

**INCORPORATED COUNTY OF LOS ALAMOS CODE ORDINANCE 02-333**

**AN ORDINANCE REPEALING AND REPLACING IN ITS ENTIRETY  
THE TEXT OF CHAPTER 16, "DEVELOPMENT CODE"**

**WHEREAS**, the Council of the Incorporated County of Los Alamos (the "Council")  
adopted a Code Ordinance \_\_\_\_\_; and

**WHEREAS**,

**WHEREAS**,

**WHEREAS**,

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

**Section 1.** Chapter 16, of the Code of the Incorporated County of Los Alamos, is hereby  
repealed in its entirety.

**Section 2.** New Chapter 16, is adopted as follows:

**CHAPTER 16.  
DEVELOPMENT CODE**

# ARTICLE I. GOVERNING PROVISIONS

## DIVISION 1 TITLE

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This chapter shall be known as the “County of Los Alamos Development Code” and may be referred to as the “Development Code”.

## DIVISION 2 AUTHORITY

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This Development Code is adopted pursuant to the authority contained in NMSA 1978, §§ 3-19-1—3-21-26 et seq., and the Charter of the incorporated County.

## DIVISION 3 APPLICABILITY AND JURISDICTION

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- (a) The Development Code shall apply to all development and redevelopment, public and private, except as provided below, within the municipal boundaries and the planning and platting jurisdiction of the County.
- (b) The County shall be exempt from compliance with this Development Code in its construction, improvement, development or government use of public improvements or land to the extent that such construction, improvement, development or use is significantly dissimilar to private construction, improvement, development or use, or that compliance with the provisions of this chapter would infringe upon the County’s obligation to promote and preserve the public health, safety, and welfare.
- (c) The County may not exempt itself from compliance with the provisions of this Development Code for projects such as offices, recreational facilities, warehouses, or storage yards. Specific requirements such as parking standards, height and setback requirements, and the sign section must be satisfied by any proposed County project. The intent of this exemption is to allow the County to construct unique structures such as utility stations, water towers and wastewater treatment plants that may be incompatible with development regulations that were written for more routine structures. The examples of specific uses in this subsection are included for purposes of illustration and not limitation.
- (d) For the County to exempt itself from compliance with the provisions of this Development Code, the County Council shall, by motion, specifically exempt projects and/or developments for unique structures on a case-by-case basis. The only exception shall be for projects and/or developments for unique structures costing \$50,000.00 or less.

## DIVISION 4 PURPOSE

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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.

## DIVISION 5 RELATION TO COMPREHENSIVE PLAN

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The Los Alamos County Comprehensive Plan, as amended, establishes the official policy of the County concerning designated future land uses and guides decisions regarding the appropriate manner in which property within the County should be zoned. The Development Code is the primary tool used by the County to implement the goals, policies, and strategies of the Comprehensive Plan. Any applicant seeking to amend the Official Zoning Map to a zone district that is inconsistent with the adopted Comprehensive Plan must first obtain approval from Planning and Zoning Commission and the County Council, following the procedures in *ARTICLE 16-5 Administration and Enforcement* of this Development Code.

## DIVISION 6 ZONING AND SUBDIVISION PURPOSE AND AUTHORITY

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### SEC. 16-1 ZONING

The purpose and authority to regulate the use of land shall be as follows:

- (a) Promote and provide for the health, safety, and welfare of the County;
- (b) Facilitate orderly growth and development of the County consistent with the goals, concepts, strategies, and policies of the Comprehensive Plan or amendments thereto;
- (c) Provide for harmonious development in the County; minimize congestion in the streets and public ways; secure safety from fire, panic, and other dangers; avoid undue concentration of population; and prevent the overcrowding of lands;
- (d) Facilitate adequate provision for streets, transportation, utilities, schools, parks, and other public requirements;
- (e) 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;
- (f) 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;
- (g) 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;
- (h) Preserve the natural beauty, vegetation, and topography, and prevent the pollution of air, water, and the general environment;
- (i) Ensure adequate drainage and availability of utility resources and facilities;
- (j) Control and abate the unsightly use of buildings or land;
- (k) Provide flexible regulations which encourage compatible, creative and efficient uses of land;
- (l) Provide for the administration and enforcement of this chapter; and
- (m) Provide service to applicants and property owners in understanding and working with the provisions and procedures of this chapter.

### SEC. 16-2 SUBDIVISIONS

The scope and authority to regulate the subdivision of land shall be as follows:

- (a) The regulations governing the subdivision of land shall have been adopted by the County Council following consideration of recommendations by the Planning and Zoning Commission.
- (b) The Planning and Zoning Commission shall be the official body to hear and act upon subdivision requests as set forth in this chapter.
- (c) The Community Development Director shall be the official person to hear and act upon summary plat requests as set forth in this chapter.

## DIVISION 7 APPLICATION OF PROVISIONS

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- (a) In interpretation and application, the provisions of this chapter shall be held to be minimum requirements. Nothing in this chapter is intended to impair, annul or abrogate any easement, covenants or other agreement between parties, public or private. However, when the requirements of this chapter are at variance with the requirements of any lawfully adopted rules, regulations or ordinances, the most restrictive or those imposing the higher standard shall govern as to each rule, regulation or standard.

- (b) Except as provided in this chapter, the following general regulations apply:
- (1) No land, building, structure or premises shall be used or intended to be used for any purpose or in any manner other than in a use listed in this chapter or amendment thereto as permitted in the zoning district in which such land, building, structure or premises are located.
  - (2) No designated yards or open spaces surrounding any building or structure shall be encroached upon or reduced in any manner except in conformity with the building site, area and yard requirements established by this chapter, nor shall any yard or open space associated with any building or structure for the purpose of complying with the requirements of this chapter or amendments thereto be considered as providing a yard or open space for any other building or structure.
  - (3) No public or private building or structure shall be erected or moved onto a site and no existing public or private building or structure shall be altered, enlarged, or reconstructed except in conformity with this chapter. No public or private building or structure shall be erected or structurally altered to exceed in height the limit established by this chapter or amendment thereto for the zone in which such building or structure is located. However, the county shall be exempt from compliance with this chapter in its construction, improvement, development or government use of public improvements or land to the extent that such construction, improvement, development or use is significantly dissimilar to private construction, improvement, development or use or that compliance with the provisions of this chapter would infringe upon the county's obligation to promote and preserve the public health, safety and welfare. In order for the county to exempt itself from compliance with the provisions of this chapter, the county council shall, by motion, specifically exempt projects and/or developments on a case-by-case basis, after submission to the planning and zoning commission for comment.
- (c) The provisions of this chapter shall apply to all seeking to subdivide land and no plat shall be accepted for review until a complete application has been accepted and all procedures and provisions established by this chapter have been met.

## **DIVISION 8 CONSTRUCTION APPROVED PRIOR TO CHAPTER ADOPTION**

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Except as specifically required in this chapter, nothing contained in this chapter shall require any change in any existing building or structure, construction or planned use of a proposed building which would conform to a completed application for a site plan, special use permit, variance or subdivision meeting the requirements of this chapter which were in effect at the time the complete application was filed and/or for which building permit plans are on file and have been approved by the community development department of the county prior to the effective date of this chapter, and the construction of which building or structure shall have been started within the time requirements of such building permit and diligently worked upon to its completion. Nothing in this section shall be construed to make an illegal nonconforming use or structure into a legal nonconforming use or structure.

## **DIVISION 9 COMPLIANCE REQUIRED**

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- (a) No permit, certificate, or approval of any use that is subject to this Development Code shall be issued or granted by any department, agency, County official, or County employee without a finding of compliance with this Code having been issued by the appropriate review authority.
- (b) Except as otherwise specified in this Code, i.e. through Waiver, Variance or Special Exception processes outlined in *ARTICLE 16-5 Administration and Enforcement*, land may not be used, divided, or subdivided, and buildings may not be constructed, enlarged, altered, or occupied except in compliance with the provisions of this Development Code.

## DIVISION 10 INTERPRETATIONS AND CONFLICTING REGULATIONS

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- (a) The standards of this Development Code are minimum requirements.
- (b) The Community Development Director has the authority to interpret the provisions of this Development Code pursuant to *16-72(a) Code Interpretations*.
- (c) Adoption of this Development Code is not intended to impair, annul, or abrogate any easement, covenants, deed, or other agreement between parties, public or private.
- (d) Where conflict occurs between the provisions of this Development Code and any other County code or ordinance, resolution, or guideline, the more restrictive provision shall control.
- (e) Images in this Development Code are included to aid in the interpretation of the text but are not regulatory. If there is any conflict between an image and text, the text shall govern.

## DIVISION 11 EFFECTIVE DATE

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This Development Code was adopted by the County Council on INSERT DATE and became effective on INSERT DATE.

## DIVISION 12 TRANSITIONS FROM PREVIOUS REGULATIONS

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- (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 *Division 16-5-4 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 *Division 16-5-4 Nonconformities*.

# ARTICLE II. ZONE DISTRICTS

## DIVISION 1 ZONE DISTRICTS ESTABLISHED

- (a) The following zone districts and overlay zones as shown in *Table 1 Zone Districts* are hereby established, together with appropriate abbreviations, which may appear on the Official Zoning Map and elsewhere within this Development Code. Portions of lots within the public right-of-way shall be designated as Unclassified (UNCL) on the Official Zoning Map.
- (b) The overlay zones supplement, but do not replace, the underlying zone districts. In the case of a conflict between the provisions of a zone district and the provisions of an Overlay zone, the provisions of the Overlay zone shall prevail. Where multiple Overlay zones apply to a property, development must comply with all relevant provisions.

<b>TABLE 1: ZONE DISTRICTS</b>	
	<b>ZONE DISTRICTS</b>
<b>Residential Districts</b>	Residential Agricultural (RA) – Remains
	Residential Estate (RE) – Remains
	Single-family Residential (SFR-1)
	Single-family Residential (SFR-2)
	Single-family Residential (SFR-3)
	Single-family Residential (SFR-4)
	Single-family Residential (SFR-5)
	Single-family Residential (SFR-6)
	Eliminated
	Residential Mixed (RM-1)
	Residential Mixed (RM-2)
	Multi-family Residential-Low (MFR-L)
	Multi-family Residential-Medium (MFR-M)
	Multi-family Residential-High (MFR-H)
Manufactured Home Community (MHC)	
<b>Mixed-use Zone Districts</b>	Mixed-use (MU) – Remains
	Downtown Los Alamos (DTLA)
	White Rock Town Center (WRTC) – NEW
<b>Non-residential Zone Districts</b>	Professional Office (PO)
	General Commercial (GC)
	Industrial (IND)
	Public Land (PL) – Remains
	Eliminated

<b>TABLE 1: ZONE DISTRICTS</b>	
	<b>ZONE DISTRICTS</b>
<b>Open Space Zone Districts</b>	Open Space –Public Parks (OS-PP)
	Open Space –Recreational Open Space (OS-RO)
	Open Space –Active Open Space (OS-AO)
	Open Space –Passive Open Space (OS-PO)
<b>Overlay Zone Districts</b>	Historic Overlay (H-O)
	Planned Development Overlay (PD-O)
	Airport Protection Overlay (AP-O)

**SEC. 16-3 ADOPTION OF THE OFFICIAL ZONING MAP**

- (a) The Official Zoning Map is an integral part of this article. It is to be entitled the “Official Zoning Map of Los Alamos County,” signed by the chair of the County Council and attested to by the County Clerk.
- (b) The Official Zoning Map and all revisions shall be maintained in the office of the County Clerk. This map, as it may from time to time be revised, or a copy certified by the County Clerk to be a true copy of the map or of the map as revised, shall be conclusive on any question of the zone district in which a particular parcel may be located.
- (c) The Official Zoning Map may be amended by an ordinance containing only textual material, or by an ordinance containing textual material and a revision of all or part of the Official Zoning Map. If the amending ordinance contains only textual material, then such amending ordinance shall bear the legend “Revision No. \_\_\_\_\_ in textual form, to the Official Zoning Map of Los Alamos County, effective \_\_\_\_\_.” In addition, such changes shall be made to the Official Zoning Map. This is to be signed by the Community Development Director and attested to by the County Clerk. If the amending ordinance shall include a revision to all or part of the Official Zoning Map, such amending ordinance shall bear the legend “Revision No. \_\_\_\_\_ to the Official Zoning Map of Los Alamos County, effective \_\_\_\_\_,” and it shall be signed by the chair of the County Council and attested to by the County Clerk. In addition, such changes shall be made to the Official Zoning Map. In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of amendments, the County Council may by resolution adopt a replacement Official Zoning Map which shall supersede the prior Official Zoning Map and shall be identified by the signature of the County Council chair.



## SEC. 16-4 INTERPRETATION OF ZONE DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of zone districts as shown on the Official Zoning Map, the following rules shall apply:

- (a) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines;
- (b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- (c) Boundaries indicated as approximately following County limits shall be construed as following such County limits;
- (d) Boundaries indicated as being an extension of any street, highway, alley line, or lot line shall be construed to be of the same course and bearing as that line extended;
- (e) Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map; and
- (f) Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by this section, the Planning and Zoning Commission shall interpret the zone district boundaries.

**DIVISION 2 BASE ZONE DISTRICTS**

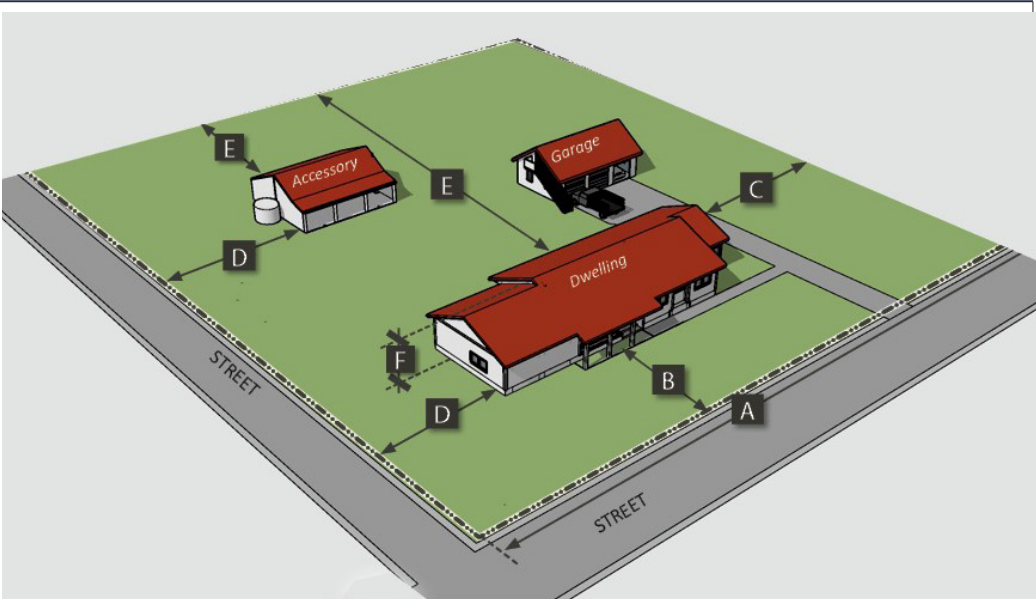
**SEC. 16-5 RESIDENTIAL ZONE DISTRICTS**

**16-5(A) RESIDENTIAL AGRICULTURAL ZONE DISTRICT (RA)**

The Residential Agricultural (RA) zone district is intended to accommodate and preserve rural residential and agricultural land uses that are characterized by low-density single-family residential uses on large lots where agricultural, horticultural, and animal husbandry activities may be pursued by the residents for personal use.

