



## ORDINANCE 10-25

**AN ORDINANCE AMENDING SECTIONS 16.20.030.3 HEIGHT LIMITATIONS; 16.16.160.5 HIGHWAY CORRIDOR PROTECTION DISTRICT (HCPD) DEVELOPMENT STANDARDS; 16.16.150.2 PERMITTED PRINCIPAL USES, 16.16.150.3 PERMITTED ACCESSORY USES, 16.16.150.5 DEVELOPMENT STANDARDS OF THE CENTRAL BUSINESS DISTRICT (CBD); 16.16.140.5 GENERAL COMMERCIAL DISTRICT (C-2) DEVELOPMENT STANDARDS; 16.16.130.5 NEIGHBORHOOD COMMERCIAL (C-1) DEVELOPMENT STANDARDS; 16.16.120.6 MULTI-FAMILY RESIDENTIAL (R-14) DEVELOPMENT STANDARDS; AND 16.16.110.5 RESIDENTIAL ZONE (R-6) DEVELOPMENT STANDARDS OF THE TAOS TOWN CODE**

**This ordinance amends the Taos Town Code with respect to height limitations in the Central Business District (CBD), General Commercial (C-2), and Highway Corridor Protection District (HCPD) zones and set backs, lot sizes, lot coverage, and lot widths of the HCPD, CBD, C-2, C-1, R-14, and R-6 zoning districts to achieve a greater density of development. The ordinance further makes minor alterations to the permitted principal and accessory uses of the CBD zoning district.**

**WHEREAS**, the Community Economic Development and Planning and Zoning Departments of the Town of Taos have determined that an amendment to sections 16.20.030.3, 16.16.160.5, 16.16.150.2, 16.16.150.3, 16.16.150.5, 16.16.140.5, 16.16.130.5, 16.16.120.6, and 16.16.110.5 of the Town of Taos Code; Land Use Development Title is necessary to provide the ability for land to be developed with the appropriate density and thereby preserving open space, utility costs, and lowering the cost of housing; and

**WHEREAS**, The Town of Taos Land Use Development Review Committee has reviewed and recommended approval of the proposed amendments to the Taos Town Code, Land Use Development Title; and

**WHEREAS**, the Planning and Zoning Commission at their regularly scheduled October 6, 2010 meeting has approved Planning and Zoning Commission Resolution 10-04 recommending said changes to the Taos Town Code, Land Use Development Title.

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the Town of Taos, meeting in Regular Session, this October 12, 2010, and after having held a public hearing

on the matter, and after having reviewed Planning and Zoning Commission Resolution 10-04 the following Ordinance is hereby amended, adopted, and approved:

Taos Town Code, Land Use Development Title, originally adopted as LAND USE DEVELOPMENT CODE; Ordinance 99-05 is amended in the following specific locations and otherwise remains unchanged:

### LEGISLATIVE FORMAT VERSION

#### 16.20.030.3: HEIGHT LIMITATIONS:

- A. **Maximum Building Height:** The maximum building height shall be ~~two (2) stories, but in no case more than~~ twenty seven feet (27') from **the average grade of the site. Within the Central Business District (CBD), General Commercial (C-2), and Highway Corridor Protection District (HCPD) Zoning Districts the maximum building height may be increased to a maximum height of forty feet (40')** if approved at a public hearing by the Planning and Zoning Commission as an exception.
- a. **An exception to the twenty seven foot (27') height limitation within the CBD and HCPD Zones shall be approved by the Planning and Zoning Commission at a public hearing and may be approved only if the Commission can answer the following affirmatively:**
- i. **Is the construction adequately protected from fire?**
  - ii. **Is there adequate protection of the existing viewshed of adjacent properties?**
  - iii. **Is there adequate protection of solar access for adjacent properties?**
  - iv. **Is the increase in height in keeping with the Land Use Element of the Town of Taos Comprehensive Plan?**
  - v. **If the property is located within the Historic Overlay Zone, has it been approved by the Town of Taos Historic Preservation Commission?**
- B. ~~except for~~ Flagpoles, cellular towers and antennas ~~which~~ are limited to a maximum ~~allowed~~ height of fifty feet (50').

#### 16.16.120.5: SPECIAL USES:

In addition to the special uses listed in section 16.16.210 of this chapter, higher **dwelling** unit density than fourteen (14) units per acre shall be allowed in the R-14 zone **and higher dwelling unit density than twenty-nine (29) units per acre in the Central Business District (CBD) zone** in order to provide affordable housing in ~~this~~ **these** zones, with the condition that all setbacks, lot coverage and performance standards (including parking) are followed. The minimum lot size shall be waived for developments which have been approved for higher density in the R-14 zone. Higher **dwelling** unit density than fourteen (14) units in the R-14 **and twenty-nine (29) dwelling units in the CBD** zones requires a special use permit, a site development plan containing the elements

required in section 16.20.080 of this title, and any other information required by the code administrator. The application procedure shall follow section 16.12.040.5 of this title. **To be considered an affordable housing development the project must be participating in a public affordable housing program such as the Town of Taos Affordable Housing Program, New Mexico Mortgage Finance Authority's Low Income Housing Tax Credit Program, or USDA Rural Housing.** (Ord. 03-07, 2003; Ord. 99-05, 1999)

