

INCORPORATED COUNTY OF LOS ALAMOS CODE ORDINANCE NO. 02-278

REVISION NO. 2017-01 IN TEXTUAL FORM TO THE OFFICIAL ZONING MAP OF THE INCORPORATED COUNTY OF LOS ALAMOS BY REZONING FIVE (5) COUNTY OWNED PARCELS, AT A TOTAL OF APPROXIMATELY ~41.03 ACRES OF LAND: 1) 141 35TH STREET, 7.50± ACRES, ALSO KNOWN AS A-13-2, FROM F-L (FEDERAL LAND) TO MU (MIXED USE); 2) 121 35TH STREET, 4.37± ACRES, ALSO KNOWN AS A-12, FROM P-L (PUBLIC LAND) TO MU (MIXED USE); 3) 120 DP ROAD, 4.25± ACRES, ALSO KNOWN AS A-9, FROM C-3 (HEAVY COMMERCIAL) TO MU (MIXED USE); 4) 125 DP ROAD, 21.69± ACRES, ALSO KNOWN AS A-8-A; FROM R-3-H-40 (MULTI-FAMILY RESIDENTIAL, VERY HIGH DENSITY) TO MU (MIXED-USE); AND 5) 135 DP ROAD, 3.22± ACRES, ALSO KNOWN AS A-8-B, FROM F-L (FEDERAL LAND) TO MU (MIXED USE) ZONE

WHEREAS, the Incorporated County of Los Alamos (County) owns the real property located at 141 35th Street; 121 35th Street; 120 DP Road; 125 DP Road; and 135 DP Road, Los Alamos, New Mexico (hereafter "Properties") which are the subject of this Code Ordinance; and

WHEREAS, the Properties are currently zoned for Multiple-family residential - very high density (R-3-H-40); Public land district (P-L); Federal lands district (F-L); and Heavy commercial district (C-3) uses; and

WHEREAS, Section 16-531 of the Los Alamos County Code of Ordinances ("Development Code") authorizes amendments to the Official Zoning Map of the County by application; and

WHEREAS, County applied to the Planning and Zoning Commission to change the Official Zoning Map, specifically to rezone the properties from F-L, P-L, C-3, and R-3-H-40 to MU (Mixed Use); and

WHEREAS, the Planning and Zoning Commission, at its meeting on July 12, 2017, held a public hearing on County's application for amendment to the Official Zoning Map pursuant to the criteria contained in §16-155 of the Development Code; and

WHEREAS, the Community Development Department staff properly issued notice to all required parties pursuant to Chapter 16, Article V, of the Development Code and in conformity with NMSA 1978, §3-21-6; and

WHEREAS, the Planning and Zoning Commission, after public hearing and at its noticed public meeting on July 12, 2017, reviewed and adopted findings of fact regarding the application; and

WHEREAS, the Planning and Zoning Commission recommends to Council approval of the amendment to the Official Zoning Map; and

WHEREAS, Council held a hearing on August 29, 2017 at which hearing Council found that this amendment to the Official Zoning Map is in conformity with the provisions of Section 16-155 of the Development Code and made the following findings:

- 1) The Properties to be rezoned are owned by County.
- 2) The Properties' size is approximately ~41.03 acres.
- 3) The subject properties are located at 1) 141 35th Street, 2) 121 35th Street, 3) 120 DP Road, 4) 125 DP Road, and 5) 135 DP Road, Los Alamos, New Mexico.
- 4) The subject properties are zoned F-L, P-L, C-3, and R-3-H-40, as described in Sec. 16-533 of the Development Code.

- 5) The subject properties will all be rezoned to Mixed Use, MU, also as described in Sec. 16-533 of the Development Code.
- 6) Public Notice has been made in compliance with the Development Code and State law.
- 7) The criteria for approval of a change to the Official Zoning Map of County, as found in Section 16-155 of the Code, have been met.

BE IT ORDAINED BY THE GOVERNING BODY OF THE INCORPORATED COUNTY OF LOS ALAMOS:

Section 1. The Official Zoning Map of County is hereby amended by rezoning to MU (Mixed Use), those certain tracts of land being ~41.03 acres of land, more or less, to wit:

- 1) 141 35th Street, 7.50± acres, also known as A-13-2, from F-L (Federal Land) to MU (Mixed Use);
- 2) 121 35th Street, 4.37± acres, also known as A-12, from P-L (Public Land) to MU (Mixed Use);
- 3) 120 DP Road, 4.25± acres, also known as A- 9, from C-3 (Heavy Commercial) to MU (Mixed Use);
- 4) 125 DP Road, 21.69± acres, also known as A -8-A; from R-3-H-40 (Multi-family Residential, Very High Density) to MU (Mixed-Use); and
- 5) 135 DP Road, 3.22± acres, also known as A-8-B, from F-L (Federal Land) to MU (Mixed Use).

Section 2. The Official Zoning Map of the County is hereby amended to reflect the rezoning referenced herein, said change to be made to the Official Zoning Map at its next update.

Section 3. Effective Date. This Code Ordinance shall be effective thirty (30) days after publication of notice of its adoption.

Section 4. 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 5. 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 29th day of August, 2017.

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

**David Izraelevitz
Council Chair**

ATTEST: (SEAL)

**Naomi Maestas
Los Alamos County Clerk**