

INCORPORATED COUNTY OF LOS ALAMOS CODE ORDINANCE NO. 02-363

**A CODE ORDINANCE AMENDING CHAPTER 16, DEVELOPMENT CODE,
ARTICLE I, DIVISION 4 (r), AND DIVISION 12 (b) AND (c), ARTICLE IV,
SECTIONS, 16-20(e), 16-30(a)(2) AND (a)(4), 16-45(d) AND (e), 16-48(a) AND
(b), 16-53(d), 16-58, 16-61(b), AND 16-66(d)**

WHEREAS, the Incorporated County of Los Alamos, New Mexico ("County") is a home rule county possessing the full power of local self-government pursuant to Article X, Sections 5 and 6 of the New Mexico Constitution, NMSA 1978, Chapters 3, 4 and 5, and County's Home Rule Charter; and

WHEREAS, pursuant to the New Mexico Statutes Annotated 1978, Chapter 3, Articles 19, 21, and 26, *et seq.* the New Mexico Legislature has given municipalities and counties in the state the authority to regulate land use within their territorial limits; and

WHEREAS, on December 13, 2022, County Council adopted a complete substitution for The Development Code, or Chapter 16, of the Los Alamos County Code of Ordinances ("Code"), to serve as the primary tool used by the County to implement the goals, policies, and strategies of the Comprehensive Plan, and to regulate the zoning, planning, and use of land within the borders of the County; and

WHEREAS, when in the time since the new Development Code became effective on January 23, 2023, Community Development Department staff, as well as staff from other County departments who regularly apply the Development Code to inform their job duties, noticed a number of typographical errors, as well as non-substantive omissions, as part of their interpretation and application of the new Development Code; and

WHEREAS, this Amendment corrects these typographical errors and omissions in an effort to improve the clarity, utility, and overall quality of the Development Code, and to better serve its intended purposes; and

WHEREAS, on October 9, 2024, County Staff presented the text amendment to the Planning and Zoning Commission for review and its recommendations to County Council for consideration and adoption; and

WHEREAS, the Planning and Zoning Commission followed a legislative process to recommend approval of amendments to Chapter 16 in order to correct text typos, errors, redundant language, and add omitted text; and

WHEREAS, Council has considered this amendment, and the Planning and Zoning Commission's recommendation in a public hearing where members of the public had further opportunity to make public comment; and

WHEREAS, Council's approval of the text amendment is based on the review criteria contained in Section 16-75(d) of the Development Code.

BE IT ORDAINED BY THE GOVERNING BODY OF THE INCORPORATED COUNTY OF LOS ALAMOS, the Los Alamos County Code of Ordinances is hereby amended as follows:

Section 1. Chapter 16, Article I, Division 4, of the Code of the Incorporated County of Los Alamos is hereby amended to read as follows:

DIVISION 4. PURPOSE

The purpose of the Development Code is to:

- (a) Implement the adopted goals, policies and strategies of Los Alamos County, including those set forth in the comprehensive plan and other adopted plans;
- (b) Protect the health, safety, and welfare of the county;
- (c) Provide adequate privacy, light, and air, and otherwise mitigate adverse impacts associated with development that occurs in the county;
- (d) Provide protection from fire, flood, and other dangers;
- (e) Facilitate adequate provision for transportation, utilities, schools, parks, and other public requirements;
- (f) Conserve the value of buildings and land pursuant to NMSA 1978, § 3-21-5.B, and to encourage the most appropriate use of land throughout the county;
- (g) Divide the county into zone districts according to the use of land and structures and the intensity of such use and provide for the appropriate regulation of land use within those districts;
- (h) Guide the location and use of structures and land for commercial, industrial, public, and residential uses where they are, or can be made to be, compatible with neighboring land uses;
- (i) Provide for harmonious development in the county;
- (j) Provide for coordination of street plans;
- (k) Provide for needed school and park lands;
- (l) Preserve the natural beauty, vegetation, and topography, and prevent the pollution of air, water, and the general environment;
- (m) Ensure adequate drainage and availability of utility resources and facilities;
- (n) Control and abate the unsightly use of buildings or land;
- (o) Provide flexible regulations which encourage compatible, creative, and efficient uses of land;
- (p) Provide for the administration and enforcement of this chapter; ~~and~~
- (q) Provide service to applicants and property owners in understanding and working with the provisions and procedures of this chapter; ~~;~~
- (r) Provide for the subdivision of land.