### **Highway Corridor Protection District (HCPD)**

#### **16.16.160.5: DEVELOPMENT STANDARDS:**

The following development standards shall apply to all property in the HCPD zone:

A. ~~Maximum Overall Density: Fourteen (14) dwelling units per acre with a conditional use permit for two-family attached, semiattached or multi-family residence;~~

B. ~~Minimum Lot Size: Seven thousand (7,000) square feet per dwelling unit for single-family dwellings; three thousand five hundred (3,500) square feet per dwelling unit for two-family dwellings; three thousand (3,000) square feet per dwelling unit for multi-family dwellings; and ten thousand (10,000) square feet per commercial unit;~~

C. Minimum Lot Width: Seventy feet (70');

D. Minimum Setback Requirements:

1. ~~Front Yard: Ten feet (10') from the front property line, with the front eight feet (8') of the lot landscaped in accordance with the provisions of the landscaping ordinance;~~

2. ~~Side Yards: Fifteen feet (15') from the side property lines for all commercial development, and ten feet (10') from the side property lines for all residential development;~~

3. ~~Rear Yard: Twenty feet (20') from the rear property line;~~

4. ~~Residential Zone: If the rear or side yard property line abuts a residential zone, an additional setback is required. This~~ the setback shall be **the lesser of** five feet (5') or twenty percent (20%) of the depth of the lot measured from the front to the rear property lines for a rear yard setback, or measured from the side property lines for a side yard setback, ~~whichever is less.~~ The setback shall be used to screen the residential zone from commercial activity through the use of landscaping in accordance with the provisions of the landscaping ordinances. The setback may be used to meet the requirements of the town of Taos storm drainage ordinance;

E. Maximum Lot Coverage: Sixty percent (60%) by all structures;

F. Off Street Loading: Any use in the HCPD zone requiring loading space for normal operations shall provide adequate loading space at the rear of the building, so that no vehicle being loaded or unloaded in connection with normal operations shall stand in, or project into, any public street, walk, alley, or way;

G. Trailers: Trailers which are unattended and not attached to a vehicle shall not be located in any parking lot within the HCPD zone;

H. Performance Standards: All development, erection of structures, use of property, alteration of structures or land, or other matters occurring within the HCPD zone governed by this title shall meet or exceed all applicable performance standards<sup>20</sup> and criteria as set forth in this title and any other applicable town ordinance or regulation; and

I. Planned Unit Development Standards: In addition to all other requirements of this title, if a planned unit development is proposed in the HCPD zone, then such a planned unit development shall meet or exceed all planned unit development standards set out in section [16.16.190](#) of this chapter.

### **Central Business District (CBD)**

#### **16.16.150.2: PERMITTED PRINCIPAL USES:**

The following uses shall be permitted in the CBD zone:

Eating or drinking establishments, excluding clubs.

General merchandise retail, excluding convenience or small grocery store with fuel sales, department store, and discount store.

Home occupations provided that all conditions of section 16.20.070 of this title are met.

Lodging establishments.

Personal service retail establishments excluding daycare, laundry, motor vehicle service and repair establishment/car wash or fuel sales, **and** personal storage. ~~and photography studio.~~

Professional office or service. Veterinary establishments are allowed, provided that all animals are kept inside buildings.

Single-family, two-family and multi-family dwellings, including apartments, condominiums, and townhouses.

Specialty retail establishments excluding **businesses which require exterior inventory storage for** automobile/pleasure craft dealerships, ~~hardware store~~, large equipment sales and rentals, ~~and machine shop~~, manufactured home sales, **and construction materials.** ~~and service, and package liquor sales.~~

Theaters.

Wholesaling operation, provided that no manufacturing or storage for distribution shall be permitted on the premises.

**16.16.150.3: PERMITTED ACCESSORY USES:**

The following accessory uses shall be permitted in the CBD zone:

~~Guesthouse, so long as it is used only as an accessory use to a primary single-family residence and is not an accessory to a two-family attached, semi-attached or multi-family residence.~~

Uses customarily accessory, clearly incidental and subordinate to the permitted principal uses which are located on the same lot or parcel and do not involve the conduct of a business other than a business permitted in the CBD zone.