**TABLE 2: RA DIMENSIONAL STANDARDS**

Lot Standards		
	Lot area, min	2 acres
<b>A</b>	Lot width, min	65'
Setbacks		
<b>B</b>	Front, min	40'
<b>C</b>	Interior side, min	25'
<b>D</b>	Street side, min	15'
<b>E</b>	Rear, min	25'
Heights		
<b>F</b>	Primary Building Height, max	35'
	Accessory Building Height, max	20'
Density		
	Lot coverage, max	10%



**16-5(A)(1) RA ZONE DISTRICT STANDARDS**

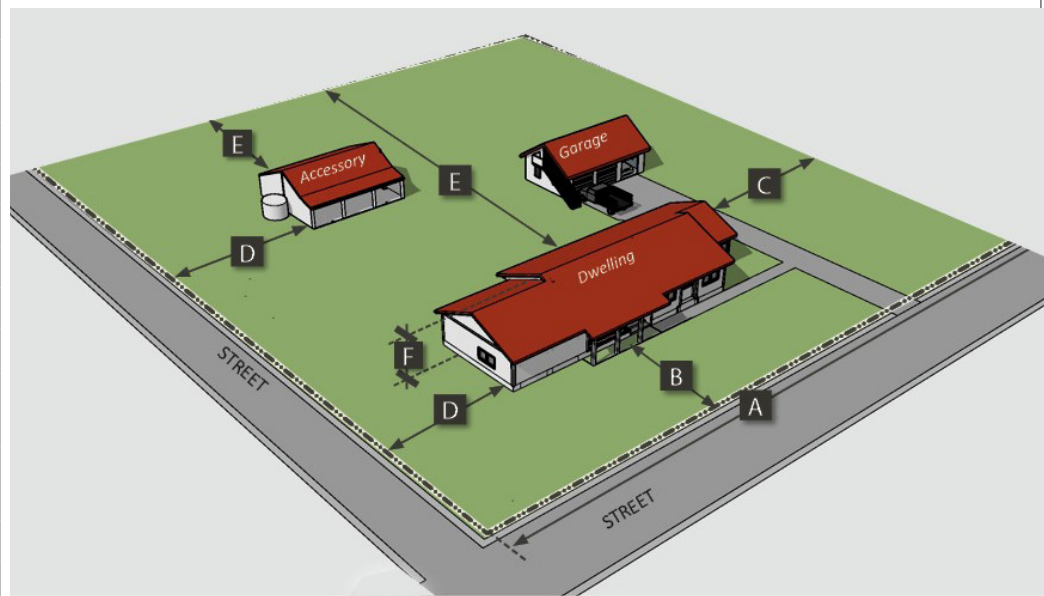
- a. Animal husbandry activities are permitted, provided they comply with the requirements of Chapter 6: Animals.
- b. A maximum of 5 Accessory Structures including any carports or garages shall be permitted per lot provided they comply with the following standards:
  - 1. Except as allowed otherwise below, any Accessory Structures shall comply with the standards of Section 16-18(b).
  - 2. Accessory Structures within the RA zone district are permitted to be a maximum of 20 feet in height.
- c. The use of barbed wire, razor wire, or barbed tape is permitted in the rear yard provided it is not located on lot lines, abutting equestrian trails, public rights-of-way, or County-owned lands and complies with the standards of Sec. 16-59.
- d. Not more than 1 principal dwelling shall be permitted on any parcel, except in the case of cottage development, which shall comply with the standards of Section 16-15(a).

## 16-5(B) RESIDENTIAL ESTATE ZONE DISTRICT (RE)

The Residential Estate (RE) zone district is intended to accommodate semi-rural residential uses characterized by low-density single-family dwellings on large lots.

**TABLE 3: RE DIMENSIONAL STANDARDS**

Lot Standards	
Lot area, min	2 acres
<b>A</b> Lot width, min	65'
Setbacks	
<b>B</b> Front, min	40'
<b>C</b> Interior side, min	25'
<b>D</b> Street side, min	15'
<b>E</b> Rear, min	25'
Heights	
<b>F</b> Primary Building Height, max	35'
<b>G</b> Accessory Building Height, max	20'
Density	
Lot coverage, max	10%



### 16-5(B)(1) RE ZONE DISTRICT STANDARDS

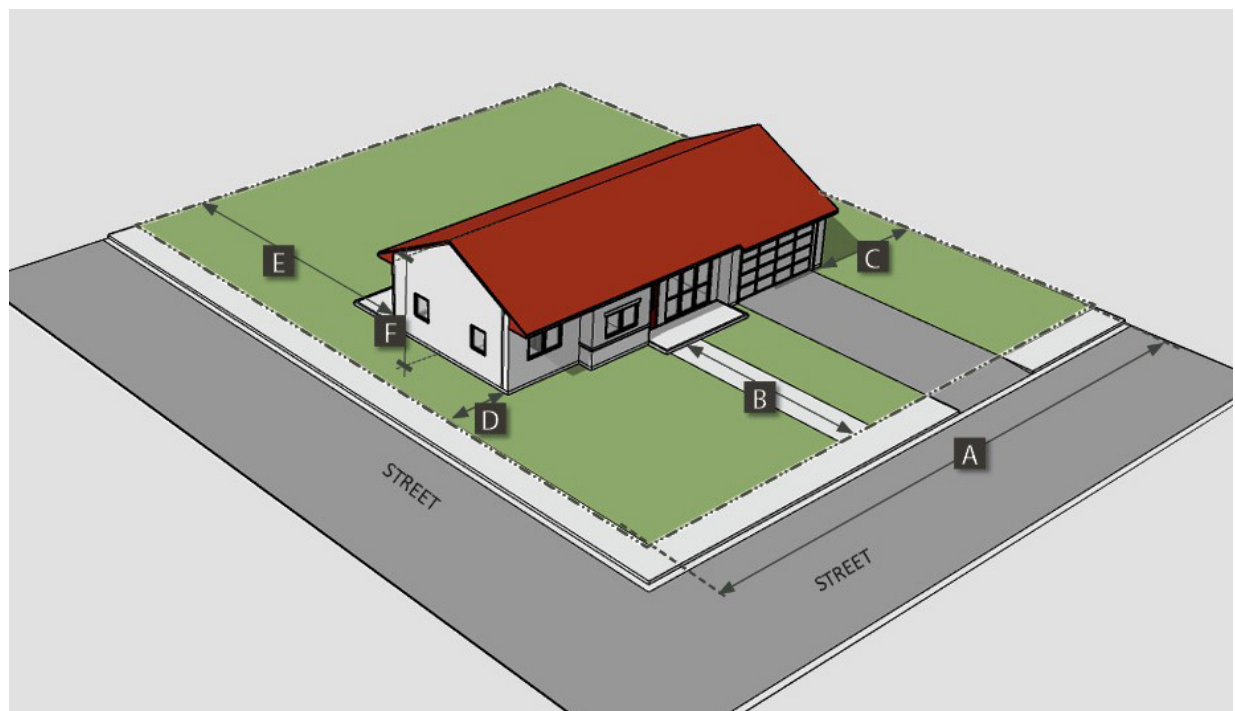
- a. A maximum of 5 Accessory Structures including any carports or garages shall be permitted per lot provided they comply with the following standards:
  1. Except as allowed otherwise below, any Accessory Structures shall comply with the standards of Section 16-18(b).
  2. Accessory Structures within the RE zone district are permitted to be a maximum of 20 feet in height.
- b. Not more than 1 principal dwelling shall be permitted on any parcel, except in the case of cottage development, which shall comply with the standards of Section 16-15(a).

## 16-5(C) SINGLE-FAMILY RESIDENTIAL ZONE DISTRICTS (SFR-1-6)

The Single-family Residential (SFR-1, SFR-2, SFR-3, SFR-4, SFR-5, SFR-6) zone districts are intended to accommodate single-family dwellings with a variety of lots sizes and dimensions in established neighborhoods to maintain and protect their character.

**TABLE 4: SFR DIMENSIONAL STANDARDS**

Lot Standards		SFR-1	SFR-2	SFR-3	SFR-4	SFR-5	SFR-6
	Lot area, min	13,000 sq. ft.	12,000 sq. ft.	10,000 sq. ft.	8,000 sq. ft.	5,000 sq. ft.	2,000 sq. ft.
<b>A</b>	Lot width, min	65'	65'	65'	65'	50'	25'
<b>Setbacks</b>							
<b>B</b>	Front, min	20'	15'	15'	10'	10'	10'
<b>C</b>	Interior side, min	7.5'	10'	10'	5'	5'	5'
<b>D</b>	Street side, min	15'	15'	15'	10'	10'	10'
<b>E</b>	Rear, min	15'	15'	15'	15'	15'	15'
<b>Heights</b>							
<b>F</b>	Primary Building Height, max	35'	35'	35'	35'	35'	35'
<b>G</b>	Accessory Building Height, max	15'	15'	15'	15'	15'	15'
<b>Density</b>							
	Lot coverage, max	30%	30%	35%	40%	45%	45%



## 16-5-(C)(1) SFR ZONE DISTRICT STANDARDS

### 16-5-(C)(1)A. ALL SFR ZONE DISTRICTS

1. Not more than 1 principal dwelling shall be permitted on any parcel, except in the case of cottage development, which shall comply with the standards of Section 16-15(a).
2. A maximum of 3 Accessory Structures including any carports or garages shall be permitted per lot provided they comply with the following standards:
  - i. Except as allowed otherwise below, any Accessory Structures shall comply with the standards of Section 16-18(b).
  - ii. Accessory Structures are permitted to be located within the required rear setback area, provided that the square footage of the structures shall not exceed 25 percent of the total coverage of the required rear setback area.

### 16-5-(C)(1)B. SFR-5 ZONE DISTRICT

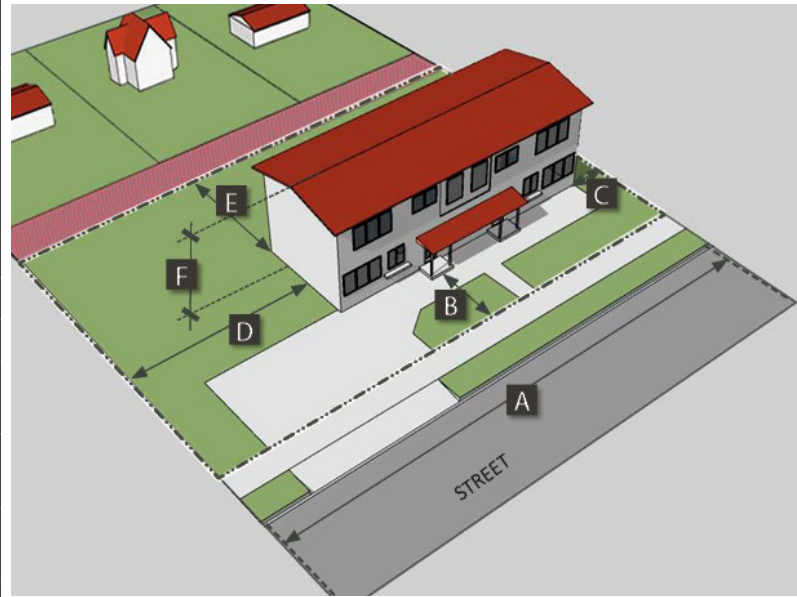
1. Covered patios, porches, or decks attached to the main structures may extend to a maximum of 40 percent of the distance into the required rear setback area provided they meet the following standards:
  - i. The space under the cover is open on at least 3 sides,
  - ii. The structure shall not encroach more than 5 feet into the required front setback area, and
  - iii. The eave of the structure shall not project more than 2 feet into any required setback area.

## 16-5(D) RESIDENTIAL MIXED ZONE DISTRICT (RM)

The Residential Mixed (RM) zone district is intended to accommodate a variety of low- to medium-density residential dwellings characterized by single-family, duplex, fourplex, and townhouse dwellings.

**TABLE 5: RM DIMENSIONAL STANDARDS**

		RM-1		RM-2	
Lot Standards		SF*	DPX/ TH**	SF	DPX/ TH
	Lot area, min	8,000 sq. ft.	10,000 sq. ft. 5,000 sq. ft./ DU	6,500 sq. ft.	10,000 sq. ft. 5,000 sq. ft./ DU
<b>A</b>	Lot width, min	50'	40'	40'	20'
<b>Setbacks</b>					
<b>B</b>	Front, min	20'	15'		
<b>C</b>	Interior side, min***	5'	7.5'		
<b>C</b>	Attached interior side setback	0'	0'		
<b>C</b>	Detached interior side setback	5'	7.5'		
<b>D</b>	Street side, min	15'	15'		
<b>E</b>	Rear, min	20'	20'		
<b>Heights</b>					
<b>F</b>	Primary Building Height, max	35'	35'		
<b>G</b>	Accessory Structure Height, max	15'	15'		
<b>Density</b>					
	Lot coverage, max	40%	40%		



\* SF indicates single-family dwellings.

\*\* DPX indicates duplex dwelling types and TH indicates townhouse dwelling types.

\*\*\* Allowed exceptions for Zero lot building types are outlined below, provided the minimums in Table 5: RM Standards are provided along exterior boundaries of the development.

16-5-(D)(1) RM ZONE DISTRICT STANDARDS

- a. A single-family dwelling on a flag lot is permitted within the RM zone district, provided it complies with the regulations outlined in Table 6 RM Flag Lot Standards.

TABLE 6: RM FLAG LOT STANDARDS	
Lot area, min	6,500 sq. ft.
Lot width, min	60'
Driveway width, min	20'

The diagram illustrates two flag lots, Lot 1 and Lot 2, separated by a 'PRIVATE DRIVE' that is 20' wide. Each lot is 6,500 sq. ft. Lot 1 is situated closer to a 'STREET' with a 40' min. frontage. The diagram shows a red building footprint on each lot, with a driveway connecting the building to the private drive.

