



LOS ALAMOS

County of Los Alamos

1000 Central Avenue
Los Alamos, NM 87544

Agenda - Final Planning and Zoning Commission

Wednesday, April 12, 2017

5:30 PM

Council Chambers
1000 Central Avenue

1. **CALL TO ORDER/ROLL CALL**

2. **PUBLIC COMMENT**

This section of the agenda is reserved for comments from the public on items that are not otherwise included in this agenda.

3. **APPROVAL OF AGENDA**

4. **APPROVAL OF MINUTES**

A. Minutes from March 29, 2017

[9321-17](#) Minutes from the Planning And Zoning Commission Meeting(s) on 3-29-17.

Attachments: [A - Draft Minutes for March 29, 2017.](#)

B. Minutes for February 08, 2017

[9322-17](#) Minutes from the Planning And Zoning Commission Meeting(s) on February 08, 2017.

Attachments: [A - Draft Minutes for February 08, 2017.](#)

5. **NOMINATIONS FOR BOA - COUNCIL APPROVAL REQUIRED**

Two (2) Board of Adjustment vacancies to be filled

6. **PUBLIC HEARING(S)**

A. **WVR-2017-0033 Waiver from DT District Development Standards**

[9318-17](#) Staff Report for a Case No. WVR-2017-0033, a request for a Waiver from the Downtown District Development Standards, of the Los Alamos County Development Code, to the minimum street section width requirement of fifty (50') feet, to forty-five (45') feet.

Attachments: [A - WVR-2017-0033- Staff Report & Exhibits](#)

B. ZCA-2017-0003 Text Amendment Chapter 16 Articles I-XIV Adding a Mixed Use Zone[9320-17](#)

Staff Report for case ZCA-2017-003 an ordinance amending various articles and sections of Chapter 16 of the Los Alamos County Code of Ordinances to establish a mixed-use zoning district; establish a Future Land Use Map section; and amend certain DT Overlay zones to allow expanded residential uses.

Attachments: [ZCA-2017-003- Staff Report & Exhibits](#)

7. COMMISSION/DIRECTOR COMMUNICATIONS**A. Department Report****B. Chair's Report****C. Committee Reports****D. Board of Adjustment Report****E. Commissioner Comments****8. PUBLIC COMMENT****9. PLANNING AND ZONING COMMISSIONER TRAINING**

APA presentation:

[9319-17](#)

Attachments: [Informed Decisions: A guide to gathering facts and evidence.](#)

10. ADJOURNMENT

PLEASE NOTE: Any action by the Planning and Zoning Commission in granting approval, conditional approval or disapproval of an application may be appealed by the applicant or by persons who have a personal or pecuniary interest adversely affected by the decision as defined by Section 16-454 of the County Code. Such appeals must be filed with the Community Development Department within 15 days of the action in accordance with Section 16-492.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the County Human Resources Division at 505-662-8040 at least one week prior to the meeting or as soon as possible.

Public documents, including the agenda and minutes can be provided in various accessible formats. Please contact the personnel in the Community Development Department Office at 505-662-8006 if a summary or other type of accessible format is needed.



County of Los Alamos

Staff Report

April 12, 2017

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.:

Index (Council Goals):

Presenters:

Legislative File: 9321-17

Title

Minutes from the Planning And Zoning Commission Meeting(s) on 3-29-17.

Recommended Action

I move that the Commission approve the Minutes for March 29, 2017.

Attachments

A - Draft Minutes for March 29, 2017.

MINUTES

Planning and Zoning Commission



March 29, 2017 – 5:30 P.M.

1000 Central Avenue, Council Chambers

Members Present: Philip Gursky, Chair
Michael Redondo, Vice Chair
Cathy Mockler, Commissioner
Jaret McDonald, Commissioner
Larry Warner, Commissioner
Philip Kunsberg, Commissioner
Ashley Mamula, Commissioner
Amy Woods, Commissioner

Members Absent: None

Staff Present: Tamara Baer, Principal Planner
Anders Millmann, Senior Planner
Kevin Powers, Assistant County Attorney
James Naranjo, Assistant Planner

I. CALL TO ORDER / ROLL CALL

Chair Gursky called the meeting to order at 5:31 PM and asked James Naranjo to call the roll. A quorum was present.

II. PUBLIC COMMENTS

III. APPROVAL OF AGENDA

Commissioner Warner made a motion to approve the agenda as presented. Commissioner Mamula seconded the motion. Motion passed unanimously.

IV. PUBLIC HEARING

A. SUB-2017-0002- 20th Street

A request for approval of a Subdivision: Sketch and Preliminary Plan of the consolidation and subdivision of lots NN002 and NN01B, creating new lots 1, 2, 3, 4, 5, and 6 affecting 5.78 acres located at 1925 Trinity Drive; the lot is Zoned DT-NCO (Downtown Neighborhood Civic Overlay).

Owner/Applicant: Los Alamos County, Owner; Joanie Ahlers, Agent/Applicant;

Case Manager: Anders Millmann, Senior Planner

Joanie Ahlers and Eric Martinez presented the request. Commissioners, staff and public were given the opportunity to comment.

Anders Millmann presented the request on behalf of staff. Commissioners, applicants and public were given the opportunity to comment.

Commissioner Redondo made the motion for the Planning and Zoning Commission to **approve** Case SUB-2017-0002- 20th Street for the reasons stated in the staff report and per testimony at the public hearing, and subject to the following conditions:

1. The petitioner shall submit a Final Subdivision Plat for Planning and Zoning Commission approval, which is in substantial conformance with the Preliminary Plat.
2. All proposed lot lines shall be monumented and marked in accordance with the provisions of Chapter 47 Article 6 NMSA 1978 (The New Mexico Subdivision Act), and illustrated on the Final Subdivision Plat.
3. The petitioner shall receive Planning & Zoning Commission approval for the Waiver requested (reduce minimum street widths), prior to submitting a petition for a Final Subdivision Plat.
4. The plat shall include a 20' easement for the Canyon Rim Trail.

Commissioner Kunsberg seconded the motion. Motion passed 8-0.

VI. DISCUSSION

A. Bicycle Transportation Plan

Eric Martinez presented an update to the Bicycle Transportation Plan.

VII. Commission Director Communications

A. Department Report

None

B. Chair's Report

None

C. BOA Report

Vice chair Redondo reported on the last 2 cases heard at BoA.

D. Commissioner's Comment

Chair Gursky asked if there could be a future discussion about spot zoning and what it is.

E. Public Comment

None.

VII. ADJOURNMENT

6:52 pm

Philip Gursky, Chair

Paul Andrus, CDD Director



County of Los Alamos

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Minutes from the Planning And Zoning Commission Meeting(s) on February 08, 2017.

Recommended Action

I move that the Commission approve the Minutes for February 08, 2017.

Attachments

A - Draft Minutes for February 08, 2017.



County of Los Alamos

Minutes

Planning and Zoning Commission

1000 Central Avenue
Los Alamos, NM 87544

Wednesday, February 8, 2017

5:30 PM

Council Chambers
1000 Central Avenue

1. CALL TO ORDER/ROLL CALL

Present 6 - Chair Gursky, Vice Chair Redondo, Commissioner Kunsberg,
Commissioner McDonald, Commissioner Mockler and Commissioner
Warner

Absent 2 - Commissioner Mamula and Commissioner Woods

2. PUBLIC COMMENT

3. APPROVAL OF AGENDA

A motion was made by Vice Chair Redondo to approve the agenda and seconded
by Commissioner Mockler. The motion passed unanimously.

4. PLANNING AND ZONING COMMISSION BUSINESS

A. Work Plan FY 2018 - Discussion

Attachments: [Strategic Leadership Plan 2017 Update.pdf](#)

Tamara Baer, Los Alamos County Principal Planner, went through the work plan with the
commission and asked them for comment.

Commissioner Redondo asked if there was a way to include neighborhood discussions
that might require neighborhood meetings. Maybe they could create subcommittees to
work with Council when they create it.

Review Board of Adjustment statistics and make changes to the code that seem to be
continually brought before the BoA.

Councilor Rick Reiss said he read the work plan and did not have anything to add. He felt
it was a good one.

Councilor Chris Chandler asked the Commission to consider adding something to the
work plan that will include a plan for neighborhoods.

Frederica Martin asked how they plan to define blight.

Community Development Director Paul Andrus said that Blight could be addressed by
code updates which will probably use HUD standard definitions.

Craig Martin also wanted to note that he advocates create plans for neighborhoods.

Commissioner Mockler wants the item, "Encourage existing businesses" closer to the
top of the plan.

Chair Gursky asked if there could be a future discussion about spot zoning and what it is.

5. COMMISSION/DIRECTOR COMMUNICATIONS

A. Department Report

B. Chair's Report

C. Board of Adjustment Report

Vice chair Redondo reported on the last 2 cases heard at BoA.

D. Commissioner's Comments

6. PUBLIC COMMENT

7. ADJOURNMENT

PLEASE NOTE: Any action by the Planning and Zoning Commission in granting approval, conditional approval or disapproval of an application may be appealed by the applicant or by persons who have a personal or pecuniary interest adversely affected by the decision as defined by Section 16-454 of the County Code. Such appeals must be filed with the Community Development Department within 15 days of the action in accordance with Section 16-492.

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County of Los Alamos

Staff Report

April 12, 2017

Los Alamos, NM 87544
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Agenda No.:

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Legislative File: 9318-17

Title

Staff Report for a Case No. WVR-2017-0033, a request for a Waiver from the Downtown District Development Standards, of the Los Alamos County Development Code, to the minimum street section width width requirement of fifty (50') feet, to forty-five (45') feet.

Attachments

WVR-2017-0033- Staff Report & Exhibits



Los Alamos County
Community Development Department

PLANNING & ZONING COMMISSION STAFF REPORT

Public Hearing Date: April 12, 2017
Subject: Case No. WVR-2017-0033
Owners/Applicants: Incorporated County of Los Alamos, Joanie Ahlers, Applicant
Case Manager: Anders Millmann, Senior Planner
Through: Tamara Baer, Principal Planner

Case No. WVR-2017-0033: Joanie Ahlers, the agent for the property owners and petitioner, is requesting a Waiver as authorized by Section 16-582(d), Downtown District Development Standards, of the Los Alamos County Development Code, to the minimum street section width (Street Section G), as required by Figure 16-578-f2, from a minimum street section width requirement of fifty (50') feet, to forty-five (45') feet, for north-south streets, on property zoned DT-NCO (Downtown District, Neighborhood Center Overlay), on Lots NN02 and NN01B in the Eastern Area 3 Subdivision, addressed as 1925 Trinity Drive.

Board Action Options

Motion Option 1:

I move that the Planning and Zoning Commission **approve** Case No. WVR-2017-0033, a request for approval of a waiver from a required minimum street section width of fifty (50') feet, for the reasons stated in the staff report, reasons determined during the public hearing, and adoption of findings of fact, subject to the following conditions:

1. Approval of the Final Subdivision Plat by the Los Alamos County Council, which incorporates this Waiver.
2. ...

Motion Option 2:

I move that the Board of Adjustment **deny** Case No. WVR-2017-0033 with the finding that it does not meet the Criteria of Section 16-157 for the following reason(s):

1. ...

I. Summary

The applicant is requesting a waiver to allow for the construction of a public street that will not conform to the minimum Street Section width required by Street Section G of Figure 16-578-f2 [see Exhibit 5], of the Los Alamos County Development Code. The Los Alamos County Code of Ordinances, establishes a minimum street section width of fifty (50') feet for streets and roadways located within the Downtown District that run in a north-south direction. The subject street is part of the County's 20th Street Subdivision project, for which the Planning &

Zoning Commission approved a Sketch Plan and Preliminary Plat at the P&Z Commission meeting held on March 29, 2017.

Street Section H of Figure 16-578-f2, of the Los Alamos County Development Code stipulates a minimum right-of-way width for all streets and roadways located within the Downtown District that run in an east-west direction. Where 20th Street intersects Trinity Drive, it is a north-south street. It has a 90-degree turn to the east, thereafter becoming a street running in an east-west direction. The waiver is for the portion of 20th Street that is narrowed by a wall owned by CenturyLink that juts out into the existing right-of-way. The presence of this wall narrows the right-of-way from 60+ feet down to 48.48-feet. The development of the proposed subdivision may reduce the right-of-way width on 20th Street to 45-feet.

The subject property currently consists of two parcels, Lot NN02 and Tract NN01B. Lot NN02 contains 3.22± acres of land, and currently contains a utility service structure and the Smart House. Tract NN01B contains 2.56± acres of land and is completely covered with an asphaltic paved surface. Both lots were the subject of a Lot Consolidation and Re-Platting Petition, Case No. SUB-2017-0002, which seeks to consolidate and re-subdivide the two parcels into a six (6) lot subdivision. The purpose of the proposed subdivision is to market the lots that will be created by the future subdivision to promote economic development in the downtown area.

At a special public hearing held on Wednesday, March 29, 2017, the Planning & Zoning Commission unanimously recommended approval of the Sketch Plan and Subdivision Plat, subject to the following Conditions of Approval:

1. The petitioner shall submit a Final Subdivision Plat for Planning and Zoning Commission approval, which is in substantial conformance with the Preliminary Plat.
2. All proposed lot lines shall be monumented and marked in accordance with the provisions of Chapter 47 Article 6 NMSA 1978 (The New Mexico Subdivision Act), and illustrated on the Final Subdivision Plat.
3. The petitioner shall receive Planning & Zoning Commission approval for the Waiver requested (application number WVR-2017-0033) to reduce the minimum required street widths, prior to submitting a petition for a Final Subdivision Plat.
4. The petitioner shall include a 20-foot easement on the southern edge of the parcels to be subdivided, for the purpose of extending the Canyon Rim Trail.

Approval of this petition is required prior to the petitioner proceeding with preparing the Final Plat for the subdivision.

The County Surveyor has prepared a revised Sketch Plan that illustrates the access and open space easement, per condition #4.

The request of waiver was properly and sufficiently noticed, and no comments or objections were received as of April 6, 2017.

II. Waiver Review Criteria

Section 16-582 - Downtown district architectural standards. (a) Purpose. The purpose of these design standards is to promote the visual quality, mutual compatibility, and identifiable imagery of downtown buildings through the application of appropriate architectural design standards.

(1) *Strict compliance with the standards would be impractical for architectural or engineering reasons beyond the control of the applicant; and*

Applicant Response: The County proposes to re-subdivide an existing 2-lot subdivision; thereby creating a total of six (6) lots. The purpose of the subdivision is to promote commercial development in the Town Center, Neighborhood Center Overlay (DT-NCO) District. The existing public right-of-way on 20th Street varies, and narrows from sixty (60') feet down to forty-five (45') feet. This is due to the presence of existing structures on adjacent parcels. New lots created will also need to be drafted around existing structures.

A new public right-of-way that will be constructed to serve the newly created lots will be reduced to forty-five (45') feet.

Staff Response: An existing wall, owned by CenturyLink, and located on the adjacent property to the east, precludes construction of the full sixty (60') foot right-of-way. This condition is beyond the control of the County.

(2) *The applicant proposes an alternate design solution that would still meet the purposes of this section and result in an overall design of equal or better quality.*

Applicant Response: The lots to be created all measure approximately one-half acre in size. By providing a slightly narrower right-of-way width, these lots can become slightly larger than what would otherwise be permitted by the strict application of Figure 16-578-f2. The width of the travel lane will not be reduced from the specified thirty-four (34') feet, thereby permitting one travel lane in each direction, as is specified by Figure G. It should be noted that New Urbanism guidelines call for adoption of narrower street right-of-way widths in downtown areas. This is suggested to encourage more pedestrian traffic.

Staff Response: The Los Alamos County Code of Ordinances, Chapter 16, Development Code, Sec. 16-582 (d) establishes the following review criteria to waive strict compliance with any of the architectural standards. Both of the special circumstances outlined in the above two questions must be applicable to the waiver requested. The Commission's decision shall depend upon the extent to which the request meets or fails to meet these criteria.

III. Findings of Fact

1. This public hearing was announced by publication in the Los Alamos Daily Post, the Newspaper of Record for Los Alamos County, on Thursday 16 March 2017; and property owner notices were mailed via first class mail to all owners of real property located within 100 yards of the subject property.
2. This and adjacent properties are Zoned DT-NCO (Downtown District, Neighborhood Central Overlay).
3. The subject property is located in the EASTERN AREA 3 Subdivision, which contains 5.78± acres, or 251,866.97± square feet of area.
4. The properties subject to this Waiver request consist of two (2) parcels. There is a related proposal, a Sketch Plan and Preliminary Subdivision Plat (Application No. SUB-2017-0002), to consolidate the two parcels and to further subdivide them into a total of six (6) lots.
5. The existing right-of-way for 20th Street varies in width from greater than sixty (60') feet at its intersection with Trinity Drive, down to 48.48-feet at a point located approximately 190-feet from the intersection of 20th

Street and Trinity Drive. The proposed right-of-way width for the future extension of 20th Street will not be reduced to less than forty-five (45') feet.

6. The minimum curb-to-curb width for any portion of the proposed right-of-way shall not be less than twenty-four (24') feet.
7. Street Section G of Figure 16-578-f2, of the Los Alamos County Development Code. The Los Alamos County Code of Ordinances, establishes a minimum street section width of fifty (50') feet for all north-south streets and roadways located within the Downtown District.
8. The petitioner shall provide sufficient evidence at the public hearing to satisfy the requirements contained within §16-582 of the Los Alamos County Development Code to warrant issuance of the waiver requested.

IV. Exhibits

- Exhibit 1 Vicinity Map/Aerial photo of the subject property
- Exhibit 2 Map and list of property owners of record within 100 yards of subject property
- Exhibit 3 Application
- Exhibit 4 Survey of Proposed 20th Street
- Exhibit 5 Street Section G – Typical North South Streets in the Downtown District
- Exhibit 6 Interdepartmental Review Committee (IDRC) Comment Form
- Exhibit 7 Photographs of the subject property, Staff (2)



N
300 Feet
150
75
0

All mapping is for reference only.

Address: 1925 Trinity

EXHIBIT 1: Vicinity Map / Aerial Photo of the Subject Property
WVR-2017-0033- Staff Report & Exhibits

LOS ALAMOS COUNTY
P O BOX 30
LOS ALAMOS NM 87544

ROSHNI VENTURES LLC
646 CERRILLOS ROAD
SANTA FE NM 87501

INCORPORATED COUNTY OF LOS ALAMOS
P.O. BOX 30
LOS ALAMOS NM 87544

LOS ALAMOS INVESTORS LLC
1000 SECOND AVE SUITE 1750
SEATTLE WA 98104

BANQUEST FIRST NAT'L BK S F
P O BOX 609
SANTA FE NM 87504-0609

LOS ALAMOS ELKS LODGE NO 2083
1601 TRINITY DR
LOS ALAMOS NM 87544

VFW CLUB
P O BOX 388
LOS ALAMOS NM 87544

LOS ALAMOS NATIONAL LABORATORY
P.O. BOX 1663
LOS ALAMOS NM 87545

NARANJO FIDEL J L
2155 TRINITY DR
LOS ALAMOS NM 87544

HEISEL C E & SULTEMEIER S A

P O BOX 250
LOS ALAMOS NM 87544

LOS ALAMOS PUBLIC SCHOOLS
2075 TRINTIY DR
LOS ALAMOS NM 87544

J & L SELF STORAGE & VANS LLC
2197 LOMA LINDA DR
LOS ALAMOS NM 87544-2770

L & T ENTERPRISES INC
61 CASCABEL
LOS ALAMOS NM 87544

MERRITT JAMES/BOBBY & BETTY
750 N 17TH
LAS CRUCES NM 88005

EXHIBIT 2: List of Property Owners of Record Within 100 Yards of Subject Property

WAIVER APPLICATION - DOWNTOWN

Los Alamos County Community Development Department
1000 Central Ave, Suite 150, Los Alamos NM 87544
(505) 662-8120

Note: Waivers to Downtown district architectural standards are reviewed by the Planning & Zoning Commission at a public hearing. Please provide as much information as possible to support the waiver request.

Describe the Waiver Request:

Requesting relief from the minimum street right-of-way width specified in Figure 16-578-f2, Street Section G, of fifty (50') feet, to be reduced to forty-two (42') feet.

Address of Property to which the Waiver Request applies:

Lot 1-B and the remaining portion of Tract NN in Eastern Area 3, addressed as 1925 Trinity Drive

Zoning District: DT-NCO Acreage: 3.03 Lot Coverage: _____ Related Applications (if any):
SUB-2017-0002

APPLICANT [Unless otherwise specified, all communication regarding this application shall be to Applicant]:

Name: County of Los Alamos Phone: 505-662-8296 Cell #: 505-690-7740
Please Print

Address: 1000 Central Ave, Suite 158 Email: Joanie.ahlers@lacnm.us


SIGNATURE

3/17/17
DATE

PROPERTY OWNER (If different from Applicant)

☒ Check here if same as above

Name: _____ Phone: _____ Cell #: _____
Please Print

Address: _____ Email: _____
Owner's Mailing Address

My signature below indicates that I authorize the Applicant to make this Waiver application on my behalf.

SIGNATURE

DATE

THIS SECTION TO BE COMPLETED BY THE COMMUNITY DEVELOPMENT DEPARTMENT

For County Use:

Date of Submittal: 17 MARCH 2017

Staff Initial: 

CDD Application Number: WVR-2017-0033

Fees Paid: N/A

EXHIBIT 3: Application

WVR-2017-0033- Staff Report & Exhibits

WAIVER REVIEW CRITERIA:

The Los Alamos County Code of Ordinances, Chapter 16, Development Code, Sec. 16-582 (d) establishes the following review criteria to waive strict compliance with any of the architectural standards. Both of the special circumstances below must apply. The Commission's decision shall depend upon the extent to which the request meets or fails to meet these criteria. Please review the criteria listed and provide short comments on how your application meets these criteria (Attach additional sheets if needed).

Note: Sec. 16-582 - Downtown district architectural standards. (a) Purpose. The purpose of these design standards is to promote the visual quality, mutual compatibility, and identifiable imagery of downtown buildings through the application of appropriate architectural design standards.

- (1) Strict compliance with the standards would be impractical for architectural or engineering reasons beyond the control of the applicant; and**

The County proposes to re-subdivide an existing 2-lot subdivision; thereby creating a total of six (6) lots. The purpose of the subdivision is to promote commercial development in the Town Center, Neighborhood Center Overlay (DT-NCO) District. The existing public right-of-way on 20th Street varies, and narrows from sixty (60') feet down to forty-five (45') feet. This is due to the presence of existing structures on adjacent parcels. New lots created will also need to be drafted around existing structures.

A new public right-of-way that will be constructed to serve the newly created lots will be reduced to forty-two (42') feet.

- (2) The applicant proposes an alternate design solution that would still meet the purposes of this section and result in an overall design of equal or better quality.**

The lots to be created all measure approximately one-half acre in size. By providing a slightly narrower right-of-way width, these lots can become slightly larger than what would otherwise be permitted by the strict application of Figure 16-578-f2. The width of the travel lane will not be reduced from the specified thirty-four (34') feet, thereby permitting one travel lane in each direction and on-street parallel parking, as is specified by Figure G. It should be noted that New Urbanism guidelines call for adoption of narrower street right-of-way widths in downtown areas. This is suggested to encourage more pedestrian traffic.

SUBMITTALS:

Provide all information necessary for a complete review of the Waiver request. Check each of the boxes to indicate which information you have provided, and, if possible, also provide one complete copy of all materials on disk:

- ☐ Proof of property ownership.
- ☐ A scaleable drawing including all information pertinent to the waiver request:
 - ☐ Existing and proposed lot coverage.
 - ☐ Show and label the footprint of all existing buildings and structures on the site.
 - ☐ Show, dimension and label all existing and proposed easements.
 - ☐ Show, dimension and label all existing and proposed setbacks.
 - ☐ Show, dimension and label building/structure elevations.

