

Taos Canyon Neighborhood Land Use Plan

Appendix ___ to the Land Use Regulations of the County of Taos
Taos Canyon Neighborhood Land Use Regulations

Section I. Purpose and Intent

- A. **Official Regulation.** This appendix is incorporated into the Land Use Regulations of the County of Taos.
- B. **Establishment.** This appendix establishes the Land Use Regulations for the neighborhood of Taos Canyon. The boundaries of this area and the boundaries of zoning districts established herein are described and shown on the Taos Canyon Neighborhood Land Use Map in the Taos County Planning Department.
- C. **General Intent.** The intent of this appendix is to assist the Taos Canyon Neighborhood in achieving the following objectives:
- Preserve Taos Canyon as a quiet, clean, safe and beautiful scenic byway in which residents enjoy a high quality of life.
 - Maintain the natural beauty of the canyon as a Scenic Byway corridor.
 - Establish and support the safety of the Canyon's residents through adequate fire protection and traffic control.
 - Enhance the Canyon's quietness and serenity through protecting dark skies and implementing noise level limitations.
 - Provide adequate public safety through police presence and emergency services.
 - Maintain the rural, diverse and eclectic character of the Canyon and the sense of community.
 - Promote the arts, historical and cultural traditions in the Canyon.
 - Protect the water quality of the Rio Fernando watershed through cooperation and partnerships with private landowners, state and federal jurisdictions.
 - Promote outdoor recreation opportunities and accessibility to the Carson National Forest.
 - Promote specific guidelines with Taos County, NM Department of Transportation and the Federal Highway Administration to ensure safety on US Highway 64 and local county roads.

Section II. District Designations

RR: Rural Residential: 1 residence/1 acre (or up to 4 residences/acre when clustered within buildable area): generally an existing low density residential development with limited services.

SHC: Scenic Highway Corridor Overlay: designated corridors to a depth of 100' from right of way edge: these are corridors with high scenic values and high sensitivity to strip development. These corridors would allow cluster development with limitations on building heights, side or rear parking areas, landscaped buffers along street setbacks, and monument signage.

Section III. Allowed Land Uses

Home Occupations are allowed in all designations.

P = Permitted

S= Special Use

Residential Uses	RR	
Bed and Breakfast	P	
Day Care	P	
Livestock Raising	P	
Multiple Family	S	
Private- Preschool	P	
Residential Care Facilities	P	
Single-Family Attached	S	
Single-Family Detached	P	

Non-Residential Uses

Alcoholic Beverage Sales	S	
Assisted Living	P	
Arts and Cultural Enterprises	P	
Automotive–Service Stations	S	
Business/Professional Services	P	< 10,000 sf blg
Café/Coffeehouse	P	
Churches	S	
Dance & Fitness Studios	S	
Day Care Center	S	
Food & Beverage Sales	P	
Hospitals & Clinics	P	
Lodging	S	
Plant Nursery	P	
Offices	S	
Restaurants–General	P	
Retail Sales–General	S	
Schools–Private/Public	P	

Section IV. Development Standards

A. Lot Characteristics

	RR	
Lot Area – Minimum	1 ac	

B. Building Placement

	RR	
Max/Min Front Setback	25'	
Minimum Side Setback	15'	
Minimum Rear Setback- inhabitable	15'	
Minimum Rear Setback- uninhabitable	5'	

C. Building Heights

	RR	SHC	
Building Maximum	27'	16'	

D. Scenic Highway Corridor Overlay Zone (SHC) – 100' from edge of right of way

- A. Setbacks from Highways
 - 1. All buildings shall be set back a minimum of 25 feet from the edge of the right-of-way of a state or county highway. Native vegetation should be retained or replanted in this setback area.
 - 2. Outdoor storage or accessory (uninhabitable) buildings are not allowed within corridor zone. For non-residential buildings, pedestrian walkway and access is on the front and parking is located on the side and/or rear of the building.
- B. Noise Walls. Noise walls higher than 6 feet facing a federal, state, or county highway are prohibited. Additional setbacks or landscaped berms may be used to reduce noise impacts.
- C. Screening
 - 1. Service areas, loading areas, outdoor storage areas, and trash receptacles for other than single-family houses shall be screened with buildings, walls, berms, vegetation, and/or existing terrain. The screening for loading areas and outdoor storage areas shall be a minimum of 6 feet in height and a maximum of 8 feet in height. All screening should provide protection of the enclosed area from animals and wind.
 - 2. Parking areas shall be screened from adjacent residences by walls, berms, or a combination thereof that are a minimum of 3 feet in height and a maximum of 5 feet in height.
- D. Signs
 - 1. Billboards or other signs advertising a product, service, or business not located on the same legal lot as the sign are prohibited.
 - 2. Signs shall not exceed 60 square feet in area, cumulatively.
 - 3. Signs shall be permanently mounted or affixed to the ground or a permanent structure.
 - 4. Letters shall be large enough and have adequate contrast with the background to be readable to the intended viewer.
 - 5. Neon, flashing, and intermittently lit signs are prohibited.

