within the Watershed Protection Overlay District shall follow the review criteria and design guidelines of the Watershed Protection Overlay District.
2. Certain land use changes within the Zone Districts and Overlay Districts, because of their intensity or location, will have the potential to cause significant impacts, will require 1041 review that applies to all Matters of State Interest designated by the County whether located on private or public land within the unincorporated areas of Costilla County, warrant review by the Board of County Commissioners.

USES	ZONE DISTRICTS					
	Agricultural	Rural Residential	Business/ Commercial	Estate Residential	Industrial	Urban Residential
<i>Accessory Agricultural Retail Sales</i>	E	S	A	S	N	S
<i>Accessory Concrete or Asphalt Batch Plant</i>	S	S	S	N	A	N
<i>Accessory Dwelling</i>	A	A	A	A	A	A
<i>Accessory Outside Storage</i>	A	A	A	A	A	A
<i>Accessory Structures 120 sq. ft. or larger</i>	A	A	A	A	A	A
<i>Accessory Structures smaller than 120 sq. ft.</i>	E	E	A	A	A	A
<i>Accessory Structures Necessary to Agricultural Operations, smaller than 120 sq. ft.</i>	E	E	A	N	N	N
<i>Agricultural Products Processing, Storage, Distribution and Sale Off-Site</i>	S	N	N	N	A	N
<i>Agricultural Products Processing, Storage, Distribution and Sale at Point of Production</i>	E	L	L	N	N	N
<i>Agricultural Products Retail Outlet</i>	E	E	E	E	E	A
<i>Aircraft Landing Strip (private)</i>	S	S	N	N	N	N
<i>Art Gallery</i>	E	E	E	E	E	A
<i>Bakery, Commercial</i>	S	S	A	S	S	S
<i>Bank</i>	N	S	A	S	N	S
<i>Broadcasting Studio</i>	L	L	S	L	N	S
<i>Bed and Breakfast</i>	A	L	L	L	N	L
<i>Boarding House</i>	L	S	L	N	N	S
<i>Building Contracting Shop</i>	L	S	S	S	A	S
<i>Building Material or Garden Store</i>	S	S	S	S	S	S
<i>Cargo Crates</i>	N	N	A	N	A	N
<i>Campground</i>	S	S	S	N	N	N
<i>Carpentry, Woodworking or Furniture Making Facility</i>	L	L	L	S	L	S
<i>Car Wash</i>	S	S	L	S	N	S
<i>Church</i>	L	L	L	L	N	S
<i>Clinic, Medical, Dental</i>	S	S	A	S	N	S
<i>Convenience Store</i>	S	S	A	S	L	S
<i>Correctional Facility</i>	N	N	N	N	N	N
<i>Day Care Center</i>	L	L	L	L	L	L
<i>Duplex</i>	A	A	A	A	N	A
<i>Earth ship Home</i>	A	A	N	A	N	N
<i>Educational Facility</i>	L	L	L	L	L	S