Section 2. Chapter 16, Article I, Division 12, of the Code of the Incorporated County of Los Alamos is hereby amended to read as follows:

DIVISION 12. TRANSITIONS FROM PREVIOUS REGULATIONS

- (a) Any development approved before the effective date of this development code may be carried out in accordance of the terms and conditions of its approval and the development procedures and standards in effect at the time of approval, provided the approval has not expired and otherwise remains valid. If the prior approval expires, is revoked, or otherwise becomes invalid (i.e. for failure to comply with time limits or the terms and conditions of approval) any subsequent development of the site shall be subject to the procedures and standards of this development code.
- (b) To the extent a prior approved application proposes development that does not comply with this development code, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of Article V, § Division 4, Nonconformities.
- (c) If any use, lot, structure, sign, or site feature legally existed on the effective date of this development code (See "division 11, Effective Date"), but does not fully comply with the standards of the development code as amended, then that use, structure, lot, sign, or site feature shall be considered nonconforming and subject to the provisions of Article V, § Division 4, Nonconformities.

Section 3. Chapter 16, Article IV, Division 1, Section 16-20, of the Code of the Incorporated County of Los Alamos is hereby amended to read as follows:

ARTICLE IV. DEVELOPMENT STANDARDS

DIVISION 1. DIMENSIONAL STANDARDS

Sec. 16-20. Required setback areas.

- (a) A setback is the minimum required distance between the established lot line and any building on the lot or, where the lot line is within a street or access easement, the edge of the street or easement and any building on the lot.
- (b) Front setback refers to the line that defines the depth of the required front setback area. The front setback shall be parallel with the street line or future right-of-way line.
- (c) Side setback refers to the line that defines the width or depth of the required side setback area. The side setback line shall be parallel with the property line or if abutting a street shall be parallel with the street line or future right-of-way line.
- (d) Interior side setback refers to the line that defines the width or depth of a required side setback area that is parallel with an adjacent property line that is not abutting a street or public right-of-way and is not defined as a front or rear setback area.
- (e) Street side setback refers to the line that defines the width or depth of a required side setback area that is parallel with the a-butting street line or future right-of-way line and is not defined as a front or rear setback area.
- (f) Rear setback refers to the line that defines the width or depth of the required rear setback area. The rear setback line shall be parallel with the property line or if abutting the street shall be parallel with the street line or future right-of-way line. The rear setback area is that which is furthest away from the front setback area.

- (g) Required setbacks shall be determined by the underlying base zone district pursuant to the standards in article II, Zone Districts, except if a multi-family, mixed-use or non-residential zone district lot abuts or is adjacent to any low-density residential lot when it shall comply with the standards of division 5, Neighborhood Protection Standards.
- (h) Except as allowed elsewhere in this chapter, no building or accessory structure shall be allowed within a required setback area between a property line and required front, side, or rear setback pursuant to the standard of the underlying base zone district in article II, Zone Districts.
- (i) Except as allowed elsewhere in this chapter, every required setback area shall remain open, unobstructed, and free of ruins, wreckage, rubbish, and debris.

Section 4. Chapter 16, Article IV, Division 3, Section 16-30, of the Code of the Incorporated County of Los Alamos is hereby amended to read as follows:

Sec. 16-30. Parking alternatives and reductions.

(a) *Shared parking reduction.*

- (1) Within DTLA, WRTC, and all Mixed Use and Non-Residential Zone Districts, two or more listed uses with opposite peak parking demand hours may share parking facilities. *Table 29 Shared Parking Reduction* indicates the percentage of the total off-street parking requirement that may be reduced by shared parking facilities.

Table 29: SHARED PARKING REDUCTION					
	MULTI-FAMILY	PUBLIC, CIVIC, AND INSTITUTIONAL	FOOD AND BEVERAGE, AND RECREATION AND ENTERTAINMENT	RETAIL SALES	OFFICE, BUSINESS, AND PROFESSIONAL SERVICES
Multi-family	N/A	30%	20%	20%	50%
Public, Civic, and Institutional	30%	N/A	30%	20%	20%
Food and Beverage, and Recreation and Entertainment	20%	30%	N/A	N/A	30%
Retail Sales	20%	20%	N/A	N/A	15%
Office, Business, and Professional Services	50%	20%	30%	15%	N/A

For example, when Multi-family, Retail Sales, and Food & Beverage uses can feasibly share parking facilities per Table 29, the total off-street parking requirement for the site may be reduced by a maximum of 50 percent in the DTLA Zone District and 25 percent in the WRTC and in all Mixed Use and Non-Residential Zone Districts.

A sample parking requirement calculation is shown below for a site in DTLA Zone District.