☒ Other. Describe: Preliminary Subdivision Plat

NO.	REVISION DESCRIPTION
1	
2	
3	
4	
5	

DESIGNED BY: B.A.
 DRAWN BY: E.B.M.
 APPROVED BY: [Signature]
 DATE: APRIL 9, 2017
 SCALE: [Blank]

20TH STREET EXTENSION IMPROVEMENTS



INCORPORATED COUNTY
 OF LOS ALAMOS
 PUBLIC WORKS DEPARTMENT
 1000 CENTRAL AVE., SUITE 160
 LOS ALAMOS, NEW MEXICO 87544
 (505) 662-8150 FAX: (505) 662-8109

SHEET

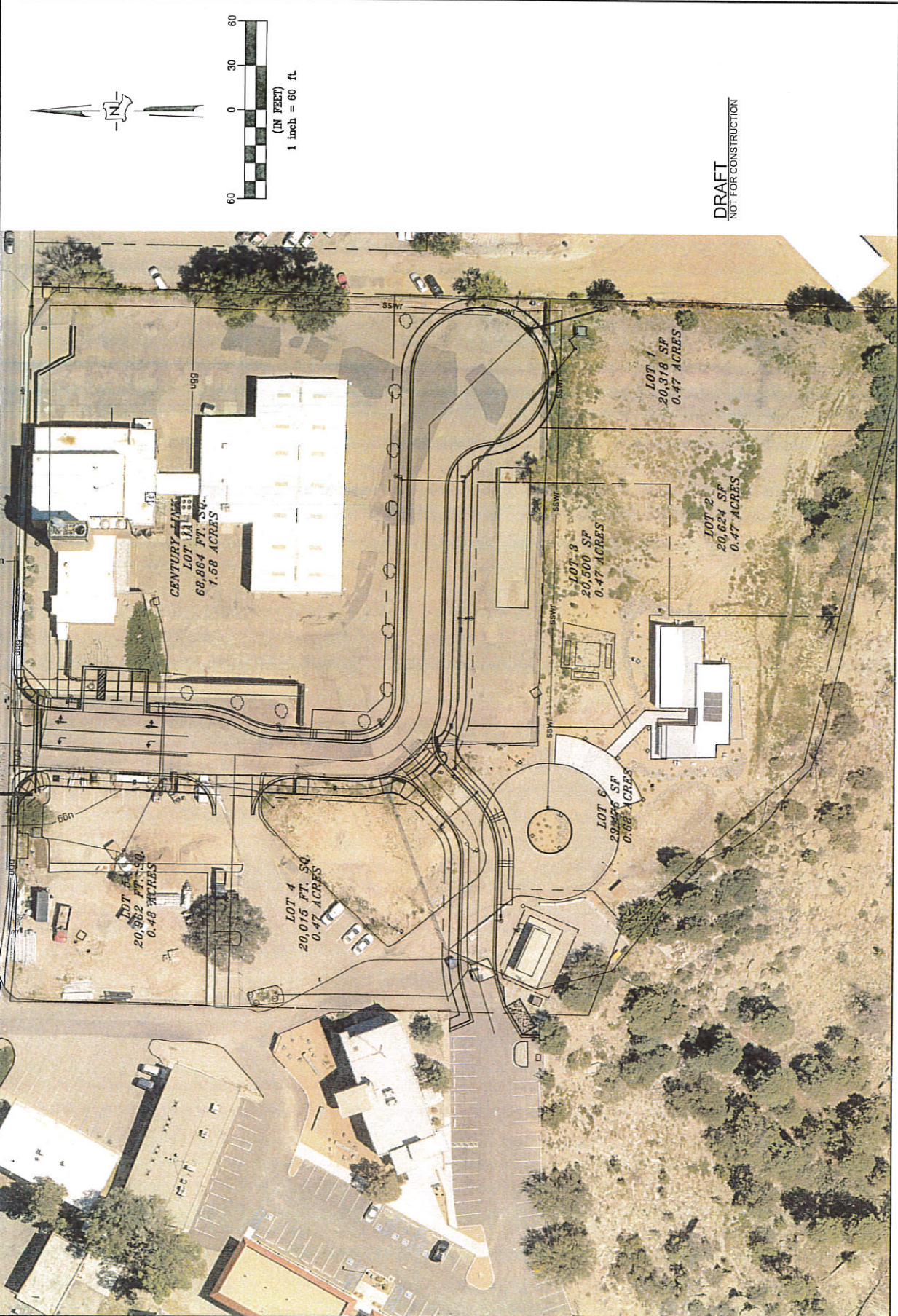
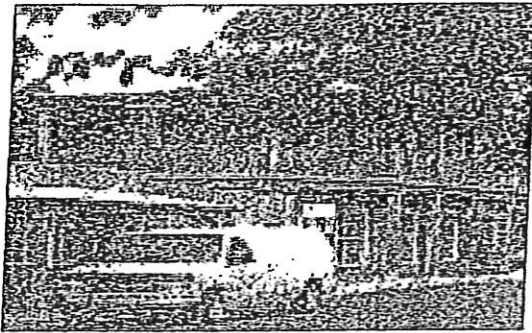
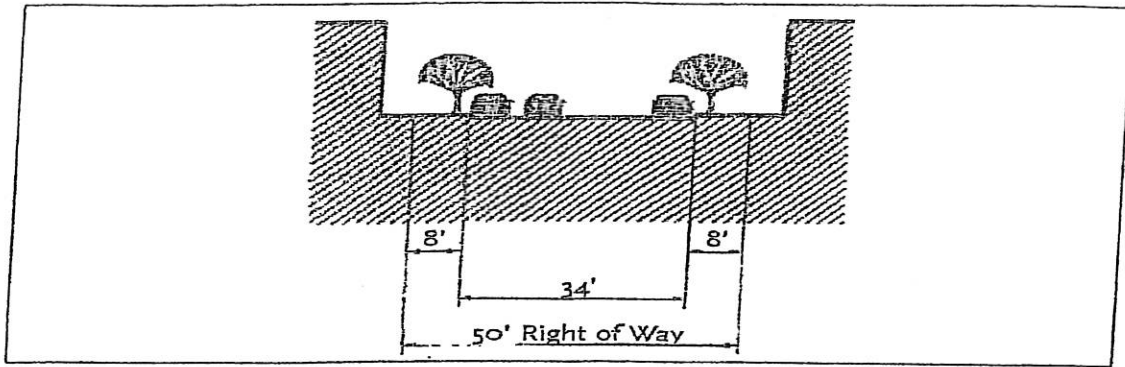


EXHIBIT 4: Survey of Proposed 20th Street
 WVR-2017-0033- Staff Report & Exhibits

STREET SECTIONS:



STREET SECTION G EXAMPLE: Typical North-South Streets

All North-South streets in Downtown (excluding Main and 15th) will have a 50' right of way with one lane of travel in each direction. On-street, parallel parking will be allowed on both sides. An 8' sidewalk and buffer will be located on each side, with trees planted at approximately 30' on center.



IDRC REPORT

WVR-2017-0033: Waiver. – Requesting to reduce minimum street section width from 50-feet to 42-feet for the 20th Street Subdivision. Will be heard by P&Z Commission on 4/12/17

Member/ Alternate	Dept.	Attended	Recommended Conditions/Comments	Approved	Approved Conditions	Denied
M. Arellano / J. Dudziak	Building				X	
T. Baer /	Planning		<ul style="list-style-type: none"> Project should be designed to promote pedestrian opportunities in downtown area. 		X	
D. Erickson	Traffic		<ul style="list-style-type: none"> Existing on-street parking by CenturyLink employees is acceptable. 		X	
P. Guerrero / C. Moseley					X	
A. Gurule / L. Martinez	Envr. Svs.		<ul style="list-style-type: none"> There is sufficient space available with reduced r-o-w width for solid waste disposal trucks to maneuver safely. 		X	
E. Martinez / B. Aragon	PW		<ul style="list-style-type: none"> The IDRC should note that during land acquisition negotiations between the County and Century Link (previous land owner), Century Link required retaining the existing wall structure that resulted in the variable right of way width along the north-south section of 20th Street shown. The 42 ft. right of way between 20th Street and the LAPS Administration Building will function as a short access driveway (rather than a street), but is still proposed to be designed and constructed with asphalt paving, curb, gutter and sidewalk and allow for two-way vehicular ingress/ egress. 		X	
A. Millmann / J. Naranjo	Planning				x	
J. Wetteland / S. Rinaldi	Fire		<ul style="list-style-type: none"> 20' of curb to curb pavement shall accommodate fire apparatus. 		X	
Others						
Eric Peterson	Parks					
Jason Romero	PW					
A. Barela	Planning					
Joanie Ahlers	Econ. Dev.		<ul style="list-style-type: none"> School District Employees will use proposed driveway to access 20th St after it is built. 			
Francisco Loya	PW		<ul style="list-style-type: none"> 			

MOTION: Michael Arellano moved to approve forwarding petition to P&Z Commission, with the condition that the street landscape buffer be located only on the north side of 29th Street. Second by Dan Erickson. Approved 8-0.

* Blue strikethrough indicates not present at meeting.



1 – Looking South along 20th Street



2 – Looking East along 20th Street

Exhibit 7: Staff Photographs



County of Los Alamos

Staff Report

April 12, 2017

Los Alamos, NM 87544
www.losalamosnm.us

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Legislative File: 9320-17

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Attachments

ZCA-2017-003- Staff Report & Exhibits.



Los Alamos County
Community Development Department
PLANNING & ZONING COMMISSION STAFF REPORT

Public Hearing Date: April 12, 2017

Subject: Case No. 17-ZCA-003, Ordinance No. 02-273, an ordinance amending various articles and sections of Chapter 16 of the Los Alamos County Code of Ordinances to establish a mixed-use zoning district; establish a Future Land Use Map section; and amend certain DT Overlay zones to allow expanded residential uses

Applicant: Los Alamos County Community Development Department

Case Manager: Tamara Baer, Acting Principal Planner

Case No. 17-ZCA-003: A request for approval of Ordinance No. 02-273, Text Amendments to LAC Code of Ordinances, Chapter 16, Articles I through XIV, to add and establish a Mixed-Use Zoning District; to add and establish a Future Land Use Map section; and to amend certain of the Downtown zoning district Overlay zones to allow expanded residential uses.

Motion Option 1:

I move the Planning and Zoning Commission recommend that the Los Alamos County Council **approve** the application, Case No. 17-ZCA-003, Text Amendments to LAC Code of Ordinances, Chapter 16, and that the Community Development Director is authorized to make any minor formatting or editing changes that may be necessary for final presentation to County Council.

1. ...

Motion Option 2:

I move to **deny** Case No. 17-ZCA-003, Text Amendments to LAC Code of Ordinances, Chapter 16, for the following reason(s):

1. ...

Alternate Motion Option 3:

SUMMARY

The proposed code text amendments represent the work items identified as the top priorities in the Planning and Zoning Commission FY18 Work Plan. They are in three parts, the most extensive of which is the introduction of a new "Mixed-Use" zoning district. Adoption of this new zoning district supports several of the goals and policies of the Comprehensive Plan by helping to guide the physical development

of the County, encourage the construction of new housing, increase the resident population, and promote economic development. Creation of the new district is the first step toward accomplishing these goals. Also included in this set of code amendments are: clarification of amendments to the Comprehensive Plan – text amendments, and, for the first time, amendments to the Future Land Use Maps; and revisions to Permitted Uses in the Downtown (DT) Overlays to allow residential use on all floors of a building in certain of those districts.

DISCUSSION

1. Mixed-Use

The new “Mixed-Use” (“MU”) district is based closely on the existing Downtown (DT) districts, specifically the Neighborhood Center Overlay (NCO). The DT districts, especially NCO and TCO (Town Center Overlay) are essentially mixed use districts, allowing both residential and non-residential uses in the same building and/or on the same lot. The most significant proposed differences between MU and DT/NCO are in certain of the uses, where some uses are more permissive in MU, while others, namely drive-in/drive-through uses are more restricted in MU. See attached draft ordinance, Sec. 16-287, Use Table.

Many older downtown areas, as diverse as neighborhoods in New York City to the original Main Street sections of Durango and Silver City, developed before there were zoning restrictions, and put people in close proximity to every day goods and services. Zoning regulations separating uses were originally enacted to protect residential areas from potentially –or actually- noxious uses such as industrial manufacturing. The collateral effects of separation of uses by zoning included greater dependence on cars, the resulting sprawl, and a number of associated negative environmental consequences. Starting in the 1990s, there has been a growing recognition of the various benefits of more traditional, mixed-use types of development. Municipalities have increasingly eased use-type restrictions and tried to bring back a greater mix of uses in closer proximity to one another, mostly live-work-shop-play and various service functions.

Some of the benefits that can be achieved through mixed-use type development include: more variety and more affordability of housing; less dependence on automobiles; more efficient and more cost effective use of infrastructure; lively, more pedestrian-oriented nodes or neighborhoods; more pedestrian and bicycle oriented mobility; less sprawl; and more desirable neighborhoods, just to name a few.

The Comprehensive Plan, Chapter 4, Future Land Use, 4.4, page 107, identifies “Mixed-Use” as a land use category and states, in its entirety:

“Mixed-Use. The Mixed-Use designation applies to all of the Downtown zones. It may include those areas where housing and non-residential uses occupy the same lot, but it does not have to include housing. It is anticipated, and the Comprehensive Plan supports, that one or more new zoning categories will be created that will allow mixed uses in other parts of the County. For the purposes of the Comprehensive Plan, the Mixed-Use designation means that either or both residential and non-residential uses may be permitted on a property designated Mixed-Use. It is intended that residential development in the

Mixed-Use land use category be at the higher or highest densities allowed by zoning. Further, this designation will not require a Comprehensive Plan amendment to another land use category for approval of a Site Plan or other development.”

The Comprehensive Plan, in the first paragraph of the same chapter, page 104, states, “...the Mixed Use category allows both or either residential and commercial uses. This category provides flexibility and encourages a creative approach to development.”

On the same page, 104, under Purpose of the Future Land Use Map, the Plan states,

“The map is a guide to land development and preservation decisions. It informs the review and decision making process. It directs new development to appropriate areas, while providing flexibility in the type and intensity of potential uses through creating new Mixed-Use areas that are open and adaptable to various uses and subject to a streamlined review process.”

New MU areas are likely to develop not just downtown but in a number of other locations, including but not limited to those designated Mixed-Use on the Future Land Use Map of the Comprehensive Plan. The new “Mixed-Use” zoning district includes greater neighborhood protection than those afforded by the current and existing zoning. New MU lots, as well as existing or new DT lots, are required to match any residential setback where an MU or DT parcel adjoins any residentially zoned parcel. Currently, that requirement pertains only to adjoining R-1 parcels. Two areas that are currently zoned C-1 are adjacent to residential properties and are shown as Mixed-Use on the Future Land Use Map. The current C-1 zoning allows ‘zero’ foot setbacks from adjacent residential properties. Rezoning to MU will require setbacks on the MU properties to match those of the adjacent residential districts.

Additional restrictions in MU include maximum 70% lot coverage, where there is no maximum in DT; and a maximum building height of 50 feet, versus 60 feet in NCO and 75 feet in TCO. Following rezoning, all vacant properties will be subject to Site Plan review at the time of proposed development.

Planning staff has examined all areas designated Mixed-Use on the Future Land Use Map of the Comprehensive Plan against the proposed code requirements for MU zoning and made adjustments to the proposed regulations to ensure that the proposed regulations are appropriate and functional. Care has been taken to avoid the creating non-conforming situations in existing development that may be rezoned to MU.

It is noted that the only Mixed-Use area in the Townsite, not already zoned DT, that is anticipated not to be rezoned to MU is on Bathtub Row, within the historic center of downtown. This area is likely to eventually become DT to match adjacent zoning. The Longview area in White Rock was part of the White Rock downtown and is also eligible to be rezoned DT.

Staff has also examined various mixed-use districts or overlays from other municipalities, looking primarily at those that are not too dissimilar from Los Alamos in size. This research, while not extensive, has yielded a number of relevant conclusions. First, the two most successful examples were both specifically tailored to the needs of their community. Las Cruces has a mixed-use overlay district adjacent to the university campus, in which residential uses are allowed either behind or above retail. The overlay has been effectively used to provide needed student housing. Silver City started with a traditional mixed-use downtown before they had enacted zoning regulations. They later adopted a mixed-use district to allow the mix of uses already existing to be legally conforming. As the need and desire for the same type of development grew, they expanded the mixed-use district for an additional several blocks. An example of an unsuccessful approach is Santa Fe. There the mixed-use district was fashioned after the more intensely urban model, related to the availability of transit and transit-oriented development, and requiring 20% or 40% of floor area to be residential. The requirements were both too specific and too restrictive to be easily applied, and, to my knowledge, have never been used in the nearly 15 years since they were adopted.

The proposed Los Alamos Mixed-Use district is closely modeled after one that already exists in Los Alamos and has been generally successful. With the current pressing need for additional housing and a variety of housing types, as identified and emphasized in the Comprehensive Plan, the proposed changes to the Use Table, Sec. 16-287, will broaden the permitted residential uses in DT to more closely resemble those proposed in MU.

Development standards and review processes in MU generally follow those of DT. All development in MU will require Site Plan review at P&Z.

DIFFERENCES BETWEEN NEW MU AND DT/NCO

While the new Mixed-Use (MU) district is closely modeled after the Downtown/Neighborhood Center Overlay (DT/NCO), certain differences are proposed to permitted and special-use uses. The table below, excerpted from the Use Table, 16-287, shows those uses where MU differs from DT/NCO, and where any other use changes are proposed. No new use categories are proposed and only one, film laboratory, is removed.

USE	DISTRICT				
	DT -CPO	DT-TCO	DT-NCO	DT-NGO	<u>MU</u>
Residential					
Dwelling, multiple-family		<u>P</u>	P	P	<u>P</u>
Dwellings, single-family, attached		<u>P</u>	P	P	<u>P</u>

USE	DISTRICT				
	DT -CPO	DT-TCO	DT-NCO	DT-NGO	<u>MU</u>
Dwellings, single-family, detached			P	P	
Dwellings, two-family			P	P	
Guesthouses			P	P	
Bed and breakfast		<u>P</u>	P	P	<u>P</u>
Inn		<u>P</u>	P	S	<u>P</u>
Servant quarters, guestroom		<u>P</u>	P	P	<u>P</u>
Commercial					
Automobile, boat, rec. vehicles, motorcycle; sales, rental and services			P		
Film laboratory, retail		<u>P</u>	<u>P</u>	<u>P</u>	
Greenhouses					<u>P</u>
Restaurants, drive-in or takeout or walkup	S	P	P		<u>S</u>
Tire stores, sales and service			P		
Services					
Ambulance services		P	P		

USE	DISTRICT				
	DT -CPO	DT-TCO	DT-NCO	DT-NGO	<u>MU</u>
Carwashes			P		
Caretaker's unit					<u>A</u>
Financial institutions/banks, (drive-in)		P	P	P	<u>S</u>
Laboratory, support		S	S	S	<u>P</u>
Self-service storage facilities			S		
Terminals, bus	S	P	P		<u>S</u>
Recreational					
Campgrounds					<u>S</u>
Research					
Laboratories, research and support		S	S	S	<u>P</u>
Research and development, offices and laboratories		S	S	S	<u>P</u>
Industrial					
Assembly, miscellaneous					<u>S</u>
Food processing facilities					<u>S</u>
Cabinet and carpenter shops					<u>S</u>

USE	DISTRICT				
	DT -CPO	DT-TCO	DT-NCO	DT-NGO	<u>MU</u>
Cold storage					<u>A</u>
Electronics assembly					<u>P</u>
Furniture, repair					<u>A</u>
Manufacturing, light					<u>S</u>
Recreational vehicles, storage					<u>S</u>

Differences in development standards are minor and exist primarily so as not to create non-conformities in existing areas that are anticipated to become mixed-use. There are two such locations, identified as Mixed-Use on the Future Land Use Map, the Black Hole and the three parcels on Diamond next to UNM/LA, that are partially adjacent to existing residential development.

2. Comprehensive Plan Text and FLUM Amendments

Until adoption of the 2016 Comprehensive Plan, Los Alamos County had not ever adopted Future Land Use Maps. A brief section is added to and amends Section 16-161. – Comprehensive plan amendment review criteria. New language is proposed to distinguish between the text of the Comprehensive Plan and the Future Land Use Maps. New language clarifies that new goals or policies adopted by the County Council that do not conflict with those of the Plan do not require the Plan to be amended. It is also proposed that the Future Land Use Maps will be administratively updated based upon approved rezoning actions of the Council.

3. Expanded Residential Use Downtown

A number of changes are proposed for DT/NCO and DT/TCO that will allow residential use on all floors of a building, rather than only on the second story or higher, as currently adopted. MU residential use mirrors that which is proposed in DT/NCO. These changes are intended to reflect the need for additional housing, to encourage new housing construction downtown (both in the Townsite and in White Rock), thereby helping to eliminate blight, and supporting the goal of providing more choices in housing, in part by making it easier to build through easing zoning requirements.

CRITERIA FOR APPROVAL

Sec. 16-158. - Amendment to text.

During the course of the review of any request for amendment to the text of this chapter, including determination of uses and addition, deletion or change in the Use Index, the IDRC shall utilize the following criteria in formulating a recommendation to the planning and zoning commission; and the planning and zoning commission shall utilize the following criteria in making its recommendation to the county council. The county council shall utilize the following criteria in making its determination of approval or denial:

(1) The request substantially conforms to the comprehensive plan and shall not be materially detrimental to the health, safety and general welfare of the county;

Staff Response:

The proposed text amendments are brought in direct response to adoption of the new Comprehensive Plan, and are intended to support and promote the health, safety and general welfare of the county.

(2) A request for amendment to the comprehensive plan shall, if necessary, be submitted concurrently with the request for amendment to the text of this chapter.

Staff Response:

Adoption of the proposed text amendments is in direct response to the Comprehensive Plan. This Criterion does not apply as the application is a request for amendment of Chapter 16.

(3) The proposed change will not result in land use inconsistent with the purpose of the district or incompatible with a use allowed in the district.

Staff Response:

Mixed-Use. The purpose of the proposed code amendments is to create a zoning district, as envisioned in the comprehensive plan, that will allow land uses identified as “Mixed-Use” in the comprehensive plan to be brought into conformance with zoning. It is the further purpose of the code amendments to support the comprehensive plan goal to “Focus increased residential densities in new development in and near downtown,” (Downtown/Goal #3) and to “Encourage more, and different types of housing in new developments downtown.” (Downtown/Land Use Policy #1)

FLUM. This Criterion does not apply to the section of the code that addresses review criteria for amendments to the comprehensive plan.

Residential in DT. The comprehensive plan intended that land uses be expanded, specifically to allow the development of additional housing. The plan specifically stated, “Increase residential density in the downtown area.” (Chapter 3, Core Themes, Development/Land Use Policy #4) The plan also states, “Encourage more, and different types of housing in new developments downtown,” and “Focus residential density increases in new developments in or near downtown.” (Chapter 3, Core Themes, Downtown/Land Use Policies #1 and #2) The proposed code changes amend the intensity of residential use in Downtown zoning for consistency with the goals and policies of the comprehensive plan.

(4) The proposed change will clarify existing language, remove redundant or inconsistent language or will simplify the understanding and implementation of the Code.

Staff Response:

Mixed-Use. The proposed code changes will clarify existing language for applicability. The Mixed-Use (MU) district, as proposed, is modeled closely on the existing Downtown, Neighborhood Center Overlay district (DT-NCO), both in uses and design and development standards. This approach essentially expands an existing zoning category to other parts of the community. By mirroring an existing district, the new MU district simplifies the understanding and implementation of the Code.

FLUM. Prior to adoption of the 2016 comprehensive plan, there were no Future Land Use Maps in the County. The proposed code amendments relative to the FLUM introduce these maps into the code and clarify their relation to zoning, as well as when and how changes to the maps must be made.

Residential in DT. Expanding the allowance for residential uses in the downtown was a primary goal of the comprehensive plan. The code amendments remove the complexity of requiring residential only on second sties or higher and thereby simplify implementation of the code as well as of the comprehensive plan.

FINDINGS OF FACT

The code amendments comply with all criteria for text amendments as stated in the Los Alamos County Code of Ordinances, Chapter 16, Land Development, Section 16-158, Amendment to text.

STAFF AND INTERDEPARTMENTAL REVIEW COMMITTEE (IDRC) RECOMMENDATION

Since this is a text amendment application, there were no technical issues for IDRC review. The amendments were developed in consultation with and reviewed by the County Attorney’s Office. The application was circulated to IDRC and discussed at the IDRC meeting of March 24, 2017. IDRC voted 6:0 to recommend approval. All staff responses to the text amendment criteria are from the Planning Division of the Community Development Department.

EXHIBITS

Exhibit 1: Application

Exhibit 2: Proposed Code Amendments in Ordinance Format

TEXT AMENDMENT APPLICATION

Los Alamos County Community Development Department
1000 Central Ave, Suite 150, Los Alamos NM 87544
(505) 662-8120

Note: The Planning & Zoning Commission considers Applications for Text Amendments at a public hearing and recommends approval or denial to the County Council. Council has final authority to approve or deny.

Describe the purpose of the proposed amendment:

The proposed code text amendments are in three parts: introduction of a new "Mixed-Use" zoning district; clarification of amendments to the Comprehensive Plan – text amendments, versus amendments to the Future Land Use Map; and revisions to Permitted Uses in the Downtown (DT) Overlays to allow residential use on all floors of a building in certain of those districts.

Provide the existing (if applicable) and proposed text. (Use strikeouts for any text to be removed and underline any new language proposed.) Use this space or attach additional sheet(s):

Please see attached changes.

APPLICANT (Unless otherwise specified, all communication regarding this application shall be to Applicant):



Check here if Applicant is County Staff. Indicate Department and Title:

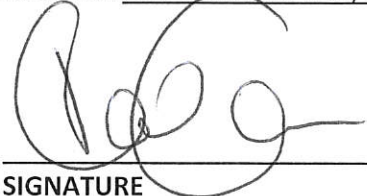
Community Development Department

Name: Paul Andrus, Community Development Director

Phone: 662-8197

Email: paul.andrus@lacnm.us

Address: 1000 Central Ave, Suite 150



SIGNATURE

3/17/17

DATE

TEXT AMENDMENT REVIEW CRITERIA:

The Los Alamos County Code of Ordinances, Chapter 16, Development Code, Sec. 16-158:

During the course of the review of any request for amendment to the text of this chapter, including determination of uses and addition, deletion or change in the Use Index, the IDRC shall utilize the following criteria in formulating a recommendation to the planning and zoning commission; and the planning and zoning commission shall utilize the following criteria in making its recommendation to the county council. The county council shall utilize the following criteria in making its determination of approval or denial:

Please provide your response to each of the following criteria. (Attach additional sheets if needed.)

- (1) *The request substantially conforms to the comprehensive plan and shall not be materially detrimental to the health, safety and general welfare of the county;***

The proposed text amendments are brought in direct response to adoption of the new Comprehensive Plan, and are intended to support and promote the health, safety and general welfare of the county.

- (2) *A request for amendment to the comprehensive plan shall, if necessary, be submitted concurrently with the request for amendment to the text of this chapter.***

Adoption of the proposed text amendments is in direct response to the Comprehensive Plan. This Criterion does not apply.

- (3) *The proposed change will not result in land use inconsistent with the purpose of the district or incompatible with a use allowed in the district.***

Mixed-Use. The purpose of the proposed code amendments is to create a zoning district, as envisioned in the comprehensive plan, that will allow land uses identified as “Mixed-Use” in the comprehensive plan to be brought into conformance with zoning. It is the further purpose of the code amendments to support comprehensive plan goal to “Focus increased residential densities in new development in and near downtown,” (Downtown/Goal #3) and to “Encourage more, and different types of housing in new developments downtown.” (Downtown/Land Use Policy #1)

FLUM. This Criterion does not apply to the section of the code that addresses review criteria for amendments to the comprehensive plan.

Residential in DT. The comprehensive plan intended that land uses be expanded, specifically to allow the development of additional housing. The plan specifically stated, “Increase residential density in the downtown area.” (Chapter 3, Core Themes, Development/Land Use Policy #4) The plan also states, “Encourage more, and different types of housing in new developments downtown,” and “Focus residential density increases in new developments in or near downtown.” (Chapter 3, Core Themes, Downtown/Land Use Policies #1 and #2) The proposed code changes amend the intensity of residential use in Downtown zoning for consistency with the goals and policies of the comprehensive plan.

- (4) *The proposed change will clarify existing language, remove redundant or inconsistent language or will simplify the understanding and implementation of the Code.***

Mixed-Use. The proposed code changes will clarify existing language for applicability. The Mixed-Use (MU) district, as proposed, is modeled closely on the existing Downtown, Neighborhood Center Overlay district (DT-NCO), both in uses and design and development standards. This approach essentially expands an existing zoning category to other parts of the community. By mirroring an existing district, the new MU district simplifies the understanding and implementation of the Code.

FLUM. Prior to adoption of the 2016 comprehensive plan, there were no Future Land Use Maps in the County. The proposed code amendments relative to the FLUM introduce these maps into the code and clarify their relation to zoning, as well as when and how changes to the maps must be made.

Residential in DT. Expanding the allowance for residential uses in the downtown was a primary goal of the comprehensive plan. The code amendments remove the complexity of requiring residential only on second sties or higher and thereby simplify implementation of the code as well as the comprehensive plan.

