

Council approves land use changes

The amended code also adjusts height limitations

By Matthew van Buren
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The Taos Town Council approved changes to the town's land-use code Oct. 12, including amending height limitations and setbacks.

Community and Economic Development Director Matthew Spriggs told the council some of the previous codes weren't conducive to businesses. He said the town code regarding permitted uses in the Central Business District specifically prohibited hardware and other types of stores, adding that the intent of the ordinance was to limit outdoor clutter.

Now the ordinance, rather than prohibiting hardware stores, machine shops and others, excludes "businesses which require exterior inventory storage" for things such as construction materials, vehicles or equipment.

The code does specifically allow exterior storage of plants for sale within the Central Business District, and sidewalk sales and dining are also allowed as long as 36 inches of clear passage for pedestrians is maintained.

The amended code also adjusts height limitations. Previously, buildings had been limited to two stories, or 27 feet; now exceptions can be made to allow 40-foot-tall, or three-story, buildings in the Central Business, General Commercial, and Highway Corridor Protection zoning districts.

Buildings exceeding 27 feet will now be subject to public hearings before the Planning and Zoning Commission, with the commission ensuring the construction is "adequately protected from fire" and the height is consistent with the town's comprehensive plan, neighboring properties' solar access is protected and, if the property is located in the Historic Overlay Zone, it has been approved by the Historic Preservation Commission.

Mayor Darren Córdova expressed a concern Oct. 12 that another requirement — that there be "adequate protection of the existing view shed of adjacent properties" — may be too subjective. He wondered whether neighboring property owners could object to new construction if they would rather keep a lot next to them vacant.

"That provision could potentially violate somebody's property rights," he said.

However, Spriggs said the "view shed" requirement would only apply to exceeding 27 feet in height, not the building altogether.

The amended code also permits higher dwelling unit density, though it requires developments with more than 14 dwelling units per acre in multi-family residential areas or more than 29 units per acre in the Central Business District to seek special use permits. The Central Business District was formerly limited to 14 units per acre. The provision states its intent is "to provide affordable housing in these zones."

"To be considered an affordable housing development," the ordinance states, "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.”

The amendment reduces minimum lot sizes and widths in the Central Business District, also striking varying minimum lot sizes and minimum setback requirements in some cases. For more information, visit taosgov.com.

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