Use	Size	Parking Standard	Parking Requirement
Multi-family	40, 2 bedroom dwelling units	1 space per Dwelling Unit	40 spaces
Retail	10,000 square feet	50% of 4 spaces per 1,000 sf	20 spaces
Restaurant	5,000 square feet	50% of 6 spaces per 1,000 sf	15 spaces
	Total required parking prior to shared parking reductions		75 spaces
	Total allowed reduction		20% of 75 = 15 spaces
	Total required parking after allowed shared parking reduction		75-15 = 60 spaces

- (2) A parking study outlining with conformance Table 27: Minimum Off-Street Parking Requirements and Table 29: Shared Parking Reduction for the shared parking shall be prepared by a registered professional engineer and approved through the site plan approval process per section 16-74(i). Other shared uses not listed in the Table 29: Shared Parking Reduction may apply for parking reductions by submitting a parking study conducted by a registered professional engineer for approval through the site plan approval process.
- (3) Shared parking lots that are utilized to meet the required off-street parking spaces shall be located within 500 feet of the use to be served.
- (4) The sharing of any required off-street parking shall be guaranteed by a legally binding recordable parking agreement between the owner of the parking area and the owner of the building or use that is located on a different lot and served by the parking area. Such agreement shall address the issue of how parking will be shared if the parties change their business hours and peak business periods. Such agreement shall be submitted and reviewed through the site plan approval process per section 16-74(i).

Section 5. Chapter 16, Article IV, Division 6, Section 16-45, of the Code of the Incorporated County of Los Alamos is hereby amended to read as follows:

Sec. 16-45. Applicability.

- (a) All new development shall meet the requirements of this section, applicable electrical and energy codes, and applicable sections of the building code.
- (b) Within non-residential zone districts, existing outdoor lighting that does not meet the provisions of this section shall be considered legal nonconforming for ten years from the adoption date of this chapter. After ten years, or unless otherwise specified within this chapter, all outdoor lighting fixtures that do not conform to the requirements of this chapter must be replaced with conforming fixtures, or existing fixtures must be retrofitted to comply. This requirement shall not apply to residential zone districts.
- (c) Whenever there is a new use for a property (e.g. zoning or variance change) all outdoor lighting on the property will meet the requirements of this section before the new use commences.

- (d) Expansion, renovation, and modification to existing property that increases the developed square footage, occupant capacity, or parking spaces by 25 percent or more, shall cause the entire property to meet the requirements of this division. ~~section~~.
- (e) In the event an outdoor light fixture is not working or damaged to the extent repair costs equal at least 50 percent of replacement cost, the repair/replacement shall conform with the requirements of this division. ~~section~~.
- (f) Unless otherwise noted or exempt, existing outdoor lighting that does not meet the provisions of this section shall be considered legal nonconforming until natural maintenance, modifications, change of use, or complaint enforcement obligate meeting the requirements of this chapter.

Section 6. Chapter 16, Article IV, Division 6, Section 16-48, of the Code of the Incorporated County of Los Alamos is hereby amended to read as follows:

Sec. 16-48. Lighting plan.

- (a) Site plan applications for new development and modifications shall include lighting plans, pursuant to section 16-~~73(f)~~. ~~46(f)~~. Lighting required by federal, state, or county laws and regulations that conflict with this chapter will supersede and be exempt.
- (b) Lighting requiring a permit per section 16-55, Lighting Plan Only must obtain a lighting plan approval, pursuant to section 16-~~73(f)~~. ~~46(f)~~.

Section 7. Chapter 16, Article IV, Division 6, Section 16-53, of the Code of the Incorporated County of Los Alamos is hereby amended to read as follows:

Sec. 16-53. Right-of-way lighting.

- (a) Local and arterial roadway lighting shall be designed to the ANSI/IES RP-8-21 recommended practice for design and maintenance of roadway lighting for one of the county-designated, roadway lighting design categories (RLDC) listed in Table 44 below.

Table 44: ROADWAY LIGHTING	
ROADWAY LIGHTING DESIGN CATEGORY	ROADWAY ILLUMINATION
RLDC-1	Roadway with non-continuous lighting.
RLDC-3	Roadway with lighted intersections.
RLDC-4	Roadway with lighted intersections and non-continuous lighting between intersections.
RLDC-5	Continuously lighted roadway (IESNA RP-8).
	Partial lighting for the purpose of RLDC-2 and RLDC-4 means the additional lighting needed for a specific designated section of roadway where one or more streetlights would substantially improve public safety, but local conditions do not indicate the need for lighting based on a higher RLDC.
	These design categories specify only the target light levels for the lighting system design and are not intended to prevent a

	reasonable variation from the design criteria necessitated by public safety or the details of the topography of the roadway for which the lighting system is being designed.
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- (b) The RLDC category for a roadway shall be determined by county council upon advice of the county engineer. The county engineer's RLDC category recommendation for a given roadway, or portion thereof, shall occur only after a study of local conditions and shall take into account the lighting purposes per section 16-44 including minimizing light pollution and light trespass, especially in residential zone districts.
- (c) The study of local conditions for a particular road or segment of road is to be prepared for the county by the roadway lighting designer.
- (d) New roadway lighting systems shall be designed to the lowest RLDC consistent with the lighting goals of the neighborhood or subdivision in which it is to be installed but shall not be a lower light level than the minimum ANSI/IES RP-8-21 48 recommendation needed for public safety as indicated by a study of local conditions.
- (e) Street lighting must conform to the standards outlined in Table 45: Lighting Standards for Roads.