**Exterior inventory storage of plants for sale to the general public is permitted as an accessory use.**

**Sidewalk sales and dining are permitted provided the business maintains thirty six inches (36") of continuous clear passage for pedestrians.**

**16.16.150.5: DEVELOPMENT STANDARDS:**

The following development standards shall apply to all property in the CBD zone:

A. Maximum Overall Density: ~~Fourteen (14)~~ **Twenty nine (29)** dwelling units per acre **without density bonuses from an approved Planned Unit Development (PUD), §16.16.190 et. seq. or a special use permit for higher density<sup>15</sup>, §16.16.120.5 for two-family attached, semi-attached or multi-family residence.**

B. Minimum Lot Size: ~~Seven thousand (7,000) square feet per dwelling unit for single-family dwellings; three thousand five hundred (3,500) square feet per unit for two-family dwellings; three thousand (3,000) square feet per unit for multi-family dwellings; and One thousand five hundred (1,500) square feet per guestroom for lodging establishments.~~

C. Off Street Loading: Any use in the CBD zone requiring loading space for normal operations shall provide adequate loading space, so that no vehicles being loaded or unloaded in connection with normal operations shall stand in, or project into, any public street, walk, alley, or way.

D. Performance Standards: All development, erection of structures, use of property, alteration of structures or land, or other matters occurring within the CBD zone governed by this title shall meet or exceed all applicable performance standards<sup>19</sup> and criteria as set forth in this title and any other applicable town ordinance or regulation.

E. Minimum Lot Width: ~~Seventy feet (70')~~ **Twenty feet (20')**.

F. Minimum Setback Requirements:

1. When a lot in the CBD zone is developed with a ~~single family dwelling~~, **residential use up to a triplex**, the setback requirements ~~of the R-2 zone shall apply~~ **are as follows;** and

**a. Front Yard: Ten feet or in keeping with the setback of the adjoining parcels**

**b. Side Yard: Seven feet (7') or a minimum of ten feet between buildings on adjoining lots, whichever is less**

**c. Rear Yard: Ten feet (10') – note that ½ of the width of any alleyway may be counted toward the rear setback**

2. When a lot in the CBD zone is developed with ~~two family dwellings and multi-family dwellings~~, the setback requirements of the ~~R-14 zone shall be applicable;~~ and **All commercial development within the CBD including multi-family housing, may be constructed to the lot line and no setbacks are required. However, construction of a commercial building on a property that shares a side property line or lines with a residential use (single-family to triplex) or zone shall have a front yard setback in keeping with the adjoining residential use and a side yard setback of five feet (5') from the side or sides shared with a residential use or zone. The side yard setback shall be used to screen the residential use from commercial activity through the use of landscaping in accordance with the provisions of the landscaping ordinances. The setback may be used to meet the requirements of the Town of Taos storm drainage ordinance;**

3. The planning and zoning commission may grant variances to the above minimum width and setback requirements after careful consideration of existing adjacent properties and uses in the immediately surrounding CBD neighborhood.

G. Maximum Lot Coverage: ~~Sixty~~ **Up to one hundred percent (60%100%)** by all structures **provided that it receives approval from the Code Administrator specifically regarding the ability of emergency services ability to access the property.**

H. Planned Unit Development Standards: In addition to all other requirements of this title, if a planned unit development is proposed in the CBD zone, then such a planned unit development shall meet or exceed all planned unit development standards set out in section [16.16.190](#) of this chapter.

I. Historic Overlay Zone: Properties within the central business district that are also within the historic overlay zone shall also comply with section [16.16.220](#) of this chapter. (Ord. 04-01, 2004: Ord. 03-07, 2003: Ord. 99-05, 1999)

**General Commercial District (C-2)**

**16.16.140.5: DEVELOPMENT STANDARDS:**

The following development standards shall apply to all property in the C-2 zone:

A. Maximum Overall Density: Fourteen (14) dwelling units per acre with a conditional use permit for two-family attached, semi-attached or multi-family residence.

B. Minimum Lot Size: Seven thousand (7,000) square feet ~~per unit for single family dwellings; three thousand five hundred (3,500) square feet per unit for two family dwellings; three thousand (3,000) square feet per unit for multi-family dwellings; three thousand five hundred (3,500) square feet per guestroom for lodging establishments; and seven thousand two hundred fifty (7,250) square feet per commercial unit.~~

C. Minimum Lot Width: Seventy feet (70').

D. Minimum Setback Requirements:

1. Front yard: Ten feet (10') ~~from the front property line, with the front eight feet (8') of the lot landscaped in accordance with the provisions of the landscaping ordinance;~~
2. Side Yards: **Zero feet (0')** ~~Fifteen feet (15') from the side property lines for all commercial development, and ten feet (10') from the side property lines for all residential development;~~
3. Rear Yard: **Zero feet (0')** ~~Twenty feet (20') from the rear property line;~~
4. Residential Zone: If the rear or side **yard property line** abuts a residential zone, ~~an additional setback is required. This~~ the setback shall be **the lesser of** five feet (5') or twenty percent (20%) of the depth of the lot measured from the front to the rear property lines for a rear yard setback, or measured from the side property lines for a side yard setback, ~~whichever is less.~~ The setback shall be used to screen the residential zone from commercial activity through the use of landscaping in accordance with the provisions of the landscaping ordinances. The setback may be used to meet the requirements of the town of Taos storm drainage ordinance;

E. Maximum Lot Coverage: Sixty percent (60%) by all structures.

F. Off Street Loading: Any use in the C-2 zone requiring loading space for normal operations shall provide adequate loading space at the rear of the building, so that no vehicle being loaded or unloaded in connection with normal operations shall stand in, or project into, any public street, walk, alley, or way.