- b. A single-family dwelling on a zero lot is permitted within the RM zone district, provided it complies with the regulations outlined in Table 7 RM Zero Lot Standards.

TABLE 7: RM ZERO LOT STANDARDS	
Attached Interior Side Setback	0'
Detached Interior Side Setback	7.5'
Building Separation, min.	15'

The diagram shows three lots, LOT 1, LOT 2, and LOT 3, separated by a 'Zero Lot Line'. Buildings are shown on each lot with a 15' building separation between them. A 7.5' detached interior side setback is indicated. A 'PROPERTY LINE (Typical)' is shown on the right side. The diagram also shows a 'STREET' with a car icon below the lots.

- c. A maximum of 4 Accessory Structures including any carports or garages shall be permitted per lot provided they comply with the following standards:
1. Except as allowed otherwise below, any Accessory Structures shall comply with the standards of Section 16-18(b).
  2. Accessory Structures are permitted to be located within the required rear setback area, provided that the square footage of the structures shall not exceed 25 percent of the total coverage of the required rear setback area.

## 16-5(E) MULTI-FAMILY RESIDENTIAL-LOW ZONE DISTRICT (MFR-L)

The Multi-family Residential-Low (MFR-L) zone district is intended to accommodate a variety of low- to medium-density housing options characterized by single-family, duplex, fourplex, and townhouses, and small-scale multi-family dwellings types.

**TABLE 8: MFR-L DIMENSIONAL STANDARDS**

Lot Standards		SF	DPX/TH	MF
	Lot area, min	6,500 sq. ft.	10,000 sq. ft. 5,000 sq. ft./DU	12,000 sq. ft.
<b>A</b>	Lot width, min	40'	20'	40'
<b>Setbacks</b>				
<b>B</b>	Front, min		15'	
<b>C</b>	Interior side, min*		7.5'	
<b>C</b>	Attached interior side setback		0'	
<b>C</b>	Detached interior side setback		7.5'	
<b>D</b>	Street side, min		15'	
<b>E</b>	Rear, min		15'	
<b>Heights</b>				
<b>F</b>	Primary Building Height, max		35'	
<b>Density</b>				
	Lot coverage, max		40%	



\* Allowed exceptions for Zero lot building types are outlined in [16-5-\(e\)\(1\)](#) below, provided the minimums in [Table 8: MFR-L Standards](#) are provided along exterior boundaries of the development.



16-5(E)(1) MFR-L ZONE DISTRICT STANDARDS

- a. A single-family dwelling on a flag lot is permitted within the MFR-L zone district, provided it complies with the regulations outlined in *Table 9 MFR-L Flag Lot Standards*.

TABLE 9: MFR-L FLAG LOT STANDARDS	
Lot area, min	6,500 sq. ft.
Lot width, min	60'
Driveway width, min	20'

- b. A single-family dwelling on a zero lot is permitted within the MFR-L zone district, provided it complies with the regulations outlined in *Table 10 MFR-L Zero Lot Standards*.

TABLE 10: MFR-L ZERO LOT STANDARDS	
Attached Interior Side Setback	0'
Detached Interior Side Setback	7.5'
Building Separation, min.	15'

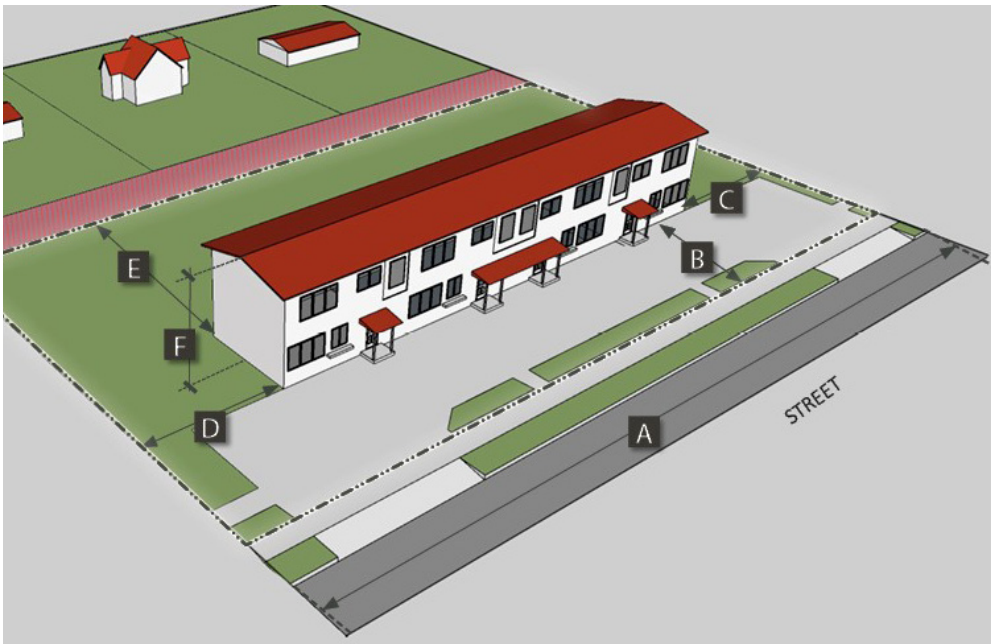
- c. Minimum common open space shall be provided per any applicable standards for the residential uses provided on site pursuant to Use-Specific Standards in *Sec. 16-15*.
- d. A maximum of 3 Accessory Structures including a carport or garage are permitted per lot, provided they comply with the standards of *Section 16-18(b)*. Accessory Structures within the MFR-L zone district shall not exceed a maximum height of 12 feet.

**16-5(F) MULTI-FAMILY RESIDENTIAL - MEDIUM ZONE DISTRICT (MFR-M)**

The Multi-family Residential -Medium (MFR-M) zone district is intended to accommodate medium-density multi-family housing options, including single-family, duplex, fourplex and townhouse dwellings. The MFR-M zone district may include limited civic and institutional uses and incidental or accessory uses that serve the surrounding residences. This zone district can also serve as a transition between medium- and high-density Residential zone districts and other multi-family and/or Mixed-use zone districts.

**TABLE 11: MFR-M DIMENSIONAL STANDARDS**

Lot Standards		
	Lot area, min	24,000 sf
<b>A</b>	Lot width, min	65'
Setbacks		
<b>B</b>	Front, min	20'
<b>C</b>	Interior side, min	5'
<b>D</b>	Street side, min	15'
<b>E</b>	Rear, min	15'
Heights		
<b>F</b>	Primary Building Height, max	45'
<b>G</b>	Accessory Structure Height, max	15'
	Adjacent to Residential	See <u>Sec. 16-43</u>
Density		
	Lot coverage, max	50%



**16-5-(F)(1) MFR-M ZONE DISTRICT STANDARDS**

- a. Minimum common open space shall be provided per any applicable standards for the residential uses provided on site pursuant to Use-Specific Standards in Sec. 16-15.
- b. A maximum of 1 Accessory Structure per 10 dwelling units in addition to carports or garages shall be permitted provided they comply with the standards in Section 16-18(b).

## 16-5(G) MULTI-FAMILY RESIDENTIAL - HIGH ZONE DISTRICT (MFR-H)

The Multi-family Residential - High (MFR-H) zone district is intended to accommodate high-density multi-family residential developments characterized primarily by apartments or condominiums, with limited single-family, duplex, fourplex, and townhouse dwellings. The MFR-H zone district may include limited civic and institutional uses and incidental or accessory uses that serve the surrounding residences. This zone district can also serve as a transition between other multi-family, commercial, or Mixed-use zone districts.

**TABLE 12: MFR-H DIMENSIONAL STANDARDS**

Lot Standards		
	Lot area, min	2 acres
<b>A</b>	Lot width, min	65'
Setbacks		
<b>B</b>	Front, min	20'
<b>C</b>	Interior side, min	5'
<b>D</b>	Street side, min	15'
<b>E</b>	Rear, min	15'
Heights		
<b>F</b>	Primary Building Height, max	54'
<b>G</b>	Adjacent to Residential	See <u>Sec. 16-43</u>
Density		
	Lot coverage, max	50%



### 16-5(G)(1) MFR-H ZONE DISTRICT STANDARDS

- Where abutting or adjacent to any Residential zone district other than MFR-H, the development shall comply with the Neighborhood Protection Standards of Sec. 16-43
- Minimum common open space shall be provided per any applicable standards for the residential uses provided on-site pursuant to Use-Specific Standards in Sec. 16-15.
- A maximum of 1 Accessory Structure per 10 dwelling units in addition to carports or garages shall be permitted per dwelling site provided they comply with the standards of Section 16-18(b).

## 16-5(H) MANUFACTURED HOME COMMUNITY ZONE DISTRICT (MHC)

The Manufactured Home Community (MHC) zone district is intended to accommodate manufactured home communities as the predominant residential use alongside other complementary accessory and non-residential activities, which primarily serve residents of manufactured home communities.

**TABLE 13: MHC DIMENSIONAL STANDARDS**

Lot Standards		
Lot area, min	2,500 sf / space	
Lot width, min	-	
Setbacks		
<b>A</b> Front, min	15'	
<b>B</b> Interior side, min	5'	
<b>C</b> Street side, min	15'	
<b>D</b> Rear, min	10'	
Heights		
<b>F</b> Primary Building Height, max	20'	
Accessory Structure Height, max	15'	
Density		
Lot coverage, max	40%	



### 16-5-(H)(1) MHC ZONE DISTRICT STANDARDS

- a. Manufactured and mobile homes that are not installed on a permanent foundation shall be skirted with materials similar in color, materials, and appearance to the siding of the manufactured or mobile home.
- b. Recreational vehicles may be used as a permanent dwelling in the MHC zone district through the issuance of a Conditional Use Permit per [Section 16-74\(b\)](#).
- c. A minimum 10-foot separation shall be maintained between all dwellings, including any habitable additions.
- d. A maximum of 3 Accessory Structures including any carports or garages shall be permitted per dwelling site provided they comply with the following standards:
  1. Accessory Structures themselves comply with the standards of [Section 16-18\(b\)](#).
  2. The combined lot coverage of all Accessory Structures located in the required rear yard shall not exceed 25 percent of the required side and rear setback areas of individual manufactured or mobile home sites.
  3. Each Accessory Structure shall not be located within 20 feet of the front property line or within 20 feet of a community roadway or 3 feet of a mobile home community boundary.
  4. Each Accessory Structure shall be located a minimum 3 feet from the side and rear community boundary.
- e. All utilities shall be provided to each dwelling site.

- f. All interior, private drives shall provide a minimum 25-foot roadway width including appropriate curbing. No parking of vehicles or storage shall be permitted on the internal roadways.
- g. Off-street parking shall be provided in the amount of 1 space per dwelling site, plus 1 guest space for every 5 mobile home sites.
- h. A minimum 8 percent of the total project site where homes are not located on individual lots shall be dedicated to common residential amenities that comply with the standards of Section 16-18(l).
- i. Where a manufactured home community abuts a public street, a minimum 10-foot wide landscape area shall be developed along the linear length of the street frontage.
- j. Any property line that abuts any Residential zone district other than the MHC zone district shall be screened per a Type A buffer in Division 5.

## SEC. 16-6 MIXED-USE ZONE DISTRICTS

### 16-6(A) MIXED-USE ZONE DISTRICT (MU)

The Mixed-use (MU) zone district is intended to accommodate a vertical or horizontal mix of low- to medium-density residential, office, and commercial land uses outside of the DTLA and WRTC zone districts characterized by more walkable development patterns that are compatible in scale and character with surrounding neighborhoods.

**TABLE 14: MU DIMENSIONAL STANDARDS**

Lot Standards		
	Lot area, min	-
<b>A</b>	Lot width, min	-
Setbacks		
<b>B</b>	Front, min	0'
<b>C</b>	Interior side, min	0'
<b>D</b>	Street side, min	0'
<b>E</b>	Rear, min	0'
Heights		
<b>F</b>	Primary Building Height, max	54'
	Adjacent to Residential	See <u>Sec. 16-43</u>
Density		
	Lot coverage, max	70%



#### 16-6-(A)(1) MU ZONE DISTRICT STANDARDS

- Where abutting or adjacent to any Residential zone district other than MFR-M, MFR-H, and MHC, the development shall comply with the Neighborhood Protection Standards of Sec. 16-43.
- Minimum common open space shall be provided per any applicable standards for the residential uses provided on site pursuant to Use-Specific Standards in Sec. 16-15.
- A maximum of 1 Accessory Structure per 10 dwelling units in addition to carports or garages shall be permitted per lot provided they comply with the standards in Section 16-18(b).
- Accessory Structures are permitted to be located within the required rear setback area, provided that the square footage of the structures shall not exceed 25 percent of the total coverage of the required rear setback area.

## 16-6(B) WHITE ROCK TOWN CENTER ZONE DISTRICT (WRTC)

The White Rock Town Center (WRTC) zone district is intended to accommodate a vertical or horizontal mix of low- to medium-density residential, office, and commercial land uses with walkable and active streetscapes within the White Rock Town Center.

**TABLE 15: WRTC DIMENSIONAL STANDARDS**

Lot Standards		
	Lot area, min	-
	Lot width, min	-
Setbacks		
<b>A</b>	Front, min	0'
<b>B</b>	Front, max	
	Fronting State Route 4	100'
	Fronting Bonnie View	15'
<b>C</b>	Side, min	0'
<b>D</b>	Side, max	
	Interior	0'
	Street-side	100'
<b>E</b>	Rear, min	0'
Heights		
<b>F</b>	Primary Building Height, max	54'
	Adjacent to Residential	See <u>Sec. 16-43</u>
Density		
	Lot coverage, max	100%



### 16-6-(B)(1) APPLICABILITY

The standards contained in this section shall apply to all new construction, redevelopment, and expansions of existing structures by 25 percent or more of the building floor area on the properties within the White Rock Town Center as mapped in the Official Zoning Map

### 16-6-(B)(2) PURPOSE

The purpose of this section is to implement the vision established in the White Rock Town Center Master Plan by:

- a. Allowing for the compatible integration of residential, civic, commercial, and office uses on a single project site with active commercial and retail uses along arterial and collector street frontages and residential uses above the ground floor or behind a commercial building that fronts the street;
- b. Encouraging a greater intensity of development to attract the people and commerce necessary to create a vibrant and diverse town center; and
- c. Encouraging planning, design, and detailing that reflects pedestrian needs, establishes multi-modal circulation opportunities, and creates memorable civic spaces.