Table 45: LIGHTING STANDARDS FOR ROADS			
LIGHT LOCATION	LUMEN LIMIT	COLOR TEMPERATURE	BUG RATING
Pedestrian pathway fixtures < 18 inches tall, such as bollards	300 lumen	2,700 K maximum	U2 B-N/A G1
Pedestrian pathway fixtures > 18 inches tall	3,500 lumen	2,700 K maximum	U0 B1 G1
Street lighting	N/A	2,700 K maximum	G2 (Arterials) G1 (Collector/Locals)

- (f) Street lighting must conform to the following maximum average illuminance limits in Table 46: Illuminance Limits for Roads. The spacing and lumen outputs of each street lighting luminaire shall be calculated so that these limits are not exceeded. The establishment of these limits shall not be construed to permit increasing existing levels of illuminance in any location.

Table 46: ILLUMINANCE LIMITS FOR ROADS	
ROAD	MAXIMUM AVERAGE ILLUMINANCE
Central Ave.	10 lux
Canyon Rd.	9 lux
Diamond Dr.	10 lux
Sherwood Blvd.	6 lux
Rover Blvd.	6 lux
Collector Roads	6 lux
Other Roads and Rights-of-way	5 lux

- (g) The county shall comply with requests supplied to the county traffic and streets division to install, move, or remove a publicly owned streetlight when the request is signed by the majority of property owners within 300 feet of that streetlight and the request is feasible and does not create a public safety hazard. The property owners requesting that change agree to bear the estimated cost of installing, moving, or removing that streetlight, said estimated cost to be provided by the county engineer upon a request for information.

Section 8. Chapter 16, Article IV, Division 7, Section 16-58, of the Code of the Incorporated County of Los Alamos is hereby amended to read as follows:

Sec. 16-58. Fence and wall permits.

A fence/wall permit is required prior to commencing construction of any wall or fence, per the provisions of section 16-~~73(e)~~. ~~6(e)~~.

Section 9. Chapter 16, Article IV, Division 8, Section 16-61, of the Code of the Incorporated County of Los Alamos is hereby amended to read as follows:

Sec. 16-61. Applicability.

- (a) Unless specifically exempted, the standards contained in this section shall apply to all signs within the county.
- (b) Any sign legally erected before the effective date of this chapter that is no longer in compliance with the standards in this section may be retained in use, subject to the provisions of Article V, & Division 4, Nonconformities.

Section 10. Chapter 16, Article IV, Division 9, Section 16-66, of the Code of the Incorporated County of Los Alamos is hereby amended to read as follows:

Sec. 16-66. Building height.

- (a) The maximum building height for buildings is described in article II, Zone Districts for each zone district.
- (b) The height of a building shall be measured as the vertical distance from the lowest finished grade of the structure to the highest point on the building roof. The "highest point" means peak of roof for a building with a sloping roof, the top of the roof coping for a flat roof, or the top of the ridgeline of the highest gable of a pitched roof or hip roof.
- (c) On a stepped or sloped project site, the maximum height is to be measured as the vertical distance from the highest point of the structure to the average of the highest and lowest points of the finished grade.
- (d) Rooftop appurtenances such as belfry, church spire or tower, conveyor, cooling tower, elevator housing chimneys, antennas, smoke and ventilation stacks, mechanical equipment and related screening, rooftop solar collectors and flagpoles are exempt from the building height limitations of this chapter. Also see section 16-18(m) and section 16-18(o).
- (e) Rooftop shade structures or trellis or similar shading systems shall also be exempt from the building height limitations of this chapter, provided they shall not exceed 12 feet in height.

Section 11. Severability. If any section, paragraph, clause or provision of this Code Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or enforceability of that section, paragraph, clause or provision shall not affect any of the remaining provisions of this Code Ordinance.

Section 12. Effective Date. This Code Ordinance shall become effective thirty (30) days after publication of its notice of adoption.

Section 13. Repealer. All other 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 19th day of November 2024.

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

**Denise Derkacs,
Council Chair**

ATTEST:

**Naomi D. Maestas,
Los Alamos County Clerk**