G. Trailers: Trailers which are unattended and not attached to a vehicle shall not be located in any parking lot within the C-2 zone.

H. Performance Standards: All development, erection of structures, use of property, alteration of structures or land, or other matters occurring within the C-2 zone governed by this title shall meet or exceed all applicable performance standards<sup>18</sup> and criteria as set forth in this title and any other applicable town ordinance or regulation.

I. Planned Unit Development Standards: In addition to all other requirements of this title, if a planned unit development is proposed in the C-2 zone, then such a planned unit development shall meet or exceed all planned unit development standards set out in section [16.16.190](#) of this chapter. (Ord. 04-06, 2004; Ord. 03-07, 2003; Ord. 99-05, 1999)

## Neighborhood Commercial District (C-1)

### 16.16.130.5: DEVELOPMENT STANDARDS:

The following development standards shall apply to all property in the C-1 zone:

A. Maximum Overall Density: Fourteen (14) dwelling units per acre with a conditional use permit for two-family attached, semi-attached or multi-family residence.

B. Minimum Lot Size: ~~Seven thousand (7,000) square feet per unit for single family dwellings; three thousand five hundred (3,500) square feet per unit for two family dwellings; three thousand (3,000) square feet per unit for multi family dwellings; three thousand five hundred (3,500) square feet per guestroom for bed and breakfast inns or boarding houses; and seven thousand two hundred fifty (7,250) square feet per commercial unit.~~

C. Minimum Lot Width: Seventy feet (70').

D. Minimum Setback Requirements:

1. When a lot in the C-1 zone is developed with a single-family **or two-family** dwellings, the setback requirements of the ~~R-26~~ zone shall apply; and

2. When a lot in the C-1 zone is developed with, multi-family dwellings or a commercial use, the setback requirements ~~of the R-14 zone~~ shall be **applicable:**

**a. Front yard: Ten feet (10') landscaped in accordance with the provisions of the landscaping ordinance;**

**b. Side Yards: Zero feet (0')**

**c. Rear Yard: Zero feet (0')**

**d. Residential Zone: If the rear or side property line abuts a residential zone the setback shall be the lesser of five feet (5') or twenty percent (20%) of the depth of the lot measured from the front to the rear property lines for a rear yard setback, or measured from the side property lines for a side yard setback. The setback shall be used to screen the residential zone from commercial activity through the use of landscaping in accordance with the provisions of the landscaping ordinances. The setback may be used to meet the requirements of the town of Taos storm drainage ordinance;**

E. Maximum Lot Coverage: ~~Forty-Fifty~~ percent (~~40~~**50**%) by all structures.

F. Off Street Loading: Any use in the C-1 zone requiring loading space for normal operations shall provide adequate loading space at the rear of the building, so that no vehicle being loaded or unloaded in connection with normal operations shall stand in, or project into, any public street, walk, alley or way.

G. Trailers: Trailers which are unattended and not attached to a vehicle shall not be located in any parking lot within the C-1 zone.



H. Performance Standards: All development, erection of structures, use of property, alteration of structures or land, or other matters occurring within the C-1 zone governed by this title shall meet or exceed all applicable performance standards<sup>17</sup> and criteria as set forth in this title and any other applicable town ordinance or regulation.

I. Planned Unit Development Standards: In addition to all other requirements of this title, if a planned unit development is proposed in the C-1 zone, then such a planned unit development shall meet or exceed all planned unit development standards set out in section [16.16.190](#) of this chapter. (Ord. 04-06, 2004; Ord. 03-07, 2003; Ord. 99-05, 1999)

### **Multi-Family Residential District (R-14)**

#### **16.16.120.6: DEVELOPMENT STANDARDS:**

The following development standards shall apply to all property in the R-14 zone:

A. Maximum Overall Density: Fourteen (14) dwelling units without **density bonuses or** a special use permit for higher density<sup>15</sup> and one nonresidential unit if conditionally or specially permitted per acre.

~~B. Minimum Lot Size: Seven thousand (7,000) square feet per unit for single family dwellings; three thousand five hundred (3,500) square feet per dwelling unit for two family dwellings; three thousand (3,000) square feet per dwelling unit for multi family dwellings; two thousand five hundred (2,500) square feet per guestroom for bed and breakfast inns and boarding houses; and seven thousand two hundred fifty (7,250) square feet per commercial unit.~~

C. Minimum Lot Width: Fifty feet (50').

D. Minimum Setback Requirements:

1. Front yard: Twenty feet (20') from the front property line;
2. Side yards: Seven feet (7') from the side property lines; and
3. Rear yard: ~~Fifteen~~ **Ten** feet (~~15~~**10**') from the rear property line.

