

SECTION 6.6.X
Upper Las Colonias Neighborhood Zone

Section 6.6.X.1 Establishment, Boundaries and Purposes for the Upper Las Colonias Neighborhood Zone.

A. **Establishment.** There is hereby recognized and established the Upper Las Colonias (ULC) Neighborhood Zone, for which the Upper Las Colonias Neighborhood Association (ULCNA) is hereby recognized as the Neighborhood Association for purposes of these regulations.

B. **Boundaries.** The boundaries of the Upper Las Colonias Neighborhood Zone and its eight (8) distinct sub-zones as established therein are described and depicted on the Upper Las Colonias Neighborhood Zone Map attached to this Ordinance 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.

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 residential and compatible 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, 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 well being 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. Valued view sheds exist in practically every direction in ULC. The perimeter of ULC properties is the area most vulnerable to commercial activities and could easily block view sheds of the adjoining residential zones. ULC provides guidelines for lot coverage, set back and building height limitations for each ULC sub-zone to help protect these view sheds as much as possible. Sensitivity to this ULC constraint is also important in terms of screening, landscaping, siting of buildings and other improvements. (see view shed diagram attached).
5. State Road 150 has limited shoulders and 45 mph speed limits which make access and egress by slower moving traffic a basic safety issue. One additional entrance

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to the neighborhood will be permitted between Gavilan Road and Cielo Road;
other entrances to be determined by NMDOT.

Section 6.6.X.2 Upper Las Colonias Neighborhood Land Uses

Overlay Zone Designations (see map)	
RA	(single family zone in core of ULC)
RB	(higher density residential, multi-family zone)
RC	(generally smaller parcels at north end of ULC)
RM	(Mobile Home Subdivisions on Valencia Rd)
CE-A	(Commercial zones along highways)
CE-B	(Commercial Zone at NW corner of NM 150/522 and US 64)
LC	(Light Commercial zones, Neighborhood Businesses, low impact and low traffic)
A	(Agricultural corridor in middle of ULC)

(Legend for table below:

- **Z or A = Permitted via County Zoning Clearance Permits or Administrative Approvals subject to infrastructure restrictions.**
- **S = Special Use Permit required.**
- **Blank = Excluded;**
- **MD approval and permitting process may be applicable to the uses detailed in the table, per Article 4 of the LURs);**
- **ULCNA must be notified by the applicant and Taos County Planning Department of all permit applications in ULC.**

Residential Land Uses	RA	RB	RC	RM	CE A	CE B	LC	A	Comments/Limitations
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Single Family Residential	Z*	Z	Z	Z	Z	Z	Z	Z	*In RA, defined as a principal structure which is occupied or which is arranged, designed and intended to be occupied by one family and containing only one kitchen, plus living, sanitary and sleeping facilities, but not including hotels, motels, tents, recreation vehicles, camper trailers, or other structures designed or used primarily for temporary occupancy. A single family residence shall also include a manufactured home as defined in the Taos County LUR, that is installed and has received permits in accordance with the LUR and is in conformance with manufacturer's guidelines and state and local regulations. A single family residence must comply with the requirements of the International Building Code as adopted in New Mexico as amended. An accessory structure, intended for <i>temporary</i> occupancy, is permitted. In other zones, the definition contained in Taos County Land Use Regulation Ordinance 2018-2, shall apply.
Accessory Structure, or Building	Z	Z	Z	Z	Z	Z	Z	Z	
Multiple Family /Multi Family Residence		A/S			A/S	A/S	A/S		"A" for projects<5 units; "S" otherwise.
Condominium		A	A		A	A	A		
Duplex		A	A		A	A	A		
Triplex		A			A	A	A		
Manufactured Homes	Z	Z	Z		Z	Z	Z	Z	Double section w/stucco exterior on permanent foundation.
Modular Homes	Z	Z	Z		Z	Z	Z	Z	
Day Care Residential, 6 children or less	Z	Z	Z	Z	Z	Z	Z	Z	
Residential Care					S	S	S		