THIS SECTION TO BE COMPLETED BY THE COMMUNITY DEVELOPMENT DEPARTMENT

For County Use:

Date of Submittal: 3/17/17

Staff Initial: JN

CDD Application Number: ZCA-2017-0003

Fees paid: None

INCORPORATED COUNTY OF LOS ALAMOS CODE ORDINANCE NO. 02-273

**AN ORDINANCE AMENDING VARIOUS ARTICLES AND SECTIONS
OF CHAPTER 16 OF THE LOS ALAMOS COUNTY CODE OF ORDINANCES
TO ESTABLISH A MIXED-USE ZONING DISTRICT, ADD AND ESTABLISH A FUTURE
LAND USE MAP SECTION, AND AMEND CERTAIN OF THE DOWNTOWN ZONING
DISTRICT OVERLAY ZONES TO ALLOW EXPANDED RESIDENTIAL USES**

WHEREAS, State statutes, NMSA 1978, §§ 3-21-1 through 3-21-26, give the Incorporated County of Los Alamos (“County”) the authority to divide its territory into districts of such number, shape, area and form as is necessary to carry out the purposes of zoning; and

WHEREAS, Sections 3-21-1 through 3-21-26 of the State law require that all such regulations be uniform for each class or kind within each district, and that regulation in one district may differ from regulation in another district; and

WHEREAS, the County has, in the Los Alamos County Code of Ordinances (“Code”), Chapter 16 (a.k.a., “Development Code”) has established various zoning districts; and

WHEREAS, the Community Development Department (“CDD”), Planning and Zoning Division, has recognized the need for creation and addition of a mixed-use zoning district; and

WHEREAS, the creation of a mixed-use zone allows greater housing variety and density, more affordable housing (smaller units), life-cycle housing (starter homes to larger homes to senior housing), as well as reduced distances between housing, workplaces, retail businesses, and other amenities and destinations; and

WHEREAS, mixed-use zones allow more compact development, land-use synergy (e.g., residents provide customers for retail which provide amenities for residents), stronger neighborhood character, sense of place, and walkable, bike-able neighborhoods, increased accessibility via transit, both resulting in reduced transportation costs; and

WHEREAS, where a mixed-use district classification is added, various other parts of the Code must be changed to reflect the new zoning classification and district; and

WHEREAS, the County Council has determined that the addition of a mixed-use zoning district is in the best interests of the citizens of the County; and

WHEREAS, the County Council has adopted the 2016 Los Alamos County Comprehensive Plan, which Plan includes Future Land Use Maps not previously adopted by the County, a new section is added addressing how amendments to the Plan are processed; and

WHEREAS, as a part of the Comprehensive Plan, the County Council has adopted the goal to “Focus increased residential densities in new development in and near downtown,” permitted residential uses are expanded in certain of the downtown districts.”

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE INCORPORATED COUNTY OF LOS ALAMOS as follows:

Section 1. Chapter 16, Article I, Section 16-9(b) of the Code is hereby amended to add mixed-use to the definitions as follows:

Sec. 16-9. - Definitions and rules.

(a) *Rules.* The following rules apply to definitions listed in this chapter:

- (1) *Usage.* Any numbers, abbreviations, terms or words defined in this section shall be used and interpreted, only as defined in this chapter. All other numbers, abbreviations, terms and words shall have their generally accepted meaning.
- (2) *Word forms.* Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and words used in the future tense include the present tense; words used in the plural number include the singular and words used in the singular include the plural.
- (3) *Interpretation of specific terms.* The words "shall" and "will" are mandatory. The word "may" is permissive. The word "structure" includes a "building"; the word "building" or "structure" includes any part thereof. The word "person" includes an individual, a partnership, a corporation, an incorporated association of persons such as a club, and a public entity.
- (4) *Definitions listed in the New Mexico Building Code.* Words not defined in this chapter but which are defined in the New Mexico Building Code as adopted by the county are to be construed as defined therein.

(b) *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Abandoned structure means a structure that has not been used for a use authorized by this chapter for a period of three consecutive months and for which the owner has received, by registered mail, a notice of violation of the building code.

Abut means next to, touching; to share a common property line.

Access and *accessway* means the place, means of or ingress and egress to a property or use.

Accessory apartment means separate living quarters on the same lot as, and used in conjunction with, a main dwelling, and rented as a separate dwelling.

Accessory building means a building, the use of which is incidental to the use of the main building on a lot. A building attached by wall or roof to the main building is not an accessory building, but is a part of the main building.

Accessory use means a use incidental and subordinate to the permitted or special use of the premises.

Adjacent means next to; sharing a common boundary. For example, an industrial district across the street from a residential district is adjacent to that district.

Agent means legally authorized designee of an owner or applicant. Also see "Owner."

Aggrieved party means any person who:

- (1) Is required to be served with notice by mail under this chapter; or
- (2) Has an immediate, pecuniary and substantial interest, with respect to any final action taken pursuant to this chapter.

Alley means a public way which is owned by the public and is a secondary means of vehicular access to abutting properties. Alleys shall not be permitted in any district.

Apartment, hotel or motel means a building or group of buildings operated as one enterprise, containing rooms or suites of rooms (with or without a kitchen) to be occupied by transient or permanent tenants.

Apartment house means a multiple-family dwelling structure.

Applicant means any person or his legally authorized agent authorized by this chapter to make application to initiate any action provided in this chapter.

Application means a formal request made by an applicant and/or agent to initiate any action as provided in this chapter, using forms provided by the community development department for this purpose.

Area, floor, means the area of all floors, including a basement, in a building, exclusive of exterior courts, garages and carports. All horizontal dimensions are taken from the exterior faces of walls, including enclosed porches.

Area, gross, means the area of a horizontal plane within the property lines of a lot before the area of public streets, easements or other land to be designated for public use is deducted.

Area, net building site, means the area of a horizontal plane within the property lines of a lot, less the area of all land designated for public use and less the area of all required yards.

Automobile service station means a retail place of business engaged solely or primarily in the sale of motor fuels, goods or services generally required in the operation and maintenance of motor vehicles and in the fulfilling of the motorist's needs. Major automobile repair activities such as body painting, body and fender repair, major mechanical repair, tire recapping, or the rental of equipment and the sale or rental of other merchandise are not uses included in the uses of a service station, although they may be performed at the same location.

Balcony means an open platform projected from a wall of a building or structure above the first floor level, and totally unsupported by any additional means by or to the ground.

Banner means any sign of lightweight fabric or similar material that is temporarily or permanently mounted to a pole, structure or a building. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Bar. See "cocktail lounge or bar."

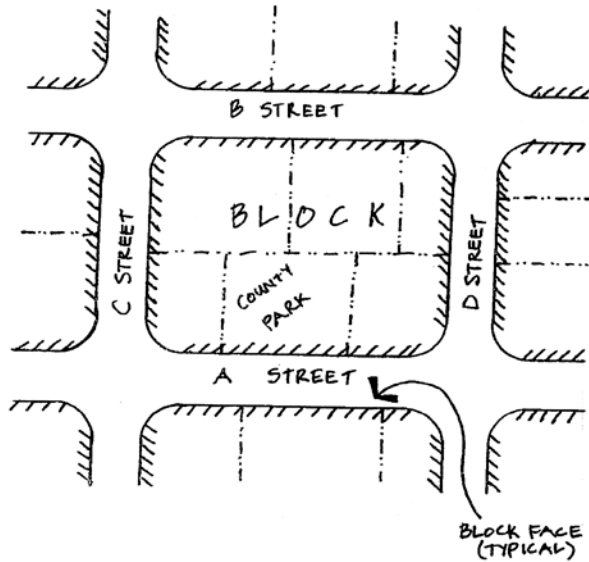
Baseline data means information on the current usage of a public facility compared with its capacity including, but not limited to, streets, sewers, water lines, drainageways, etc.

Bed and breakfast means an owner-occupied dwelling unit that contains no more than five guestrooms where lodging, with or without meals, is provided for compensation.

Benchmark means a mark on a permanent monument indicating elevation and serving as a reference in topographical surveys.

Block means a unit of land bounded by streets or by a combination of streets and public land or any other barrier to the continuity of development. See figure "block and block-face".

Block-face means abutting properties on one side of a street and lying between the two nearest intersecting streets or an intersecting street and unsubdivided land or county owned property. See figure "block and block-face."



Boardinghouse means a building where lodging is provided with meals for compensation; it does not mean rest homes or homes for the aged.

Board of adjustment means the board appointed by the county council to hear applications for waivers as specified in this chapter.

Bond means any form of security including a cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the county attorney and the county council. All bonds shall be approved by the county engineer wherever a bond is required by this chapter.

Boundary monument means a permanent object indicating a corner in the boundary of a lot.

Breezeway means a roofed, open-sided passageway which provides direct access between buildings.

Buffer area means a strip of land designed to separate portions of a subdivision or development from adjacent arterial or collector streets or from uses located on adjacent properties.

Building means any structure built and maintained for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

Building, main, means a building within which is conducted one or more permitted or special uses. There may be more than one main building on a lot depending on the district designation.

Building marker means any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

Business park means a building or assembly of buildings on a single lot adaptable to a combination of office, light storage, distribution, and showroom uses, where a minimum of 25 percent of the floor area is used for office space and where common parking, access and maneuvering is provided.

Caliper means the diameter of the main stem of a tree or shrub measured eight inches above the ground.

Campground means an open area where temporary overnight residency is available for tent, trailer, truck campers and/or recreational vehicles.

Caretaker means the individual who takes care of property.

Caretaker's unit means the dwelling unit of the caretaker. Caretaker's units shall allow for spouses and dependent children. The dwelling unit may be within one of the structures located on the lot; it does not mean a dwelling unit used by others than the caretaker.

Carport means a permanent roofed structure with not more than two enclosed sides used or intended to be used for automobile storage.

Carwash means:

- (1) An "automatic carwash" means a building or portion thereof containing facilities for washing automobiles using production line methods with a chain conveyer, blower, steam cleaning device or other mechanical devices.
- (2) A "self-service carwash" means a building or portion thereof containing facilities for washing automobiles wherein the customer parks the vehicle in a bay and washes the vehicle using equipment provided.

Child care center means a home or business which provides care, service and supervision for more than 12 children at one time for less than 24 hours per day; provided, however, that such center is licensed by the county and state and is conducted in accordance with county and state requirements.

Church means a permanent building used primarily for religious worship, fully enclosed with walls, including windows and doors, and having a permanent roof.

Club, private, means an association of persons, whether or not incorporated, for social or recreational purposes and for purposes and activities generally not for personal gain and not elsewhere defined as a commercial or professional purpose or activity; it does not mean a group organized solely or primarily to render a service as a business for profit.

Cocktail lounge or *bar* means premises where alcoholic beverages are sold to the public for consumption on the premises.

Commerce or *commercial* means the purchase, sale or other financial transaction involving the handling or disposition of any article, substance or commodity; or the management of office buildings, offices, recreational or amusement enterprises; or the maintenance and use of offices, structures and premises by professions and trades rendering services; by for profit or not-for-profit uses.

Commercial center means a building or assembly of buildings on one lot that may contain retail, offices, restaurants, lodging, theaters, automobile services, or other uses permitted by the zoning district, and that provide common parking and access.

Communication transmission tower means a self-supporting and freestanding elevated structure designed to provide a place used for transmitting information by radio, television, microwave or other electromagnetic energy signals.

Complex means a combination of two or more uses located on the same lot and sharing common facilities. Included in this definition are multiple building complexes.

Comprehensive plan means the plan adopted by the county to guide overall growth and development and capital improvement planning in the county, and includes amendments to that plan, which may be made from time to time.

Condominium means an estate in real property consisting of an individual interest in common in a parcel of real property, together with separate ownership of space within such real property. A condominium is not a cooperative.

Consolidation plat means a plat showing the combining of two recorded lots into one lot.

Construction plans means the maps or drawings submitted prior to a final subdivision plat showing the specific location and design of improvements to be installed in a subdivision including, but not limited to, streets, sidewalks, utilities and drainage facilities.

Convalescent home means a public or private facility which provides bed and ambulatory care, not at the level of a hospital, for patients and for persons who are unable to care for themselves; it does not mean a facility which provides care or treatment of alcoholics, drug addicts or persons with mental diseases or afflictions.

Cooperative means a development that is collectively owned by members and operated for their mutual benefit. Each member is an owner and has an individual interest in the entire development. Each member in a residential cooperative has a lease for his own apartment, space or site but does not own the apartment, space or site. A cooperative is not a condominium.

Correction plat means the correction of an error, other than a lot line adjustment, after approval and recording of a plat.

County means the incorporated county of Los Alamos, New Mexico.

County attorney means the county attorney for the County of Los Alamos.

County clerk means the elected clerk of the County of Los Alamos or his agent.

County community development director or community development director means the director of the county of Los Alamos Community Development Department or its successor, or the community development director's designee.

County council means the county council for the County of Los Alamos.

County engineer means the county engineer for the County of Los Alamos or his agent.

County manager means the county manager for the County of Los Alamos.

County public works director means the public works director for the county or his agent.

County surveyor means the surveyor of the county or his agent.

County utilities manager means the utilities manager for the county or his agent.

Court and *courtyard* mean an open, structurally unoccupied space, other than an open yard, on the same lot with a main building, and bounded on two or more sides by such building or exterior walls or fences.

Crosswalk means that portion of a pedestrian walkway which intersects and crosses a street.

Cul-de-sac means a street with one end open for vehicular and pedestrian access and the other end terminating in a vehicular turnaround.

Day care center. See "day care facility."

Day care facility means a home or business which provides care, service and supervision for at least four but not more than 12 children at one time for less than 24 hours per day; provided, however, that such facility is licensed by the county and state and conducted in accordance with county and state requirements.

Day care home means a residence which provides care, services and supervision for not more than four children at one time who do not normally reside in the home, for less than 24 hours per day; provided, however, that such center is licensed by the county and conducted in accordance with county requirements.

Debris means the remains of past construction, hobbies and other activities, which have not been removed for over a year.

Decision-making authority means the community development director, the board of adjustment, the planning and zoning commission, or the county council, as appropriate, given the authority to take the action in question under this County of Los Alamos Development Code.

Dedicated land means land transferred by a subdivider to the county, in fee simple ownership, for public use.

Density means the total number of dwelling units permitted on an acre of land.

Developer means the legal or beneficial owners of a lot or parcel of any land proposed for inclusion in a development, including an agent and/or the holder of an option or contract to purchase.

Development means the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any buildings, any use or change in use of any buildings or land, any extension of any use

of land or any clearing, grading or movement of land, for which permission is required pursuant to this chapter.

Development code means this chapter.

Development plan means the master schematic layout prepared as part of a special plan (SP) district submittal for an individual site or subdivision which summarizes the general project concept, allowable land uses, densities and development standards, and which shows developable and undevelopable areas, major streets, utilities, drainage ways, recreation and open space areas, buffers to adjacent land uses, and proposed general development areas.

Dormitory means a building used principally for sleeping accommodations, related to an educational or research institution.

Drainage means:

- (1) Surface water runoff;
- (2) The removal of surface water or groundwater from land by drains, grading or other means which include runoff controls to minimize erosion, flooding and sedimentation during and after construction or development.

Drainage system means natural swales and/or manmade improvements designed to accommodate drainage on a parcel.

Drive-in or drive-through facility means that portion of a commercial establishment which is designed and operated for the purpose of serving a motorist in a vehicle.

Driveway means a vehicular accessway to an off-street parking facility.

Dry-cleaning, coin-operated, means the use of single-batch, automatic cleaning machines, activated by the insertion of a coin.

Duplex. See "dwelling, two-family."

Dwelling means a building containing one or more dwelling units.

Dwelling, group, means a combination or arrangement of dwellings on one lot.

Dwelling, loft, means any type of dwelling located in a building that has no dwellings on the ground floor.

Dwelling, multiple-family, means a dwelling containing three or more dwelling units on one lot.

Dwelling, single-family, means a dwelling containing only one dwelling unit; it does not mean a mobile home.

Dwelling, single-family attached, means a dwelling containing only one dwelling unit and joined on one or more sides by a common wall without openings to another or other single-family dwellings on separate lots.

Dwelling, single-family detached, means a dwelling containing only one dwelling unit, surrounded by open space.

Dwelling, two-family, means a structure containing two dwelling units on one lot.

Dwelling unit means one or more rooms designed for or used as a residence by one family and constituting a separate and independent housekeeping unit, with a single kitchen; it does not mean quarters for transients in a club, hotel or motel.

Easement means a grant of use of land for a specific purpose, by the owner of the property to another person.

Equestrian trail means a trail or pathway intended for use by persons on horseback, or pedestrians.

Escrow means a sum of money deposited with the county to ensure completion of subdivision improvements to county standards.

Escrow agreement means a signed contract approved by the county attorney between a developer and the county that ensures completion of subdivision improvements in compliance with the standards of this chapter.

Excavation means removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances or organic substance other than vegetation, from water or land on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged.

Family means an individual living alone; two or more persons related by blood or marriage, or between whom there is a legally recognized relationship, occupying the same dwelling unit; or a group of not more than five unrelated persons, excluding servants, occupying the same dwelling unit.

Fence means any structural device forming a physical barrier between two open areas. It may be made of wire mesh, steel mesh, chainlink, louver, stake, masonry, lumber or other similar materials or any combination thereof.

Fence height means the vertical distance measured from the ground level to the highest adjacent board, rail, post, or wire, including retaining walls. See section 16-271, for the use and location of barbed wire.

Findings means a written statement of the reasons supporting a decision made by any reviewing body in the land development review process.

Flag means any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government, political subdivision or other entity.

Floor area, gross, means the sum of the total horizontal areas of the several floors of all structures on a lot, measured from the outside faces of exterior walls. Basements, elevator shafts, hallways and stairwells at each story, floor space used for mechanical equipment with structural headroom of six feet, six inches or more, penthouses, attic space whether or not a floor has actually been laid that provides structural headroom of six feet, six inches or more, interior balconies, and mezzanines are all included.

Floor area, net usable, means the sum of the total horizontal areas of all floors in a building, including basement, that are designed for tenant occupancy and exclusive use and measured to the inside faces of exterior walls. Garages, carports, unoccupied exterior courts, enclosed porches, mezzanines, hallways, mechanical rooms, closets, service areas and similar areas, as measured from the inside faces of exterior walls, are all excluded.

Front means that side of a building or property serving as the principal entrance.

Frontage means that side of a lot abutting on a public right-of-way; regarded as the front of the lot.

Garage, private, means a portion of a main building or a detached accessory building, having a roof and enclosed by walls on not less than three sides, and designed or used for the housing of vehicles of the occupants of the main building.

Garage, public, means a building used for the care, repair, equipping, hire, sale or storage of motor vehicles.

Gate means an opening of sufficient size as part of a wall or fence that permits ingress and egress.

Government uses means those uses that result from the exercise of local, state or federal government powers and duties.

Grade means the average elevation of the finished ground surfaces surrounding a building. When applying to a street or other area, the term "grade" means the slope in percentage terms.

Grading permit means a permit issued by the county as required by this chapter and chapter 70, U.B.C. 1985 edition, or the latest adopted edition of the New Mexico Building Code.

Grading plan means the plan that describes existing contours and the finish grade for the site upon completion of all construction operations.

Greenhouse means a building or structure constructed chiefly of glass, plastic or translucent material, cloth or lath which is devoted to the protection or cultivation of flowers or other tender plants.

Gross acre means an area measurement of a total site or parcel in units of 43,560 square feet prior to dedication of streets, easements, open space, utility and institutional sites or other reservations of nondevelopable land.

Ground cover means any landscaping material other than permanent hard surfaces (i.e., sidewalks, driveways, structures) which covers the natural earth. The definition includes living matter (plants) and nonliving materials (rock outcroppings).

Group home means any congregate residence, maternity shelter, or building for persons which provides and whose primary purpose is to provide room and board to the residents within the facility, and to provide either directly or through contract services at least one of the following: programmatic services, assistance with the activities of daily living in accordance with the program directive, or general supervision of up to eight individuals who have difficulty living independently or managing their own affairs, or who are handicapped within the meaning of 42 U.S.C. § 3602 (h)(1) of the Fair Housing Amendments Act (1988). Group home does not include facilities for persons currently in custody of or recently released by correctional authorities that are designed to offer an alternative to imprisonment and/or to facilitate ex-offender reintegration into community life, nor does it include facilities for persons who require such services by reason of the effects of current alcohol or drug abuse. Group home includes facilities for recovering alcohol or drug abusers who require group home services.

Guest means a social visitor or any person hiring or occupying a room for living or sleeping purposes.

Guesthouse means a dwelling unit within an accessory building for use by guests of the occupant of the main building; it does not mean a dwelling that is rented or otherwise used as a separate main building.

Guestroom means a room, having no kitchen facilities, for the occupation by one or more guests.

Hedge means a plant or series of plants or other landscape material so arranged as to form a physical barrier or enclosure.

Height of structure means the vertical distance between the highest point of any part of the structure and the natural grade or finish cut grade directly below that point, whichever is greater. If a structure is placed on fill, the depth of the fill is included in the height of the structure. If the natural grade is lowered in a cut, the depth of the cut is included in the height of the structure.

Home-aged, convalescent, nursing, physically handicapped. See "convalescent home."

Home business means a home occupation that employs more than one nonfamily member.

Home occupation means a business, profession or service conducted and/or operated in a residential zoning district and is clearly incidental and secondary to the dwelling purpose and does not change the character thereof.

Hospital means an acute care, short-term general hospital.

Hospital, animal. See "veterinary service facility."

Hotel means a building or group of integrated structures in which there are six or more guestrooms where lodgings for transients are provided for compensation, and where no provision is made for cooking in any individual room or suite.

Housing means residences of any kind as further described in this chapter.

Impact reports means studies to identify the potential adverse effects of the proposed development on public infrastructure and land as well as adjoining private properties. Reports required, see section 16-571, may include: traffic generation report; stormwater drainage report; utility capacity analysis report; and soils report.

Improvement means an addition made on property and intended to enhance its value, utility or beauty, or to adapt it to new or further uses.

Industrial use means the manufacture, fabrication, processing, reduction or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form, character or appearance thereof, and including storage, warehousing and wholesaling.

Inn means an owner-occupied building that contains up to 15 units, plus the owner's dwelling unit. Any or all of the units may contain a kitchen. Meal service by the owner is limited to breakfast.

Inoperable vehicle means any motor vehicle or vital component parts thereof which are either:

- (1) Unusable or inoperable because of lack of, or defects in vital component parts;
- (2) Unusable or inoperable because of damage from collision, deterioration, alteration or other factors;
- (3) Beyond repair; or
- (4) Without a current vehicle registration.

For the purposes of this definition, the term "vital component parts" shall mean those parts of a motor vehicle that are essential to the mechanical functioning of the vehicle including, but not limited to, the motor, drive train and wheels. Also see section 16-281.

Institution means a facility for the treatment of alcoholism, drug addiction, or mental or emotional problems.

Interdepartmental review committee means a technical advisory committee composed of the county engineer, traffic engineer, utilities manager, parks division manager, police chief, fire chief and the community development director, or as appointed by the county manager. The purpose of the committee is to review development applications and to advise the planning and zoning commission, other boards and commissions and the county council.

Junk means used machinery, electronic/electrical components, scrap iron, steel or other ferrous and nonferrous metals, tools, implements or portions thereof, glass, plastic, cordage, building materials, or other waste that has been discontinued from its original use and may be used again in its present form or in a new form.

Junkyard and *salvage yard* mean an open area where junk, including dismantled or wrecked automobiles, is bought, sold, exchanged, stored, baled, packed, disassembled or handled. A junkyard includes an automobile wrecking yard.

Laboratory, research means a facility for scientific laboratory research in technology-intensive fields. Examples include biotechnology, pharmaceuticals, genetics, plastics, polymers, resins, coatings, fibers, fabrics, films, heat transfer, and radiation research facilities.

Laboratory, support means a facility for scientific laboratory analysis of natural resources, medical resources, and manufactured materials. The scientific analysis is generally performed for an outside customer, to support the work of that customer. This category includes environmental laboratories for the analysis of air, water, and soil; medical or veterinary laboratories for the analysis of blood, tissue, or other human medical or animal products. Forensic laboratories for analysis of evidence in support of law enforcement agencies would also be included in this category.

Landscape plan, conceptual means a plan graphically showing the landscaping of property and including the areas to be landscaped and types of landscaping materials.

Landscape plan, final means a plan graphically showing the landscaping of property, including the areas to be landscaped, types of landscaping materials, irrigation, the final design of all landscaping areas, and long-term maintenance.

Landscaping means the planting and maintenance of various forms of vegetation and/or the use of architectural materials to enhance aesthetically and complement structures and the sites on which they are located.

Legal holiday means a holiday granted to regular employees of the county pursuant to the personnel rules and regulations of the county.

Loft. See "dwelling, loft."

Lot means a parcel of land, the description of which is of record.

Lot area means the area of a horizontal plane bounded by a vertical projection of the property lines of a lot.

Lot, corner, means a lot located at the intersection or interception of two or more streets at an angle of not more than 135 degrees. If the included angle is greater than 135 degrees, the lot is an interior lot.

Lot coverage means the percentage of the lot area covered by structures, including accessory buildings, main buildings and detached buildings as defined elsewhere in this chapter. Lot coverage includes all aboveground structures.

Lot, double frontage or through, means any lot having frontage on two parallel or approximately parallel streets.

Lot, front, means that part of the lot which abuts the street, or that part which is designated the front of a corner lot, reverse corner lot, double frontage lot, or a lot with three or more sides abutting a street.

Lot, interior, means any lot other than a corner lot, a reverse corner lot or a double frontage lot.

Lot line means any line bounding a lot.

Lot line adjustment means a replat of the recorded lot lines of two adjacent lots with no additional lots created.

Lot line, front, means the property line in the front yard.

Lot line, rear, means the lot line which is opposite and most distant from the front lot line, or in the case of an irregular lot, a line a minimum of ten feet in length within the lot and farthest removed from the front lot line, and at or near right angles to the line comprising the depth of such lot.

Lot line, side, means those lot lines of a lot which are not the front or rear lot lines.

Lot, nonconforming, means a lot which does not conform to the provisions of this chapter.

Lot, rear, means that part of a lot opposite the front of the lot.

Lot, reverse corner, means a corner lot, the rear yard of which abuts a side yard of another lot.

Lot split means the subdivision of one recorded lot into two lots.

Luminance means the brightness of an object expressed in terms of foot lamberts, determined from a point five feet above grade on another premises or the public right-of-way, but no closer than 20 horizontal feet from the object measured.

Mobile home means a portable housing structure larger than 40 feet in body length, eight feet in width or 11 feet overall height, designed for and occupied by no more than one family for living and sleeping purposes. It does not include structures built to the standards of the New Mexico Building Code and National Manufactured Home Construction and Safety Standards Act.