E. Maximum Lot Coverage: ~~Forty~~ **Fifty** percent (~~40~~**50**%) by all structures.

F. Nonresidential Development: Nonresidential development, except bed and breakfast inns or boarding houses, shall comply with the following additional development standards:

1. No more than three (3) employees;
2. No outdoor exhibition or storage of stock;
3. Only one sign, not to exceed four (4) square feet;
4. The use is accessed by a public road;
5. Adequate, safe and marked access, egress and ingress is provided; and

6. Parking required in section [16.20.040](#) of this title is provided within the setback requirements of this zone.

G. Performance Standards: All development, erection of structures, use of property, alteration of structures or land, or other matters occurring within the R-14 zone governed by this title shall meet or exceed all applicable performance standards<sup>16</sup> and criteria as set forth in this title and any other applicable town ordinance or regulation.

H. Planned Unit Development Standards: In addition to all other requirements of this title, if a planned unit development is proposed in the R-14 zone, then such a planned unit development shall meet or exceed all planned unit development standards set out in section [16.16.190](#) of this chapter. (Ord. 04-06, 2004: Ord. 03-07, 2003: Ord. 99-05, 1999)

### **Residential Zone (R-6)**

#### **16.16.110.5: DEVELOPMENT STANDARDS:**

The following development standards shall apply to all property in the R-6 zone:

A. Maximum Overall Density: Six (6) dwelling units and one nonresidential unit if conditionally or specially permitted per acre.

B. Minimum Lot Size: ~~Seven~~ **Six** thousand ~~two hundred fifty~~ (~~7,250~~ **6,000**) square feet.

C. Minimum Lot Width: ~~Sixty~~ **Fifty** feet (~~60~~**50**').

D. Minimum Setback Requirements:

1. Front yard: ~~Thirty~~ **Twenty** feet (~~30~~**20**') from the front property line;
2. Side yards: Seven feet (7') from the side property lines; and
3. Rear yard: ~~Twenty-Ten~~ feet (~~20~~**10**') from the rear property line.

E. Maximum Lot Coverage: ~~Forty~~ **Fifty** percent (~~40~~**50**%) by all structures.

F. Nonresidential Development: Nonresidential development, except bed and breakfast inns or boarding houses, shall comply with the following additional development standards:

1. No more than three (3) employees;
2. No outdoor exhibition or storage of stock;
3. Only one sign, not to exceed four (4) square feet;
4. The use is accessed by a public road;
5. Adequate, safe and marked access, egress and ingress is provided; and
6. Parking required in section [16.20.040](#) of this title is provided within the setback requirements of this zone.

G. Performance Standards: All development, erection of structures, use of property, alteration of structures or land, or other matters occurring within the R-6 zone governed

by this title shall meet or exceed all applicable performance standards<sup>14</sup> and criteria as set forth in this title and any other applicable town ordinance or regulation.

H. Planned Unit Development Standards: In addition to all other requirements of this title, if a planned unit development is proposed in the R-6 zone, then such a planned unit development shall meet or exceed all planned unit development standards set out in section [16.16.190](#) of this chapter. (Ord. 04-06, 2004: Ord. 03-07, 2003: Ord. 99-05, 1999)

## **ADOPTION VERSION**

### **16.20.030.3: HEIGHT LIMITATIONS:**

- A. **Maximum Building Height:** The maximum building height shall be twenty seven feet (27') from the median grade of the site. Within the Central Business District (CBD), General Commercial (C-2), and Highway Corridor Protection District (HCPD) Zoning Districts the maximum building height may be increased to a maximum height of forty feet (40') if approved at a public hearing by the Planning and Zoning Commission as an exception.
- a. An exception to the twenty seven foot (27') height limitation within the CBD and HCPD Zones shall be approved by the Planning and Zoning Commission at a public hearing and may be approved only if the Commission can answer the following affirmatively:
    - i. Is the construction adequately protected from fire?
    - ii. Is there adequate protection of the existing viewshed of adjacent properties?
    - iii. Is there adequate protection of solar access for adjacent properties?
    - iv. Is the increase in height in keeping with the Land Use Element of the Town of Taos Comprehensive Plan?
    - v. If the property is located within the Historic Overlay Zone, has it been approved by the Town of Taos Historic Preservation Commission?
- B. Flagpoles, cellular towers and antennas are limited to a maximum height of fifty feet (50').

### **16.16.120.5: SPECIAL USES:**

In addition to the special uses listed in section 16.16.210 of this chapter, higher dwelling unit density than fourteen (14) units per acre shall be allowed in the R-14 zone and higher dwelling unit density than twenty-nine (29) dwelling units per acre in the Central Business District (CBD) zone in order to provide affordable housing in these zones, with the condition that all setbacks, lot coverage and performance standards (including parking) are followed. The minimum lot size shall be waived for developments which have been approved for higher density in the R-14 zone. Higher dwelling unit density than fourteen (14) units in the R-14 and twenty-nine (29) dwelling units in the CBD zones requires a special use permit, a site development plan containing the elements required in section 16.20.080 of this title, and any other information required by the code administrator. The application procedure shall follow section 16.12.040.5 of this title. To be considered an affordable housing development the project must be participating in a public affordable housing program such as the Town of Taos Affordable Housing Program, New Mexico Mortgage Finance Authority's Low Income Housing Tax Credit Program, or USDA Rural Housing. (Ord. 03-07, 2003; Ord. 99-05, 1999)