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Commercial, Non-Profit Land Uses	RA	RB	RC	RM	CE A	CE B	LC	A	Comments/Limitations
Adult Entertainment including sexually explicit books, videos or novelties									
Agriculture									Agriculture as defined in LUR. Crops and animals as allowed by Taos County
Agro-industrial								S	Feedlots & animal slaughter, storage, or processing excluded.
Airport, Landing Strip									
Alcoholic Beverage Manufacturing					S	S			
Alcoholic Beverage Sales (On-site Consumption)					A/S*	A/S*			*A if in restaurants, S for all other uses
Alcoholic Beverage Sales Retail					A	A			S for standalone liquor stores
Animal Boarding					S	A			
Animal Care					A	A	A	A	
Art Studio					A	A	A		Administrative permit in PUD
Arts and Cultural Uses					A	A	S		
Assisted Living Residential					A	A			
Assisted Living Commercial					S	S			

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Attached Wireless Communication Facility					A	A	A		Limited to building height plus 4 feet. No cell towers.
Automotive Parts Sales					A	A			
Automotive repair									
Automotive Sales									
Automotive Service Station									
Banks, Credit Unions or similar financial offices					A	A			
Bed & Breakfast		A			A	A	A		
Building Material Sales									See Hardware Store use
Business and Professional Services					A	A	A		
Commercial, Non-Profit Land Uses	RA	RB	RC	RM	CE A	CE B	LC	A	Comments/Limitations
Cafe or Coffeeshouse					A	A	A*		*No Drive Through in LC
Cemetery									
Churches, Community Centers					A	A			
Club, private (Elks, VFW, etc.)					A	A	S		
Condominium 4 units or more		A			A	A	A		
Dance, Fitness Studios					A	A			

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Day Care Center or Nursery					A	A	A		
Day Care Residential					A	A	A		
Equestrian Facility					S*	S		S	*As part of a resort complex
Equipment Facility									
Extractive Use									
Farmers Market					A	A		A	Permanent only in Agriculture
Flea Market					S	S			Temporary Only
Food Park					S	S			
Food and Beverage Sales					S	S			
Freight Distribution									
Fuel Sales, other than for vehicles					S	S			
Funeral Home or Mortuary						S			
Gallery					A	A	A		
Green house					A	A	S	A	
Group Home Commercial					S	S			

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Hardware Store w/lumber yard or building supplies					S	A			
Health Care Facility					A/S	S			*Use Administrative for PUD
Hospital									
Hotel, Motel, Inn					A/S	S	S		*Use Administrative for PUD
Commercial, Non-Profit Land Uses	RA	RB	RC	RM	CE A	CE B	LC	A	Comments/Limitations
Industrial and Industrial Repair									
Livestock Raising									Per LUR
Lodging					A/S	S	S		*Use Administrative for PUD
Low Impact Auto Repair									
Maintenance Yards									
Manufacturing					S	S			
Medical Clinics					A	A	A		
Mining									
Mobile Home Park				S					
Multiple Family Multi-family4 Units or more		A/S			A/S	A/S	A/S		"A" for projects<5; "S" otherwise.
Offices					A	A	A		
Open Space	A	A	A	A	A	A	A	A	
Park	A	A	A	A	A	A	A	A	In PUD, operated by Property Owners Association only
Personal Services					A	A	A		

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Plant Nurseries					A	A	S	A	
Post Office					A	A			
Preschool, Private					A	A	S		
Radio or TV Station					A	A			Per LUR Definition Limited to building height plus 4 feet.
Recreation					A	A	S		"A" for indoor; "S" otherwise.
Recycling, Commercial									
Recycling, Neighborhood					A*/S				*A for PUD
Repair Services, General					S	S			
Repair Services, Limited					A	A	A		
Research and Development					A	A	A		
Commercial, Non-Profit Land Uses	RA	RB	RC	RM	CE A	CE B	LC	A	Comments/Limitations
Restaurant					A	A			
Retail					A/S	A/S	A/S		In CEA, CEB and LC – up to 4,000 sq. ft. Administrative permit In CEA and CEB - between 4,000 and 30,000 sq. ft. and In LC – between 4,000 and 10,000- Special Use Permit In CEA and CEB- over 30,000 sq. ft. and in LC over 10,000 sq. ft. not permitted
RV Park, Campground, or RV Storage									
Schools					A	A			Size up to 4,000 sq. ft. and students limited to 40
Self Serve Storage Facility									