USES	ZONE DISTRICTS					
	Agricultural	Rural Residential	Business/ Commercial	Estate Residential	Industrial	Urban Residential
<i>Electric Power Distribution Line and Facilities</i>	S	S	S	S	S	S
<i>Electric Power Generating Facility</i>	S	N	S	N	S	N
<i>Electric Power Transmission Line(s) Upgrade or Extension</i>	S	S	S	S	S	S
<i>Emergency Care Facility</i>	S	S	A	S	S	S
<i>Equestrian Center</i>	A	L	L	S	S	S
<i>Excavations of Less than 100 Cubic Yards Unrelated to Mining</i>	E	E	E	N	E	N
<i>Extraction or Exploration: Gravel Pit,</i>	S	S	S	N	S	N
<i>Fabrication: Equipment, Small Appliances</i>	L	L	S	N	L	N
<i>Fabrication: Assembly of Structures</i>	S	S	S	N	L	N
<i>Fabrication: Cabinet Making, Woodworking, Metalworking, Glazing</i>	L	L	S	N	L	N
<i>Fabrication: Vehicle, Machinery, and Heavy Equipment</i>	S	S	S	N	L	N
<i>Feed Yard, Commercial</i>	S	N	N	N	S	N
<i>Fire Station</i>	S	S	L	S	L	S
<i>Forestry</i>	S	S	N	N	S	N
<i>Golf course</i>	S	N	S	N	S	N
<i>Group Care or Foster Home</i>	L	L	N	L	N	L
<i>Home Occupation</i>	A	A	A	A	A	A
<i>Hoop House</i>	E	E	A	S	S	S
<i>Hospital</i>	S	S	S	S	S	S
<i>Indoor Recreation, Amusement or Theater</i>	S	S	A	S	S	N
<i>Industrial</i>	S	N	N	N	A	N
<i>Keeping of Non Domestic Animals</i>	S	S	S	S	N	N
<i>Kennel</i>	L	S	S	S	S	N
<i>Laundry and Dry Cleaning, Commercial</i>	S	S	S	S	L	S
<i>Library</i>	L	L	L	L	L	L
<i>Livery or Horse Rental Operation</i>	L	L	L	N	L	N
<i>Livestock & Animal Husbandry</i>	E	A	N	A	N	N
<i>Machine Shop</i>	S	S	S	N	A	N
<i>Medical Marijuana/Marijuana Dispensary/Retail</i>	N	N	S	N	N	N
<i>Manufacture of Infused</i>	N	N	N	N	S	N

USES	ZONE DISTRICTS					
	Agricultural	Rural Residential	Business/ Commercial	Estate Residential	Industrial	Urban Residential
<i>Product</i>						
<i>Grow Premises</i>	S	N	N	N	N	N
<i>Mining</i>	S	N	N	N	S	N
<i>Mobile Home Park</i>	S	S	S	N	N	N
<i>Mobile Home – Single Family Dwelling Outside of Mobile Home Park</i>	A	A	L	A	L	A
<i>Mortuary</i>	S	S	L	N	N	N
<i>Multi-Family Dwelling</i>	S	S	L	N	N	S
<i>Museum</i>	L	L	L	L	L	L
<i>Natural Gas Transmission Line(s)</i>	S	S	S	S	S	S
<i>Nursery/Greenhouse/Garden Supply and Plant Materials</i>	A	A	L	S	A	S
<i>Nursery, Commercial</i>	S	S	S	S	S	S
<i>Nursing, Convalescent or Residential Care Home Facility</i>	S	S	S	S	N	S
<i>Overnight Lodging</i>	S	S	L	S	N	S
<i>Oil & Gas Drilling or Production</i>	S	N	N	N	S	N
<i>Outdoor Recreation, Commercial Use or Structure</i>	S	N	S	N	S	N
<i>Park or Playfield</i>	A	A	A	A	A	L
<i>Printing or Publishing Establishment</i>	S	S	A	N	A	N
<i>Professional Office</i>	S	S	A	S	S	S
<i>Processing – Batch Plant</i>	S	S	S	S	S	N
<i>Processing–Brewing/Bottling Plant</i>	S	S	S	N	L	N
<i>Processing – Custom Meat and Poultry</i>	S	S	S	N	L	N
<i>Processing–Food and Beverages</i>	S	S	S	N	L	N
<i>Processing of Natural Resources – Petroleum, Coal or Wood Products</i>	S	S	S	N	L	N
<i>Public Recreation Center</i>	S	L	L	L	S	L
<i>Public Utility Facility, Major Facility</i>	S	S	S	S	S	N
<i>Pumping Station</i>	S	S	S	N	S	N
<i>Reception Halls and Community Meeting Facilities</i>	S	S	S	S	S	S
<i>Recreational Vehicle Park/Campground</i>	S	S	S	N	N	N
<i>Recycling Collection Center</i>	N	N	S	N	S	N
<i>Recycling Processing Facility</i>	N	N	S	N	L	N
<i>Resort Lodge, Conference Center or Guest Ranch</i>	S	S	S	N	N	N
<i>Restaurant, with Drive-thru</i>	S	S	S	S	S	S