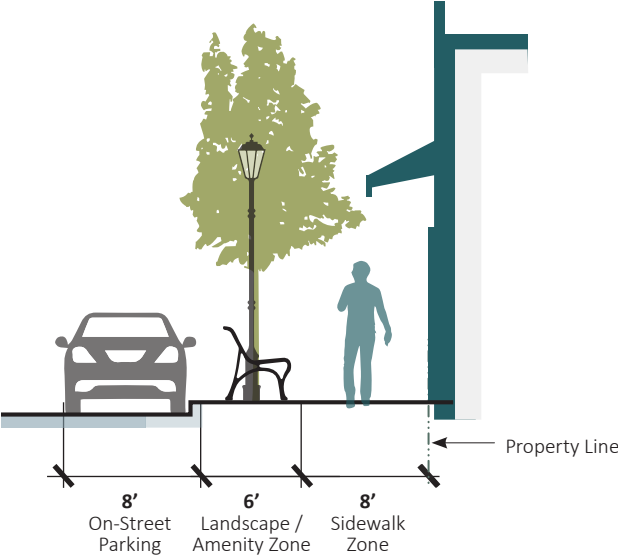


16-6-(B)(3) WRTC ZONE DISTRICT STANDARDS

16-6-(B)(3)A. STREETScape DESIGN

- 1. Any streetscape improvements within the WRTC zone district shall provide for a minimum 6-foot landscape strip and an 8-foot sidewalk as indicated in *Figure 1 White Rock Town Center Frontage Zones* to accommodate street trees in the landscape zone and buffer pedestrians from traffic for a pedestrian-oriented environment.

FIGURE 1: *White Rock Town Center Frontage Zones*



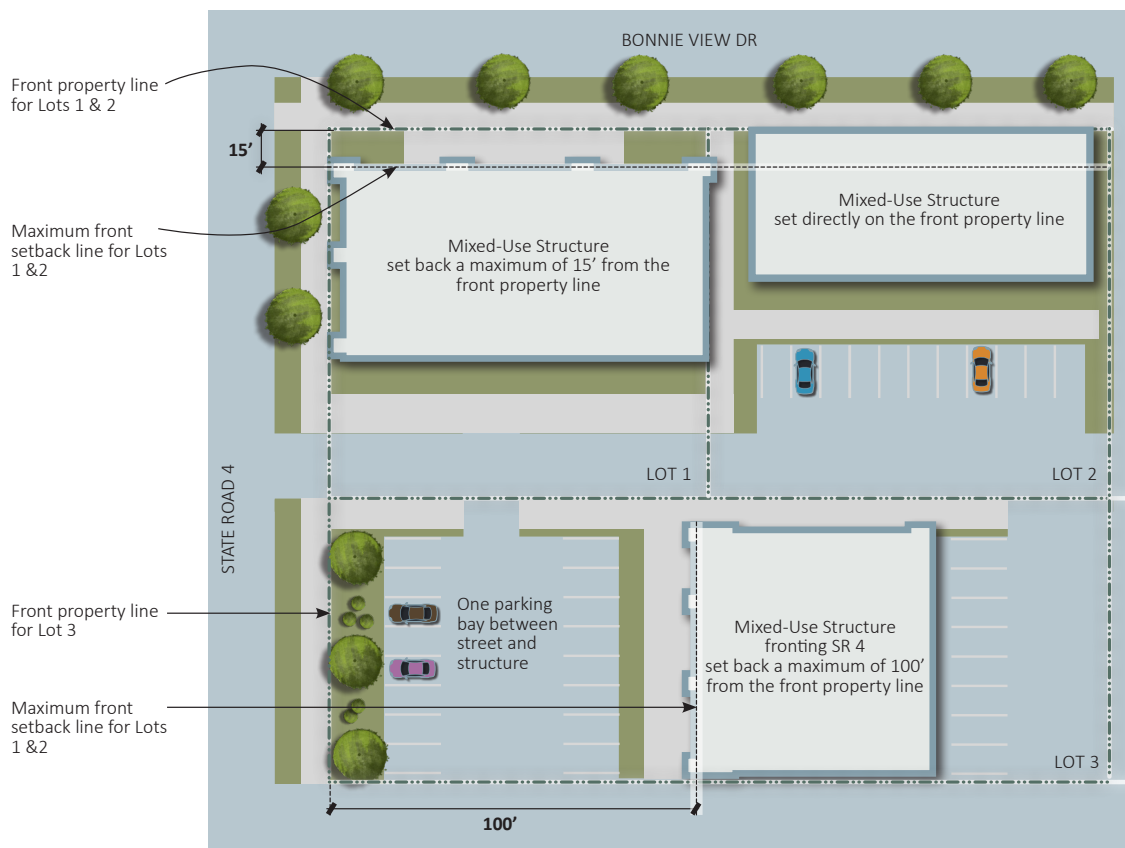
- 2. On-street parallel parking spaces at a minimum size of 8 feet by 20 feet shall be included on all WRTC zone district streets, except State Road 4, to the maximum extent feasible.
- 3. All street furnishings such as streetlights, benches, trash receptacles, and bike racks shall be consistent in appearance to ensure the establishment of a cohesive White Rock Town Center identity.
- 4. Lots abutting a public street are required to provide street trees at a minimum of 25 ft on center on average when mature.

16-6-(B)(3)B. SITE DESIGN

- 1. On-site pedestrian walkways shall be provided in accordance with *Division 2* and shall be emphasized with landscaping, signage, striping, or decorative hardscape.
- 2. Driveways, parking areas, and traffic circulation patterns shall be designed as shared facilities whenever feasible. The design of these elements shall create a unified site plan between the lots in order to gain parking efficiencies, reduce the number of access points, and improve internal and external vehicular circulation patterns.
- 3. Multiple building developments shall orient buildings toward and reinforce the corners at major intersections, primary vehicular or pedestrian entrances, public spaces, or other on-site amenities to the maximum extent feasible.

4. All buildings shall have at least 1 primary building entrance oriented toward an abutting public street or private street, open space, or toward on-site pedestrian walkways that connect to a public sidewalk to the maximum extent feasible.
5. Lots abutting Bonnie View Dr shall orient buildings to address the street as the primary frontage with primary entrances, façade articulation, and glazing standards per Building Design subsections 1-1(A)(4)(v)3 and 1-1(A)(4)(v)6.
6. Lots abutting State Road 4 shall orient buildings to address the street as the primary frontage with primary entrances, façade articulation, and glazing standards per Section 16-6-(b)(3)g.
7. On lots abutting State Road 4, a maximum of 1 bay of parking (i.e. 1 drive aisle parked on both sides) is permitted between the front of the building and the street. All other parking shall be located at the rear and sides of buildings.

**FIGURE 2: WRTC Site Orientation Standards**



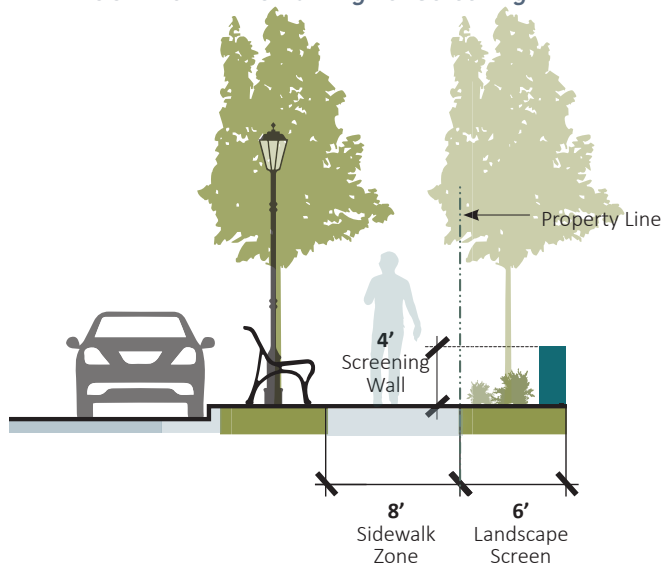
8. All service areas (e.g. loading docks, storage yards and trash compactors/dumpsters) should be located in either the rear of the lot or behind the principal structure and/or visually screened so they are out of sight of a public street.

**16-6-(B)(3)C. OFF-STREET PARKING**

1. Parking lots containing 150 or more parking spaces shall divide the parking lot into separate areas each containing less than 150 spaces that are separated from each other by a building, an internal landscaped street, landscaped areas, or landscaped pedestrian walkways to minimize the perceived scale of the parking lot.

- Surface parking lots located along public streets shall be screened by a minimum 6-foot landscaping buffer or a masonry wall that is at least 3 feet but not more than 4 feet high.

FIGURE 3: WRTC Parking Lot Screening



- Parking structures shall not include any façade that extends longer than 40 feet in horizontal length without the inclusion of architectural elements such as decorative grillwork, louvers, translucent screens, alternating building materials, projection of lintels and portals, and other external features to avoid visual monotony. A change in color alone does not satisfy this requirement.

#### 16-6-(b)(3)d. Neighborhood Protection Standards

- Multi-family, mixed-use, and non-residential developments abutting low-density residential shall comply with the Neighborhood Protection Standards of Sec. 16-43.
- For the purpose of this subsection, Low-density Development is considered any lot in the RA, RE, SFR, and RM zone districts.

#### 16-6-(b)(3)e. Landscaping, Screening and Buffering

- Lots abutting a public street shall provide street trees and/or front setback area landscaping per Division 5.
- If the proposed lot coverage exceeds 75 percent, the required net lot area requirements of Sec. 16-39 may be eliminated, provided required buffering of Division 5 is met as applicable.

#### 16-6-(b)(3)f. Open Space

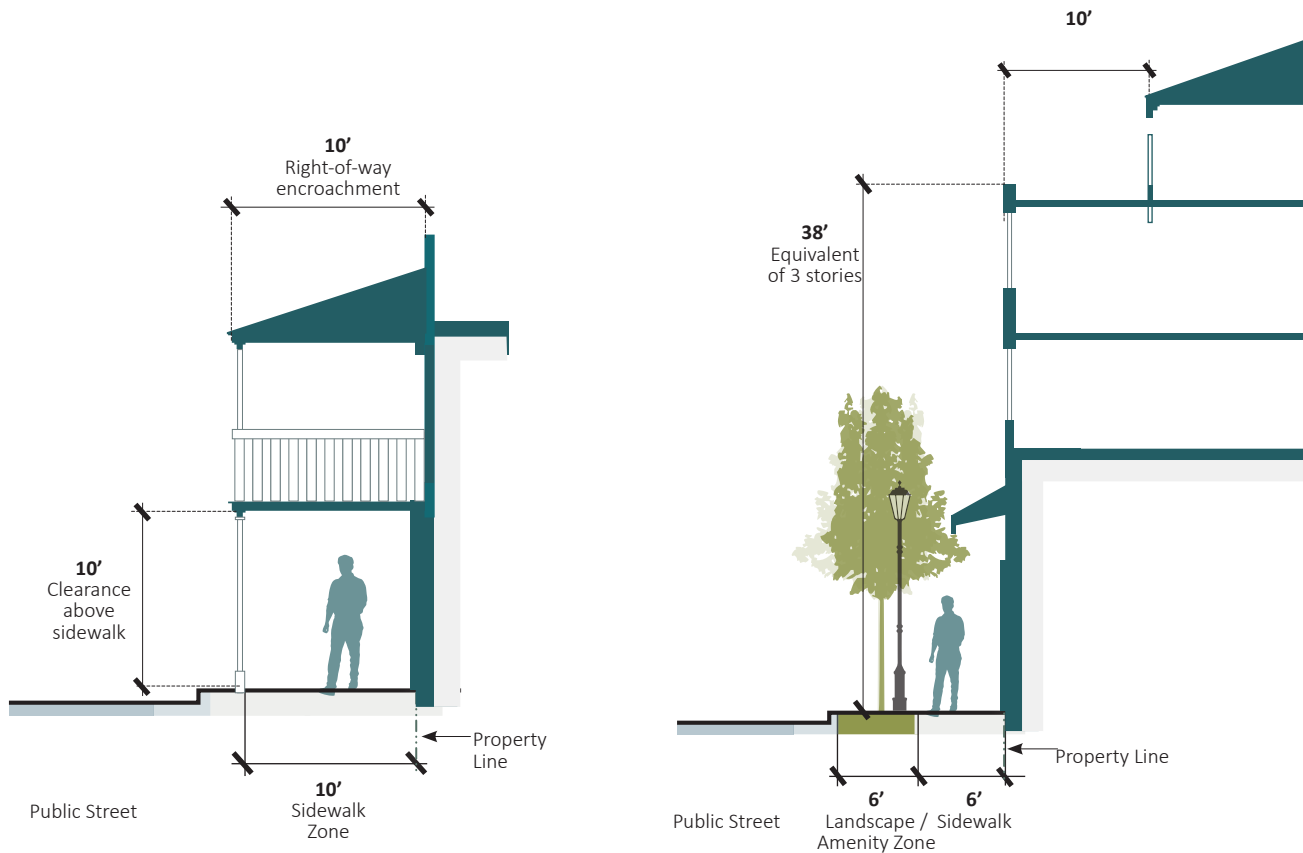
- Required common residential open spaces for any residential uses as required in Sec. 16-15 may be reduced by 50 percent.
- Open spaces such as patios or plazas, shall be distinguishable to allow for safe and well-defined areas of seating or gathering outside of designated vehicular traffic flow. These areas shall be defined with landscape elements, low seat walls, benches, planters, paving patterns, or materials distinguishable from the pedestrian sidewalk, on-site pedestrian walkways and parking areas.

- Outdoor dining areas located in the public right-of-way are permitted provided this use shall require a Conditional Use Permit pursuant to the requirements of *Section 16-74(b)* and must comply with the standards of *Section 16-18(n)*.