Mobile home development means a parcel of land designed and/or intended for the placement of mobile homes and accessory structures on mobile home sites that can be owned in fee simple, as part of a condominium, a cooperative or a land lease rental community.

Mobile home park means a parcel of land under single ownership on which two or more mobile homes are located. It includes land-lease rental communities where individual lots are rented, but not owned. It also includes limited equity cooperatives but prohibits condominiums.

Mobile home site means the portion of a mobile home park development that is designated as the location for a mobile home and accessory structures for the exclusive use of the occupant of the mobile home.

Mobile home subdivision means a subdivision designed and/or intended for the sale of individual lots for siting mobile homes. It can also include a condominium.

Motel means a building or group of buildings containing sleeping units or guestrooms, where lodging with or without provision of meals is provided for compensation. Motels are designed to temporarily accommodate the automobile tourist or transient with parking facilities located near each unit or room. The term includes tourist, motor and automobile courts and motor lodges.

Motor freight terminal means a building or area in which freight brought by motor truck is assembled or stored for local delivery or intrastate and interstate shipment by motor truck.

Multiple tenant building means a single structure housing two or more retail, office, commercial or industrial uses.

Nonconforming use means a use of a building or land, existing on the date of adoption of this chapter which does not conform to the uses permitted in the district in which it is located.

Noxious matter means material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of individuals.

Official zoning map means the map adopted by the county council in conjunction with this chapter showing the location of the various zoning districts within the county, and may be amended from time to time.

Off-site means any place not within the boundary of the property to be developed, subdivided or improved, whether or not in the ownership of the developer or subdivider.

One-hundred year flood or 100-year frequency rainstorm means:

- (1) One-hundred year flood means the flood having a one percent chance of being equaled or exceeded in any given year and as defined elsewhere in this chapter; and
- (2) One-hundred year frequency rainstorm means that total accumulation of 5.24 inches of rain at the end of a one-hour period.

Open space, private, means that part of a lot, including courts or yards, which is open and unobstructed from its lower level to the sky and is accessible to and usable by all persons occupying a dwelling unit on the lot.

Open sun screen means a latticed or louvered assemblage, open on at least two sides, used for partial shade, providing no weather protection and not influencing ventilation or the amount of impervious cover of a lot.

Overlay district means a set of zoning requirements that are described in the text of this chapter that are mapped, and are imposed in addition to those of the underlying district. Development within the overlay districts must conform to the requirements of both zoning districts or to the more restrictive of the two. The wilderness (W-1 and W-2), special plan (SP), and the historic (H) districts are overlay districts. Also see sections 16-533, 16-534 and 16-577.

Owner means any person, group of persons, firms, corporations, public agency or any other legal entity having legal chapter or equitable interest to the land sought to be subdivided or otherwise subject to this chapter. Also see "Agent."

Parking area, private, means an open area, other than a street, used for the parking of motor vehicles and restricted from general public use.

Parking area, public, means an area other than a private parking area or street used for the parking of motor vehicles and available for public use either free or for remuneration.

Parking facility means any space on the streets or off the streets used for the purpose of parking motor vehicles, including buildings erected above or below the surface of the ground.

Parking, off-street, means the area used for public or private parking required by this chapter for temporary vehicular parking.

Parking space, automobile, means space exclusive of driveways, ramps, columns, loading areas, office or work areas within a building, or an open parking area, for the parking of one automobile.

Park land means public open space that is designed to serve public needs for recreation, and areas that serve to satisfy public needs for visual and/or psychologically pleasing spaces.

Park roadway means a private road within a mobile home park, providing access to the mobile home sites from the street.

Parkways means the public right-of-way of a dedicated street located on either side of the actual street roadway improvements (curb, gutter and pavement). Parkway areas may or may not contain sidewalks and/or utilities.

Patio means roofed or unroofed space on a lot; if roofed, with at least 50 percent of the side surface unscreened or unenclosed with a solid material.

Pedestrian walkway means an accessway generally located between lots for pedestrian use and either publicly or privately owned, which may or may not be improved.

Percent of slope means the relation of the vertical rise from or to the contour line at horizontal intervals of not more than 50 feet and calculated as follows:

S	=	$H - L / D \times 100$
H	=	The highest elevation of the portion of the tract measured.
L	=	The lowest elevation on the portion of the tract measured.
D	=	The horizontal distance between H and L.

Percent of slope is used to measure grade.

Permitted use means the specific, primary use of a lot. A lot may be put to more than one use at a time.

Pet training or breeding or kennels, commercial means the boarding, breeding, raising, grooming or training of two or more dogs, cats, or other household pets of any age whether or not owned by the owner or occupant of the premises.

Planning and zoning commission means the planning and zoning commission of the county and as further described in this chapter and in article IX of chapter 8.

Plat means a map, drawing or chart on which the subdivider's plan of the subdivision is presented and which he submits for approval, and intends in final form to record. The county requires the submittal of three types of plats in any subdivision proposal. These are defined as follows:

- (1) *Sketch plan*: a plat showing the initial concept of the proposed subdivision including a layout of lots, streets, open areas, etc.
- (2) *Preliminary plat*: a much more detailed plat than the sketch plan, representing the final design of the subdivision. Detailed construction plans for all improvements associated with the subdivision are submitted subsequent to approval of the preliminary plat.
- (3) *Final plat*: a plat representing the final design which incorporates all improvement and legal requirements required by the planning and zoning commission at the preliminary plat stage. Once approved, this plat is the plat which will be filed and recorded in the county clerk's office.

Porch or deck means an open platform above ground level typically attached to the wall or foundation of a building or structure and primarily supported in some structural manner from the ground; it may be roofed or unroofed.

Professional engineer means an engineer registered by the state board of registered engineers and surveyors.

Public improvement means any drainage ditch, roadway, parkway, sidewalk, street, pedestrian way, tree, lawn, off-street parking area, lot improvement or other facility for which the county may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which county responsibility is established.

Public right-of-way means the total area of land deeded, reserved by plat or otherwise acquired or occupied, used or intended to be used by the county or state, primarily for the public movement of people, goods and vehicles. Public right-of-way may be used for other public purposes pursuant to this chapter.

Radio and TV towers and antennae means a structure situated on a non-residential site that is intended for transmitting or receiving television, radio or telephone communications, excluding those used exclusively for dispatch communications.

Ramp means a sloping roadway or passage used to join two different levels of streets, structures or buildings, or a driveway leading to parking aisles.

Real property means land and generally whatever is erected or growing upon or affixed to land.

Recreation equipment means equipment whose primary function or design is for recreational purposes, whether originally so designed or subsequently modified, and is not capable of being self-propelled on land, and shall include the following or similar types of equipment: boats, boat trailers, camper when dismounted from a truck bed or chassis, horse trailer, houseboats, house trailers, rafts, tent trailers, travel trailers and utility trailers when converted to recreational purposes.

Recreational vehicle means a vehicle which is composed of a chassis, or a frame with wheels, which either has its own motive power or is drawn by another vehicle, and a camping body primarily designed or converted for use as temporary living quarters for recreational, camping or travel activities.

Recycling station means a use within a permissible zoning district where recyclable solid waste materials, including aluminum, glass, paper, metal and similar materials are purchased or procured and temporarily stored and occupying an area not greater than 1,000 square feet. Recycling stations shall be operated and maintained in a safe, healthful and convenient manner and shall not be operated so as to become offensive, noxious, hurtful, injurious or dangerous to persons or adjoining properties. Recycling stations should not be directly accessed from the public right-of-way and should be situated and designed so as not to create traffic and/or pedestrian circulation problems on existing properties.

Replat means the relocation or realignment of lot lines in a recorded subdivision where two or more original lots are involved, and where no additional lots are created.

Research and development means uses for carrying on investigation in the natural, physical or social sciences, or engineering and development as an extension of the investigations with the objective of creating end products; and a research and development use may include pilot plant operations.

Residence means a building used, designed or intended to be used as a home or dwelling, by one or more families or lodgers. When located in a mobile home park, mobile home subdivision or mobile home development, a mobile home is a residence.

Residential zone means any zoning district in which residential uses are allowed, except that the downtown district-neighborhood center and downtown district—Town center overlay zones **and the Mixed-Use zone** are not residential zoning districts.

Restaurant, drive-in or takeout means a business establishment that serves prepared food or beverages primarily for the consumption by customers within motor vehicles either on or off the premises.

Restaurant, enclosed, means a business establishment that serves prepared food or beverages primarily to persons seated within the building. This includes businesses which may provide an area for food consumption outdoors in addition to indoor dining.

Retail means the sale of goods to the ultimate consumer for direct consumption and not for resale.

Reversion to acreage means the vacation of all or a portion of an originally recorded subdivision, so that the vacated area becomes a single parcel of land.

Right-of-way. See "public right-of-way."

Room means an unsubdivided portion of the interior of a building; it does not mean a bathroom, closet, hallway or service porch.

Rubbish means waste or rejected material: anything worthless or valueless in its present form; trash.

Ruins means building material which has already been used, or buildings in a state of disrepair and falling down.

Runoff means the water from natural precipitation which flows over the surface of the land and does not percolate into the soil.

Sanitariums. See "institution."

Satellite dish antenna means a device incorporating a reflective surface that is solid, open mesh, or bar configured, and is in the shape of a shallow dish, cone, horn or cornucopia and is greater than 24 inches in diameter. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based units. This definition includes, but is not limited to, satellite earth stations, television-reception-only satellite dish antennas (TVROs) and satellite microwave antennas.

Schools, private or parochial, means a school, academy or institution, which conducts academic instruction at kindergarten, elementary, secondary or collegiate levels; it does not mean a commercial or trade school.

Schools, public, means schools under the jurisdiction of the county school board or, in the case of a post high school institution, under the jurisdiction of a board of regents established by the state.

Schools, trade or commercial, means private schools offering preponderant instruction in the technical, commercial, or trade skills, such as real estate schools, business colleges, electronics schools, automotive and aircraft technician schools, and similar commercial establishments, and which are operated for a profit.

Self-service storage facility means any real property designed and used for the purpose of renting or leasing individual storage spaces to tenants who are to have access to such spaces for the purpose of storing and removing personal property.

Senior citizen multiple-family residential development means a residential development providing dwelling units specifically designed for the need of ambulatory elderly persons, with residents of such development being a minimum of 60 years of age (except that in the case of married couples only one person needs to be 60 years of age) and with such developments consisting of apartments or condominiums, or a combination of both dwelling types, but consisting of a minimum of 30 dwelling units within the project.

Setback means the least horizontal distance between a lot line and a building or structure exclusive of projections.

Setback line means a line parallel to or concentric with the lot line at the setback.

Setback, minimum structural, means the distance from the lot line to any setback or the main building setback, as required by this chapter.

Sidewalk means a publicly owned pedestrian way with permanent surfacing.

Sign means:

- (1) Any written, printed or symbolic device capable of visual communication or attraction, including any announcement, declaration, demonstration, display, illustration, insignia, structure or symbol, or architectural feature which serves no other purpose than communication, used to advertise or promote the interest of any person; or

- (2) Any official notice issued by any court or public body or officer, or directional, warning or information signs or structures required by or authorized by law or by federal, state or county authority.

Sign area means the square foot area of all the sign facing on which the advertising message is located, including only that portion of the supporting structure or trim which carries any wording, symbols or pictures. In the case of wall signs, the sign area is the area of the sign structure containing the advertising message; in the case of cutout or painted signs, the area of a simple geometric figure completely enclosing the letters, message or symbols is the sign area.

Sign, canopy, means any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window or outdoor service area. A marquee is not a canopy.

Sign, electric, means an advertising structure lighted by electricity.

Sign, flashing, means any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use.

Sign, freestanding, means a permanent sign supported on a pole, poles or similar structure, placed into the ground and detached from a building, and with air space between the sign structure and the ground.

Sign, ground-based, means any sign supported by a solid structure of stone, metal, masonry, wood, or other such material, anchored in the ground and not attached to any building, and with no air space between the sign structure and the ground.

Sign, hanging, means a sign which is located under a portal. Also see "Sign, wall."

Sign, incidental, means a sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking," "entrance," "loading only," "telephone" and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

Sign, information, means a nonadvertising sign designed and worded to inform about a specific facility on a site.

Sign, marquee, means a sign designed for changeable advertising copy. Also see "Sign, wall."

Sign, multiface, means a sign having more than one advertising surface, including spheres or pyramids.

Sign, portable, means a ground-based sign designed to be moved from place to place, and having no permanent attachment to the ground on which it stands.

Sign, portal, means a sign affixed to a portal and which does not extend above the roofline. Also see "Sign, wall."

Sign, projecting, means any sign affixed or attached to, and supported solely by a building, wall or other structure attached to the building and extending more than 12 inches beyond the building wall or structure.

Sign, residential, means any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such services at such location conforms with all requirements of the zoning ordinance.

Sign, roof, means any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extended vertically above the highest portion of the roof.

Sign, roof integral, means any sign erected or constructed as an integral or essentially integral part of normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

Sign structure means a structure supporting a sign except for those signs which are official notices issued by any court or public body or officer, notices posted by any public officer in performance of a public duty, or by any person in giving legal notice, or directional, warning or information required by or authorized by law or by federal, state or county authority.

Sign, suspended, means a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Sign, temporary, means any sign, banner, pennant, valence or advertising displayed for a limited period of time.

Sign, wall, means a sign attached, hanging or painted on the wall, canopy, portal or marquee of a structure.

Site plan means a graphic depiction showing the development of commercial property on an individual lot with or without a special plan (SP) district. The site plan includes, but is not limited to, the location and footprint of structures, building height and exterior facades, architectural design standards, location and dimension of offstreet parking and traffic circulation, method of exterior lighting, landscape treatment, location and size of signs, easements, drainage, utilities, and other improvements. In addition, the special plan (SP) district site plan defines land uses, gross floor area, and site development standards and such other factors as may address the site plan approval criteria in section 16-152A.

Slope, building site, means the difference between the highest natural elevation on the building footprint and the lowest natural elevation of the building footprint divided by 100.

Slope, parcel, means that for any and all 100-foot horizontal distances on a parcel that can be legally subdivided, the maximum difference between the natural elevations at each end of the 100-foot horizontal difference are divided by 100.

Solar energy collection system, active, means a mechanical system for heating or cooling a structure by collecting, storing and transporting solar energy.

Solar energy collection system, passive, means a system that employs siting and orientation, structural materials and landscaping to take advantage of solar energy for structural heating.

Special use means a use which has been determined to be compatible with the purposes of the district, but which has one or more characteristics that could make it incompatible with other uses in the district; and as further described by this chapter.

Special use permit means a permit for a use classified as a special use, as detailed elsewhere in this chapter.

Spot zoning means rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses and not for the purpose or effect of furthering the comprehensive plan.

Storage means an area or space, either indoors or outdoors, where something is kept, housed or located for future use.

Storage, contractor's yard, means an area where heavy equipment, materials, machinery, aggregates, and other objects used for the development of land or structures are stored.

Storm drainage plan means a detailed plan showing the location and proposed topography of streets, lots and other areas within a development, along with any proposed storm sewer facilities and easements for surface drainage, intended to satisfy the storm drainage performance standards of this chapter. It is further meant to include any drainage calculations requested by the county engineer.

Story means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or above. If the finished floor level directly above a usable or unused underfloor space is more than six feet above grade for more than 50 percent of the total perimeter or is more than 12 feet above grade at any point, such usable or unused underfloor space shall be considered as a story.

Stream means a low point on the natural topography where runoff collects and stormwaters flow on a periodic basis or a continuously running waterway.

Street means a strip of land or way subject to vehicular traffic (as well as pedestrian traffic) that provides direct or indirect access to property.

Street, arterial, means a street which is or will, because of its design, location, or intensity of use with reference to other streets and other sources of traffic, be used primarily for larger volumes of traffic.

Street, centerline, means the center of a street or right-of-way as established by official surveys and shall normally be the midpoint of a street cross section.

Street frontage means the distance for which a lot line of a lot adjoins a public street, from one lot line intersecting such street to the furthest distant lot line intersecting the same street.

Street, private, means a street as defined elsewhere in this chapter but differing in that it is not accepted by the county as a public improvement.

Street, public, means a street as defined elsewhere in this chapter.

Strip zoning means the rezoning of a parcel of land along a street to allow uses different from those along the same street.

Structural alterations means a change in the location of the outside walls or roof of a structure.

Structure means anything constructed or built which requires location on or in the ground or is attached to something having a location on or in the ground. Underground storage tanks, patio slabs, paved areas, walks, tennis courts and similar facilities, the tops of which are not more than 30 inches above ground, are not structures.

Structure, nonconforming, means a structure lawfully existing on the date of adoption of this chapter, which was designed, erected or structurally altered for a use which is not a permitted use in the district in which it is located, or which is not in compliance with the site development requirements of the district in which it is located. A nonconforming structure does not mean a structure that was developed between January 31, 1977, and January 31, 1991, in violation of this chapter.

Structure, original, means a structure as it existed at the date of adoption of this chapter.

Subdivider means an owner, or an owner's authorized agent, who undertakes the subdivision of land as set forth in this chapter.

Subdivision means the division of any tract of land into two or more lots as provided in this chapter. This also includes any two-lot subdivision in the P-L (public lands) zoning district.

Summary plat means a plat which subdivides a lot into no more than two lots in any zoning district or for adjustment of a lot line, consolidation of no more than two lots, or a technical surveying correction.

Summary procedure means the process whereby the community development director may review and act upon a summary plat.

Temporary use means a use established for a fixed period of time, with the intent to discontinue such use upon the expiration of a period of time as defined in Section 16-278, that does not involve the construction or alteration of any permanent structure.

Tenant means any person who occupies any land or building who is not the owner but is granted the right of use by the owner.

Traffic engineer means the county employee responsible for the administration and enforcement of county traffic-control regulations as set forth in this chapter.

Trailer means any vehicle without motive power, designed for carrying persons or property and for being drawn by a motor vehicle.

Trailer sales lot means an automobile and trailer sales lot.

Use means the purpose to which land is put, a building or structure is put, designed or intended, or for which land and a building or structure is or may be occupied or maintained.

Use index means the use index included in this County of Los Alamos Development Code, setting out for each zoning district permitted uses, uses for which a special use permit is required, accessory uses, and uses that are not permitted.

Vacation means:

- (1) Reversion of all or a portion of a recorded subdivision to a single lot; or
- (2) The elimination of an easement or right-of-way in a part of a recorded subdivision.

Veterinary service facility means an enclosed structure in which animals are given medical or surgical treatment or temporary housing as an accessory use to the veterinary service facility.

Waiver means an adjustment of the application of one or more dimensional requirements, parking regulations, or design standards contained in this chapter for a particular piece of property. Waivers shall not apply to regulations controlling density or land use.

Walkway means a cleared way for pedestrians which may or may not be paved.

Wall means a vertical structure that separates properties, portions of properties or portions of a building.

Warehousing means the use of a building with more than 500 square feet of storage space for the storage of goods of any type.

Wholesaling means the selling of any type of goods for purpose of resale.

Wreckage means broken, disrupted, disordered mechanical or automotive parts, machinery or vehicles.

Yard means any open space, other than a court, on the same lot with a building, which space is open from the ground to the sky, except for projections and accessory buildings.

Yard, front, means an open area extending across the full width of the lot, the depth of which is measured in the least horizontal distance from the front lot line to the main building setback.

Yard, rear, means an open area extending across the full width of the lot, the depth of which is measured in the least horizontal distance from the rear lot line to the main building setback.

Yard, required, means the portions of a lot lying between the lot lines and the minimum structural setback lines.

Yard, side, means an open area extending along the length of the lot between the front and rear yard setback, the width of which is measured in the least horizontal distance from the side lot line to the main building setback. On a reverse corner lot, the side yard abutting the street extends to the rear lot line.

Zoning means the laws and regulations governing the use of specific real estate for a specific purpose, including the types of activities that can be accommodated on a given piece of land, the amount of space devoted to those activities and the ways that buildings may be placed and shaped in conformance with section 16-6.

(Ord. No. 85-210, § 3, 1994; Ord. No. 85-211, § 2, 1994; Ord. No. 85-217, § 1, 1995; Code 1985, §§ 17.08.0010—17.08.2960; Ord. No. 85-280, § 1, 7-25-2000; Ord. No. 85-298, § 1, 8-21-2001; Ord. No. 85-301, §§ 2—5, 11-6-01; Ord. No. 02-013, § 1, 8-20-02; Ord. No. 02-008, § 1, 1-28-2003; Ord. No. 02-039, § 1, 6-22-2004; Ord. No. 02-058, § 1, 3-29-2005; Ord. No. 02-084, § 1, 3-27-2007; Ord. No. 02-091, § 1, 7-10-2007; Ord. No. 02-224, § 1, 5-1-2012; Ord. No. 02-244, § 1, 9-9-2014; Ord. No. 02-256, § 30, 7-7-2015; Ord. No. 02-273, § 1, #-#-2017)

Section 2. Chapter 16, Article III, Section 16-122 of the Los Alamos County Code of Ordinances is hereby amended to limit façade changes in certain districts including mixed-use districts as follows:

Sec. 16-122. - Application requirements.

(a) *General application requirements.*

- (1) Applications shall be submitted on application forms provided by the community development department which include review criteria, checklists and other required information, impact reports and forms requested by the community development department and by other county departments.
- (2) Applications shall include all of the information requested. An application shall only be considered complete when it includes all required information, attachments and the required fees as set forth in this chapter. No application shall be accepted until deemed complete by the community development department.
- (3) Applications shall be signed by the property owner, agent, or other person as set forth in this chapter. If the application is initiated by the county, it shall be signed by the chair of the county council, the county manager or his or her designee.
- (4) The community development department and/or other authorized review department or board or commission with review authority may require or request additional information to clarify the application or to determine its compliance with the provisions of this chapter or other applicable ordinance, resolution, policy or guideline within the time limits, limitations and requirements set forth elsewhere in this chapter.
- (5) Every development request for a rezoning, subdivision, development plan, special plan (SP) district, and site plan shall require a pre-application meeting before the application is submitted to ensure it meets the provisions of this chapter and the county's public works and utilities design and construction standards.
- (6) The county council shall establish a fee schedule which will cover costs incurred by the county in administering the permit review and approval procedures established by this chapter.

(b) *Amendment to text.*

- (1) Applications for amendment to the text, including uses and addition, deletion or change in uses allowed in the use index of this chapter, may be made by the county council, the planning and zoning commission, the county manager, the community development director or by the owner of any parcel of property to be affected and shall be submitted to the community development department.
- (2) The application shall explain how it conforms to review criteria in section 16-158.
- (3) Within 28 days following receipt of a complete application, the community development director shall set a date for public hearing before the planning and zoning commission on the text amendment request. Notice of public hearing shall be given as provided in article V. If IDRC review, as required by section 16-54, is not complete due to county's inaction prior to the scheduled public hearing, the application shall be deemed to have been passed by the IDRC without recommendation.

(c) *Amendment to official zoning map.*

- (1) Applications for amendment to the official zoning map may be made by the county council, the planning and zoning commission, the county manager, the community development director or the owner of any parcel of property to be affected or anyone with the owner's written permission, and shall be submitted to the community development department.
- (2) The application shall explain how it conforms to the criteria in section 16-155.

- (3) Within 28 days following receipt of a complete application, the community development director shall set a date for public hearing before the planning and zoning commission on the official zoning map amendment request. Notice of public hearing shall be given as provided in article V. If IDRC review, as required by section 16-54, is not complete due to county's inaction prior to the scheduled public hearing, the application shall be deemed to have been passed by the IDRC without recommendation.
- (d) *Amendment to the comprehensive plan.*
- (1) Applications for amendment to the comprehensive plan may be made by the county council, the planning and zoning commission, the county manager or the community development director.
 - (2) Applications for amendment to the comprehensive plan shall explain how it conforms to the comprehensive plan amendment criteria in section 16-161, why the amendment is necessary and cite the sections of the comprehensive plan to be amended.
 - (3) Comprehensive plan amendments may include revisions to specific elements, the addition of new elements, including land use maps, and revisions to the vision statement, policy plan and goals.
 - (4) Within 28 days following receipt of a complete application, the community development director shall set a date for public hearing before the planning and zoning commission on the comprehensive plan amendment request. Notice of public hearing shall be given as provided in article V. If IDRC review, as required by section 16-54, is not complete due to county inaction prior to the scheduled public hearing, the application shall be deemed to have been passed by the IDRC without recommendation.
- (e) *Site plan.*
- (1) A site plan shall be required for commercial development, expansion of existing and construction of new commercial structures and parking lots or parking facilities in commercial zones, and may be required for other applications if deemed appropriate by the community development director. Changes to the interior of an existing structure, provided there is no change in use, may be made without approval under this section. Facade changes may be made without approval under this section, except if the building is located in the H (historical site) district, downtown district, **mixed-use**, or special plan (SP) district;
 - (2) A site plan shall not be required for residential development under the following circumstances:
 - a. The construction of individual single-family dwellings, two-family dwelling units, and all other permitted, special and accessory uses in the R-A, R-E, R-1, R-4, R-5, R-6, P-D and R-M districts;
 - b. The construction of individual single-family dwellings, two-family dwelling units, and all other permitted, special and accessory uses in any R-3 district.
 - c. The construction of an open sun screen which complied with the site development requirements of this chapter and all other applicable rules and regulations of the county.
 - (3) Applications for site plan may be made by the owner of any parcel of property to be affected and shall be submitted to the community development department.
 - (4) The application shall explain how it conforms to the review criteria within section 16-152A.
 - (5) Within 28 days following receipt of a complete application, the community development director shall set a date for public hearing on the site plan request. Notice of public hearing shall be given as provided in article V. If IDRC review, as required by section 16-54, is not complete due to county's inaction prior to the scheduled public hearing, the application shall be deemed to have been passed by the IDRC without recommendation.
- (f) *Special plan (SP) district.*
- (1) Applications for a special plan (SP) district shall include a development plan or site plan if the property is one parcel and a development plan and a sketch plan if a subdivision is proposed. The request may be submitted with a rezoning application for the underlying zone(s).