### **Highway Corridor Protection District (HCPD)**

### **16.16.160.5: DEVELOPMENT STANDARDS:**

The following development standards shall apply to all property in the HCPD zone:

A. Minimum Lot Size: Seven thousand (7,000) square.

B. Minimum Lot Width: Seventy feet (70');

C. Minimum Setback Requirements:

1. Front Yard: Ten feet (10') from the front property line landscaped in accordance with the provisions of the landscaping ordinance;

2. Side Yards: Zero feet (0')

3. Rear Yard: Zero feet (0')

4. Residential Zone: If the rear or side property line abuts a residential zone the setback shall be the lesser of five feet (5') or twenty percent (20%) of the depth of the lot measured from the front to the rear property lines for a rear yard setback, or measured from the side property lines for a side yard setback. The setback shall be used to screen the residential zone from commercial activity through the use of landscaping in accordance with the provisions of the landscaping ordinances. The setback may be used to meet the requirements of the town of Taos storm drainage ordinance;

E. Maximum Lot Coverage: Sixty percent (60%) by all structures;

F. Off Street Loading: Any use in the HCPD zone requiring loading space for normal operations shall provide adequate loading space at the rear of the building, so that no vehicle being loaded or unloaded in connection with normal operations shall stand in, or project into, any public street, walk, alley, or way;

G. Trailers: Trailers which are unattended and not attached to a vehicle shall not be located in any parking lot within the HCPD zone;

H. Performance Standards: All development, erection of structures, use of property, alteration of structures or land, or other matters occurring within the HCPD zone governed by this title shall meet or exceed all applicable performance standards<sup>20</sup> and criteria as set forth in this title and any other applicable town ordinance or regulation; and

I. Planned Unit Development Standards: In addition to all other requirements of this title, if a planned unit development is proposed in the HCPD zone, then such a planned unit development shall meet or exceed all planned unit development standards set out in section [16.16.190](#) of this chapter.

### **Central Business District (CBD)**

### **16.16.150.2: PERMITTED PRINCIPAL USES:**

The following uses shall be permitted in the CBD zone:

Eating or drinking establishments, excluding clubs.

General merchandise retail, excluding convenience or small grocery store with fuel sales, department store, and discount store.

Home occupations provided that all conditions of section 16.20.070 of this title are met.

Lodging establishments.

Personal service retail establishments excluding daycare, laundry, motor vehicle service and repair establishment/car wash or fuel sales, and personal storage.

Professional office or service. Veterinary establishments are allowed, provided that all animals are kept inside buildings.

Single-family, two-family and multi-family dwellings, including apartments, condominiums, and townhouses.

Specialty retail establishments excluding businesses which require exterior inventory storage for automobile/pleasure craft dealerships, large equipment sales and rentals, manufactured home sales, and construction materials.

Theaters.

Wholesaling operation, provided that no manufacturing or storage for distribution shall be permitted on the premises.

### **16.16.150.3: PERMITTED ACCESSORY USES:**

The following accessory uses shall be permitted in the CBD zone:

Guesthouse, as an accessory use to a single-family residence.

Uses customarily accessory, clearly incidental and subordinate to the permitted principal uses which are located on the same lot or parcel and do not involve the conduct of a business other than a business permitted in the CBD zone.

Exterior inventory storage of plants for sale to the general public is permitted as an accessory use.

Sidewalk sales and dining are permitted provided the business maintains thirty six inches (36") of continuous clear passage for pedestrians.

### **16.16.150.5: DEVELOPMENT STANDARDS:**

The following development standards shall apply to all property in the CBD zone:

A. Maximum Overall Density: Twenty nine (29) dwelling units per acre without density bonuses or a special use permit for higher density<sup>15</sup>.

B. Minimum Lot Size: One thousand five hundred (1,500) square feet.

C. Off Street Loading: Any use in the CBD zone requiring loading space for normal operations shall provide adequate loading space, so that no vehicles being loaded or unloaded in connection with normal operations shall stand in, or project into, any public street, walk, alley, or way.

D. Performance Standards: All development, erection of structures, use of property, alteration of structures or land, or other matters occurring within the CBD zone governed by this title shall meet or exceed all applicable performance standards<sup>19</sup> and criteria as set forth in this title and any other applicable town ordinance or regulation.