16-6-(B)(3)G. BUILDING DESIGN

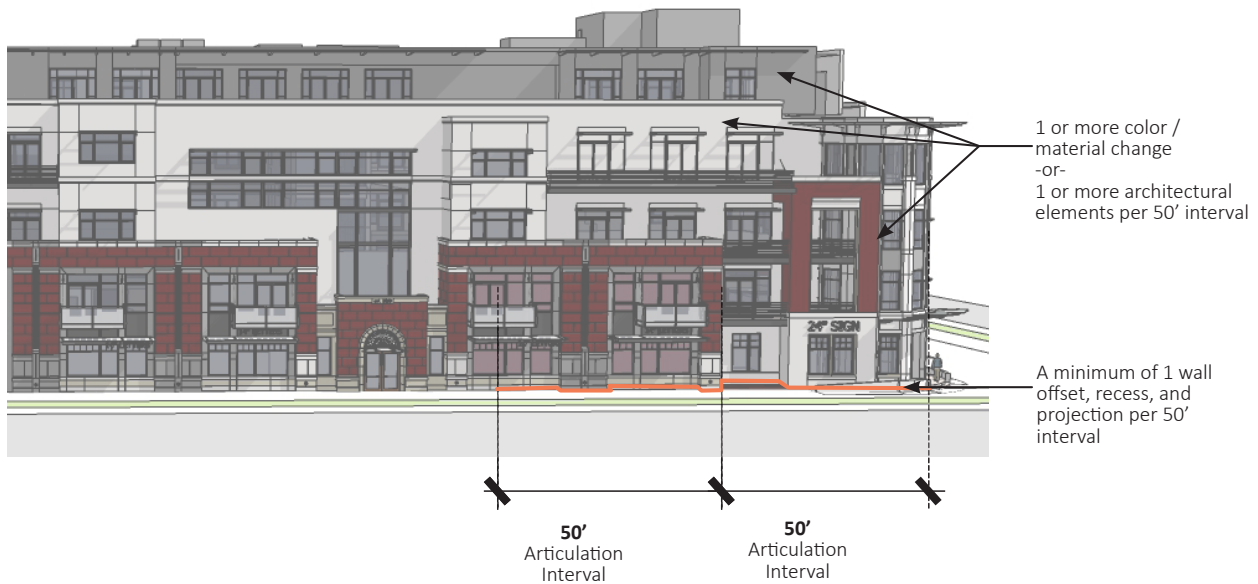
- The first floor of any street-facing facade shall contain a minimum 20 percent of its surfaces in transparent windows and/or doors.
- Building projections, including but not limited to, arcades, balconies, bay windows and cornice features, open porches, canvas-type awnings, and projecting signs may encroach up to 10 feet over the public right-of-way provided they have a clearance of 10 feet above the sidewalk.
- Any portion of a building over 38 feet tall shall incorporate a minimum stepback of 10 feet from any front facade facing a public street.

FIGURE 4: WRTC Permitted Building Projections & Stepback Requirements



4. The primary entrance to a building shall be clearly distinguishable from the rest of the building by transparent windows, materials, size, projections or recessions, or other techniques.
5. Each street-facing façade shall incorporate facade articulation and design techniques such as offsets, recesses, projections, changes in color or materials, or architectural elements such as windows/ doors, building projections, or weather protection elements such as sunshades, awnings, or trellises at intervals of every 50 linear feet of the facade to reduce the perceived massing of the building and add visual interest. Side or rear frontage may increase the articulation interval to no more than 100 feet.

FIGURE 5: WRTC Building Facade Articulation



6. All buildings shall use materials that are durable, easily and economically maintained, and of a quality that will retain their appearance over time.
7. Higher quality building materials and details should be used on building facades facing public streets, internal streets, public spaces, and at primary building entrances and may be transitioned to more economical materials on the side, rear, and service side(s) of the building.
8. Rooftop-mounted equipment and ground-mounted utilities shall be screened from view from public streets and adjacent properties per Sec. 16-40.

16-6(C) DOWNTOWN LOS ALAMOS ZONE DISTRICT (DTLA)

The Downtown Los Alamos (DTLA) zone district is intended to accommodate a vertical or horizontal mix of medium- to high-density residential, office, and commercial land uses with walkable and active streetscapes.

TABLE 16: DTLA DIMENSIONAL STANDARDS		
<b>Lot Standards</b>		
Lot area, min		-
Lot width, min		-
<b>Setbacks</b>		
<b>A</b>	Front, min	0'
<b>B</b>	Front, max	15'
	Fronting Trinity	100'
<b>C</b>	Side, min	0'
<b>D</b>	Side, max	
	Interior	0'
	Street-side	15'
<b>E</b>	Rear, min	0'
<b>Heights</b>		
<b>F</b>	Primary Building Height, max	86'
	Adjacent to Residential	See <u>Sec. 16-43</u>
<b>Density</b>		
	Lot coverage, max	100%



### 16-6-(C)(1) APPLICABILITY

The standards contained in this section shall apply to all new construction and expansions of existing structures by 25 percent or more of building floor area on any property within Downtown Los Alamos as mapped in the Official Zoning Map.

### 16-6-(C)(2) PURPOSE

The purpose of this section is to implement the vision established in the Los Alamos Downtown Master Plan by:

- a. Allowing for the compatible integration of residential, civic, commercial, and office uses on a single project site with active commercial and retail uses along arterial and collector street frontages and residential uses above the ground floor or behind a commercial building that fronts the street;
- b. Encouraging a greater intensity of development to create a vibrant and diverse urban center;
- c. To provide cohesive and visually interesting building façades in Downtown Los Alamos, particularly along the ground floor; and
- d. Encouraging planning, design, and detailing that reflects pedestrian needs, establishes multimodal circulation opportunities, and creates memorable civic spaces.

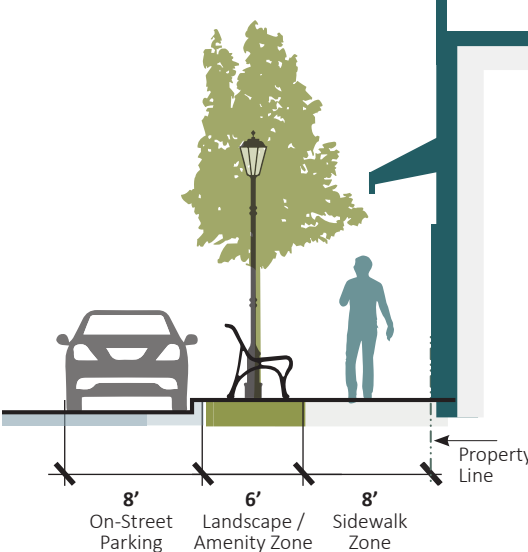
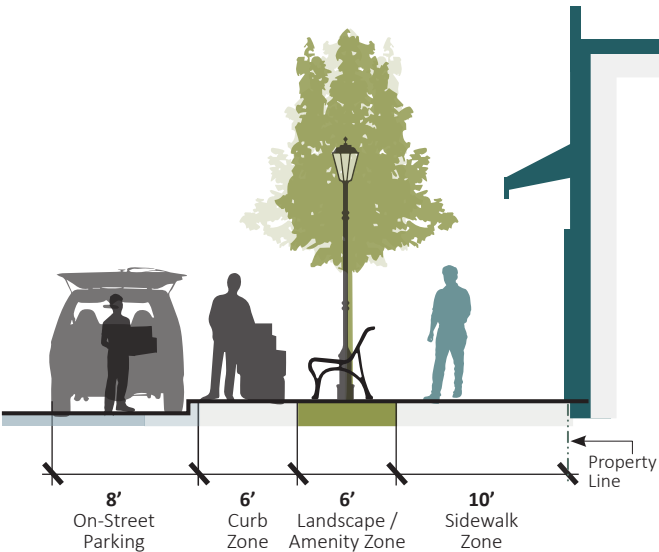
16-6-(C)(3) DTLA ZONE DISTRICT STANDARDS

16-6-(C)(3)A. STREETScape DESIGN

1. Any streetscape improvements along Central Avenue shall, to the maximum extent feasible, provide a consistent 22-foot frontage zone treatment as illustrated in *Figure 6 Preferred Downtown Los Alamos Frontage Zone*, to ensure a cohesive Main Street streetscape treatment. This dimension allows for a 6-foot curb zone, a 6-foot landscape strip, and a 10-foot sidewalk.
2. Any streetscape improvements along all other DTLA zone district streets should mimic the frontage zone described in *Figure 6* above to the maximum extent feasible, but at minimum provide a 6-foot landscape strip and 8-foot sidewalk as indicated in *Figure 7 Alternative Downtown Los Alamos Frontage Zone* to accommodate street trees in the landscape zone and buffer pedestrians from traffic.

FIGURE 6: Preferred Downtown Los Alamos Frontage Zone

FIGURE 7: Alternative Downtown Los Alamos Frontage Zone



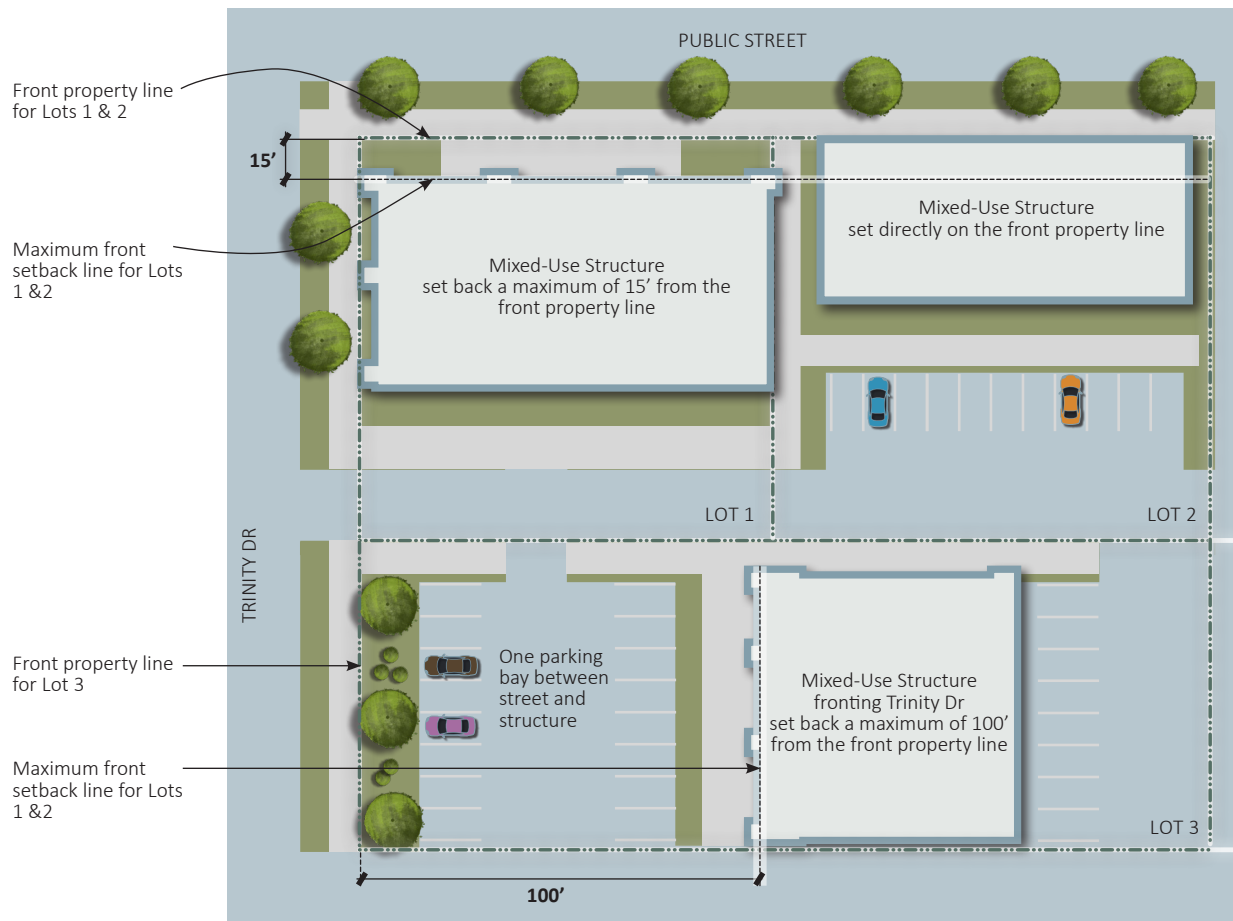
3. All street furnishings such as streetlights, benches, trash receptacles, and bike racks shall be consistent in appearance to ensure the establishment of a cohesive Downtown Los Alamos identity.
4. On-street parallel parking spaces at minimum size of 8 feet by 20 feet shall be included on all DTLA zone district streets, except Trinity Drive, to the maximum extent feasible.
5. Lots abutting a public street are required to provide street trees at a minimum of 25 ft on center on average when mature.



16-6-(C)(3)B. SITE DESIGN

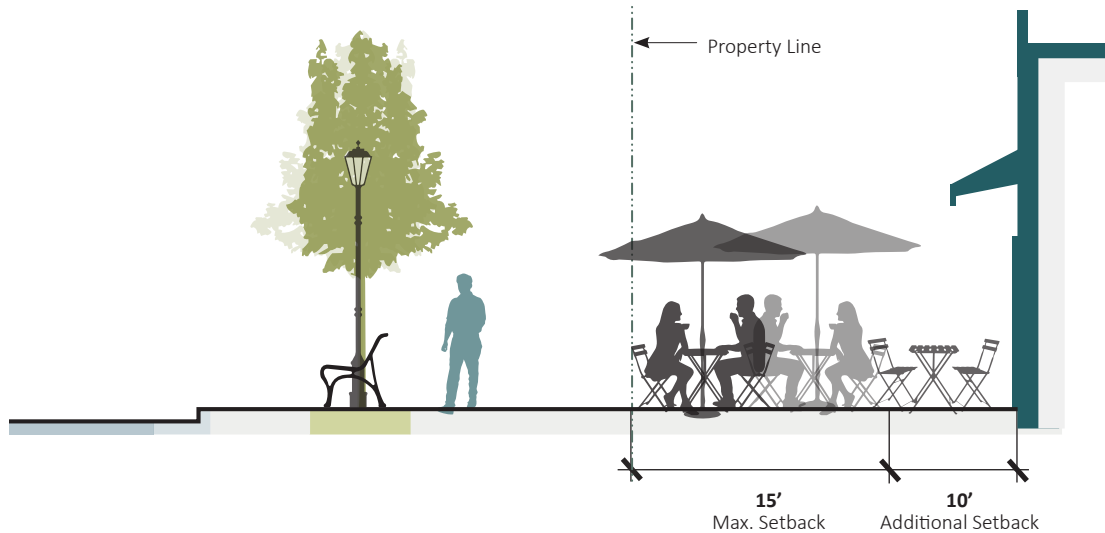
1. On-site pedestrian walkways shall be provided in accordance with 16-25(f) and shall be emphasized with landscaping, signage, striping, or decorative hardscape.
2. Driveways, parking areas, and traffic circulation patterns shall be designed as shared facilities whenever feasible. The design of these elements shall create a unified traffic circulation layout amongst adjacent lots in order to gain parking efficiencies, reduce the number of access points, and improve internal and external vehicular circulation patterns.
3. New buildings shall orient toward and reinforce the corners of major intersections, primary vehicular or pedestrian entrances, public spaces, or other on-site amenities to the maximum extent feasible.
4. Unless otherwise exempted by this Code, any building on a lot abutting a public street shall set the front street-facing facade back no more than 15 feet from the property line in order to address the street and reinforce the street edge. No parking areas shall be permitted between the façade and the front property line.
5. Any building on lots abutting Trinity Drive shall set the front street-facing façade back no more than 100 feet to accommodate 1 bay of parking (i.e. 1 drive aisle parked on both sides) between the front of the building and the street. All other parking areas shall be located at the rear and sides of buildings.