Definitions of Uses

This section defines the types of uses allowed (permitted or special use) in this neighborhood land use code. The definitions are broad in order to avoid long lists of specific uses that soon become outdated or are incomplete.

- 1. In case of uncertainty, the _____ shall make an interpretation whether a specific proposed use fits within an existing use type. If it does not, the use is not allowed unless an amendment to this ordinance is approved.
- 2. If some uses are best described by a combination of several use types, each use type shall apply.

Residential Uses

- 1. **Bed & Breakfast.** The Bed & Breakfast use type consists of an owner occupied dwelling providing six (6) or fewer guest rooms on a commercial basis for stays of seven (7) or fewer consecutive nights, with no cooking facilities in the guest rooms, and providing breakfast and snacks to the guests only.
- 2. **Day Care–Residential.** The Day Care–Residential use type consists of providing care and supervision in a single-family residence where an occupant of the residence cares for eight (8) or fewer children less than 18 years of age for

periods of fewer than 24 hours per day. Children less than the age of 10 years who reside in the home count as children served by the facility.

3. Duplex. The Duplex use type consists of two dwelling units on a single parcel within the same structure, each with its own kitchen and bathroom facilities.
4. Home Occupation (Cottage Industry). A business, profession, occupation or trade conducted from a single family residential property and located entirely within the primary dwelling or an accessory structure such as a detached garage. It is clearly incidental and secondary to the use of the residential dwelling, and does not change the essential residential character or appearance of the dwelling. Agriculture and/or agricultural industry are not applicable. Home occupations will:
 - a. No more than two full time/part time employees other than members of a family residing on the premises, and regularly engaged in work at the site of the home occupation.
 - b. The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than 50% of the floor area of the dwelling, including accessory buildings, shall be used in the conduct of the home occupation on the designated parcel.
 - c. There shall be no change in the outside appearance of the building or premises, nor other visible evidence of the conduct of the home occupation except for one non-illuminated name plate sign not more than 6 square feet in area.
 - d. Parking for employees, customers and clients of the home occupation shall be provided off the street.
 - e. No equipment or process shall be used in the home occupation which significantly impacts the existing use of property in the adjacent area.
5. Livestock Raising. The Livestock Raising use type consists of the raising of domesticated animals for non-commercial purposes. The raising of animals normally found in the wild are not included. Typical animals include rabbits, chickens, cattle, sheep, goats, pigs, horses, bison, llamas, and ostriches.
6. Multiple Family. The Multiple Family use type consists of three or more dwelling units within the same structure, each with its own kitchen and bathroom facilities.
7. Private Preschool. The Private Preschool use type consists of providing care and education for children less than six years of age for the purpose of preparing them for public or private elementary school.
8. Residential Care. The Residential Care use type consists of providing 24-hour non-medical care in a residential setting for six (6) or fewer people in need of personal services, supervision, protection, or assistance for sustaining the activities of daily living.
9. Single-Family Attached. The Single-Family Attached use type consists of one dwelling unit, exclusive of a secondary unit, on a single parcel, constructed with a common wall with a single-family unit located on another parcel.
10. Single-Family Detached. The Single-Family Detached use type consists of one dwelling unit, exclusive of a secondary unit, on a single parcel, which is separated from any other dwelling unit. Manufactured homes certified under the National Mobile Home Construction and Safety Standards Act of 1974 that are installed on a permanent foundation approved by the County, are included.

A. Non-Residential Uses

1. Alcoholic Beverage Sales. The Alcoholic Beverage Sales use type consists of the sale of alcoholic beverages for consumption at place of sale or at a location other than the place of sale. This is the only use type that allows the sale of alcoholic beverages, but may be combined with other use types. Typical uses include liquor stores, bars, and restaurants that serve alcoholic beverages.

