



ORDINANCE NO. 22-10

AN ORDINANCE AMENDING SECTIONS OF THE EXISTING LAND USE DEVELOPMENT CODE, CHAPTER 16, SECTIONS; 16.16.150 CBD CENTRAL BUSINESS DISTRICT 16.16.150.2 PERMITTED PRINCIPAL USES.

This ordinance amends sections of the Town Taos Land Use Development Code with respect to 16.16.150.2 with the addition of criteria for bed and breakfast inns and boarding houses.

WHEREAS, the Town Council, the Governing Body and the Town of Taos, finds it necessary to amend Section **16.16.150.2** of the Municipal Code with respect to Planning Commission and Historic Preservation Commission Powers and Duties.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Town of Taos, meeting in Regular Session this th day of 27th September, 2022, and after having held a public hearing on the matter, that the following Ordinance is hereby adopted, approved and ratified:

16.16.150: CBD CENTRAL BUSINESS DISTRICT:

16.16.150.1: INTENT AND PURPOSE:

The CBD zone forms the community's center for commercial, historic, financial, professional, governmental, civic, religious, and cultural activities. The purpose of the CBD zone is to protect, enhance and improve the central business district for the efficient performance of its primary functions, including residential usage. (Ord. 04-01, 2004: Ord. 03-07, 2003: Ord. 99-05, 1999)

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. (Ord. 10-25, 2010)

Bed and breakfast inns and boarding houses, provided that:

A. Not more than five (5) rooms are available for guest lodging, and this limitation may not be increased by variance;

B. The manager resides in and occupies the bed and breakfast inn or boarding house;

C. Provision of food and meals shall meet all applicable state and local regulations and shall be served only to guests of the bed and breakfast inn or boarding house;

D. All applicable codes shall be met, including, but not limited to, fire code, building code and this title;

E. The following off-street parking requirements shall be met:

1. One parking space per employee;

2. One marked parking space for each guestroom; and

3. One parking space for the resident manager;

F. Only one sign, not to exceed four (4) square feet, that may be externally illuminated; and

G. Landscaping and all other applicable performance standards of this title and any other applicable town ordinance or regulation shall be met.

16.16.150.3: PERMITTED ACCESSORY USES:

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

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

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

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

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. (Ord. 10-25, 2010)

16.16.150.4: CONDITIONAL USES:

The following uses shall be permitted in the CBD zone only if a conditional use permit is granted:

Club.

Convenience or small grocery store with fuel sales at two (2) or more gasoline pumps.

Daycare.

Department store/discount store.

Guesthouse used for long term rental. (Ord. 04-01, 2004: Ord. 03-07, 2003: Ord. 99-05, 1999)

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 from an approved planned unit development (PUD), section 16.20.90 of this chapter or a special use permit for higher density 1.

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 2 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 (10') or in keeping with the setback of the adjoining parcels.

b. Side yard: Seven feet (7') or a minimum of ten feet (10') between buildings on adjoining lots, whichever is less.

c. Rear yard: Ten feet (10'), note that one-half ($\frac{1}{2}$) 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 16.16.90 of this chapter.

Section 2. Severability. If any section, paragraph, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional or otherwise invalid or ineffective by the final, non-appealable order or judgment of any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance. The Town Council hereby declares that it would have adopted each section, paragraph, sentence, clause and phrase of this ordinance irrespective of the fact that any one or more sections, paragraphs, sentences, clauses or phrases may be declared unconstitutional, invalid or ineffective.

Section 3. Effective Date. This Ordinance shall become effective on the date specified in NMSA 1978, Section 3-17-5.

ORDAINED, ADOPTED, AND APPROVED this 27th day of September, 2022 by the following vote:

Mayor Pro Tem Darien D. Fernandez, _____

Councilmember Nathaniel Evans _____

Councilmember Corilia I. Ortega _____

Councilmember Marietta S. Fambro _____

TOWN OF TAOS

Mayor Pascualito M. Maestas

ATTEST:

APPROVED AS TO FORM

Francella Garcia, Town Clerk

Christopher Stachura, Town Attorney