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Sewer System and Treatment	A*	A*			A	A	A	A	Only as required for specific development projects. Screening required. * in PUD
Shooting Range Facility					A	A			Indoor only.
Shop Yard									
Surface Distribution Transportation Facility					A*	A*			*Personnel transportation, packaging and forwarding (e.g., UPS, FEDEX) only.
Technical, Trade or Business Schools					S	S	S		
University, Colleges, Post-Secondary					S	S	S		
Veterinarian or Animal Hospital					A	A			
Wind power generation, commercial									
Wireless Communication Facility					S	S			No cell towers
Any land use not listed herein	S	S	S	S	S	S	S	S	Any land use not specifically listed herein is expressly prohibited, unless the County Planning Department determines that the use is similar to a permitted individual use or group of uses listed herein, in which case, the applicant can proceed using the Special Use Permit process.

Section 6.6.X.3 Upper Las Colonias Neighborhood Development Standards

Development Compatibility Standards. The following requirements shall be applied to all land uses requiring Administrative Permits, Special Use Permits or Major Development Permits within Upper Las Colonias Neighborhood boundaries:

- A. Use:** The development shall be sensitive to and consistent with the existing and traditional historical in the neighborhood, or the applicant shall be able to demonstrate that the development would provide substantial benefit to, or would not have a substantial impact on the immediate neighborhood.
- B. Visual Impact:** The development shall be sensitive to and consistent with the architectural design, scale, density, bulk, building height, historical character, and orientation of existing properties the neighborhood, or the applicant shall be able to demonstrate that the alternative being proposed is suitable to the land and the neighborhood character.

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C. An existing lot or parcel that was of a lawful minimum size as of the effective date of Taos County Ordinance 2003-1, but which is prohibited, regulated or restricted under the terms of this ordinance and subsequent amendments, is permitted.

Development Standards	RA	RB	RC	RM	CE-A	CE-B	LC	A	Comments/Limitations
Min parcel/lot size	1 Acre	1 Acre	0.75 Acre	2 Acres	2 Acres	2 Acres	2 Acres	1 Acre	Once a parcel is improved to the maximum extent of coverage, it cannot be further subdivided. Relief for odd shaped lots can be approved administratively. Minimums shown do not apply to PUD parcels served by community water and sewer.
Density: (Max units/primary residences per acre or per lot if less than 1 acre)	¹ ^{1&2}	8	2	5	8	8	8	¹ ^{1&2}	25% Higher Density is allowed if Open Space is increased by 15%. Accessory buildings per Taos County Land Use Regulations. Water and sewage limits may restrict these density limits even further. ¹ Maximum of one primary residence and no more than 3 buildings per lot. ² 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. Does not apply to county approved PUD lots.
Max Residential Lot Coverage	25%	50%	50%		35% ³	Per LURs	35% ³		The horizontal area covered by buildings or roofed areas; Does not include parking, gardens, driveways or landscaping. A is exempt from coverage limits if used for agriculture. ³ Combined Residential and Commercial Coverage cannot exceed 35%. Does not apply to county approved PUD lots.
Max Commercial Lot Coverage					35%	Per LURs	35% ³		The horizontal area covered by buildings or roofed areas. Does not include parking, landscaping or roads. All parking must be landscaped or screened. ³ No more than 10% of maximum roofed coverage can be used for retail businesses. Does not apply to county approved PUD lots.
Minimum Setback	65ft	65ft	65ft	65ft	65ft ¹	Per LURs	65ft ¹	65ft	¹ Along State Road 150, recognizes an existing Kit Carson Utility ROW of about

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From 150/522									50ft
Minimum Setback from RA, and RB	30 ft	30 ft	30ft	50 ft	50 ft	Per LURs	50 ft	30ft	
Minimum Setback from Valencia, Del Norte, Gavilan, and Upper Colonias Roads	30ft	30ft	30ft	30ft	30ft	Per LURs	30ft	30ft	
All Other Setbacks	30ft	30ft	10ft	10ft	10ft*	Per LURs	10ft*	10ft	*30 ft if adjacent to any permanent residential structure
Development Standards	RA	RB	RC	RM	CE-A	CE-B	LC	A	Comments/Limitations
Height, max ¹	23ft	23ft	23ft	23ft	23ft ¹	Per LURs	17ft	23ft	These are the height limits for minimum setbacks. For all new development located on non-residential property adjoining existing neighborhood residential property, building height limit is 27' if building setback from existing neighborhood property boundary is increased to at least 100' and 33' if building setback is increased to at least 144'.
Screening features		required		required	required	required	required		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. The screening for loading areas and outdoor storage areas shall be a minimum of 4 feet in height and a