- (2) Applications for a special plan (SP) district may be made by the county council, the planning and zoning commission, the county manager, the community development director or the owner of any parcel of property to be affected or anyone with the owner's written permission as an agent and shall be submitted to the community development department.
 - (3) An application shall explain how it conforms to the requirements of section 16-534 and the review criteria in section 16-159.
 - (4) Within 28 days following receipt of a complete application, the community development director shall set a date for public hearing before the planning and zoning commission on the special plan (SP) district request. Notice of public hearing shall be given as provided in article V. If IDRC review, as required by section 16-54, is not complete due to county inaction prior to the scheduled public hearing, the application shall be deemed to have been passed by the IDRC without recommendation.
- (g) *Waivers.*
- (1) Applications for waivers may be made by the owner of any parcel of property to be affected and shall be submitted to the community development department.
 - a. Applications for waivers associated with a subdivision request shall be submitted with the preliminary plat application or with the summary subdivision application, as applicable.
 - (2) The application shall explain how it conforms to the review criteria within section 16-157.
 - (3) Within 28 days following receipt of a complete application, the community development director shall set a date for public hearing on the waiver request. Notice of public hearing shall be given as provided in article V. If IDRC review, as required by section 16-54, is not complete due to county inaction prior to the scheduled public hearing, the application shall be deemed to have been passed by the IDRC without recommendation.
- (h) *Special use permits.*
- (1) Applications for special use permits may be made by the owner of any parcel of property to be affected and shall be submitted to the community development department.
 - (2) The application shall explain how it conforms to the review criteria within section 16-156.
 - (3) Within 28 days following receipt of a complete application, the community development director shall set a date for public hearing on the special use permit request. Notice of public hearing shall be given as provided in article V. If IDRC review, as required by section 16-54, is not complete due to county inaction prior to the scheduled public hearing, the application shall be deemed to have been passed by the IDRC without recommendation.
- (i) *Subdivisions: Sketch, preliminary, final.*
- (1) Applications for sketch plans, preliminary or final plats may be made by the owner or agent of any parcel of property to be affected and shall be submitted to the community development department. The planning and zoning commission shall consider a sketch plan on all proposed subdivisions. The sketch plan review shall be separate from any other phase of subdivision review. The planning and zoning commission may review and consider the preliminary and final plat concurrently except when a waiver to the provisions of this chapter is required or for subdivisions with more than 50 lots.
 - (2) The application shall include a statement explaining how it conforms to the subdivision review criteria within section 16-153.
 - (3) Within 28 days following receipt of a complete sketch plan, preliminary or final plat application, the community development director shall set a date for public hearing on the sketch plan, preliminary or final plat request. Notice of public hearing shall be given as provided in article V. If IDRC review, as required by section 16-54, is not complete due to county inaction prior to the scheduled public hearing, the application shall be deemed to have been passed by the IDRC without recommendation.

(j) *Summary plat.*

- (1) Applications for summary plat may be made by the owner of any parcel of property to be affected and shall be submitted to the community development department.
- (2) The application shall explain how it conforms to review criteria within section 16-154.
- (3) Within 28 days following receipt of a summary plat application, the community development director shall submit the summary plat to the county engineer and the county utilities manager. Review and recommendations by the county engineer and county utilities manager shall be required prior to consideration of the application by the decision-making authority.

(k) *Landscape plans.*

- (1) Applications for landscape plans may be made by the owner of any parcel of property to be affected and shall be submitted to the community development department.
- (2) A conceptual landscape plan shall be submitted as part of the original application for the site plan, subdivision plat or special use permit.
- (3) The application shall include a statement explaining how it conforms to section 16-574 and section 16-575 and shall depict:
 - a. General location of all existing trees six inches or greater in diameter;
 - b. General location and type of ground cover:
 1. Nonliving (pavement, sidewalks and other hard surfaces),
 2. Living (domestic and indigenous), and
 3. Other features (rock outcroppings);
 - c. Location and type of shrubbery and trees; e.g., canopy, understory, evergreen by common name;
 - d. Number of parking spaces required;
 - e. A summary of the square footage of the overall site and landscaping area (including living and nonliving ground cover);
 - f. North arrow and scale;
 - g. Adjacent site landscaping treatments;
 - h. Finished topographic contours.
- (4) After the planning and zoning commission approves a site plan, a final subdivision plat or a special use permit application with a conceptual landscape plan, the community development director shall review the final landscape plan for action in accordance with section 16-51. The final landscape plan must be approved by the community development director prior to issuance of a building permit.

(l) *Temporary uses.*

- (1) Applications for temporary use permits may be made by the owner of any parcel of property to be affected and shall be submitted to the community development department.
- (2) Applications for temporary use permits shall be in conformance with this section and shall contain the following information:
 - a. Sufficient information to determine the yard area, sanitary facilities and parking space required for the proposed use;
 - b. In issuing a temporary use permit, the community development director may indicate the permitted hours of operation and any other conditions, such as lighting, parking or protective

fences, which are deemed necessary to protect adjacent property or the public health, safety and welfare;

- c. Each site occupied by a temporary use shall be left free of debris, litter or any evidence of the temporary use upon the expiration of the temporary use permit and the cessation of the temporary use. Before issuing a temporary use permit, the community development director may require a cash deposit or letter of credit as may be determined to be adequate to insure the cleaning up of the property covered by the temporary use permit. If the property and the surrounding area is not in the condition required, then the county may restore it to that condition, in which event the county shall have the right to be reimbursed for the costs incurred from the deposit or other security;
 - d. Upon written application, the community development director may modify any of the conditions contained in the temporary use permit, if the community development director determines that the modification does not conflict with the purposes of the zoning requirements;
 - e. Upon written application, the community development director may extend the time of operation of the temporary use permit no more than 20 percent above the total time allowed for the temporary use involved. Extension of time beyond 20 percent shall be approved by formal action of the planning and zoning commission;
 - f. A use requiring a temporary use permit but continuing beyond the allowed temporary use period, as provided in this chapter, shall constitute an offense under this chapter and shall be subject to the general penalties prescribed in this chapter for such offense.
- (3) Following receipt of a complete application, the community development director shall issue the requested temporary use permit when the community development director finds that all of the conditions are met as set forth in this subsection.

(m) *Development plan.*

- (1) Application for a development plan may be made as part of an application for a special plan (SP) district.
- (2) Application for a development plan may be made by the county council, the planning and zoning commission, the county manager, the community development director or the owner of any parcel of property to be affected or anyone with the owner's written permission and shall be submitted to the community development department.
- (3) An application shall explain how it conforms to the review criteria in section 16-160.
- (4) Within 28 days following receipt of a complete application, the community development director shall set a date for public hearing before the planning and zoning commission on the development plan request. Notice of public hearing shall be given as provided in article V. If IDRC review, as required by section 16-54, is not complete due to county inaction prior to the scheduled public hearing, the application shall be deemed to have been passed by the IDRC without recommendation.

(Ord. No. 85-210, § 3, 1994; Code 1985, §§ 17.10.020, 17.10.030; Ord. No. 85-301, § 6, 11-6-01; Ord. No. 02-007, § 2, 6-11-02; Ord. No. 02-039, § 2, 6-22-2004; Ord. No. 02-091, § 4, 7-10-2007; Ord. No. 02-224, § 4, 5-1-2012; Ord. No. 02-256, § 32, 7-7-2015; **Ord. No. 02-273, § 2, ##-##-2017**)

Section 3. Chapter 16, Article IV, Section 16-152 of the Los Alamos County Code of Ordinances is hereby amended to add mixed-use to the Site Plan review requirements as follows:

Sec. 16-152. - Site plan required.

- (a) An approved or conditionally approved site plan shall be required for all development(s) of property or alteration or addition to existing structures, except as follows:
 - (1) The construction of individual single-family dwellings and all other permitted single-family dwellings and all other permitted, special and accessory uses in the R-A, R-E, R-1, R-4, R-5, R-6, P-D and R-M districts;
 - (2) The construction of individual single-family and two-family dwelling units, and the construction of structures under 120 square feet in area for all other permitted, special and accessory uses in any R-3 district;
 - (3) Changes to the interior of an existing structure may be made without any prior approval under this chapter;
 - (4) Facade changes, as defined by the latest county adopted edition of the Uniform Building Code, either through architectural or material means, may be made without any prior approval under this chapter, except if the building or structure is located in the H (historical site) district;
 - (5) The construction of an open sun screen which complies with the site development requirements of this chapter and all other applicable rules and regulations of the county.
- (b) *Site plan approval by the community development director.* Site plans shall be acted upon by the community director in accordance with the provisions of section 16-51.
- (c) *Downtown and Mixed-Use Districts.* Every development for any use in the downtown or mixed-use district shall require an approved site plan. The site plan shall expire and be of no force and effect for any development or part thereof for which a building permit has not been approved and construction commenced pursuant to the approved building permit within eighteen (18) months after approval of the site plan.

(Ord. No. 85-210, § 3, 1994; Code 1985, §§ 17.14.020—17.14.040; Ord. No. 85-301, §§ 7, 8, 11-6-01; Ord. No. 02-039, § 3, 6-22-2004; Ord. No. 02-273, § 3, ##-##-2017)

Section 4. Chapter 16, Article IV, Section 16-161 of the Los Alamos County Code of Ordinances is hereby amended to add and distinguish between comprehensive plan text and future land use map amendments as follows:

Sec. 16-161. - Comprehensive plan amendment review criteria.

- (a) During the course of the review of any application for approval of a comprehensive plan amendment, the IDRC shall utilize the following criteria in formulating a recommendation to the planning and zoning commission. The planning and zoning commission shall make findings to reflect the following criteria in making its recommendation of approval, conditional approval or denial to the county council, and the county council shall make findings to reflect the following criteria in its approval, conditional approval or denial:
 - (1) The amendment shall conform to the vision statement and policy plan of the comprehensive plan and to the Strategic Leadership Plan of the county council;
 - (2) The amendment replaces outdated information in the comprehensive plan, responds to changed conditions or provides new information which is not included in the comprehensive plan;
 - (3) The amendment does not conflict with other parts of the comprehensive plan.
 - (4) New goals or policies adopted by the county council that do not conflict with the comprehensive plan do not require amendment of the plan.

(b) Text amendments. Text amendments to the comprehensive plan include any changes, additions or deletions to any section of the comprehensive plan other than to the future land use maps. Changes to the Appendix are not considered comprehensive plan amendments.

(c) Future land use map amendments. It is intended that the future land use map be in general conformance with the official zoning map of the county. The director of the community development department shall periodically update the future land use map based upon approved changes to the zoning district of any parcel or parcels in the county.

(Ord. No. 02-224, § 11, 5-1-2012; Ord. No. 02-273, § 4, ##-##-2017)

Section 5. Chapter 16, Article VII, Section 16-271 of the Los Alamos County Code of Ordinances is hereby amended to add mixed-use and downtown district fence, hedges, and gate requirements as follows:

Sec. 16-271. - Fences, hedges and gates.

(a) *Height.* Solid or open fences or hedges shall not exceed six feet in height, with the exception of:

- (1) *Front yard.* Solid fences shall not exceed three feet in height and open fences or hedges shall not exceed four feet in height, or five feet in height in the R-A district.
- (2) *Side and rear yards on reverse corner lots.* Solid fences not exceeding three feet in height or open fences or hedges shall not exceed six feet in height in any district, are permitted in the required side yard area and within a projection of the same width through the rear yard to the rear property line in those side and rear yard areas adjacent to a street. These limitations are subject to the additional requirements of subsection (c) of this section.
- (3) *Commercial, industrial and R&D districts.* Fences or walls not exceeding eight feet in height may be permitted in any of these commercial, industrial and R&D districts but not within required front yards.
- (4) *Double frontage lots.* Fences, hedges or walls on double frontage lots are limited in section 16-272

(5) *Mixed-Use and Downtown districts.* Fences, hedges or walls in mixed-use or downtown districts shall not exceed eight feet in height and shall be further limited by subsection (c) of this section.

(b) *Gates.* Gates shall not be constructed so as to obstruct the public right-of-way or to obstruct the view of vehicular or pedestrian traffic as set forth in subsection (c) of this section. Gates shall not exceed 12 feet in height, except in the R-A and R-E zoning districts where structural support members of any gate shall not exceed 20 feet in height in any yard. The structural support of any gate not exceeding 20 feet in height in the R-A district is permitted.

(c) *Sight obstruction.*

- (1) It shall be the sole duty and responsibility of the owner or occupant of any corner lot to ensure that unobstructed vision for traffic safety is maintained on all corner lots such that there shall be located no structure, fence, wall, hedge, natural growth, sign or other object which materially impairs vision within an area bounded by the lot lines and a line joining points along each lot line 30 feet from their point of intersection with each other and the extension of the line into the unpaved area of the adjacent right-of-way, between a height of three feet and seven feet or more above the adjacent curb level, except as provided for in subsection (c)(3) of this section.
- (2) Whenever any owner or occupant suffers or permits the existence of a sight obstruction, the community development director, upon complaint or his own initiative, shall give notice in writing to the owner or occupant of the existence of the sight obstruction and of the owner's responsibility within 30 days of receipt of such notice to remove the sight obstruction or to show cause in writing to the community development director why such obstruction should not be removed. Such notice

shall be served to the property owner or occupant either personally or by certified mail. The owner's or occupant's failure to remove the sight obstruction or to show cause within the time specified shall be deemed to be:

- a. An admission of the existence of the sight obstruction; and
- b. A consent for the county to enter the property and remove the sight obstruction.

In so entering, the county may, in its discretion, use its own personnel or may contract with third parties for the removal of the sight obstruction. All removal costs shall be charged to the property owner; the full amount shall be payable by the property owner and shall constitute a lien in favor of the county against such property.

- (3) The requirements of subsection (c)(1) and (c)(2) of this section shall not apply to:
 - a. Legal nonconforming structures;
 - b. Public utility poles;
 - c. Vegetation, so long as it is not planted in the form of a hedge and is trimmed to the trunk to a height of at least seven feet or more above the adjacent curb level;
 - d. Official traffic-control signs and signals; and
 - e. Existing ground contours penetrating above the three-foot height limitation.
- (4) The requirements of subsections (c)(1)—(c)(3) of this section are declared to be the minimum and in no way prohibit the county engineer or county traffic engineer from applying more restrictive height and location standards where such action is warranted in consideration of the health, safety, and general welfare of the community.
- (5) Any structure, fence, wall, hedge, natural growth, tree, sign or other object erected, placed or allowed to remain in place which does not comply with the requirements of subsections (c)(1)—(c)(4) of this section is a sight obstruction.
- (d) *Grade level differences.* Where there is a difference in grade level between two properties, the permitted height of any fence within five feet of the common lot line shall be computed from the average grade level within that ten-foot distance, but in no case shall the fence height be limited to less than 42 inches.
- (e) *Barbed wire prohibited; exceptions.* Barbed wire fences are prohibited, except as follows:
 - (1) In the R-A district, in the rear yard but not on lot lines, abutting equestrian trails, public rights-of-way or county-owned lands;
 - (2) In all zoning districts where needed for security or safety purposes, barbed wire is permitted to be added to fences above six feet. Barbed wire fences are not permitted on residential lots except as allowed for lots in the R-A district.
- (f) *Finished side of fences.* The finished side of the fence shall front or face the right-of-way or adjacent property.
- (g) *Permit required for fences and walls.* A fence/wall permit is required prior to commencing construction of any fence or wall as required by the provisions of section 16-51(3)b.

(Ord. No. 85-210, § 3, 1994; Code 1985, § 17.40.010; Ord. No. 02-231, § 3, 7-26-2013; **Ord. No. 02-273, § 5, ##-##-2017**)

Section 6. Chapter 16, Article VII, Section 16-278 of the Los Alamos County Code of Ordinances is hereby amended to add mixed-use, or “MU”, to allowable Temporary Uses as follows:

Sec. 16-278. - Temporary uses.

The following regulations govern the operation of a temporary use. Los Alamos County sponsored events on Los Alamos County property shall be exempt from the provisions of this section. However, all temporary uses, including Los Alamos County sponsored events, shall be reviewed by IDRC and subject to appropriate and reasonable conditions as may be required to protect the health, safety, and general welfare of persons residing or working in the vicinity of the event.

- (1) *Applications.* Application for a temporary use permit shall be made to the community development director as set forth in section 16-122(l).
- (2) *Uses.* The following temporary uses are subject to the following specific regulations as well as to the regulations of the zoning district in which the use is located:
 - a. Fair, carnival, circus, or similar community event. In any DT, MU, C, M or P-L district, a temporary use permit may be issued for a period not longer than 15 days in any six-month period at the same site.
 - b. Holiday tree sales.
 1. In any DT, MU, C or M zoning district, lot sales of holiday trees are permitted for a period of no longer than 45 days, expiring December 30 of each year.
 2. In any P-L zoning district, lot sales of holiday trees are permitted only with the consent of the owner of such property for a period of no longer than 45 days, expiring December 30 of each year. The county council shall designate those county lands where lot sales of Christmas trees are to be permitted.
 - c. Contractor's office, equipment sheds and security fencing. In any district, a temporary use permit may be issued for a contractor's temporary office and equipment shed or mobile home incidental to a construction project. Such permit shall expire one year after the date of issuance or upon the issuance of a certificate of occupancy, temporary or final, whichever occurs first. As part of the temporary use permit for a contractor's temporary office, security fences not exceeding eight feet in height may be erected on the construction site, with the location and material of the fence to be approved by the community development director as part of the temporary use permit for the contractor's office and/or equipment shed. Barbed wire may be utilized for added security, but only at the top of the fence above six feet. Such fences shall be removed on or before the expiration of the temporary use permit.
 - d. Caretaker's unit. In conjunction with the temporary use provisions of subsection (2)c of this section, a temporary use permit may be requested for and issued for a caretaker's unit. Also see section 16-9(b) for family use as part of a caretaker's unit.
 - e. Real estate office. In any district, a temporary use permit may be issued for a temporary real estate sales office in any new residential subdivision or development, such permit to expire one year after the date of issuance or upon completion of sales or rentals of all other property or units within the subdivision or development, whichever occurs first. A model home may be used as a temporary sales office. No residential use may be made of the office or model home.
 - f. Religious tent meeting. In any district, a temporary use permit may be issued for a tent or other temporary structure to house religious meetings for a period of not more than ten days.
 - g. Temporary dwelling units during construction of a permanent single-family dwelling unit. For the purposes of this subsection, mobile homes and recreational vehicles may be allowed as temporary dwellings. A temporary use permit may be issued for the use of a temporary dwelling unit during the construction of any single-family or two-family dwelling, subject to the following conditions:
 1. The permit shall expire one year after the date of issuance or upon the completion of construction, whichever occurs first;

2. The applicant shall arrange for appropriate utility services to the temporary dwelling unit;
 3. The temporary dwelling unit's location on the site conforms to the site development standards of the residential district in which it is to be located. The temporary dwelling unit shall be removed from the site on or before occupancy of the dwelling unit.
- h. Student vendor sales.
1. In any P-L district, student vendor sales shall be permitted only with the consent of the owner of such property. The county council shall, by resolution, designate those county lands where student vendor sales are to be permitted. Student vendor sales on county lands are subject to the following conditions:
 - i. Applicants shall comply with the provisions of article II, chapter 12 of this Code.
 - ii. Student vendor sales of food products shall comply with state law.
 - iii. Temporary use permits for student vendor sales shall be valid from, and including, Memorial Day weekend to Labor Day weekend.
 - iv. Student vendor sales are limited to persons currently enrolled in high school or college. Proof of such enrollment shall be required at the time the application for a permit is submitted to the county.
 2. Notwithstanding any other provisions of this section, student vendor sales on the public rights-of-way is prohibited.
 - i. Seasonal sales of farm produce. A temporary use permit may be issued for the sale of farm produce and related products in any DT, MU, C, M or P-L district. The permit shall be for a period of time not longer than the growing and harvest season in a year and may be issued to individuals, groups or organizations.
 - j. Outdoor arts and crafts shows and exhibits. A temporary use permit may be issued for outdoor arts and crafts shows or exhibits located on public or private land or on public rights-of-way in any DT, MU, C, M, P-O or P-L district, for a period not longer than 15 days in any 90-day period.
 - k. Temporary use permit. All commercial and professional activities allowed in the DT, MU, C-1, C-2, C-3, P-O, M-1 and M-2 districts may request a temporary use permit within those respective districts to periodically conduct outdoor sales limited to not more than 30 calendar days cumulative in any 12-month calendar year period.

(Ord. No. 85-210, § 3, 1994; Code 1985, § 17.40.080; Ord. No. 02-244, § 2, 9-9-2014; Ord. No. 02-273, § 6, ##-##-2017)

Section 7. Chapter 16, Article VII, Section 16-281 of the Los Alamos County Code of Ordinances is hereby amended to add mixed-use ("MU"), and downtown districts ("DT"), as follows:

Sec. 16-281. - Inoperable vehicles.

- (a) *Finding.* The county council, having found that the existence of numerous inoperable vehicles is aesthetically unpleasing that can lead to lower property values, does impose the following conditions:
- (1) In all R, P-D, P-O, C-1, R&D, W-1, W-2 and H districts, any number of inoperable vehicles may be stored in an enclosed building in a rear yard and a maximum of three inoperable vehicles may be stored in a combination of the rear yard and side yard; provided, however, that they are kept within a sight-obscuring fence six feet in height or each is covered with an opaque cover designed to fit the motor vehicle.

- (2) In all R, P-D, P-O, C-1, R&D, W-1, W-2, **MU, DT**, and H districts, storage of inoperable vehicles is not permitted within the area between the front property line and the front of the main structure: except if the lot, because of topography or shape, and/or the structures located on the lot, cannot reasonably accommodate the location of inoperable vehicles in areas other than the front yard, and there is no visual safety hazard, one inoperable vehicle may be stored in a front yard; provided that it is covered with an opaque cover designed to fit the motor vehicle.
- (3) In the C-2, C-3 and all M districts, storage of inoperable vehicles is permitted, provided that storage of inoperable vehicles is permitted as part of a permitted or special use and complies with all use requirements of the district and all conditions, if any, imposed by the planning and zoning commission or county council.
- (4) Inoperable vehicles are prohibited in the public right-of-way or from encroaching upon the public right-of-way.
- (b) *Exemptions.* Exempt from the provisions of subsections (a) through (c) of this section are vehicles that are classified as vehicles of historic and special significance under the provisions of NMSA 1978, § 66-11-1 et seq., except that such vehicles, when stored in the front yard, will be covered with an opaque cover designed to fit the vehicle.

(Ord. No. 85-210, § 3, 1994; Code 1985, § 17.40.110; **Ord. No. 02-273, § 7, ##-##-2017**)

Section 8. Chapter 16, Article VII, Section 16-283 of the Los Alamos County Code of Ordinances is hereby amended to add clarify allowances for satellite dish use in mixed-use districts as follows:

Sec. 16-283. - Satellite dish antenna.

- (a) In all R, **MU**, and P-D districts, satellite dish antennas shall be an accessory use and shall comply with all site development requirements of this Code.
- (b) In all C, M, P-L, P-O, R&D, W and H districts, satellite dish antennas shall be a special use, requiring a public hearing before the planning and zoning commission prior to the issuance of the special use permit.

(Ord. No. 85-210, § 3, 1994; Code 1985, § 17.40.130; **Ord. No. 02-273, § 8, ##-##-2017**)

Section 9. Chapter 16, Article VII, Section 16-284 of the Los Alamos County Code of Ordinances is hereby amended to add mixed-use and downtown zoning districts to the screening and storage requirements as follows:

Sec. 16-284. - Screening and storage.

- (a) In all C-3, M and P-L districts, screening and storage requirements for permitted uses or activities shall be as described in this subsection. Every reasonable effort shall be made to store merchandise, manufactured products, raw materials, equipment, scrap, junk or solid waste in such a manner so as not to create a nuisance. A reasonable effort shall include but not be limited to compliance with all such material that shall be stored within a building with the following exceptions:
 - (1) Where such inside storage is not practicable or desirable and is justified with regards to health, safety or fire codes;
 - (2) Where the outside storage of merchandise, manufactured products or raw materials open to view from the public right-of-way is a normal and standard practice, such as in auto sales, recreational vehicles, nursery stock and the like, but not including the storage of secondhand goods or materials and junk;

- (3) Where the outside storage is necessary during construction. In such case, the outside storage shall be allowed only during the time that the required building permits are active. Outside storage of such material shall create no hazard or visual obstructions as set forth in section 16-271(c)(1), or create a fire, safety or health hazard.
- (b) In all R, **MU, DT** and P-D districts, storage and screening requirements for permitted uses or activities shall be as described in this subsection. Storage pertaining to residential activities shall comply with the same requirements as specified elsewhere in this section and in addition shall comply with the following:
- (1) Appliances and other mechanical equipment which are no longer operable or functional shall not be stored outside for a period of time exceeding 30 days. Refrigerators and freezers stored outside for any period must have doors removed.
 - (2) Inoperable vehicles shall be stored in compliance with the provisions of section 16-281.
 - (3) Recreational vehicles shall be stored in compliance with the provisions of section 16-280.
 - (4) Storage in the public right-of-way is prohibited.
- (c) A six-foot high solid fence or wall is required along a common lot line between the residential property and nonresidential property except as restricted by section 16-271.

(Ord. No. 85-210, § 3, 1994; Code 1985, § 17.40.140; **Ord. No. 02-273, § 9, ##-##-2017**)

Section 10. Chapter 16, Article VII, Section 16-287 of the Los Alamos County Code of Ordinances is hereby amended to add the mixed-use zoning district, or “MU,” to the Use Index Table:

Sec. 16-287. - Use index table.