FIGURE 8: DTLA Site Orientation Standards



6. All buildings shall have at least one primary building entrance oriented toward an abutting public street or private street, open space, or toward an on-site pedestrian walkway that connects to a public sidewalk.
7. The maximum front setback may be increased by 10 feet if open spaces, such as a courtyard, plaza, or outdoor dining area is provided within the front setback area.

FIGURE 9: *Open Space Frontage Bonus*



8. Interior side setbacks on all lots may be reduced to 0 feet provided fire walls per the Building Code are provided between adjoining buildings on separate lots.

#### 16-6-(C)(3)C. OFF-STREET PARKING

1. Off-street parking lots are to be located behind or to the side of primary buildings. Unless otherwise exempted in this Code, parking between the front property line and the building is specifically prohibited.
2. Lots abutting Trinity Drive may provide a maximum of 1 bay of parking (i.e. 1 drive aisle parked on both sides) between the front of the building and the street. All other parking shall be located at the rear and sides of buildings.
3. Access to parking facilities shall be provided from secondary or side streets versus the primary frontage unless no other alternative is feasible.
4. Surface parking lots located along public streets shall be screened by a minimum 6-foot landscaping buffer or a masonry wall that is at least 3 feet but not more than 4 feet high.
5. Parking lots containing 150 or more parking spaces shall divide the parking lot into separate areas each containing less than 150 spaces that are separated from each other by a building, an internal landscaped street, landscaped areas, or landscaped pedestrian walkways to minimize the perceived scale of the parking lot.

FIGURE 10: *Parking Lot Separation*



6. All street-facing parking structure facades shall not extend longer than 40 feet in horizontal length without the inclusion of architectural elements such as decorative grillwork, louvers, translucent screens, alternating building materials, projection of lintels and portals, and other external features to avoid visual monotony. A change in color alone does not satisfy this requirement.

16-6-(C)(3)D. NEIGHBORHOOD PROTECTION STANDARDS

1. Multi-family, mixed-use, and non-residential developments abutting low-density residential shall comply with the Neighborhood Protection Standards of *Division 5*.
2. For the purpose of this subsection, Low-density Development is considered any lot in the RA, RE, SFR, and RM zone districts.

16-6-(C)(3)E. LANDSCAPING, SCREENING AND BUFFERING

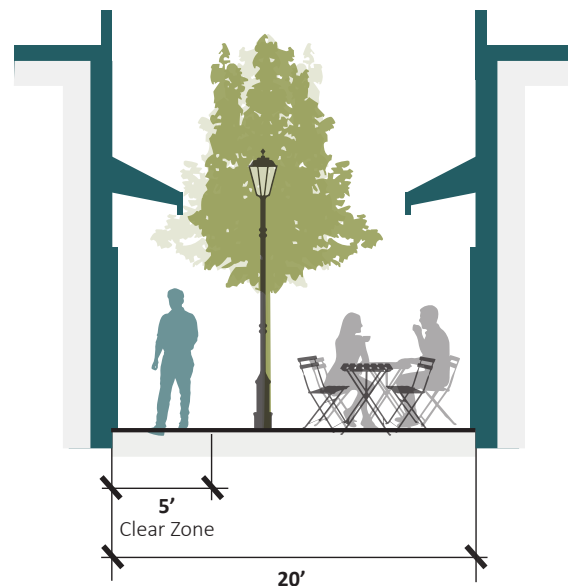
1. Lots abutting a public street shall provide street trees and/or front setback area landscaping per *Section 16-39(e)*.
2. Lots that exceed a lot coverage of 75 percent may eliminate the required net lot area requirements of *Sec. 16-39* provided the required buffering of *Division 5* is met.
3. Rooftop-mounted equipment and ground-mounted utilities shall be screened from view from public streets and adjacent properties per *Sec. 16-40*.

16-6-(C)(3)F. OPEN SPACE

1. Required common residential open spaces for any residential uses as required in Sec. 16-15 may be reduced by 50 percent.
2. Open spaces such as patios or plazas shall be distinguishable to allow for safe and well-defined areas of seating or gathering outside of designated vehicular traffic flow. These areas shall be defined with landscape elements, low seat walls, benches, planters, paving patterns, or materials distinguishable from the pedestrian sidewalk, on-site pedestrian walkways, and parking areas.
3. Outdoor dining areas located in the public right-of-way are permitted provided this use shall require a Conditional Use Permit pursuant to the requirements of Section 16-74(b) and must comply with the standards of Section 16-18(n).
4. Parklets located in the public right-of-way are permitted provided this use shall require a Temporary Use Permit pursuant to the requirements of Section 16-73(o) and must comply with the standards of Section 16-19(h).

FIGURE 11: *Paseo Design Standards*

5. A north-south network of pedestrian paths or paseos is envisioned to break up the large parcels between 9th and 20th Streets to provide more walkable pedestrian scale. Development that provides paseos may utilize this square footage toward any required open space provisions provided they comply with the standards below:
  - i. A paseo shall be at least 20 feet in width and maintain an unobstructed circulation path at least 5 feet in width.
  - ii. Paseos that form a continuous pedestrian network over multiple blocks should have continuity of street furnishing and paving type/texture.
  - iii. Facades fronting paseos should incorporate adequate design detailing (storefronts, doors and/or windows, and accompanying trim, tile mosaics, wall fountains, etc.) that make them inviting for pedestrians.

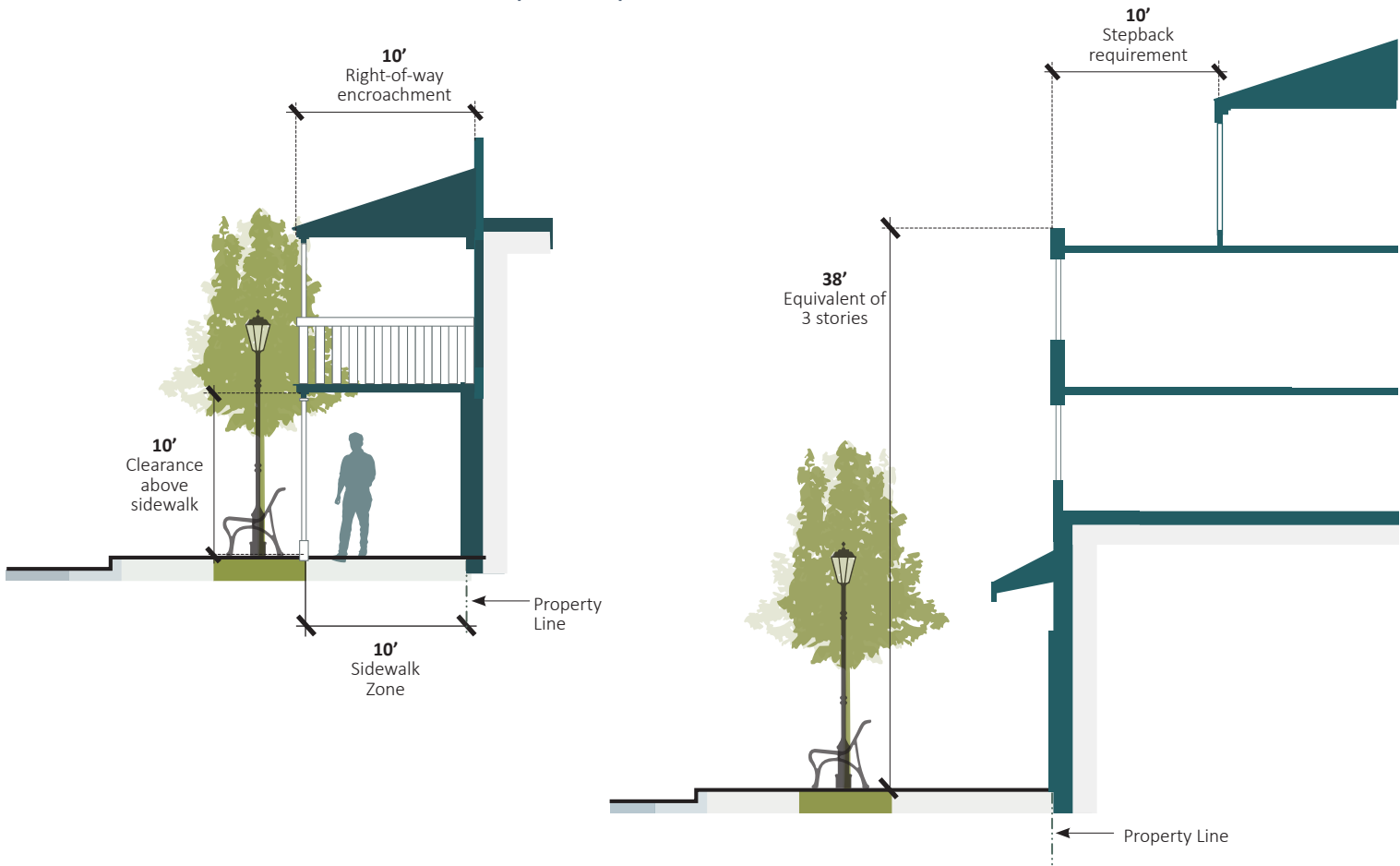


#### 16-6-(C)(3)G. BUILDING DESIGN

1. The first floor of any front street-facing façade shall contain a minimum 30 percent of its surfaces in transparent windows and/or doors.
2. Building projections such as balconies, bay windows and cornice features, open porches, canvas-type awnings, and projecting signs may encroach up to 10 feet over the public right-of-way provided an Encroachment Permit pursuant to Section 16-73(d) is obtained and a clearance of 10 feet above the sidewalk is maintained.
3. Any portion of a building over 38 feet tall shall incorporate a minimum stepback of 10 feet from any façade facing a public street.

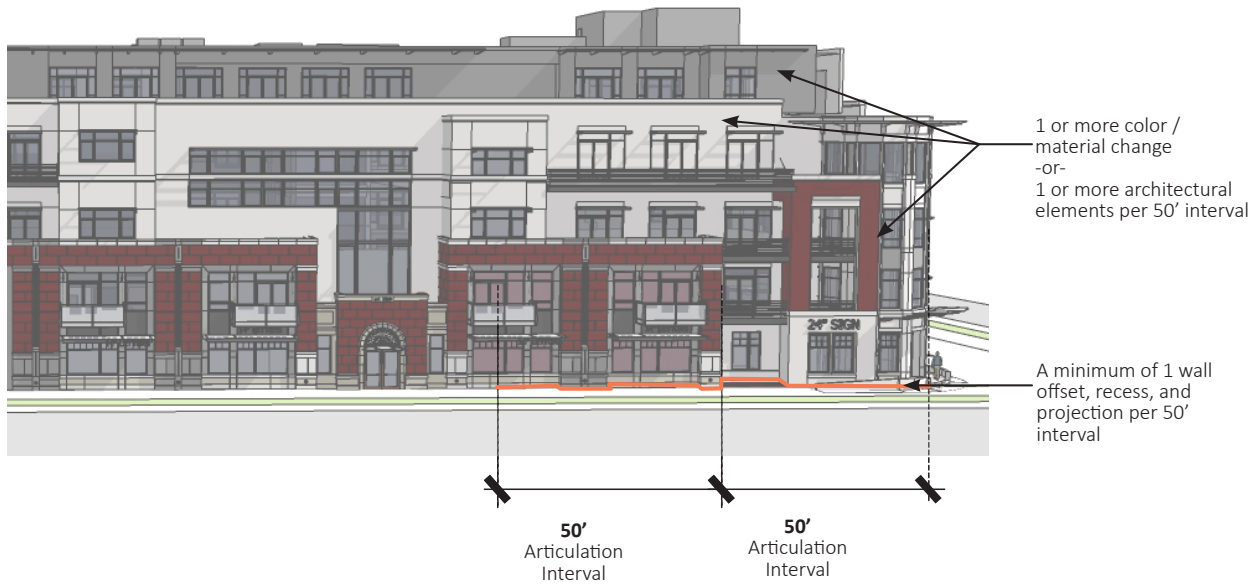
FIGURE 12: *Building Projections*

FIGURE 13: DTLA Stepback Requirements



4. The primary entrance to a building shall be clearly distinguished from the rest of the building by transparent windows and doors, materials, size, projections or recessions, or other techniques.
5. Each street-facing façade shall incorporate façade articulation and design techniques such as offsets, recesses, projections, changes in color or materials, or architectural elements such as windows/ doors, building projections, or weather protection elements such as sunshades, awnings, or trellises at intervals of every 50 linear feet of the façade to reduce the perceived massing of the building and add visual interest. Side or rear frontage may increase the articulation interval to no more than 100 feet.

FIGURE 14: DTLA Façade Articulation Standards



6. All buildings shall use materials that are durable, easily and economically maintained, and of a quality that will retain their appearance over time.
7. Higher quality building materials and details should be used on building façades facing public streets, internal streets, public spaces and at primary building entrances and may be transitioned to more economical materials on the side, rear, and service side(s) of the building.

## SEC. 16-7 NON-RESIDENTIAL ZONE DISTRICTS

### 16-7(A) PROFESSIONAL OFFICE ZONE DISTRICT (PO)

The Professional Office (PO) zone district is intended to accommodate a variety of professional uses such as office, institutional, or research and development activities. This district also is intended to accommodate secondary uses that complement or support the primary workplace uses, such as hotels, restaurants, personal services, and childcare.

**TABLE 17: PO DIMENSIONAL STANDARDS**

Lot Standards		
	Lot area, min	-
<b>A</b>	Lot width, min	50'
Setbacks		
<b>B</b>	Front, min	0'
<b>C</b>	Interior side, min	0'
<b>D</b>	Street side, min	0'
<b>E</b>	Rear, min	0'
Heights		
<b>F</b>	Primary Building Height, max	50'
	Adjacent to Residential	See <u>Sec. 16-43</u>
Density		
	Lot coverage, max	70%



#### 16-7-(A)(1) PO ZONE DISTRICT STANDARDS

- a. Where abutting or adjacent to any Residential zone district other than MFR-M, MFR-H, and MHC, the development shall comply with Division 5.
- b. The area of any Accessory Structure shall not exceed 20 percent of the primary building square footage and is subject to site plan review. Any Accessory Structure shall comply with the standards of Section 16-18(b).