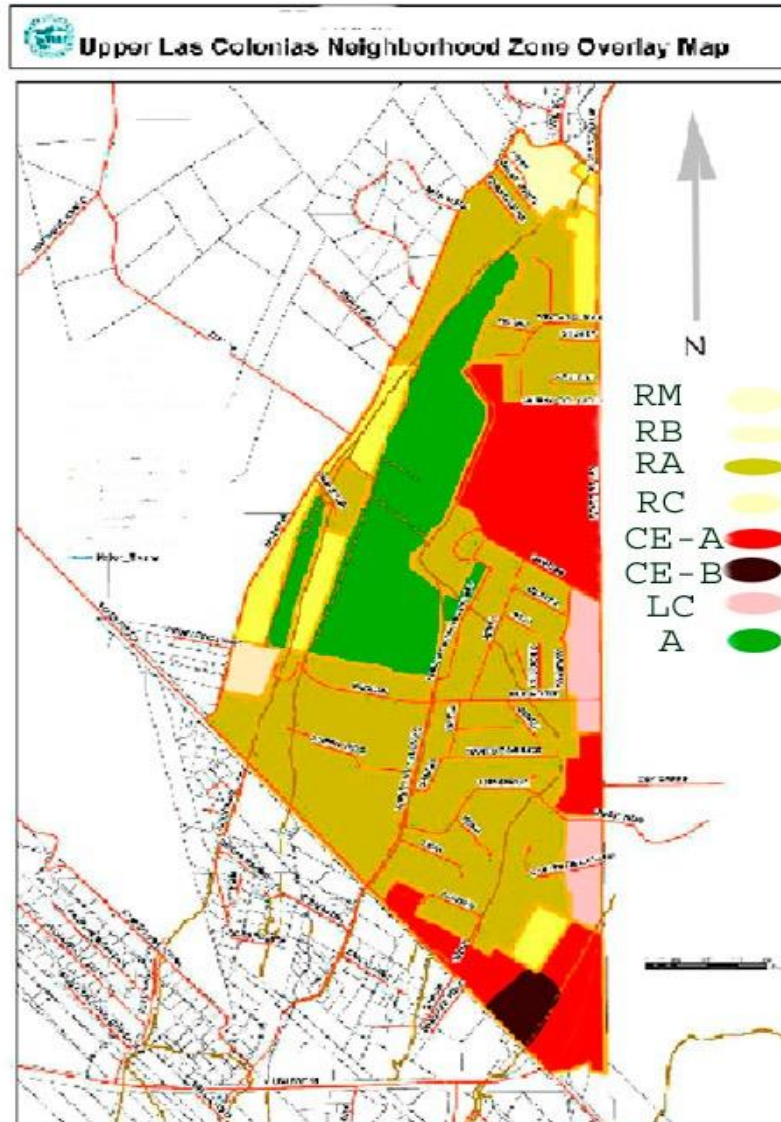
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									maximum of 8 feet in height. All screening shall provide protection of the enclosed area from animals and wind.
Max continuous sound limit in dB measured using the A scale at the property line of any RM, RA, RB or RC parcel. Short, 1 hour or less, exceptions are allowed.	50 dB	50 dB	50 dB	50 dB	50dB*	50dB*	50dB*	50 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 50 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 CE A and B, 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, CE A or B or LC occupants will be addressed promptly and the exceptions (above) can be rescinded per county regulations.
Architectural Standard for commercial facilities, homes and guest houses	required	required	none	none	required	required	required	none	Spanish Pueblo Revival, Territorial Revival, Contemporary 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.
Business Hours					Required	Required	Required		6AM-10PM in CEA and CEB. 7AM to 8PM in LC. Seasonal exceptions allowed via administrative approvals from Taos County.

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Signage	2 square ft	20 square ft	6 square ft	20 square ft	20 square ft	20 square ft	20 square ft	20 square ft	Per Ordinance 1996-2, except max square footage limited as noted. Marquis signage for multiple businesses.
Development Standards	RA	RB	RC	RM	CE-A	CE-B	LC	A	Comments/Limitations

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(This map is for illustrations purposes only and does not represent the official Taos County Zoning Map)