USE INDEX

Name	R-A	R-E	R-1	R-M	R-3-L	R-3-H	R-3-H-40	R-4	R-5	R-6	*P-D	C-1	C-2	C-3	R&D	M-1	M-2	W-1	W-2	P-O	DT-CP	DT-TC	DT-N-C	DT-N-G	MU
Agriculture																									
Fish hatcheries																			S						
Hay or feed storage	A												A	P											
Livestock breeding	A																								
Residential																									
Accessory apartment	S	S	S	S							S														
Dwelling, loft																						P	P	P	P

Dwelling, multiple-family					P	P	P				P											P	P	P	P
Dwellings, single-family, attached				P	P	P	P				P								A			P	P	P	P
Dwellings, single-family, detached	P	P	P	P	P	P	P	P	P	P	P												P	P	
Dwellings, two-family				P	P	P	P																P	P	
Guesthouses	A	A																					P	P	
Mobile homes								P	P	P															
Boardinghouses	S	S	S	S	S	S	S				S												P	P	P
Dormitories						S	S				S	S	S	S									P	P	P
Bed and breakfast	A	A	A	A	A	A	A	A			A												P	P	P
Inn					S	S	S					P	P	P									P	S	P
Servant quarters, guestroom	A	A	A	A	A	A	A	A	A	A	A												P	P	P
Home occupations	A	A	A	A	A	A	A	A	A	A	A												P	P	P
Home business	S	S	S	S	S	S	S	S	S	S	S												P	P	P
Institutional																									
Churches, worship places	S	S	S	S	S	S	S				S	S	S	P	S					S	S	P	P	P	P
Cemeteries														P				P	P						
Clubs; social, fraternal and recreational	S	S	S	S	S	S								P	S	S						P	P	P	S
Funeral homes, mortuaries												P	P	P								P	P	S	P
Crematories												S	S	S											
Group homes	P	P	P	P	P	P	P	P	P	P	P												P	P	P
Hospitals; institutions													S	S								P			

Heliports, public or hospitals													S	S			S					S			
Museums													S	P						P	P	P	P	S	P
Nursing or rest homes						S	P					S	S	S							P	P	S	P	
Public buildings												P	P	P	P				P	P	P	P	P	P	P
Schools; business or vocational												S	S	P							S	P	P	S	P
Schools, private or parochial	S	S	S	S	S	S		S	S	S	S	S	P	P	P	A				P	S	P	P	S	P
Commercial																									
Amusement centers, indoor												S	P	P							S	P	P		
Amusement parks													S	S											
Firewood, sales and storage												A	A	P		P	P								
Firewood, sales																					A	A		A	
Automobile, boat, rec. vehicles, motorcycle; sales, rental and services												S	S	S								P			
Building materials, retail														P		P	P				P	P		P	
Building materials, wholesale														P		P	P								
Film laboratory, retail																					P	P	P		
Greenhouses												A	A	P		P	P		A						P
Hardware store												P	P	P		A	A				P	P	P	P	P
Laundries												P	P	P		P	P				P	P	P	P	P
Liquor stores												S	S	P							P	P		P	
Lounges or bars												S	S	P							S	P	P		P

Mobile home sales									A					P		P	P									
Parking facility												P	P	P	P	P	P			P	S	P	P			P
Restaurants, drive-in or takeout or walkup												S	S	P	S	S	S			S	S	P	P			S
Restaurants (indoor)												P	P	P	P	P	P			P	S	P	P	P		P
Restaurants, with alcoholic beverages												S	S	P	S	S	S			S	S	P	P	S		P
Retail businesses	A	A	A	A	A	A	A	A	A	A	A	P	P	P	A	A	A			A	A	P	P	P		P
Tire stores, sales and service												S	P	P									P			
Truck and trailer rental, sales and service												S	P	P		P	P									
Services																										
Ambulance services												S	S	P		P	P					P	P			
Auto, service stations												S	S	S		S	S						P			P
Banquet rooms												A	A	P						S	P	P	P			P
Carwashes												S	P	P									P			
Child care centers	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S			S	S	P	P	P		P
Day care facilities	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S			S	S	P	P	P		P
Day care homes	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		S	P	P			P
Caretaker's unit														S	A	A	A		S							A
Small electrical appliances and equipment repair												P	P	P		P	P					P	P	S		P
Financial institutions/banks, (drive-in)												S	S	S	A	A	A			A		P	P	P		S

Financial institutions/banks, (walk-in)												P	P	P	A	A	A			A		P	P	P	<u>P</u>
Home and business services	S	S	S	S	S	S	S	S	S	S	S	S	P	P	A	P	P			A		P	P	P	<u>P</u>
Hotels, motels													S	P							P	P	S	<u>P</u>	
Laboratory, support											S	S	S	S	S	S	S					S	S	S	<u>P</u>
Newsstands, portable												A	A	A	A	A	A			A	P	P	P	P	<u>P</u>
Offices, professional	A	A	A	A	A	A	A	A	A	A	A	P	P	P	P	A	A			P	S	P	P	P	<u>P</u>
Pet training, or breeding or kennels, commercial	S											S	S	S		S	S					S	S		<u>S</u>
Public utilities	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	<u>S</u>
Radio and TV, Studios/stations												P	P	S					P	P	S	P	P	P	<u>P</u>
Radio and TV, towers/antennas														S		S	S		S	S	S	S	S	S	<u>S</u>
Recycling stations						S						S	S	S		S	S				P	S	S	S	<u>S</u>
Satellite dish antennas	A	A	A	A	A	A	A	A	A	A	A	S	S	S	S	S	S	S	S	S	S	S	S	S	<u>S</u>
Self-service storage facilities												S	S	P		P	P						S		
Terminals, bus													S	P							S	P	P		<u>S</u>
Vehicle storage yards													S	S		S	S								
Veterinary clinics												S	S	P		P	P					P	P		<u>P</u>
Recreational																									
Art galleries												P	P	P	A					A	P	P	P	P	<u>P</u>
Bowling alleys													P	P							S	P	P		<u>P</u>

S = Special Use Permit Required

A = Accessory Use

Space = Use Not Permitted

Note: For uses in the PL, H, SP, RM-NC, and R3L-NC districts, see the appropriate sections of this chapter.

Note: Group homes are also permitted in the RM-NC and R3L-NC zoning districts.

*Note: As of August 28, 2007, Los Alamos County will no longer accept or approve new applications for the PD zone designation. This Use Index column shall only apply to PD zones in existence prior to this date. See Section 16-534 for rules governing land uses in the Special Plan (SP) District.

(Ord. No. 02-013, § 2, 8-20-2002; Ord. No. 02-008, § 3, 1-28-2003; Ord. No. 02-039, § 5, 6-22-2004; Ord. No. 02-058, § 2, 3-29-2005; Ord. No. 02-077, § 1, 7-11-2006; Ord. No. 02-091, § 7, 7-10-2007; Ord. No. 02-224, § 12, 5-1-2012; Ord. No. 02-253, § 1, 12-16-2014; **Ord. No. 02-273, § 10, ##-##-2017**)

Section 11. Chapter 16, Article XIII, Section 16-455 of the Los Alamos County Code of Ordinances is hereby amended to allow conditional approval of various matters for mixed-use districts as follows:

Sec. 16-455. - Conditional approval.

- (a) The community development director, board of adjustment, planning and zoning commission and county council may impose special conditions to assure the compatibility of the development, which is the subject of the application, with the surrounding area and with the comprehensive plan.
- (b) Applicants shall file a certificate of approval with the county clerk within 30 days from the expiration of the appeal period or of the final decision on an appeal; and shall either obtain the necessary building permits or shall commence the use as approved or conditionally approved within 18 months after the filing of the certificate of approval with the county clerk for approved or conditionally approved site plans, waivers, parking lot or parking facility expansions, or special use permits. In the downtown **and mixed-use** districts, the site plan shall expire and be of no force and effect for any development or part thereof for which a building permit has not been approved and construction commenced pursuant to the approved building permit within 18 months after approval of the site plan. The community development director may grant no more than one 18-month extension of time if the applicant, prior to the expiration of the initial 18-month period shows good cause, in writing, for such an extension.
- (c) If an applicant fails to comply with the time requirements of subsection (b) of this section, or if the approved use of land has ceased for a continuous period of more than 180 days, the site plan, special use permit, parking lot or parking facility expansion or waiver shall be deemed to be abandoned (also see article VIII, nonconforming uses) and shall be subject to revocation by the community development director upon the following procedures:
 - (1) The community development director shall serve upon the applicant by certified mail, return receipt requested, a letter requiring the applicant to show good cause, in writing, if any, the applicant has, within 30 days, why the site plan, special use permit, parking lot or parking facility expansion or waiver should not be revoked. If the applicant fails to respond within 30 days from the receipt of the notice by the community development director, the community development director shall issue a certificate of revocation of the site plan, special use permit, parking lot or parking facility expansion or waiver. The community development director shall file the certificate of revocation with the county clerk and serve upon the applicant a copy of the certificate of revocation by certified mail, return receipt requested.
 - (2) If the applicant responds to the letter but fails to show cause, the community development director shall issue a certificate of revocation of the site plan, special use permit, parking lot or parking

facility expansion or waiver, and the applicant shall have 15 days from such finding to file a written notice of appeal to the planning and zoning commission. The planning and zoning commission, upon appeal, shall conduct a public hearing and shall affirm or reverse the decision of the community development director to revoke the site plan, special use permit, parking lot or parking facility expansion or waiver. Upon a final determination that the site plan, special use permit, parking lot or parking facility expansion or waiver should be revoked, the community development director shall file a certificate of revocation with the county clerk and serve upon the applicant a copy of the certificate of revocation by certified mail, return receipt requested.

- (3) The community development director, upon being provided evidence that there is good cause for extension of time, may grant a one-time extension not to exceed six months; provided, there is clear evidence that issuance of building permits or commencement of the use will be completed within the six-month extension period. The community development director may evoke compliance by the establishment of due dates, a schedule of performance with additional financial guarantees for public improvements and landscaping and other terms or conditions as may be deemed appropriate. Failing this time extension, the applicant shall be afforded the process of subsections (c)(1) and (2) of this section.

(Ord. No. 85-210, § 3, 1994; Code 1985, § 17.22.050; Ord. No. 85-301, § 17, 11-6-01; Ord. No. 02-224, § 14, 5-1-2012; **Ord. No. 02-273, § 11, ##-##-2017**)

Section 12. Chapter 16, Article XIII, Section 16-533 of the Los Alamos County Code of Ordinances is hereby amended to add a mixed-use zoning district as Paragraph 27:

Sec. 16-533. - Official zoning districts.

The area of the county is divided into zoning districts. The location of each of the zoning districts is shown on the official zoning map. The zoning districts and the purposes of each district are as follows:

- (1) *Residential agricultural district (R-A)*. The R-A residential agricultural district is intended to accommodate single-family dwellings and accessory structures and uses and is further intended to maintain and protect a residential character of development characterized by large lots having a rural atmosphere, where agricultural, horticultural and animal husbandry activities may be pursued by the residents of the R-A district.
- (2) *Residential estate district (R-E)*. The R-E residential estate district is intended to accommodate single-family dwellings and accessory structures and uses and is further intended to maintain and protect a residential character of development characterized by large lots, creating in appearance a semirural environment.
- (3) *Single-family residential districts (R-1-5, R-1-8, R-1-10, R-1-12)*. The R-1-5, R-1-8, R-1-10 and R-1-12 single-family residential districts are intended to accommodate single-family dwellings and accessory structures and uses, and are further intended to maintain and protect a residential character of development.
- (4) *Residential mixed district (R-M)*. The R-M residential mixed district is intended to accommodate single-family and two-family dwellings and accessory structures and uses, and is further intended to maintain and protect a residential character of development.
- (5) *Multiple-family residential (low density) district (R-3-L)*. The R-3-L multiple-family residential (low density) district is intended to accommodate single-family, two-family and multiple-family dwellings and accessory structures and uses, and is further intended to maintain and protect a residential character of development.
- (6) *Multiple-family residential (high density) district (R-3-H)*. The R-3-H multiple-family residential (high density) district is intended to accommodate multiple-family dwellings and accessory structures and uses, and is further intended to maintain and protect a residential character of development.

- (7) *Multiple-family residential (very high density) district (R-3-H-40)*. The R-3-H-40 multiple-family residential (very high density) district is intended to accommodate multiple-family residential developments (primarily apartments or condominiums) at higher than normal densities, and further intended primarily to maintain and protect a residential character of development, but permitting auxiliary commercial or professional uses which are related to the primary use.
- (8) *Mobile home subdivision district (R-4)*. The R-4 mobile home subdivision district is intended to accommodate mobile homes or similar type dwelling units and accessory structures and uses in residential developments with individually owned lots, and is further intended to maintain and protect a residential character of development.
- (9) *Mobile home park district (R-5)*. The R-5 mobile home park district is intended to accommodate mobile home dwelling units and accessory structures and uses where mobile home sites are rented and is further intended to maintain and protect a residential character.
- (10) *Mobile home development district (R-6)*. The R-6 mobile home development district is intended to accommodate mobile home dwelling units and accessory structures and uses where mobile home sites can be rented, owned in fee simple, as part of a condominium, a cooperative or a land lease rental community, and is further intended to maintain and protect a residential character.
- (11) *Planned development residential districts (PD-2.0, PD-3.5, PD-5.0, PD-7.0, PD-12.0, PD-20.0)*. The PD-2.0, PD-3.5, PD-5.0, PD-7.0, PD-12.0 and PD-20.0 planned development residential districts are intended to accommodate varied developments of a residential character and are further intended to maintain and protect an interesting and flexible character of development with mixtures of single-family, two-family and multiple-family dwellings and accessory structures and uses. These PD-2.0, PD-3.5, PD-5.0, PD-7.0, PD-12.0 and PD-20.0 districts are also intended to encourage imaginative spatial design such as relatively high dwelling unit densities in portions of the development, compensated by open and recreation areas in other portions of the development (the PD designations are followed by numbers which are the maximum dwelling units per gross acre). Note: As of August 28, 2007, the county will no longer accept or approve new applications for the PD zone designation.
- (12) *Special plan district (SP)*. The SP special plan district is an overlay zone which may be used to increase design flexibility in conjunction with an R-M, R-3-L, R-3H, R-3-H-40, P-0, C-1, C-2, C-3, R&D, M-1, M-2, DT-CPO, DT-NGO, DT-NCO, or DT-TCO district. The special plan district may be applied to previously undeveloped areas of three acres or redevelopment of an area of three acres or more as long as it is under single or common ownership or development control. Requirements for establishing a special plan district are found in section 16-534.
- (13) *Professional office district (P-O)*. The P-O professional office district is intended to accommodate professional uses which are compatible with each other. Retail uses are not permitted unless they are subsidiary to professional services.
- (14) *Light commercial and professional business district (C-1)*. The C-1 light commercial and professional business district is intended to accommodate retail, service and professional uses, compatible with each other, to serve nearby residential districts. The regulations of this C-1 district are intended to encourage the growth and development of this type of commercial and professional facility.
- (15) *Civic center business and professional district (C-2)*. The C-2 civic center business and professional district is intended to accommodate and promote the commercial and professional development in the center of the community, with a mixture of public, historical and commercial uses which are compatible to each other, and which provide an attractive and appropriate setting in which countywide retail and professional services and cultural, recreational and governmental uses may be undertaken, performed or pursued. The C-2 district regulations are intended to encourage the commercial and professional growth and development of this area to that end.
- (16) *Heavy commercial district (C-3)*. The C-3 heavy commercial district is intended to accommodate commercial uses allowed in the C-1 and C-2 districts and those which generate more traffic and noise. Included are automotive-connected uses such as service stations, repair garages, tire

shops, motels and hotels, uses such as large stores, drive-in or takeout facilities and commercial recreation establishments.

- (17) *Research and development district (R&D)*. The R&D research and development district is intended to accommodate scientific research and development establishments, except for those scientific activities which could endanger or become detrimental to persons or property.
- (18) *Light industrial district (M-1)*. The M-1 light industrial district is intended to accommodate light industrial and certain accessory commercial uses, none of which create noise, smoke, odor, dust or similar emissions, and which generate a minimum of truck traffic. The regulations of this M-1 district are intended to encourage attractively developed sites to ensure further compatibility with adjoining areas of the community.
- (19) *Heavy industrial district (M-2)*. The M-2 heavy industrial district is intended to accommodate both light and heavy industrial uses in combination with limited accessory commercial uses. The regulations of this M-2 district are intended to ensure a compatible appearance and relationship with surrounding areas of the community.
- (20) *Public land district (P-L)*. The P-L public land district is intended to accommodate local government and school district uses and structures, designed to support community needs and the public health, safety and welfare.
- (21) *Scenic open lands district (W-1)*. The W-1 scenic open lands district is intended to maintain, protect and preserve the scenic and environmental quality, open character and the natural recreational value of undeveloped land.
- (22) *Recreation wilderness district (W-2)*. The W-2 recreation wilderness district is intended to maintain, protect and preserve the scenic and environmental quality, open character and natural recreational value of undeveloped land; and to accommodate public and private recreational uses of an open nature.
- (23) *Historic overlay district*. The historic overlay district is intended to promote and protect the heritage of the county by preserving sites and structures that have historical significance, in an appropriate setting. Such a district shall be established and regulated in accordance with the requirements of article XV of this chapter.
- (24) *Federal lands district (F-L)*. The F-L federal lands district is comprised of land owned by the United States government and to which the public does not have unrestricted access at any time. None of the provisions of this article are applicable to any land within the F-L district.
- (25) *Residential mixed—North Community district (R-M-NC)*. The residential mixed—North Community district is intended to accommodate single-family and two-family dwellings, accessory structures and uses within an area of the subdivisions of North Community No. 1 and No. 2. The district is further intended to maintain and protect a residential character of development.
- (26) *Multiple-family residential (low density)—North Community district (R-3-L-NC)*. The multiple-family residential (low density)—North Community district is intended to accommodate single-family, two-family and multiple-family dwellings, accessory structures and uses within an area of the subdivisions of North Community No. 1 and No. 2. The district is further intended to maintain and protect a residential character of development.

(27) *Mixed-Use (MU)*. The Mixed-Use district is intended to provide flexibility in the development or redevelopment of vacant or underused parcels, while promoting good design and encouraging economic development. This district allows office, residential and commercial uses, individually or in any combination, on the same lot or within the same structure. The mixed-use district corresponds closely, in uses and design and development standards to DT-NCO.

(Ord. No. 85-210, § 3, 1994; Code 1985, § 17.30.030; Ord. No. 85-287, § 1, 11-2-2000; Ord. No. 85-286, § 1, 12-9-2000; Ord. No. 02-008, § 3, 1-28-2003; Ord. No. 02-091, § 8, 7-10-2007; Ord. No. 02-086, § 1, 8-9-2007; Ord. No. 02-224, § 17, 5-1-2012; Ord. No. 02-273, § 12, ##-#-2017)

Section 13. Chapter 16, Article XIV, Section 16-578 of the Los Alamos County Code of Ordinances is hereby amended to add mixed-use development standards as follows:

Sec. 16-578. – Downtown **and mixed-use** districts development standards.

- (a) *Applicability.* Unless exempted pursuant to section 16-578(c), downtown **and mixed-use** district development standards set out in section 16-578(d) through 16-578(h) and the Use Index, as applicable to the overlay districts in the downtown district **and the mixed-use districts**, shall apply to every development or change in use on any property in the downtown **or mixed-use** district. Downtown **and mixed-use** district development standards shall control in the event of any conflict with other provisions of the County of Los Alamos Development Code.
- (b) *Severability.* If any section, subsection, paragraph, subparagraph, sentence, clause, phrase or portion of this section 16-578 is for any reason held to be invalid, unconstitutional or unenforceable, the decision shall not affect the validity of the remaining portions of this section. The council hereby declares that this section, and each section, subsection, paragraph, subparagraph, sentence, clause, phrase and portion thereof would have been adopted irrespective of the fact that one or more portions of this section may be declared invalid, unconstitutional or unenforceable.
- (c) *Exemptions.*
 - (1) Legally existing nonconforming structure. Any building or structure legally existing at the time of the rezoning of the underlying property to a downtown **or mixed-use** district, although such building or structure does not conform to the downtown **and mixed-use** district development standards, may continue as a legal nonconforming building or structure.
 - (2) Legally existing nonconforming uses. Any use which was lawfully established prior to the rezoning of the underlying property to a downtown **or mixed-use** district, may continue its operation. If a legally existing nonconforming use is discontinued for a period of 12 months, the nonconformity shall not be re-established. No nonconforming use may be altered or expanded in any manner. Routine maintenance may be permitted only to the extent that it preserves existing nonconforming uses.
 - (3) Repair of legally existing nonconforming structures. A legally existing nonconforming structure may be repaired to its existing nonconforming status provided such damage is less than 25 percent of the assessed value of the structure as determined by county tax assessment for the then current year. If such a repair is to occur, a building permit shall be obtained within 90 days of the date of the peril or casualty and repair construction commenced within 180 days after the casualty occurred. Construction shall be completed and a certificate of occupancy issued within 18 months of the issuance of the building permit. The structure shall be replaced on the same footprint, with the same facade and other exterior features, and with the same square footage, except as may otherwise be authorized by this section. The repair shall not result in any greater deviation from the development standards for the downtown **or mixed-use** district and the applicable downtown overlay district than existed before the casualty. If repairs are not completed within the allotted time or the casualty creates damage equal to or greater than 25 percent of the assessed value, the structure shall be reconstructed in conformance with this Code.
 - (4) Prevention of blight and prevention of demolition by neglect. A legally existing nonconforming structure shall be kept in good repair, maintenance, and upkeep to prevent deterioration. Should a nonconformity fall into a state of blight, the county may require the landowner to repair or otherwise remodel the building in conformance with this section.
 - (5) Interior remodeling. Exclusive interior remodeling that does not change the building footprint or expand an existing nonconforming use is exempt from the provisions of this section.
- (d) *Allowed uses.* Uses allowed in the downtown district and applicable overlay zones **and mixed-use district** are described in the development code Use Index.

- (e) *Definitions.* The following words, terms and phrases, when used in sections 16-578, 16-579 and 16-580 of the development code shall have the meaning ascribed to them in this subsection except where the context clearly indicates a different meaning. The meaning ascribed in this subsection 16-578 (d) shall apply to those terms as used in the indicated sections, even if a different meaning is ascribed to that term, word or phrase in section 16-9 of the development code.

(1) General terms.

- a. Arcade means a covered continuous passageway at least eight feet wide and eight feet high designated for public use between the building front and the column or post supporting the cover.
- b. Building envelope means the area within which the building footprint must be located.
- c. Building frontage means the wall or walls of a building that are parallel to the property line adjoining a public right-of-way or a pedestrian-way established for public use by the approved site plan.
- d. Downtown streetwall element means a wall, fence, hedge, earth berm or other feature that is at least 50 percent opaque.
- e. Exempt structure means a structure that is exempt from the provisions of section 16-578(c) through section 16-578(g) pursuant to section 16-578(c).
- f. Footprint means the area of a building foundation, not including the facade.
- g. Front property line means any property line adjoining a roadway or public pedestrian way.
- h. Street frontage means the property line along 15th Street, **Diamond Drive**, or Central Avenue within the downtown **or mixed-use** district.
- i. Glazing means clear, non-reflective, non-tinted window glass.
- j. Ground floor frontage means the building frontage on the ground floor of a building.

(2) Allowed facade types.

- a. Dooryard and lightcourt is a type of facade where an elevated garden or terrace, or sunken light court separates the building from the front property line.
- b. Forecourt is a type of facade where the building is generally aligned close to the front property line with a specified portion of the building setback from the front property line creating a forecourt. A wall at least three feet in height must separate the forecourt from the public right-of-way.
- c. Gallery and arcade is a type of facade that requires a special use permit to allow an encroachment into the public right-of-way. The sidewalk must be located fully within the arcade and any supporting column or post must be at least two feet distant from the curb face.
- d. Porch is a type of facade that is setback from the front property line where a porch feature no larger than eight feet in depth and 12 feet in width is attached to the front of the building and extends to a distance of five to 12 feet from the sidewalk.
- e. Portal is a type of facade that is a long covered entrance supported by a series of columns.
- f. Shopfront and awning is a type of facade that is placed at or close to the front property line, with the entrance at sidewalk grade. A shopfront is a conventional facade for retail ground floor frontage. It is commonly equipped with cantilevered shed roof or awning.
- g. Stoop is a type of facade that is placed close to the front property line with the ground story elevated from the sidewalk.

(3) Uses.

- a. Lodging means use of a building for temporary quarters for sleeping.

- b. Office use means use of space within a building for any office, retail or commercial purpose, excluding retail sales, personal services, and manufacturing.
 - c. Personal services use means use of a building for the purpose of providing non-medical services to individuals.
 - d. Residential use means use of a building as a residence, except that lodging and short-term letting of a residence for less than one month's duration is not a residential use.
- (f) *Applicable standards.* Development in the downtown **or mixed-use** district shall conform to the standards and requirements set out in table 16-578-t1.
- (g) *Building placement.*
- (1) The building shall be located within the building envelope as specified for the applicable downtown district overlay zone **or mixed-use district** standards shown in figure 16-578-f1.
 - (2) The downtown streetwall element requirements set out in table 16-578-t1 shall apply to that portion of any property with street frontage where parking adjoins, or separated by less than 20 feet from, Central Ave., **Diamond Drive**, or 15th Ave., except that a streetwall element is not required for dwellings, single family in the DT-NCO overlay district or to any development in the DT-CPO overlay district.
 - (3) The only facade types allowed in the downtown **or mixed-use** districts are the allowed facades described in section 16-578(e)(2).
- (h) *Encroachments on public right-of-way.* Facades described in section 16-578(d), other than a porch, may encroach up to 12 feet into the public right-of-way with a special use permit. The criteria for consideration and approval of such a special use permit shall be the assurance of adequate and safe pedestrian passageway, consistency in appearance and use with adjoining properties, encroachment only on portions of the right-of-way used for sidewalks or landscaping, site plan features that demonstrate that the encroaching facade will be compatible with adjoining areas; not create any public health, safety or welfare concerns; and conform to the site development standards of the downtown district and applicable overlay district. Any special use permit for an encroachment on the public right-of-way shall be subject to a maintenance agreement in a form adopted by the county and shall be terminable upon 180 days' prior written notice from the county to the holder of the special use permit if the county requires the property encroached upon, or a part thereof, for a governmental purpose.
- (i) *Street sections.*
- (1) Within the downtown **or mixed-use** district, the construction of new public and private, roadways and informal service passages intended to allow public and private vehicular access to the rear of one or more properties, and dimensional changes to existing streets shall conform to the street section standards shown in figure 16-578-f2, and shall include measures for pedestrian safety and convenience, such as crosswalks, small curb radii, curb extensions, refuge islands, raised crosswalks, speed humps, and frequent (including midblock) crossings.
 - (2) Each new development in the downtown **or mixed-use** district shall provide pedestrian connections to the roadway network necessary to assure pedestrian convenience and safety.

(Ord. No. 02-039, § 8, 6-22-2004; Ord. No. 02-053, § 1, 4-26-2005; **Ord. No. 02-273, § 13, ##-#-2017**)

Section 14. Chapter 16, Article XIV, Section 16-578-t1 of the Los Alamos County Code of Ordinances is hereby amended to add the mixed-use category to the “Downtown district development standards” table as follows:

Sec. 16-578-t1. - Downtown district **and Mixed Use district** development standards (table).

		CIVIC/ PUBLIC OPEN SPACE CPO	TOWN CENTER TCO	NEIGHBOR- HOOD CENTER NCO	NEIGHBOR- HOOD GENERAL NGO	MIXED USE MU
Uses and Design Standards	Maximum impervious cover; maximum lot coverage	80%	No maximum	No maximum	No maximum	70%
	Glazing, minimum ground floor building frontage length	No minimum	40%	No minimum	No minimum	No minimum
	Maximum windowsill height (along ground floor frontage)	N/A	30"	N/A	N/A	N/A
	Lodging, ground floor frontage	No limitation Not permitted	Not permitted No limitation	Not Permitted No limitation	No limitation	No limitation
	Retail and personal services, except restaurants maximum floor area	No maximum	No maximum	No maximum	2500 sf.	No maximum
Architectural interest features	Maximum spacing of features of architectural interest, such as doors, insets, projections, detailing	50'	50'	50'	50'	50'
Building Height	Maximum building height, except within 150' of the property line adjoining Los Alamos Canyon and except within 50' of the boundary of a property in any R-1 zoning district	60'	60' or, if at least 20% of the building floor area is residential OR parking is located in the building, then 75'	45' or, if at least 25% of the building floor area is residential, OR parking is located in the building, then 60'	45'	50'
	Maximum building height within 150' of a property line adjoining Los Alamos Canyon	45'	45'	45'	45'	45'
	Maximum building height within 50' of the boundary of a property in any	35'	35'	35'	35'	35'

	R-1 zoning district					
Canyon Edge Setback	Minimum setback from property line adjoining Los Alamos Canyon, county-owned property	40'	40'	40'	40'	40'
Parking	Park once	Permitted	Permitted	Permitted	Permitted	Permitted
	Shared parking, on-site and off-site	Permitted	Permitted	Permitted	Permitted	Permitted

(Ord. No. 02-039, § 8, 6-22-2004; Ord. No. 02-273, § 14, ##-#-2017)

Section 15. Chapter 16, Article XIV, Section 16-579 of the Los Alamos County Code of Ordinances is hereby amended to add mixed-use to the parking requirements as follows:

Sec. 16-579. - Parking.