E. Minimum Lot Width: Twenty feet (20').

F. Minimum Setback Requirements:

1. When a lot in the CBD zone is developed with a residential use up to a triplex, the setback requirements are as follows;

a. Front Yard: Ten feet or in keeping with the setback of the adjoining parcels

b. Side Yard: Seven feet (7') or a minimum of ten feet between buildings on adjoining lots, whichever is less

c. Rear Yard: Ten feet (10') – note that ½ of the width of any alleyway may be counted toward the rear setback

2. All commercial development within the CBD including multi-family housing, may be constructed to the lot line and no setbacks are required. However, construction of a commercial building on a property that shares a side property line or lines with a residential use (single-family to triplex) or zone shall have a front yard setback in keeping with the adjoining residential use and a side yard setback of five feet (5') from the side or sides shared with a residential use or zone. The side yard setback shall be used to screen the residential use from commercial activity through the use of landscaping in accordance with the provisions of the landscaping ordinances. The setback may be used to meet the requirements of the Town of Taos storm drainage ordinance;

3. The planning and zoning commission may grant variances to the above minimum width and setback requirements after careful consideration of existing adjacent properties and uses in the immediately surrounding CBD neighborhood.

G. Maximum Lot Coverage: Up to one hundred percent (100%) by all structures provided that it receives approval from the Code Administrator specifically regarding the ability of emergency services ability to access the property.

H. Planned Unit Development Standards: In addition to all other requirements of this title, if a planned unit development is proposed in the CBD zone, then such a planned unit development shall meet or exceed all planned unit development standards set out in section [16.16.190](#) of this chapter.

I. Historic Overlay Zone: Properties within the central business district that are also within the historic overlay zone shall also comply with section [16.16.220](#) of this chapter. (Ord. 04-01, 2004: Ord. 03-07, 2003: Ord. 99-05, 1999)

## **General Commercial District (C-2)**

### **16.16.140.5: DEVELOPMENT STANDARDS:**

The following development standards shall apply to all property in the C-2 zone:

A. Maximum Overall Density: Fourteen (14) dwelling units per acre with a conditional use permit for two-family attached, semi-attached or multi-family residence.

B. Minimum Lot Size: Seven thousand (7,000) square feet.

C. Minimum Lot Width: Seventy feet (70').

D. Minimum Setback Requirements:

1. Front yard: Ten feet (10') landscaped in accordance with the provisions of the landscaping ordinance;
2. Side Yards: Zero feet (0')
3. Rear Yard: Zero feet (0')
4. Residential Zone: If the rear or side property line abuts a residential zone the setback shall be the lesser of five feet (5') or twenty percent (20%) of the depth of the lot measured from the front to the rear property lines for a rear yard setback, or measured from the side property lines for a side yard setback. The setback shall be used to screen the residential zone from commercial activity through the use of landscaping in accordance with the provisions of the landscaping ordinances. The setback may be used to meet the requirements of the town of Taos storm drainage ordinance;

E. Maximum Lot Coverage: Sixty percent (60%) by all structures.

F. Off Street Loading: Any use in the C-2 zone requiring loading space for normal operations shall provide adequate loading space at the rear of the building, so that no vehicle being loaded or unloaded in connection with normal operations shall stand in, or project into, any public street, walk, alley, or way.

G. Trailers: Trailers which are unattended and not attached to a vehicle shall not be located in any parking lot within the C-2 zone.



H. Performance Standards: All development, erection of structures, use of property, alteration of structures or land, or other matters occurring within the C-2 zone governed by this title shall meet or exceed all applicable performance standards<sup>18</sup> and criteria as set forth in this title and any other applicable town ordinance or regulation.

I. Planned Unit Development Standards: In addition to all other requirements of this title, if a planned unit development is proposed in the C-2 zone, then such a planned unit development shall meet or exceed all planned unit development standards set out in section [16.16.190](#) of this chapter. (Ord. 04-06, 2004: Ord. 03-07, 2003: Ord. 99-05, 1999)

### **Neighborhood Commercial District (C-1)**

#### **16.16.130.5: DEVELOPMENT STANDARDS:**

The following development standards shall apply to all property in the C-1 zone:

A. Maximum Overall Density: Fourteen (14) dwelling units per acre with a conditional use permit for two-family attached, semi-attached or multi-family residence.

B. Minimum Lot Size: Seven thousand (7,000) square feet.

C. Minimum Lot Width: Seventy feet (70').

D. Minimum Setback Requirements:

1. When a lot in the C-1 zone is developed with a single-family or two-family dwellings, the setback requirements of the R-6 zone shall apply; and

2. When a lot in the C-1 zone is developed with, multi-family dwellings or a commercial use, the setback requirements shall be:

a. Front yard: Ten feet (10') landscaped in accordance with the provisions of the landscaping ordinance;

b. Side Yards: Zero feet (0')

c. Rear Yard: Zero feet (0')

d. Residential Zone: If the rear or side property line abuts a residential zone the setback shall be the lesser of five feet (5') or twenty percent (20%) of the depth of the lot measured from the front to the rear property lines for a rear yard setback, or measured from the side property lines for a side yard setback. The setback shall be used to screen the residential zone from commercial activity through the use of landscaping in accordance with the provisions of the landscaping ordinances. The setback may be used to meet the requirements of the town of Taos storm drainage ordinance;

E. Maximum Lot Coverage: Fifty percent (50%) by all structures.

F. Off Street Loading: Any use in the C-1 zone requiring loading space for normal operations shall provide adequate loading space at the rear of the building, so that no vehicle being loaded or unloaded in connection with normal operations shall stand in, or project into, any public street, walk, alley or way.