## 16-7(B) GENERAL COMMERCIAL ZONE DISTRICT (GC)

The General Commercial (GC) zone district is intended to accommodate a variety of medium-scale retail, service, and professional uses serving both neighborhood and County-wide needs. The GC zone district is located along arterials and collectors outside of the DTLA and WRTC zone districts.

**TABLE 18: GC DIMENSIONAL STANDARDS**

Lot Standards		
	Lot area, min	-
<b>A</b>	Lot width, min	50'
Setbacks		
<b>B</b>	Front, min	0'
<b>C</b>	Interior side, min	0'
<b>D</b>	Street side, min	0'
<b>E</b>	Rear, min	0'
Heights		
<b>F</b>	Primary Building Height, max	50'
	Adjacent to Residential	See <u>Sec. 16-43</u>
Density		
	Lot coverage, max	70%



### 16-7(B)(1) GC ZONE DISTRICT STANDARDS

- a. Where abutting or adjacent to any Residential zone district other than MFR-M, MFR-H, and MHC, the development shall comply with the Neighborhood Protection Standards of Sec. 16-43.
- b. The area of any Accessory Structure shall not exceed 20 percent of the primary building square footage and is subject to site plan review. Any Accessory Structure shall comply with the standards of Section 16-18(b).



## 16-7(C) INDUSTRIAL ZONE DISTRICT (IND)

The Industrial (IND) zone district is intended to accommodate a variety of industrial operations such as manufacturing, warehousing, and distribution along with limited accessory commercial uses, while buffering adjacent lower-intensity Residential or Mixed-use zone districts.

**TABLE 19: IND DIMENSIONAL STANDARDS**

Lot Standards		
	Lot area, min	-
<b>A</b>	Lot width, min	50'
Setbacks		
<b>B</b>	Front, min	0'
<b>C</b>	Interior side, min	0'
<b>D</b>	Street side, min	0'
<b>E</b>	Rear, min	0'
Heights		
<b>F</b>	Primary Building Height, max	50'
	Adjacent to Residential	See <u>Division 5</u>
Density		
	Lot coverage, max	70%



### 16-7(C)(1) IND ZONE DISTRICT STANDARDS

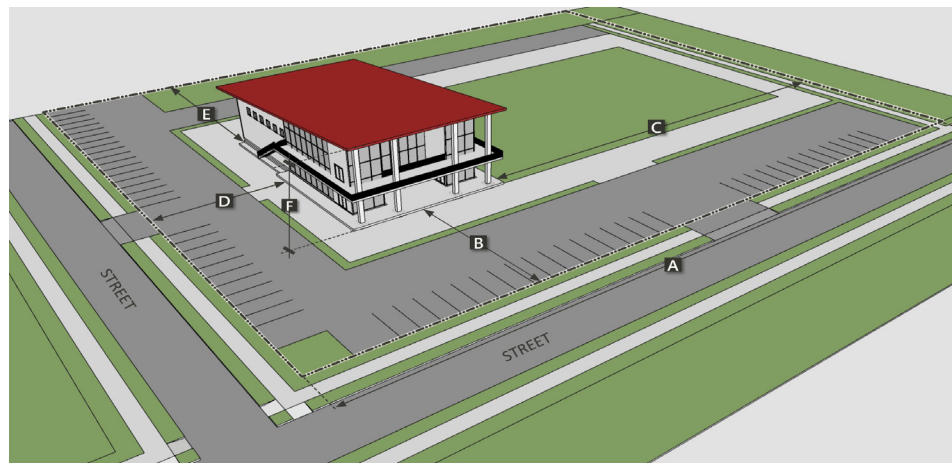
- a. Where abutting or adjacent to any Residential zone district other than MFR-M, MFR-H, and MHC, the development shall comply with the Neighborhood Protection Standards of Division 16-4-5.
- b. The area of any Accessory Structure shall not exceed 20 percent of the primary building square footage and is subject to site plan review pursuant to Section 16-74(i). Any Accessory Structure shall comply with the standards of Section 16-18(b).

## 16-7(D) INSTITUTIONAL DISTRICT (INS)

The Institutional (INS) zone district is intended to accommodate institutional or civic uses, such as schools, libraries, and transportation facilities, and publicly-owned lands.

**TABLE 20: INS DIMENSIONAL STANDARDS**

Lot Standards		
	Lot area, min	-
<b>A</b>	Lot width, min	50'
Setbacks		
<b>B</b>	Front, min	0'
<b>C</b>	Interior side, min	0'
<b>D</b>	Street side, min	0'
<b>E</b>	Rear, min	0'
Heights		
<b>F</b>	Primary Building Height, max	50'
	Adjacent to Residential	See <i>Division 5</i>
Density		
	Lot coverage, max	70%



### 16-7-(D)(1) INS ZONE DISTRICT STANDARDS

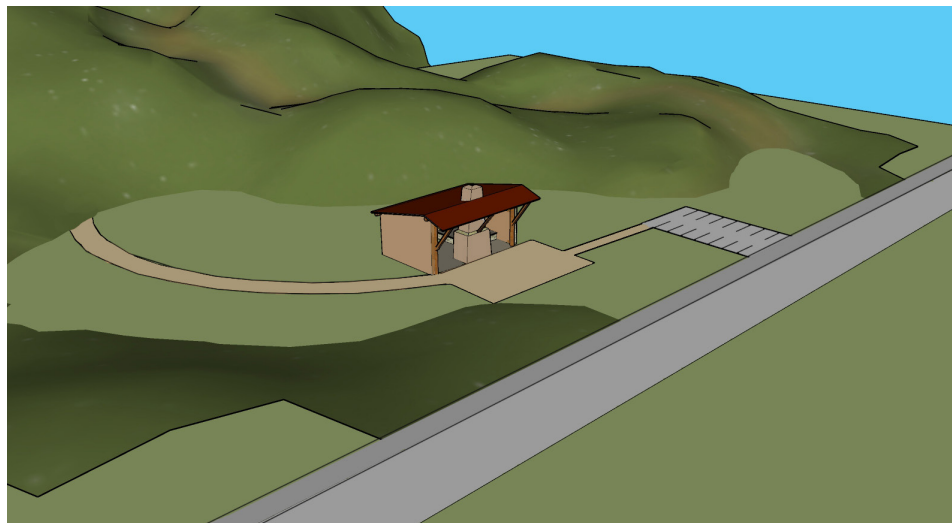
- Any unit of government-owned land within the INS zone district may use the land and structures in order to support community needs and the public health, safety, and welfare.
- Where the land is to be used by any other person under a lease or contract with the unit of government, an application for a Conditional Use Permit shall be applied for and acted upon by the Planning and Zoning Commission. Under such circumstances, the land may be put to any use accessory to the governmental use or to any of the uses allowed in the MFR-H, GC, PO, and IND zone districts, as may be appropriate, upon the approval of the application for a Conditional Use Permit.
- Where abutting or adjacent to any Residential zone district other than MFR-M, MFR-H, and MHC, the development shall comply with the Neighborhood Protection Standards of *Division 16-4-5*.
- One Caretaker Unit shall be permitted for lots 30 acres to less than 400 acres in area; lots greater than or equal to 400 acres in area shall be permitted 1 such accessory dwelling for every 200 acres in total area.
- The area of any Accessory Structure shall not exceed 20 percent of the primary building square footage and is subject to site plan review pursuant to *Section 16-74(j)*. Any Accessory Structure shall comply with the standards of *Section 16-18(b)*.

## 16-7(E) OPEN SPACE ZONE DISTRICTS (OS)

The purpose of the Open Space (OS) zone districts is to protect the natural character of designated public parks and wilderness for a variety of intensities including public recreation, use, and enjoyment. Primary uses are open space and related recreation facilities, picnic and other shelters, and service/maintenance facilities.

**TABLE 21: OS DIMENSIONAL STANDARDS**

Lot Standards		OS-PP, OS-RO, OS-AO, OS-PO
	Lot area, min	-
<b>A</b>	Lot width, min	-
<b>Setbacks</b>		
<b>B</b>	Front, min	20'
<b>C</b>	Side, min	10'
<b>E</b>	Rear, min	20'
<b>Heights</b>		
<b>F</b>	Primary Building Height, max	35'
<b>Density</b>		
	Lot coverage, max	20%



### 16-7(E)(1) APPLICABILITY

The OS district includes the following 4 sub-zones, each of which has allowable uses and development standards specified in this Code as noted below.

#### 16-7(E)(1)A. PUBLIC PARK SUB-ZONE (OS-PP)

The Public Park sub-zone is intended to protect existing County owned or managed parks.

#### 16-7(E)(1)B. RECREATIONAL OPEN SPACE SUB-ZONE (OS-RO)

The Recreational Open Space sub-zone is intended to protect the County's recreational open space resources such as the Pajarito Mountain Ski Area designated for more active recreational use with limited recreation and tourism development such as recreational equipment rentals, souvenir shops, restaurants, and bars.

#### 16-7(E)(1)C. ACTIVE OPEN SPACE SUB-ZONE (OS-AO)

The Active Open Space sub-zone is intended to protect the natural character of the County's wilderness areas designated for use of active public recreation, use, and enjoyment with limited development such as campgrounds, , athletic fields, and stables.

16-7-(E)(1)D. PASSIVE OPEN SPACE SUB-ZONE (OS-P0)

The Passive Open Space sub-zone is intended to protect the natural and scenic character of the County's wilderness areas for use of passive public recreation, use, and enjoyment that have minimal effect on the land.

16-7-(E)(2) OS ZONE DISTRICTS STANDARDS (OS-PP, OS-RO, OS-A0, OS-P0)

- a. Motor vehicle use shall be restricted to movement through the zone district on designated roads or to movement on designated roads to uses allowed in the zone district.
- b. Within the OS-PP and OS-RO subdistricts, one Caretaker Unit shall be permitted for lots 30 acres to less than 400 acres in area; lots greater than or equal to 400 acres in area shall be permitted 1 such Accessory Dwelling for every 200 acres in total area.

**DIVISION 3 SUMMARY TABLES OF BASE ZONE DISTRICT DIMENSIONAL STANDARDS**

**TABLE 22: LOW-DENSITY RESIDENTIAL DISTRICT DIMENSIONAL STANDARDS**

Zone Districts	RA	RE	SFR-1	SFR-2	SFR-3	SFR-4	SFR-5	SFR-6
Lot area, min	2 ac.	2 ac.	13,000 sq. ft.	12,000 sq. ft.	10,000 sq. ft.	8,000 sq. ft.	5,000 sq. ft.	2,000 sq. ft.
Lot width, min	65'	65'	65'	65'	65'	65'	50'	25'
Front setback, min	40'	40'	20'	15'	15'	10'	10'	10'
Interior side setback, min	25'	25'	7.5'	10'	10'	5'	5'	5'
Street side setback, min	15'	15'	15'	15'	15'	15'	15'	15'
Rear setback, min	25'	25'	15'	15'	20'	20'	15'	15'
Building Height, max	35'	35'	35'	35'	35'	35'	35'	35'
Lot coverage, max	10%	10%	30%	30%	35%	40%	45%	45%

**TABLE 23: MEDIUM- TO HIGH-DENSITY RESIDENTIAL DISTRICT DIMENSIONAL STANDARDS**

Zone Districts	MHC	RM-1	RM-2	MFR-L	MFR-M	MFR-H
Lot area, min	3 acres	SF: 8,000 sq. ft. DPX/TH: 10,000 sq. ft.	SF: 6,500 sq. ft. DPX/TH: 10,000 sq. ft.	SF:6,500 sq. ft. DPX/TH:10,000 sq. ft. MF:12,000 sq. ft.	MF: 24,000 (2,000 sq. ft./DU)	2 acres (1,000 sq. ft./DU)
Lot width, min	-	50'	SF: 40' DPX/TH: 20'	SF:40' DPX/TH:20' MF:40'	65'	65'
Front setback, min	15'	20'	15'	15'	20'	20'
Interior side setback, min	5'	5'	7.5'	7.5'	5'	5'
Street side setback, min	10'	15'	15'	15'	15'	15'
Attached interior side setback	-	-	0'	0'	-	-
Detached interior side setback	-	5'	7.5'	7.5	-	-
Rear setback, min	20'	20'	20'	15'	15'	60'
Abutting Residential	See <u>Section 16-4-5</u>			-	See <u>Division 5</u>	
Building Height, max	35'	35'	35'	35'	45'	54'
Lot coverage, max	40%	40%	40%	40%	50%	50%

**TABLE 24: MIXED-USE DISTRICT DIMENSIONAL STANDARDS**

Zone Districts	MU	WRTC	DTLA
Lot area, min	-	-	-
Lot width, min	-	-	-
Front setback, min	0'	0'	0'
Side setback, min	0'	0'	0'
Rear setback, min	0'	0'	0'
Abutting Residential	See <u>Division 5</u>		
Building Height, max	54'	54'	86'
Lot coverage, max	100%	100%	100%

**TABLE 25: NON-RESIDENTIAL DISTRICT DIMENSIONAL STANDARDS**

Zone Districts	OS-PP, OS-R0 OS-A0, OS-P0	INS	GC	PO	IND
Lot area, min	-	-	-	-	-
Lot width, min	-	50'	50'	50'	50'
Front setback, min	20'	0'	0'	0'	25'
Side setback, min	10'	0'	0'	0'	25'
Rear setback, min	20'	0'	0'	0'	10'
Abutting Residential	-	See <i>Division 5</i>			
Building Height, max	35'	50'	50'	50'	50'
Lot coverage, max	20%	70%	70%	70%	70%

## DIVISION 4 OVERLAY ZONE DISTRICTS

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### SEC. 16-8 PLANNED DEVELOPMENT OVERLAY ZONE DISTRICT (PD-O)

#### 16-8(A) PURPOSE

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The Planned Development Overlay (PD-O) zone district is intended to be used to increase design flexibility while ensuring that the overall character of the development is consistent with the underlying base zone district and harmonious with the surrounding area in conjunction with a higher density Residential (RM, MFR-L, MFR-M, and MFR-H), Professional Office (PO), General Commercial (GC), Industrial (IND), or Mixed-use (MU, DTLA, WRTC) districts. Desired outcomes include the following:

- (1) Diversify available housing or commercial options with a variety of price ranges, product types, and designs that will appeal to various niche markets and stimulate new development;
- (2) Revitalize Downtown Los Alamos (DTLA) and White Rock Town Center (WRTC) zone districts and eliminate blight by encouraging infill development and redevelopment and promoting higher density residential, commercial, and mixed-use development;
- (3) Enhance environmental quality and sustainability through innovative site planning and design standards that provide greater flexibility for siting buildings while preserving environmentally sensitive areas;
- (4) Ensure compatibility of land uses and architecture and mitigation of development impacts on adjacent property through effective planning and architectural design standards;
- (5) Simplify the development review process through the use of an overlay district with a development plan or site plan, rather than through the request of individual waivers and Code text amendments.