- (a) *Applicability.* Parking meeting the requirements of this section is required for every development in the downtown and mixed-use districts. The provisions of article IX of the development code apply, except as otherwise provided in or in conflict with this section. The minimum number of off-street parking spaces required in the downtown and mixed-use districts shall be determined in accordance with section 16-579-t1 (table).
- (b) *Parking envelope.* Parking shall be restricted to the parking envelope specified for mixed-use or the applicable downtown district overlay district as set out in figure 16-579-f1. Parking areas may not be accessed by vehicles through street frontage, unless, at the time the site plan is considered for approval, the applicant demonstrates a practical difficulty or hardship that is not self-imposed and not generally shared by other lots with street frontage, in which event vehicular access from the street frontage may be authorized as shown on approved site plan.
- (c) *Shielding.* Any part of a parking area that is visible from a location where a downtown or mixed-use streetwall element is required or from any property adjoining or across the street from property in an R-1 any R zoning district shall be shielded from view by a wall, fence or hedge that is at least three feet high and no more than eight feet high. The requirements of this subsection (c) shall not apply to the extent necessary to assure adequate ingress and egress and sight distance for vehicular and pedestrian traffic or to address other safety concerns. A downtown or mixed-use streetwall element must be at least 50 percent opaque.
- (d) *Park once program.* The council may authorize a park once program for the purpose of allowing a developer to make a payment in lieu of providing required off-street parking spaces. If the county authorizes a park once program, a developer may make application to the county to participate in the program in accordance with the terms of the program with respect to any use or structure in the downtown district, including exempt uses and exempt structures.
- (e) *Shared parking.*
 - (1) *Applicability.* Parking spaces necessary to meet the minimum off-street parking space requirements for two or more uses in the downtown or mixed-use district may be shared in accordance with this section provided that:
 - a. The shared parking spaces are all located within the downtown or mixed-use district;

- b. All shared spaces must be within 1200 feet of the perimeter of the lot on which each use is located;
 - c. The aggregate minimum number of off-street parking spaces required by this chapter are provided and maintained while any or all of the uses for which the shared parking is permitted continue to exist.
- (2) Criteria. Parking spaces necessary to meet the minimum off-street parking space requirements of this chapter may be shared only if a shared parking agreement in recordable form is executed by the owners of the properties for which parking will be shared. The shared parking agreement shall conform to the requirements of section 16-372, except that the agreement shall include a provision specifying that, for the uses together, an aggregate minimum number of off-street parking spaces will be provided and maintained to conform with section 16-579-t2 (table) below:
- (3) Additional requirements. The provisions of section 16-372(c) and (d) shall apply to shared parking in the downtown **and mixed-use** districts.
- (f) *Waiver of parking requirements—Off-hour uses.* The planning and zoning commission or other applicable decision-making authority may waive parking requirements for uses with respect to which peak parking demand occurs after the evening peak period parking demand for the downtown **or mixed-use** district, and adequate on-street or public parking is available. The waiver shall be requested at the time of the site plan application or application to amend a site plan. The planning and zoning commission or other applicable decision-making authority may require the applicant to undertake, at the applicant's expense, studies and other activities necessary to demonstrate, to the satisfaction of the planning and zoning commission or other applicable decision-making authority, that the requirements of this section are met.
- (g) *Off-site parking.* Off-site parking shall be located within 1200 feet of the property line on which the use requiring the parking is located. Off-site parking spaces shall be committed by a recordable covenant, lease, or other agreement, acceptable to the county. The covenant, lease, or other agreement shall not be terminable during the time the use or uses requiring the committed parking spaces is in existence. The parties to the covenant, lease, or agreement shall include the owners, and if applicable, the lessees of the off-site parking spaces and the owners, and if applicable, the lessees of the subject site, with covenants reflecting the conditions of approval and the approved off-site parking plan.
- (h) *Motorcycle parking.* Up to three percent of required parking spaces, not including handicapped parking spaces, may be spaces for motorcycles meeting the numeric requirements of the development code.

(Ord. No. 02-039, § 8, 6-22-2004; **Ord. No. 02-273, § 15, ##-#-2017**)

Section 16. Chapter 16, Article XIV, Section 16-579-t1 of the Los Alamos County Code of Ordinances is hereby amended to add number of parking spaces for mixed-use areas to the existing table as follows:

Sec. 16-579-t1. - Minimum number of off-street parking spaces required in the downtown district—All overlay districts (table) **and in the mixed-use district.**

USE	ONE PARKING SPACE IS REQUIRED PER THE SPECIFIED NUMBER OF SQUARE FEET OF NET USABLE FLOOR AREA, UNLESS OTHERWISE STATED	
	Any parking not in the rear, offsite, or in or under the building	All parking in rear, offsite, or in or under the building

Lodging	1 space per bedroom	1 space per bedroom
Professional/Office Uses	350 sf	450 sf
Residential Uses	750 sf	950 sf
Commercial Uses and Personal Services	500 sf	625 sf
Home Occupation	350 sf	450 sf

(Ord. No. 02-039, § 8, 6-22-2004; **Ord. No. 02-273, § 16, ##-#-2017**)

Section 17. Chapter 16, Article XIV, Section 16-582 of the Los Alamos County Code of Ordinances is hereby amended to add mixed-use to the Downtown district architectural standards:

Sec. 16-582. - Downtown district **and mixed-use** architectural standards.

- (a) *Purpose.* The purpose of these design standards is to promote the visual quality, mutual compatibility, and identifiable imagery of downtown **and mixed-use** buildings through the application of appropriate architectural design standards.
- (b) *Applicability.* The provisions of this section shall only apply to property located within one of the downtown overlay districts enumerated in this chapter. Within these districts, the following types of construction shall be subject to the requirements of this section:
 - (1) New buildings; and
 - (2) Building additions visible to the general public containing at least 500 gross square feet of floor area; and
 - (3) Building facade modifications visible to the general public involving at least 1,000 square feet of facade area; and
 - (4) Any exterior building modifications visible to the general public involving the use of county funds.
- (c) *Exemptions.* Buildings and building modifications constructed prior to the effective date of this section and those buildings and building modifications for which a development application or building permit was filed with the community development department prior to the effective date of this section shall be exempt from the requirements of this section. Temporary buildings and structures shall also be exempt.
- (d) *Waivers.* When reviewing development applications subject to this section, the planning and zoning commission may waive strict compliance with any of the architectural standards listed below if, in the opinion of the commission, both of the following special circumstances apply:
 - (1) Strict compliance with the standards would be impractical for architectural or engineering reasons beyond the control of the applicant; and
 - (2) The applicant proposes an alternate design solution that would still meet the purposes of this section and result in an overall design of equal or better quality.

- (e) *Exterior building materials.* The exterior walls of buildings and structures shall consist of a mixture of two or more predominant exterior building materials from the list of allowable predominant building materials shown below. For the purposes of this section, "predominant exterior building materials" shall mean those exterior building materials whose total area when taken together constitute 60 percent or more of a building's total exterior wall surfaces visible to public view, excluding windows and doors. Furthermore, except for portions of exterior walls not open to public view, the exterior walls of buildings and structures shall not contain materials from the list of non-permitted exterior building materials also shown below. A variety of other exterior, non-predominant wall materials including window glass, metal panels, and decorative concrete block may be utilized constituting the remaining 40 percent or less of exterior walls. Figure 16-582-2 at the end of this section illustrates materials from each of the three categories of materials listed below.
- (1) *List of allowable predominant exterior building materials.*
- a. Stucco or artificial stucco;
 - b. Natural stone;
 - c. Clay brick and pre-assembled clay brick panels;
 - d. Exposed timbers, logs, or wood trim;
 - e. Any other materials that convincingly match the appearance of these materials.
- (2) *List of non-permitted exterior building materials.*
- a. Exposed poured-in-place concrete except that decorative pre-cast units resembling stone shall be allowed;
 - b. Plain concrete block whether painted or unpainted;
 - c. Plywood panels whether plain or decorative;
 - d. Vinyl and aluminum siding and all horizontal lap siding regardless of material.
- (3) *List of allowed non-predominant exterior building materials.*
- a. Decorative precast concrete block;
 - b. Metal panels and trim;
 - c. Glass;
 - d. Any other exterior material except those on the non-permitted list in subsection (e)(2) above.
- (f) *Exterior building wall colors.* To avoid visual monotony, all downtown **and mixed-use** buildings shall feature at least a three-color scheme on exterior walls, consisting of two predominant colors and at least one accent color. The term "exterior color" may either mean the natural color of allowed materials such as stone, or applied colors drawn from a palette of natural earth tones and vegetation tones such as those found in the county natural environment and illustrated in figure 16-582-3 at the end of this section. Such earth tones include shades of buff, reddish brown, cream, and ochre. Such vegetation tones include shades of olive, green, tan, and light brown and gray-brown. For the purposes of this section, "predominant exterior colors" shall mean two exterior building colors whose total area when taken together constitute 60 percent or more of a building's total exterior wall surfaces open to public view excluding windows and doors. The requirement for a three-color scheme may be met through the use of two predominant exterior colors plus the use of an accent color. There are no limitations on the choice of accent colors but such colors should be carefully chosen to complement the predominant color scheme and character of the building's architectural design.
- (g) *Roof forms, materials, and colors.* A variety of building roof shapes is permitted and the mixture of both flat and sloped roofs on a single building is encouraged to promote visual interest and complex massing as described in subsection (h) below. A variety of building roof materials is permitted with the exception that sloped roofs visible to public view shall be sheathed with shingles, architectural metal panels, decorative clay tiles, or similar decorative materials. Rubber or asphalt roll roofing or tar and

gravel roof systems shall not be used except on flat roofs behind parapet walls or on other roof areas not generally visible to public view. A variety of roof colors may be used except that strong primary colors and highly reflective colors and highly reflective metal surfaces are strongly discouraged.

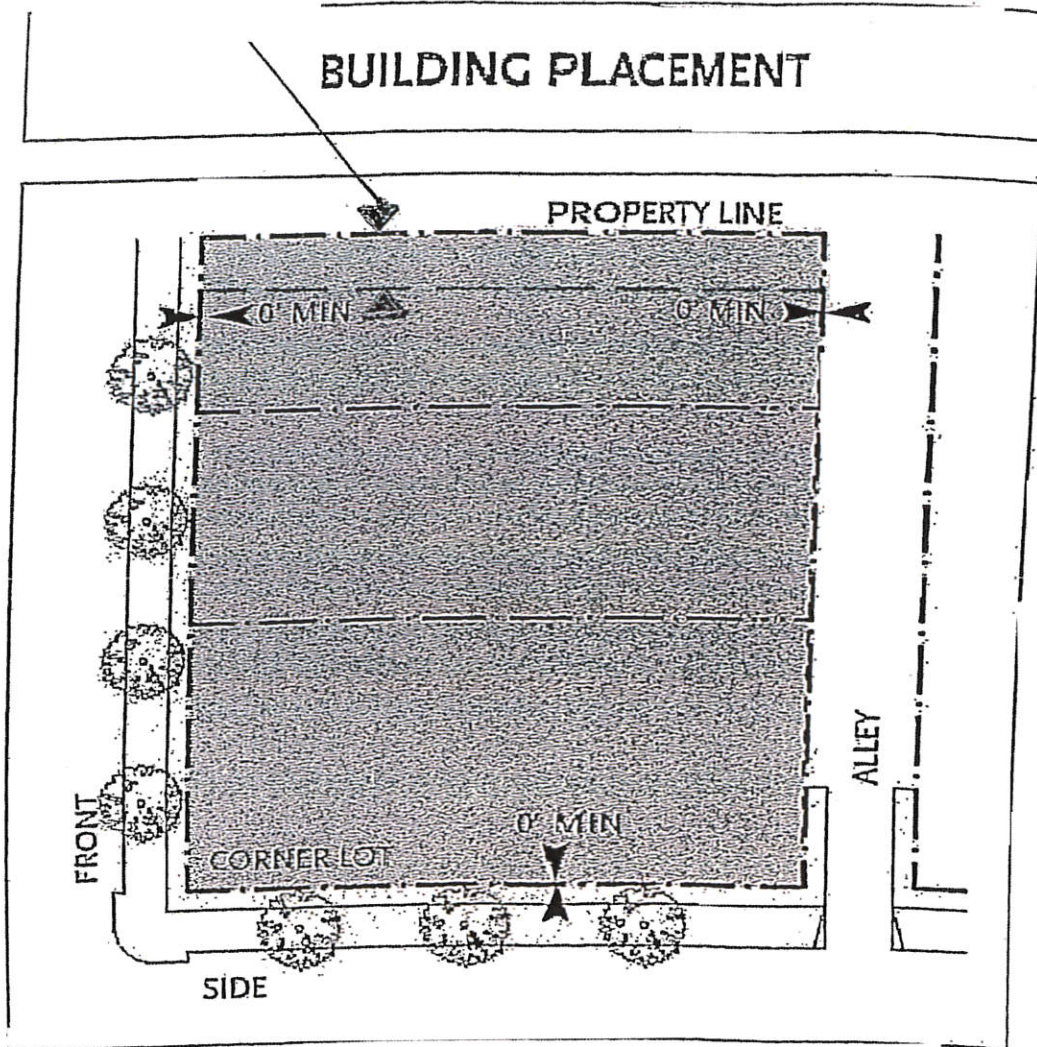
- (h) *Requirement for complex architectural massing.* Architectural massing refers to the way a building is shaped. Building designs featuring a single geometric shape such as a simple rectangle shall not be allowed. The requirement for complex massing may be met by building designs featuring a variety of parapet heights, varying building wall setbacks or balconies, a variety of roof forms, and an irregular building footprint. Figure 16-582-4 illustrates examples of complex massing found in existing county buildings as well as examples of buildings that would not meet this requirement.
- (i) *Requirement for four-sided design.* All sides of a building open to public view shall employ architectural features such as windows, a variety of colors, patterns, and complex massing to achieve visual interest especially at the pedestrian level. Flat, blank walls along public rights-of-way shall not be allowed. Figure 582-5 illustrates examples of existing building that would and would not meet this requirement.
- (j) *Screening of roof-top mechanical equipment.* Roof-top mechanical equipment 12 inches or more in diameter shall be screened by a parapet wall or other devices at least as high as the equipment to be screened. Where such equipment presents a uniform rectangular profile against the sky, the sides of the equipment may function as the screen if such sides are painted to blend with the adjacent parts of the building. The requirement to screen roof-top mechanical equipment shall not apply to electronic communication equipment such as satellite dishes and antennae that rely on a clear line of sight to function, but wherever possible such communication devices should be placed in such a manner as to minimize their impact on public views from surrounding streets. Other provisions notwithstanding, this section requirements shall not be interpreted to mean that roof-top mechanical equipment will never be in view from the ground. Figure 16-582-6 shows existing situations that would and would not meet these screening requirements.
- (k) *Architectural styles.* A variety of architectural styles and design themes are permitted, but to the maximum extent practicable, the design of new buildings in the downtown **and mixed-use districts** should reflect or interpret design themes of existing key downtown Los Alamos buildings as illustrated in figure 16-582-1.

(Ord. No. 02-083, § 1, 2-27-2007; **Ord. No. 02-273, § 17, ##-#-2017**)

Section 18. Chapter 16, Article XIV, Figures 16-578-F1, 16-579-F1, 16-578-f2, 16-582-1, 16-582-2, 16-582-3, 16-582-4, 16-582-5, and 16-582-6 of the Los Alamos County Code of Ordinances are hereby amended to add mixed-use to the Downtown district architectural standards:

FIGURE 16-578-F1

MINIMUM SETBACK FOR
PROPERTY ADJOINING PROPERTY
IN AN R-1 ANY R ZONING
DISTRICT*

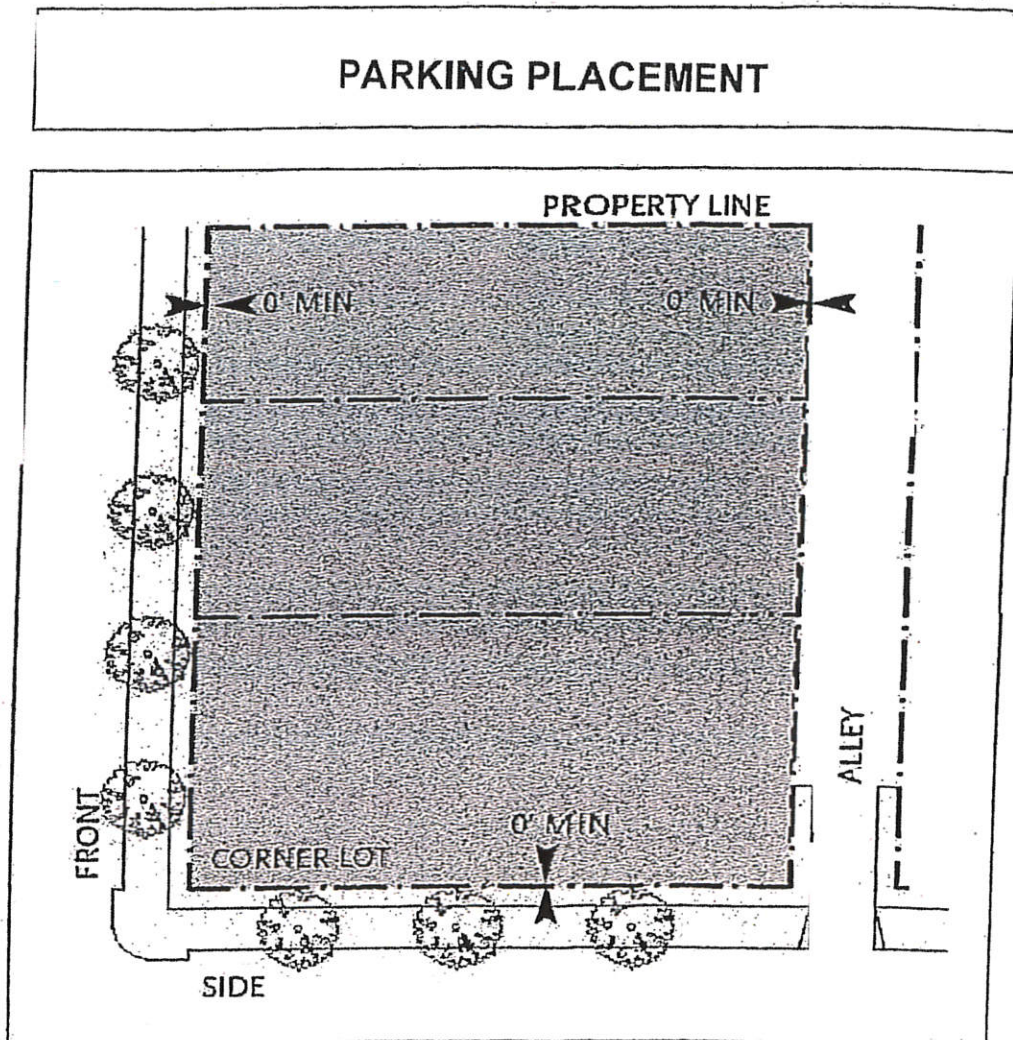


APPLIES TO ALL DOWNTOWN DISTRICT OVERLAY ZONES
AND TO THE MIXED-USE DISTRICT

*IF THE LOT ADJOINS PROPERTY
IN AN R-1 ZONING DISTRICT,
THE MINIMUM SETBACK WILL
MIRROR THE SETBACK ON THE
ADJOINING R-1 R-ZONED
PROPERTY AND IS EQUAL TO
THE MINIMUM SETBACK ON
THE ADJOINING PROPERTY IN
R-1 R DISTRICT

BUILDING PLACEMENT

FIGURE 16-579-F1

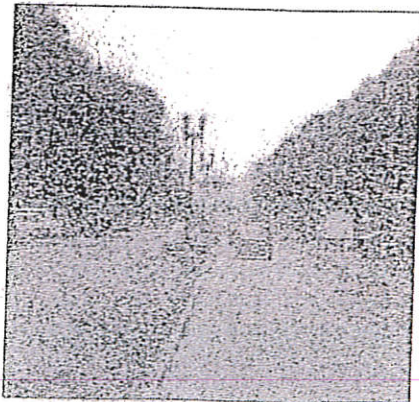
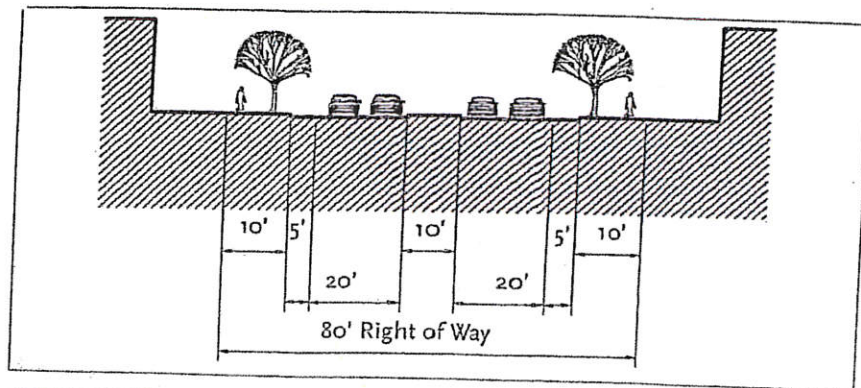


APPLIES TO ALL DOWNTOWN DISTRICT OVERLAY ZONES **AND TO THE MIXED-USE DISTRICT**

PARKING PLACEMENT

FIGURE 16-578-f2

STREET SECTIONS

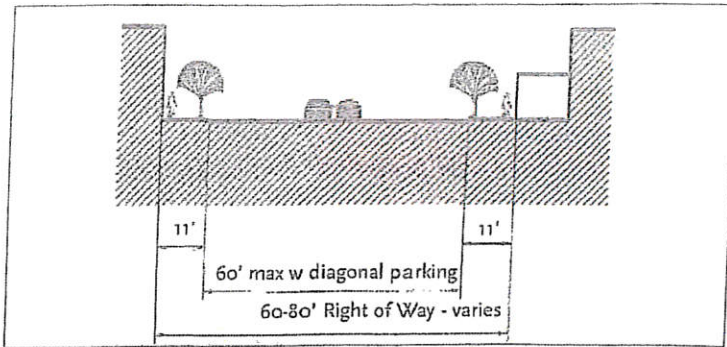


STREET SECTION A EXAMPLE: Trinity Drive

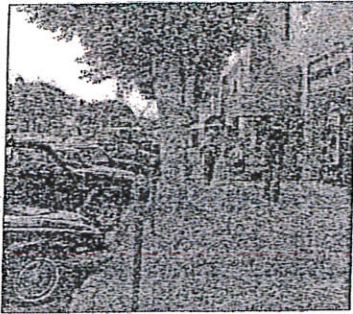
With an 80' right of way this is the most heavily traveled thoroughfare in Downtown. Trinity is charged with facilitating the pedestrian, while maintaining traffic flow. During peak hours, there is two lanes of moving traffic in both directions, as in the existing condition. A 5' bike lane is located next to the curb on both sides. A 10' landscaped median is installed, as is a 10' sidewalk and buffer with trees placed at approximately 40' on center with the intent of providing a streetwall.

STREET SECTIONS

STREET SECTIONS:

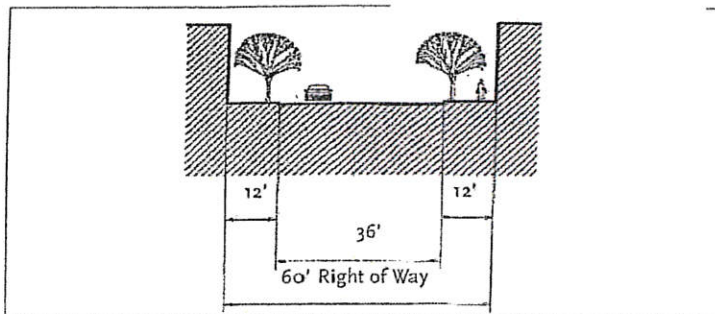


STREET SECTION B EXAMPLE: Central Avenue



Central Avenue, with an 60-80' right of way, will maintain one lane of moving traffic in each direction. Angled parking is allowed on both sides of the roadway where the right of way is of sufficient width or additional width can be borrowed from the fronting lots. An 11' sidewalk and buffer will be maintained, with trees planted on both sides at approximately 30' on center with the intent of providing a streetwall. Just west of 15th street, Central narrows to a 50' right of way, with parallel parking. Buildings are required to front the right-of-way without setbacks.

Los Alamos Downtown Ordinance



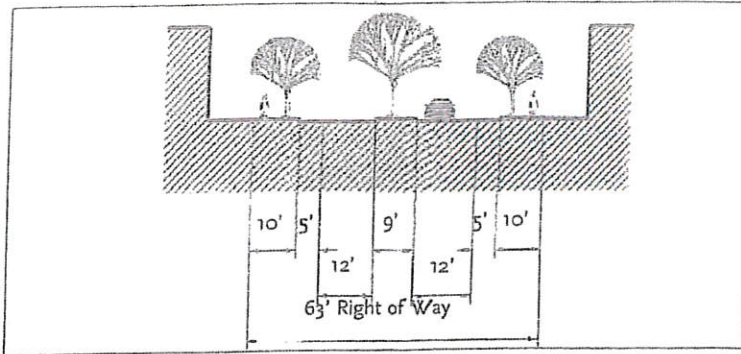
STREET SECTION D EXAMPLE: Main Street



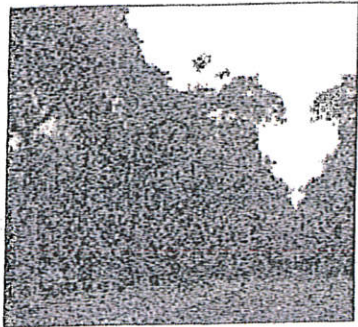
A new north-south Main Street would have a right of way of 60' with one lane of travel in each direction. Parallel parking will be provided on both sides. There is a 12' sidewalk and buffer on both sides, with trees planted at approximately 30' on center. Buildings are required to front the right-of-way without setbacks.