USES	ZONE DISTRICTS					
	Agricultural	Rural Residential	Business/ Commercial	Estate Residential	Industrial	Urban Residential
<i>Service</i>						
<i>Restaurant or Bar, without Drive-thru Service</i>	S	S	S	S	S	S
<i>Retail or Personal Service Facility- excluding marijuana</i>	S	S	A	S	S	S
<i>Retail/Wholesale Supply Facility</i>	S	S	S	N	L	N
<i>Road Construction</i>	L	L	L	L	L	L
<i>Salvage Yard</i>	S	N	S	N	S	N
<i>Sanitary Landfill</i>	N	N	N	N	S	N
<i>Saw Mill</i>	S	N	N	N	L	N
<i>Sewage Treatment Facility</i>	S	S	S	S	S	S
<i>Sewage or Water Transmission Line(s)</i>	S	S	S	S	S	S
<i>Single Family Dwelling</i>	A	A	A	A	S	A
<i>Solar Energy System Single-Family Dwelling</i>	A	A	A	A	A	A
<i>Solar Energy System Major Facility</i>	S	S	S	N	S	N
<i>Solid Waste Disposal Site and Facility</i>	N	N	S	N	S	N
<i>Solid Waste Transfer Facility</i>	S	N	S	N	L	N
<i>Storage – Outside (Principal Use), Unrelated to Agricultural Use</i>	N	N	L	N	L	N
<i>Storage: Bulk Storage of LPG</i>	N	N	N	N	S	N
<i>Storage: Cold Storage Plants</i>	S	N	N	N	S	N
<i>Storage: Hazardous Materials</i>	N	N	N	N	S	N
<i>Storage: Heavy Equipment</i>	S	N	N	N	S	N
<i>Storage: Petroleum, Natural Gas, Methane or Other Volatile Substance</i>	N	N	N	N	S	N
<i>Telecommunication Facility</i>	S	S	S	S	S	S
<i>Utility Service Facility</i>	S	S	S	S	S	S
<i>Vehicle Service Center</i>	S	S	S	S	S	N
<i>Vehicle Sales & Rental Lots</i>	S	S	S	S	N	S
<i>Veterinary Clinic</i>	S	S	S	S	S	S
<i>Warehouse & Distribution Center</i>	N	N	S	N	A	N
<i>Water Reservoir (agriculture)</i>	E	E	S	S	S	S
<i>Water Storage Facility(Domestic Water)</i>	S	S	S	S	S	S
<i>Water Treatment Facility</i>	S	S	S	S	S	S
<i>Welding Shop</i>	L	L	L	N	L	N
<i>Wind Powered Electric Generator Single-Family Dwelling</i>	A	A	A	A	A	A

USES	ZONE DISTRICTS					
	Agricultural	Rural Residential	Business/ Commercial	Estate Residential	Industrial	Urban Residential
<i>Wind Powered Electric Generator, Major Facility</i>	S	S	S	N	S	N

For uses not specifically listed, the Zoning Administrator shall be empowered to rule if a proposed land use that is not specifically listed is similar to a listed use. A similar use shall be reviewed in the same manner as the listed use to which it is similar. For all uses that are not listed and not determined to be similar to a listed use, the Special Use procedures shall apply.

TEMPORARY USES	ZONE DISTRICTS					
	Agricultural	Rural Residential	Commercial	Estate Residential	Industrial	Urban Residential
Temporary Batch Plant	A	A	A	A	A	N
Temporary Construction or Sales Office	A	A	A	A	A	A
Temporary Flea Market	A	A	A	A	A	A
Temporary Fireworks Stands & Christmas Tree Lots	A	A	A	A	A	A