2. Art & Cultural. The Art & Cultural use type consists of the production and sale of arts and crafts, the presentation of music or theater, and similar arts and cultural activities. The on-site production of goods by hand manufacturing, involving the use of hand tools and small-scale, light mechanical equipment with electric motors that do not exceed five horsepower is allowed.
3. Assisted Living. The Assisted Living use type consists of providing full-time shelter, rehabilitation, care and supervision on a non-institutional basis to neglected, abandoned, physically handicapped, developmentally disabled, mentally ill, mentally disabled, and substance, or alcohol dependent children or adults on a private, nonprofit basis licensed by the appropriate state agency. Live-in nursing care is not allowed. *[May want to place a limit on number of people living in the building.]*
4. Automotive Service Stations. The Automotive Service Stations use type consists of gasoline stations, including ancillary convenience retail and auto services. Service stations that contain any repair bays are considered "Automotive Repair."
5. Business & Professional Services. The Business & Professional Services use type consists of providing services oriented to business matters, including but not limited to accounting services, financial services, tax preparation, duplicating and fax services, messenger services, printing, and janitorial services.
6. Cafes and Coffeehouses. The Cafes and Coffeehouses use type consists of serving coffee, other non-alcoholic beverages, and food not prepared on-site with the exception of bakery goods.
7. Cemeteries. The Cemeteries use type consists of burial grounds for the interment of the dead. Uses include cemeteries and crematories, columbaria, and mausoleums located within cemeteries.
8. Churches & Community Centers. The Churches & Community use type consists of community meeting and cultural facilities; meeting, athletic, recreational, or social facilities of a private fraternal or benevolent organization; and facilities for religious worship with incidental educational or residential use. Uses include fraternal lodges, meeting halls, community centers, libraries, museums, churches, mosques, synagogues, monasteries, convents, and religious retreat centers.
9. Dance & Fitness Studios. The Dance & Fitness Studios use type consists of the use of space, often before and after normal working hours, for dance types, exercise programs, and general fitness training.
10. Day Care Centers. The Day Care Centers use type consists of providing care and supervision for nine (9) or more children less than 18 years of age for periods of fewer than 24 hours per day. Children less than the age of 10 years who reside in the home count as children served by the facility.
11. Food & Beverage Sales. The Food & Beverage Sales use type consists of the retail sales of food and beverages, primarily for off-site preparation and consumption. This use type must be combined with the Alcohol Beverage Sales use type in order to sell alcoholic beverages. Uses include supermarkets, grocery stores, or delicatessens.
12. Hospitals. The Hospitals use type consists of state-licensed facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons, including overnight stays at the facility. This use type includes facilities for inpatient or outpatient treatment as well as training, research, and administrative services for patients and employees.
13. Lodging. The Lodging use type consists of providing six (6) or more guest units, with no or minimal kitchen facilities in the units, intended for occupancy on a commercial basis, primarily for seven (7) or fewer consecutive nights. Guest units may be reached either from a common entrance or directly from the outside of the building. This use type includes restaurants or reception facilities operated in conjunction with the hotel or motel.
14. Offices. The Offices use type consists of offices of firms or organizations providing professional, executive, management, medical, or administrative services not included in another use type. This use type excludes home offices that meet the criteria for home occupations.

15. Personal Services. The Personal Services use type consists of services and incidental sales of a personal nature. Typical uses include beauty salons, barbershops, therapeutic massage services, and diet centers.
16. Plant Nurseries. The Plant Nurseries use type consists of the sale and cultivation of ornamental trees, shrubs, and plants, including incidental sale or rental of garden and landscape materials and equipment. Outdoor storage of such materials and equipment is included.
17. Recreation. The Recreation use type consists of recreational and entertainment operations taking place indoors, such as bowling alleys, and outdoors, such as sports fields.
18. Restaurants. The Restaurants use type consists of serving drinks and food prepared on-site, which do not have drive-through facilities, and which do not serve patrons seated in an automobile. This use type must be combined with the Alcohol Beverage Sales use type in order to serve alcoholic beverages.
19. Retail Sales–General. The Retail Sales–General use type consists of the retail sale of goods or provision of services not specifically listed under another use type, and which primarily sell specialized items or that are primarily oriented to a local customer base. This use type includes stores selling clothing, hardware, books, flowers, jewelry, and furniture that occupy buildings less than 80,000 sf of gross floor area.
20. Schools–Elementary & Secondary. The Schools–Elementary & Secondary use type consists of primary or secondary schools, including elementary, junior high, and high schools operated by a public agency or private organization.