STREET SECTIONS

STREET SECTIONS:

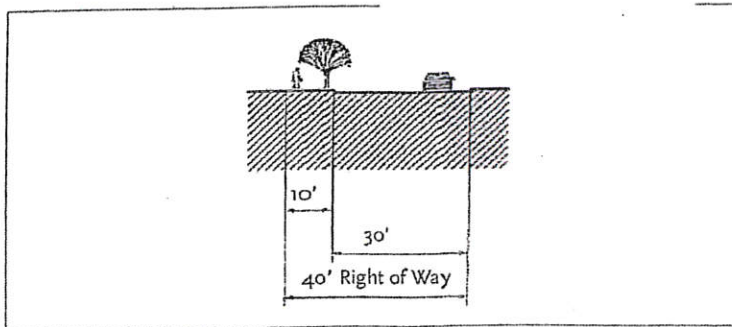


STREET SECTION E EXAMPLE: 15th Street



The 63' right of way along 15th Street will be maintained, although the structure of the road will be altered. There will be one lane of travel in each direction, but the continuous left-turn lane will be replaced where possible with a 9' median with trees planted at approximately 40' on center, allowing for left hand turns into existing drives. On either side of the road there will be a 5' bike lane and a 10' sidewalk and buffer. Trees along the buffer will be planted at approximately 30' on center. Along 15th Street a 0' setback is required.

Los Alamos Downtown Ordinance



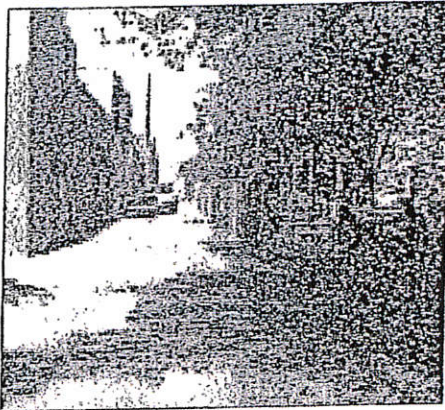
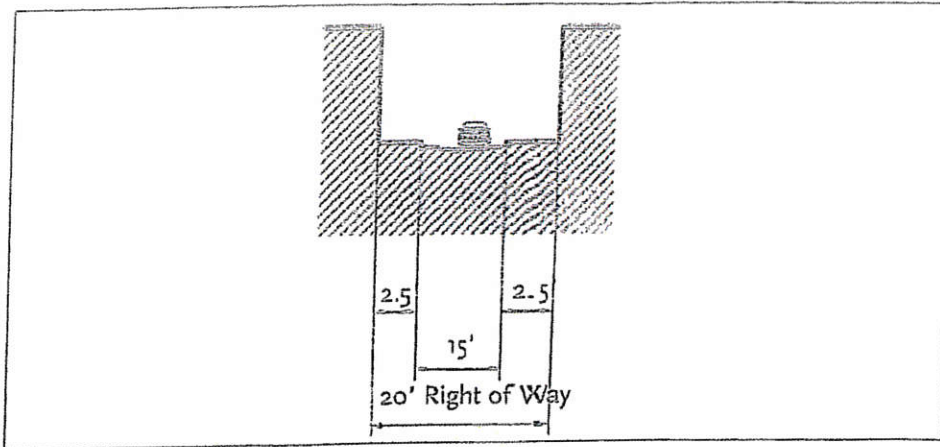
STREET SECTION F EXAMPLE: One-way streets



This street is intended for the edge of a park or plaza and has a 30' right of way, accommodating one-way traffic. Angled parking may be provided and a 10' sidewalk and buffer opposite the park. Trees will be planted in the buffer at approximately 30' on center.

STREET SECTIONS

STREET SECTIONS:



STREET SECTION I

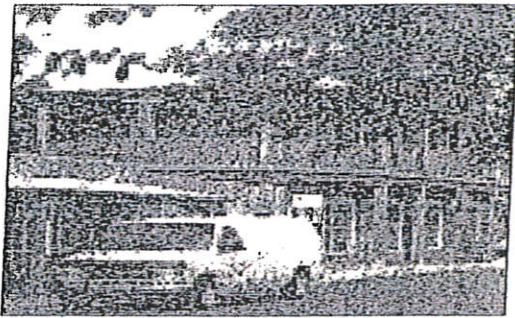
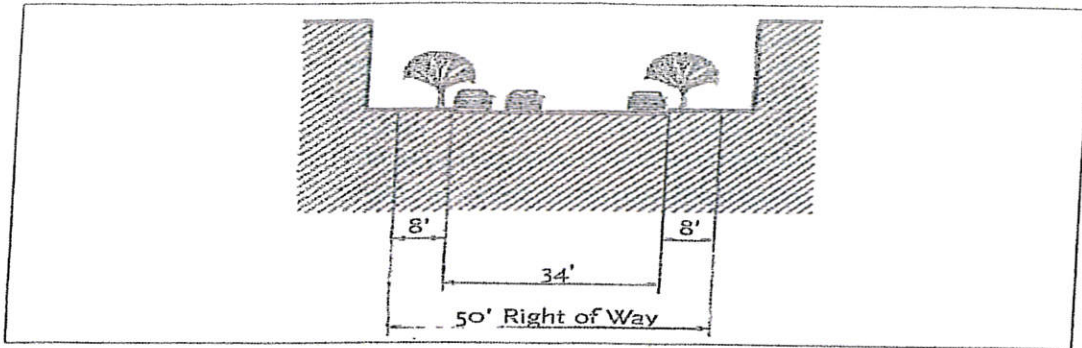
EXAMPLE: Alleys

All alleys will be informal, service passages of minimum dimension, with a typical right of way at 16'-24'. Alleys will be key elements in taking messy delivery vehicles, docks and service activities out of view from the principal Downtown Streets. Setbacks vary.

Los Alamos Downtown Ordinance

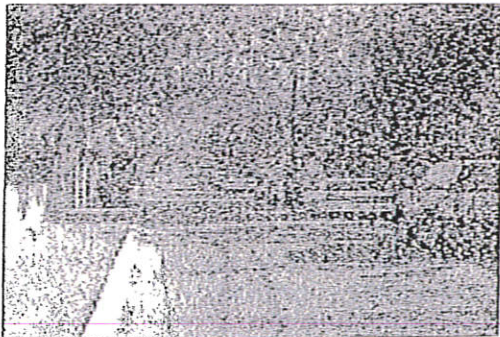
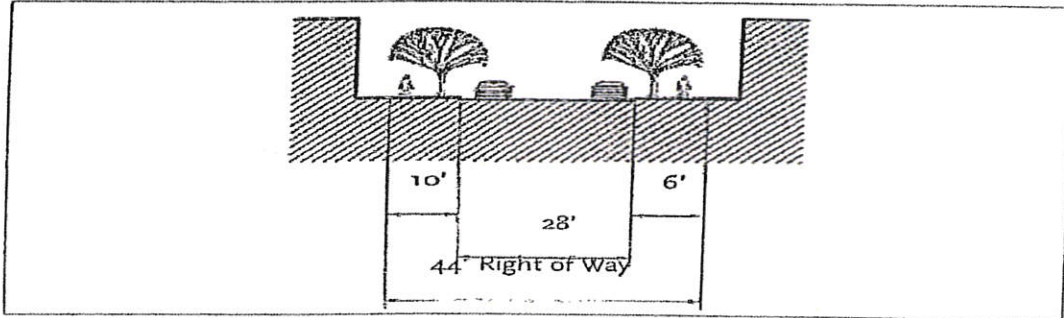
STREET SECTIONS

STREET SECTIONS:



STREET SECTION G EXAMPLE: Typical North-South Streets

All North-South streets in Downtown (excluding Main and 15th) will have a 50' right of way with one lane of travel in each direction. On-street, parallel parking will be allowed on both sides. An 8' sidewalk and buffer will be located on each side, with trees planted at approximately 30' on center.



STREET SECTION H EXAMPLE: Typical East-West Streets

Typical East-West streets in Downtown (excluding Trinity, Central and Mesa) will have a 44' right of way with one lane of travel in each direction. On-street, parallel parking will be allowed on one side only. An 6' sidewalk will be located on the south side and a 10' sidewalk and buffer located on the north. Trees are planted at approximately 30' on center on the north side and at intersections on the south.

Figure 16-582-1—Key Downtown Los Alamos Buildings

Although Los Alamos buildings exhibit a range of architectural styles, there are certain key downtown buildings that help to define a highly positive image for our community and have been used as the basis for these downtown design standards. Each of the buildings shown here exemplifies various architectural qualities of the current downtown that should be encouraged in the future. Each of these buildings would meet all the design requirements of this section if they were proposed today.

Fuller Lodge

Exterior building materials:

Predominant materials are stucco and logs.

Exterior building colors:

The two predominant colors are natural wood and warm gray stucco with an accent color of a darker gray trim.

Roof form and color:

The pitched roofs compose a complex form with a muted gray shingle roof.

Complex massing:

Pitched roofs and separate wings satisfy this requirement.

Four-sided design:

The building is interesting from all sides.

Screening:

Mechanical equipment is hidden from common view.



Illustration 1: Fuller Lodge. Original section designed by architect John Gaw Meem and built in 1928. Additions added in 1948.

Los Alamos Post Office

Exterior building materials:

Predominant materials are stucco and stone.

Exterior building colors:

Two predominant colors are a lighter and darker tan with a brick accent.

Roof form and color:

Building has multiple parapet heights.

Complex massing:

The design features a well-balanced series of rectangular shapes and low walls.

Four-sided design:

The building is interesting from all sides.

Screening:

Mechanical equipment is hidden from major views.



Illustration 2: The Los Alamos Post Office, built in 1948

Figure 16-582-1 continued--Key Downtown Los Alamos Buildings

Bradbury Science Museum

Exterior building materials:

Predominant materials are stucco and stone.

Exterior building colors:

Two predominant colors are a medium gray picking up the tone of distant mountains, and an earth-red with accents of natural stone.

Roof form and color:

Unusual sloping parapets echo the profile of mountain ridges.

Complex massing:

Angled walls and multiple corners created the required complex massing.

Four-sided design:

The building is interesting from all sides.

Screening:

Mechanical equipment is hidden from major views.



Illustration 3: Bradbury Science Museum built in 1993

Existing Conforming Building

While not a "key" downtown building, this existing bank structure also illustrates a downtown architectural design that meets all of the design requirements of the ordinance.

Note the use of the two predominant materials—brick and stucco, the interesting roof treatment and muted color of the metal roof, and the placement of two major parts of the building at angles to each other. The building also exhibits the same level of design detail on all four sides. See Figure 16-582-6 for a photograph of how the roof-top mechanical equipment is screened.



Illustration 4: Zia Credit Union

Figure 16-582-1—Key Downtown Los Alamos Buildings--concluded

Although not actually in the downtown overlay district, this residential complex is adjacent to it and meets all downtown design standards. It also illustrates how a contemporary building can use the architectural themes found in the Fuller Lodge to help reinforce one of Los Alamos' traditional architectural styles.

Existing Conforming Residential Complex



Illustration 5: 2500 Central

Exterior building materials:

There are three predominant materials here, stucco, stone, and wood half-timbering.

Exterior building colors:

All the colors on this building are muted earth tone colors found in Los Alamos' surrounding natural landscape.

Roof form and color:

A complex pitched shingle roof system creates visual interest.

Complex massing:

The design of these units avoids long stretches of flat walls.

Four-sided design:

The buildings in this development are interesting from all sides.

Screening:

Note how the metal chimney flue is clad in stucco to help it blend with the overall style of the building.

Figure 16-582-2 Downtown and Mixed-Use Requirements for Exterior Building Materials

The exterior walls of the building in the downtown and mixed use districts need to be composed of two or more predominant materials from the list of preferred exterior building materials listed in Section 16-582 (e)(1). For the purposes of the ordinance, “predominant” means those exterior building materials which when taken together constitute 60 percent or more of a building’s total exterior wall surfaces excluding windows and doors and open to public view.

The following photos from existing Los Alamos sites illustrate many of the materials on the list.

Stucco



Stone



Wood trim,, timbers, logs, and clay brick



Figure 16-582-2 continued - Downtown **and Mixed-Use Requirements for Exterior Building Materials**

Examples of Materials from the list of Non-Permitted Exterior Building Materials.

These photos illustrate the materials that are NOT allowed on exteriors, although they may be allowed in limited areas that are not open to public view.

Exposed poured-in-place concrete



Prefabricated metal buildings

However, metal panels may be used as a minor accent on buildings.



Vinyl and aluminum siding, and all horizontal lap siding regardless of material



Plain concrete block whether painted or unpainted

Figure 16-582-2 concluded- Downtown and Mixed-Use Requirements for Exterior Building Materials

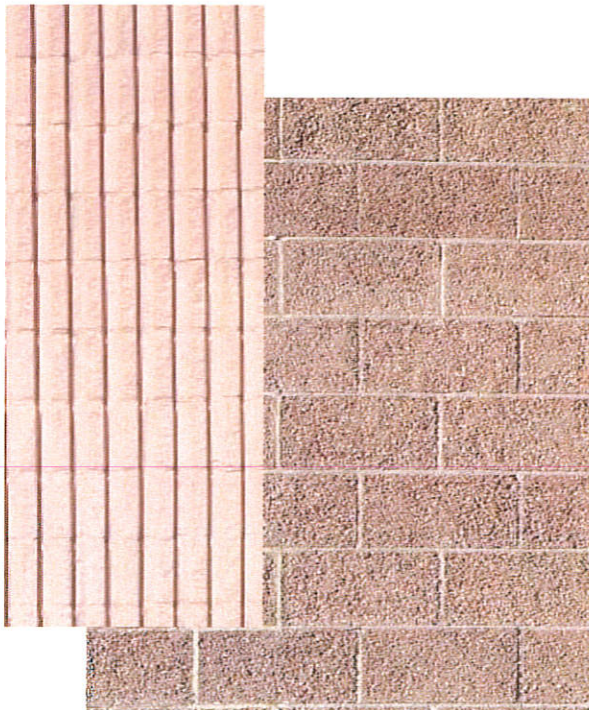
Examples of Materials from the list of Non-Predominant Exterior Building Materials

These exterior building materials MAY be used in downtown and Mixed-Use buildings, but NOT as predominant building material. That is, their use is to be limited to less than 40 percent of a building's total exterior wall surfaces excluding windows and doors and open to public view.

Glass and metal "curtain walls"



Decorative concrete blocks. (Plain concrete blocks are a non-permitted building material.)



Metal panels.

Figure 16-582-3 - Downtown and Mixed-Use Color Palette

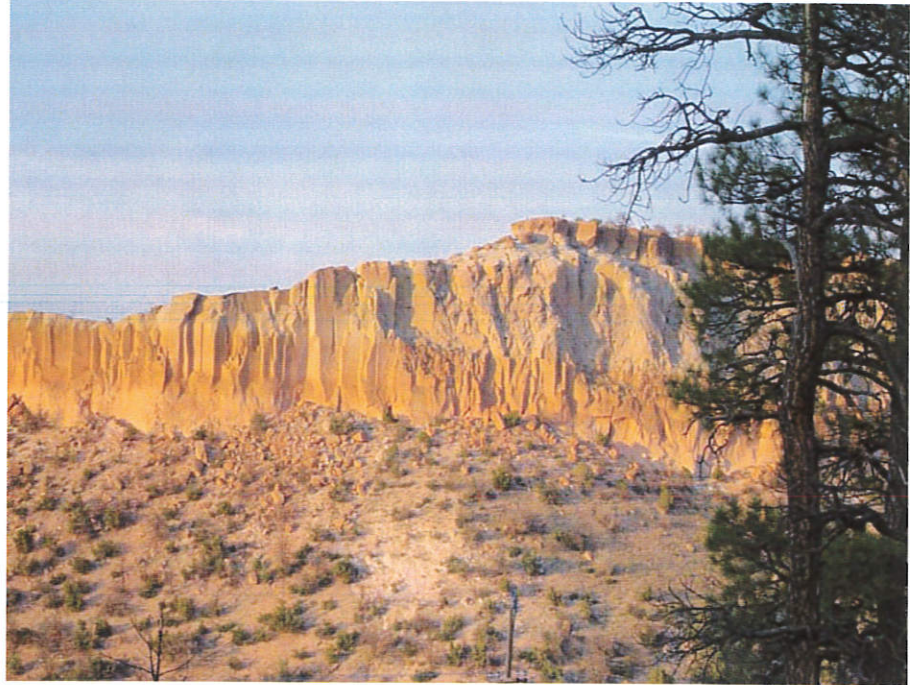
Figure 16-582-3 illustrates the colors found in Los Alamos County's natural environment on which the requirements of sec. 16-582(f) are based.

For predominant colors:

Canyon walls suggest colors including shades of tan, buff, cream, ochre, and warm grays.

Earth colors suggest shades of reddish tan.

Vegetation suggests shades of olive, muted greens, straw, reddish brown, light brown, and grayish brown



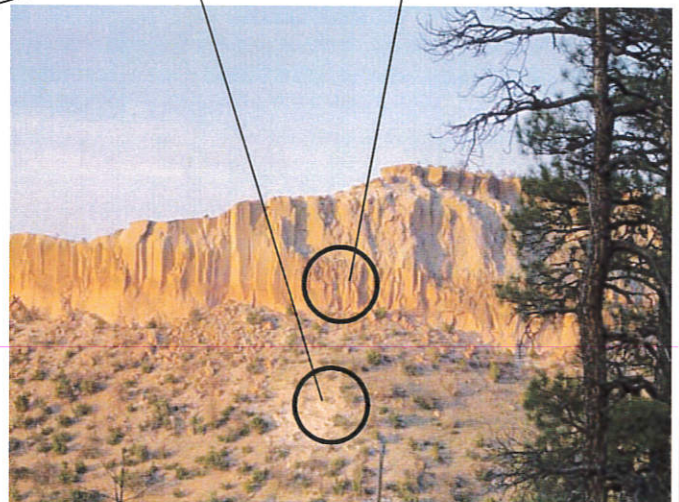
For accent colors:

There are no limitations on the selection of building exterior accent colors, but the landscape suggests many possibilities. Consider using soft muted colors including light blues, off-whites, and blue-grays from the sky and distant mountain ranges; pale yellows, blues, and reds from wild flowers; light greens from spring grasses; or deeper greens and deeper green-browns from pine forests. Where sloped roofs are employed, the use of strong primary colors and bright fluorescent is discouraged.



Figure 16-582-3 continued - Downtown **and Mixed-Use** Color Palette

This existing Los Alamos residential condominium is an excellent example of using a full range of exterior colors drawn from our natural environment. It more than meets the ordinance color requirement. The arrows in these photographs show how colors found in our natural environment can be successfully used as exterior building colors.



Using a color palette drawn from our natural surroundings.

Figure 16-582-4 - Downtown and Mixed-Use Requirement for Complex Building Massing.

Figure 16-582-4 illustrates the idea of complex building massing as required by section 16-582(h).

Illustration 1 at the right shows a commercial building that does not meet the ordinance requirement for complex building massing. Its single box-like shape and lack of any protruding or recessed architectural features makes it uninteresting.



Illustration 1. This simple box-shaped building does not meet the requirement for complex massing. (It also fails to meet the ordinance requirement for exterior materials since it is composed entirely of concrete block.)

Illustration 2 at the bottom shows an existing downtown building with a more complex massing that would meet the requirements of this ordinance. Note how the sloping parapets and protruding masses at the front and side of the building add architectural interest. Projecting sunscreens over the windows are both practical and add further complexity to the exterior.



Illustration 2. This existing Los Alamos office building features a more complex shape and does meet the complexity requirement.

Figure 16-582-4 continued - Downtown and Mixed-Use Requirement for Complex Building Massing.

While the general design and quality of the office building at the right is good, the stark shape of the building as a single rectangular box is not appropriate for the image of downtown Los Alamos or in Mixed-Use districts and does not meet the requirement for complex massing. (The exterior of the building is predominately glass and metal panels, which also violates the exterior materials requirements of section 16-582(e)).

building on the bottom does meet the requirement for complex massing. Successive stories are set back from the building base and the overhanging canopy at the first floor and projecting sunscreens on the second and third floors add additional complexity to the building's basic shape. (The building's exterior use of stucco also meets the requirements of section 16-582(e)).

Illustration 3: Plain box shape does not meet ordinance requirement for complex massing.



Illustration 4: Setbacks at the second and third stories and sunscreens give this Los Alamos building interest and complexity.



Figure 16-582-5- Downtown and Mixed-Use Requirement for Four-Sided Design.

Figure 16-582-5 illustrates the requirement for four-sided design.

Illustration 1 at right shows a blank building wall easily visible from the street. This type of design clearly DOESN'T meet the requirement for four-sided design and is prohibited by the ordinance.



Illustration 1: This building doesn't meet the ordinance requirement.

Illustration 2 below shows a recent Los Alamos building that DOES meet the requirement for four-sided design. All sides of this building are clearly visible to the general public and show a consistent degree of architectural interest and consistent design features. The ordinance does not prevent a main façade from being more prominent or dominant than other facades, but all visible sides of a downtown building should be equally pleasing and well developed from the standpoint of design. (This building also meets ordinance requirements for color and complex massing.)



Illustration 2: This building does meet the ordinance requirement.

Figure 16-582-6- Downtown and Mixed-Use Requirement for Screening Rooftop Mechanical Equipment.

be seen, but rather that building designers will use reasonable screening methods to hide or reduce the visual impact of such equipment.

Illustration 1 shows an example of roof-top mechanical equipment on a sloped roof that, if installed after the effective date of this ordinance, would NOT meet the requirements of the ordinance. (Existing equipment installed prior to the ordinance is exempt from the ordinance.)



Illustration 1: This installation does not meet the requirements of the ordinance.

While still visible, this installation is completely recessed into the sloped roof and meets the requirements of the ordinance.



Illustration 2: This installation does meet the requirements of the ordinance

Figure 16-582-6 concluded- Downtown and Mixed-Use Requirement for Screening Rooftop Mechanical Equipment.



This building MEETS the ordinance requirement for rooftop screening because:

- The rectangular units on the roof of the building present the same profile against the sky as they would if they were screened; and
- Their color matches other sections of the façade; and
- They are not visible from the adjacent street. (The photo on the left was taken from a block away with a telephoto lens which makes the building appear closer. The photo on the right approximates the view from an adjacent street.)

Section 19. Effective Date. This Ordinance shall become effective thirty (30) days after notice is published following its adoption.

Section 20. Severability. Should any section, paragraph, clause or provision of this ordinance, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

Section 21. Repealer. All ordinances or resolutions, or parts thereof, inconsistent herewith are hereby repealed only to the extent of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed.

ADOPTED this _____ day of _____, 2017.

**COUNCIL OF THE INCORPORATED
COUNTY OF LOS ALAMOS**

David Izraelevitz
Council Chair

ATTEST: (SEAL)

Naomi D. Maestas
Los Alamos County Clerk



County of Los Alamos

Staff Report

April 12, 2017

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.:

Index (Council Goals):

Presenters:

Legislative File: **9319-17**

Informed Decisions

A Guide to Gathering Facts and Evidence

February 18, 2009

Conference resources accessible
from CD-ROM main menu

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Today's Speakers



David A. Theriaque, Theriaque Vorbeck & Spain



Martha Mason Semmes, AICP, Town of
Purcellville, Virginia



Eric Damian Kelly, FAICP, Ball State University and Duncan Associates



Carolyn Torma, American Planning Association

2

The Site Visit

How should the site visit be conducted?



Martha Mason Semmes:

- Collect facts that cannot be easily determined from other sources; visualize development
- Provide notice
- Property owner, applicant, staff
- Staff take notes and provide a written summary at the next meeting
- No decisions can be made at site visit

3

Any concerns about staff making recommendations?



- Prefer staff to make alternate recommendations
- Staff provide analysis of various recommendations
- Discuss possible conditions

7

What facts and evidence should be gathered when there is no staff?



- Consider increasing fees to pay a planner on retainer
- Must have someone verify what's in the application
- Helpful to have planner and attorney create a checklist

8

What must the commission consider?



- Do not consider who is applying, who is opposed or in support, how many support or oppose
- Do not rely on information outside the record
- Get staff to disclose information
- Consider the comprehensive plan
- Deal with every criteria for the decision

9

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 10 visible lines. The paper appears to be part of a notebook or binder, as there's a slight shadow on the right side suggesting it's bound. The overall appearance is clean and unused.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

Linking to the Plan

How are courts looking for the connection to the plan?



David Theriaque:

- FL: must comply with comprehensive plan
- Statutes can be more restrictive than the plan

13

Preparing the Record

How can commissions approach findings and official records?



Martha Mason Semmes:

- Staff report summary includes findings and alternative draft motions as a starting point
- For zoning boards, motion must include each specific finding
- Applicant deserves more than “no”; commission to explain decision
- Helps create defensible public record

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Preparing the Record

Does the attorney need to draft the motion?



Eric Kelly:

- Motion should come from the floor
- Have a checklist to shape the motion
- Focus on the contested issues
- Listen to both sides, but the evidence resolves the problem

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Preparing the Record

Advice for preparing a proper record for defensible decisions?



David Theriaque:

- Controversial meetings:
 - Staff meet with attorney to prepare
 - Have attorney draft the findings and attend the meeting
- Everything presented must be introduced into the record and kept
- Courts only look at the written record; supporting materials must be described

16

Preparing the Record

What about long, technical reports?



Eric Kelly:

- Planning director can summarize
- Call attention to pertinent passages and read important information in oral testimony
- Allow time to read long documents

17

Preparing the Record

Adjourn a meeting before a decision has been reached?



Martha Mason Semmes:

- No; option to continue discussion to later meeting
- Statutory deadlines for action
- Appropriate when:
 - Additional research needed
 - New information needs more deliberation
 - Insufficient time to hear all
- Executive session in certain circumstances

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Making Great Communities Happen

Preparing the Record

What about executive sessions?




Eric Kelly:

- Not needed unless:
 - Discussing strategy for litigation that has been filed
 - Addressing personnel issues
- In unruly meetings, better to keep the meeting going and reach a decision
- Matter of trust and respect


19

APA American Planning Association
Making Great Communities Happen


Q & A




David A. Theriaque



Martha Mason Semmes, AICP



Eric Damian Kelly, FAICP



David Morley, *question taker*



Carolyn Torma, *moderator*

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APA American Planning Association
Making Great Communities Happen

LINCOLN INSTITUTE
OF LAND POLICY

Informed Decisions A Guide to Gathering Facts and Evidence

February 18, 2009

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