G. Trailers: Trailers which are unattended and not attached to a vehicle shall not be located in any parking lot within the C-1 zone.

H. Performance Standards: All development, erection of structures, use of property, alteration of structures or land, or other matters occurring within the C-1 zone governed by this title shall meet or exceed all applicable performance standards<sup>17</sup> and criteria as set forth in this title and any other applicable town ordinance or regulation.

I. Planned Unit Development Standards: In addition to all other requirements of this title, if a planned unit development is proposed in the C-1 zone, then such a planned unit development shall meet or exceed all planned unit development standards set out in section [16.16.190](#) of this chapter. (Ord. 04-06, 2004; Ord. 03-07, 2003; Ord. 99-05, 1999)

### **Multi-Family Residential District (R-14)**

#### **16.16.120.6: DEVELOPMENT STANDARDS:**

The following development standards shall apply to all property in the R-14 zone:

A. Maximum Overall Density: Fourteen (14) dwelling units without density bonuses or a special use permit for higher density<sup>15</sup> and one nonresidential unit if conditionally or specially permitted per acre.

B. Minimum Lot Size: Seven thousand (7,000) square feet.

C. Minimum Lot Width: Fifty feet (50').

D. Minimum Setback Requirements:

1. Front yard: Twenty feet (20') from the front property line;
2. Side yards: Seven feet (7') from the side property lines; and
3. Rear yard: Ten feet (10') from the rear property line.

E. Maximum Lot Coverage: Fifty percent (50%) by all structures.

F. Nonresidential Development: Nonresidential development, except bed and breakfast inns or boarding houses, shall comply with the following additional development standards:

1. No more than three (3) employees;
2. No outdoor exhibition or storage of stock;
3. Only one sign, not to exceed four (4) square feet;
4. The use is accessed by a public road;
5. Adequate, safe and marked access, egress and ingress is provided; and
6. Parking required in section [16.20.040](#) of this title is provided within the setback requirements of this zone.

G. Performance Standards: All development, erection of structures, use of property, alteration of structures or land, or other matters occurring within the R-14 zone governed by this title shall meet or exceed all applicable performance standards<sup>16</sup> and criteria as set forth in this title and any other applicable town ordinance or regulation.

H. Planned Unit Development Standards: In addition to all other requirements of this title, if a planned unit development is proposed in the R-14 zone, then such a planned unit development shall meet or exceed all planned unit development standards set out in section [16.16.190](#) of this chapter. (Ord. 04-06, 2004: Ord. 03-07, 2003: Ord. 99-05, 1999)

### **Residential Zone (R-6)**

#### **16.16.110.5: DEVELOPMENT STANDARDS:**

The following development standards shall apply to all property in the R-6 zone:

A. Maximum Overall Density: Six (6) dwelling units and one nonresidential unit if conditionally or specially permitted per acre.

B. Minimum Lot Size: Six thousand (6,000) square feet.

C. Minimum Lot Width: Fifty feet (50').

D. Minimum Setback Requirements:

1. Front yard: Twenty feet (20') from the front property line;
2. Side yards: Seven feet (7') from the side property lines; and
3. Rear yard: Ten feet (10') from the rear property line.

E. Maximum Lot Coverage: Fifty percent (50%) by all structures.

F. Nonresidential Development: Nonresidential development, except bed and breakfast inns or boarding houses, shall comply with the following additional development standards:

1. No more than three (3) employees;
2. No outdoor exhibition or storage of stock;
3. Only one sign, not to exceed four (4) square feet;
4. The use is accessed by a public road;
5. Adequate, safe and marked access, egress and ingress is provided; and
6. Parking required in section [16.20.040](#) of this title is provided within the setback requirements of this zone.

G. Performance Standards: All development, erection of structures, use of property, alteration of structures or land, or other matters occurring within the R-6 zone governed by this title shall meet or exceed all applicable performance standards<sup>14</sup> and criteria as set forth in this title and any other applicable town ordinance or regulation.

H. Planned Unit Development Standards: In addition to all other requirements of this title, if a planned unit development is proposed in the R-6 zone, then such a planned unit development shall meet or exceed all planned unit development standards set out in section [16.16.190](#) of this chapter. (Ord. 04-06, 2004; Ord. 03-07, 2003; Ord. 99-05, 1999)

This ordinance shall become effective as provided by law.

**ORDAINED, ADOPTED, APPROVED, AND RATIFIED** this 12<sup>th</sup> day of **October, 2010** by the following vote:

Councilman Rudy Abeyta \_\_\_\_\_

Councilwoman Amy Quintana \_\_\_\_\_

Councilman Eugene Sanchez \_\_\_\_\_

Councilman Michael Silva \_\_\_\_\_

\_\_\_\_\_  
DARREN M. CORDOVA  
MAYOR

ATTEST:

\_\_\_\_\_  
RENEE LUCERO  
TOWN CLERK

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
ALLEN FERGUSON  
TOWN ATTORNEY