#### 16-8(B) APPLICABILITY/REZONING ELIGIBILITY

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- (1) A PD-O zone district must contain at least 1 contiguous acres of land.
- (2) A development plan or site plan that specifies uses, site standards, and development standards, as well as a sketch plan, if the property is to be subdivided, shall be reviewed and decided in conjunction with the review and decision of the Zoning Map Amendment request.
- (3) A PD-O zone district will not be accepted or approved for any proposed development that could be achieved in substantially the same form through the use of 1 or more zone districts and/or overlay zone districts.
- (4) The property shall be under a single or common ownership or development control. An agreement in form acceptable to the Community Development Director and acceptable to the County Attorney will be required for any proposed PD-O zone district if the property is not owned by a single person or entity. The purpose of the agreement is to assure timely development of the property in accordance with the development plan or site plan and sketch plan approved in establishing the Planned Development Overlay (PD-O) zone district and to hold each and every owner of any interest in the property responsible for the full development of the site in accordance with the applicable plans, Development Code requirements, and all other legal requirements.

#### 16-8(C) PD-O ZONE DISTRICT STANDARDS

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- (1) The development plan or site plan may contain any of the uses listed in *Table 26*, provided those uses do not create significant adverse impacts on adjacent sites or neighborhoods. Uses not listed in *Table 26* may be considered at the discretion of the review and approving body and shall be indicated on the approved Development Plan. All allowable uses in the PD-O zone district are



subject to the applicable Use-Specific Standards listed for that use in *Division 2* unless modified by the overlay zone district approval.

- (2) The development plan or site plan may deviate the minimum standards of the underlying base zone district, provided the development plan or site plan clearly indicates those deviations and those deviations do not create significant adverse impacts on adjacent sites or neighborhoods. Limitations to allowable deviations of a development plan or site plan include:
  - a. In any Residential zone district, commercial uses shall not exceed 5 percent of the subject site. No commercial uses shall be allowed unless the primary access of the commercial site abuts those streets designated for the highest traffic usage.
  - b. In any Mixed-use or Non-Residential district, the minimum off-street parking requirements for all uses, except mixed use development with residential development in excess of 80% of their gross floor area, may be modify by 25 percent.
  - c. In any Non-Residential districts, any Residential site development requirements for single family detached and attached dwellings and two-family dwellings shall be as prescribed in the SFR-5 zone district to the maximum extent feasible, except that minimum side yard setbacks of zero feet are allowed. Residential development requirements for multiple-family dwellings shall be as prescribed in the MFR-M zone district to the maximum extent feasible In no case shall more than 50 percent of the gross floor area be used for residential uses in an underlying non-residential base zones.
  - d. In the IND district, residential uses shall not be permitted and the commercial site development requirements of the GC districts shall apply.
- (3) The development plan or site plan shall comply with the Development Standard of *ARTICLE 16-4* to the maximum extent feasible. Any deviations from these standards shall be clearly indicated in the development plan or site plan and those deviations do not create significant adverse impacts on adjacent sites or neighborhoods.
- (4) A development plan or site plan may not deviate from the requirements in *Division 5* Neighborhood Protection Standards designed to protect abutting properties from potential adverse impacts of development.

## SEC. 16-9 HISTORIC PROTECTION OVERLAY ZONE DISTRICT (HP-O)

### 16-9(A) PURPOSE

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The purpose of the Historic Protection Overlay (HP-O) zone district is to preserve and protect the County's unique heritage and identity through the protection of historic sites, structures, and artifacts and through the designation of districts and landmarks of historical or archaeological significance. The HP-O zone district is further intended to:

- (1) Create a reasonable balance between private property rights and the public's interest in preserving the County's historic properties;
- (2) Allow for the preservation, protection, and enhancement of archaeological and historical sites and objects within the County;
- (3) Foster civic pride in the beauty and accomplishments of our past;
- (4) Provide educational opportunities for Los Alamos County residents of all ages;
- (5) Enhance and promote the County's ability to attract tourists and other visitors while respecting the privacy of individual building occupants;
- (6) Promote the continued use, adaptive reuse, and maintenance of historic or architecturally significant properties;
- (7) Ensure that the exterior design and appearance of new structures and improvements within a historic district will be compatible with the established character of that district;
- (8) Provide owners of properties of historic significance with helpful information and other potential incentives for the preservation, maintenance, and improvement of their properties; and
- (9) Establish efficient and simple administrative systems to carry out the purposes of this article utilizing, wherever possible, approval procedures already in existence.

### 16-9(B) AUTHORITY

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As the preservation of historic assets within the County has been determined by the County Council to be a legitimate purpose of government, this section is adopted pursuant to and furthers the purposes of NMSA 1978, §§ 3-21-1 et seq., (Municipal and County Zoning Regulations); NMSA § 3-22-1 et seq., (Historic Districts and Landmarks Act); and NMSA §§ 18-6-1 et seq., (Cultural Properties Act).

### 16-9(C) DESIGNATION OF HISTORIC DISTRICTS AND COUNTY LANDMARKS

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- (1) The County Council may designate and list individual historic landmarks or historic districts within the County, pursuant to Section 16-75(b).
- (2) Historic landmarks and districts shall be designated on the Official Zoning Map.
- (3) Historic designation will result in the creation of an Historic Protection Overlay zone district which will impose regulations on the designated property or district in addition to the zoning regulations already in effect in the underlying base zone districts.

### 16-9(D) HP-O ZONE DISTRICT STANDARDS

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- (1) Within the boundaries of any HP-O zone, the exterior appearance of any structure shall not be altered; new structures shall not be constructed; and existing structures shall not be demolished until an Historic Property Alteration Certificate is approved pursuant to Section 16-73(h).
- (2) A Historic Property Alteration Certificate shall not be required for:
  - a. Ordinary maintenance and repair where the purpose of the work is to preserve the integrity

- of the structure and/or materials, correct deterioration to the structure, and restore it to its condition prior to deterioration; or
- b. Construction, alteration or demolition involving only interior features of the structure, unless such work impacts the structure's exterior appearance.
  - c. Within the boundaries of any HP-O zone, no demolition permit shall be issued by the building official until a HP-O Demolition Permit application has been reviewed by the HPAB pursuant to the procedures of Section 16-73(g).
- (3) An applicant who has been denied a Historic Property Alteration Certificate may seek an exemption from all, or portions of, the requirements of this section based on economic hardship by requesting a HP-O Economic Hardship Wavier per the procedures of Section 16-74(d). If a request for Economic Hardship Wavier is made, the applicant may not undertake any work on the historic property until and unless the planning and zoning commission makes a finding that an economic hardship exists and a certificate has been issued.
  - (4) No owner of an Historic property shall permit such property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would produce a detrimental effect upon the character of the district as a whole or the life and character of the property itself. Examples of such deterioration include deterioration of exterior walls or other vertical supports; deterioration of roof or other horizontal members; deterioration of exterior chimneys; deterioration or crumbling of exterior stucco or mortar; ineffective waterproofing of exterior walls, roof, or foundations, including broken windows or doors; and deterioration of any feature so as to create a hazardous condition which could lead to the claim that demolition is necessary for the public safety.
  - (5) Nothing in this section shall be construed as to prevent any repairs, construction alterations or demolition necessary to correct or abate the unsafe or dangerous condition of any structure or site feature or part thereof, where such condition has been declared unsafe or dangerous by the county building official, other applicable county department directors, or federal or state agencies, and where proposed measures have been declared necessary by such departments or agencies. To the maximum practical extent such repairs, alterations, or demolitions shall be carried out in accordance with the standards required by this article.

## SEC. 16-10 AIRPORT OPERATIONS OVERLAY ZONE DISTRICT (AO-O)

### 16-10(A) PURPOSE

---

The purpose of the Airport Operations Overlay (AO-O) zone is to protect the operations of the Los Alamos County Airport from encroachment of land uses that could inhibit or restrict present airport operations or negatively affect the future growth and operation of the airport. Since the boundaries associated with this overlay are dependent upon the physical boundaries of specific airport features, the boundaries shall change as necessary with respect to any changes in these features.

### 16-10(B) APPLICABILITY

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The standards of this section apply to the Los Alamos County Airport and other properties in all zone districts within the of the AO-O zone as mapped on the Official Zoning Map.

### 16-10(C) AIRPORT INFLUENCE AREA

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This area is defined as all lands within the Los Alamos County as noted by the Airport Influence Area boundary on the Los Alamos County Airport map. Within this area, the subject property's proximity to the airport shall be disclosed by any person or entity subdividing land. The Airport Influence Area boundary shall be noted in all development proposals.

### 16-10(D) DELINEATION OF THE AIRPORT OPERATIONS OVERLAY BOUNDARY

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The boundaries of the AO-O are shown on Official Zoning Map as well as the Los Alamos Airport map and shall be defined as follows:

#### 16-10-(D)(1) PRECISION INSTRUMENT RUNWAY APPROACH ZONE

The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide at a point 200 feet from the end of the precision instrument approach runway of the airport. The primary surface is a surface longitudinally centered on an airport runway, ending at each end of the runway when it has no specially prepared hard surface and 200 feet beyond each end of the runway when it has a specially prepared hard surface. The precision instrument runway approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the horizontal surface of the precision instrument runway. The zone's centerline is an outward continuation of the centerline of the runway. The height limit for this zone is defined by a slope extending upward and outward one foot of vertical elevation for each 50 feet of horizontal distance for the first 10,000 feet beginning at the end of and at the same elevation as the primary surface. From 10,000 to 40,000 feet, this slope extends at a rate of one foot of vertical elevation for each 40 feet of horizontal distance.

#### 16-10-(D)(2) HORIZONTAL ZONE

The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones. The horizontal zone

extends for 10,000 feet as described above to the boundary of the conical zone. The height limit of structures in the horizontal zone is established at 150 feet above the airport elevation of 7,171 feet for a total height limit of 7,321 feet above mean sea level (MSL).

### 16-10-(D)(3) CONICAL ZONE

The conical zone is the area that commences at the periphery of the horizontal zone and extends to a horizontal distance of 4,000 feet. The height limit for this area is defined as a slope extending upward and outward one foot of vertical elevation for each 20 feet of horizontal distance beginning at the periphery of the horizontal zone and extending to a height of 350 feet above the airport elevation.

### 16-10-(D)(4) TRANSITIONAL ZONES

These are the areas that extend outward at 90 degree angles to each runway centerline and extended at a slope of one foot of vertical elevation for each seven feet of horizontal distance from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. The height limit for these areas is defined as the slope described above, extending to 150 feet above the airport elevation.

### 16-10(E) AO-O ZONE DISTRICT STANDARDS

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- (1) Development within the AO-O overlay district shall comply with any applicable Federal regulations as well as any policies and/or guidelines established by the Los Alamos Municipal Airport for the purpose of regulating encroachments and/or obstructions into navigable airspace.
- (2) Development within the Airport Influence Area shall adhere to all applicable restrictions stated and outlined in F.A.R. Part 77 (Height Restrictions) and F.A.R. Part 150 (Noise and Land Use Compatibility) as amended.
- (3) Development applications within the AO-O overlay district shall consider compatible land uses and proper zoning for properties at the eastern end of the airport property.

# ARTICLE III. USE REGULATIONS

## DIVISION 1 PERMITTED USES

### SEC. 16-11 LISTED USES

Table 26: Permitted Use Table indicates the land uses allowed within each base zone district, with abbreviations as described in *Division 2*. Use-Specific Standards in *Division 2* establish additional restrictions, requirements, additional allowances, or review procedures.

### SEC. 16-12 EXPLANATION OF PERMITTED USE TABLE ABBREVIATIONS

*Table 26 Permitted Use Table* uses the following abbreviations to designate whether and how a principal use is allowed in a particular zone district:

P	A "P" in a cell indicates that the use is permitted by right in the respective zone district. Permitted uses are subject to all other applicable regulations of this Development Code, including the supplemental use standards in this article and the requirements of <u>ARTICLE 16-4 Development Standards</u> .
C	A "C" in a cell indicates that the land use is permitted in that zone district upon approval of a Conditional Use Permit by the Planning and Zoning Commission as described in <u>Section 16-74(b)</u> and compliance with any Use-Specific Standards referenced in the right-hand column of <u>Table 26 Permitted Use Table</u> and with all other applicable requirements of the Code.
A	An "A" in a cell indicates that the use is permitted in the respective zone district as an accessory use, i.e. allowed as an accessory use compatible with a permitted use on the lot, and is subject to any Use-Specific Standards referenced in the right-hand column of that line of <u>Table 26 Permitted Use Table</u> .
T	A "T" in a cell indicates that the land use is allowed in that zone district upon approval of a Temporary Use Permit as described in <u>Section 16-73(o)</u> and compliance with any use-specific standards referenced in the right-hand column of <u>Table 26 Permitted Use Table</u> and with all other applicable requirements of the Code.
AC	An "AC" in a cell indicates that the land use is permitted in the respective zone district as an accessory use upon approval of a Conditional Use Permit by the Planning and Zoning Commission as described in <u>Section 16-74(b)</u> and compliance with any Use-Specific Standards referenced in the right-hand column of <u>Table 26 Permitted Use Table</u> and with all other applicable requirements of the Code.
	A blank cell indicates that the use is prohibited in the respective zone district.

### SEC. 16-13 UNLISTED USES

1. When a proposed land use is not explicitly listed in Table 26 Permitted Use Table, the Community Development Director shall determine the appropriate use type for the proposed use.
2. If the proposed use is included in the definition of a listed use or is consistent with the size, scale, operating characteristics, and external impacts of a listed use then it should be treated as the same use.
3. If the proposed use is determined to be a new or unlisted use, the Community Development Director may determine that such new or unlisted use requires a text amendment of this Development Code.

4. The Community Development Director may also determine that text amendments for additional Use-Specific Standards are necessary to reduce potential impacts to surrounding properties or the community. Development Code text amendments shall follow the procedures in Section 16-74(j).

SEC. 16-14 PERMITTED USE TABLE

TABLE 26: PERMITTED USE TABLE																					
	PROPOSED ZONE DISTRICTS	OS-PP	OS-RO	OS-AO	OS-PO	RA	RE	SFR	MHC	RM	MFR-L	MFR-M	MFR-H	MU	WRTC	DTLA	INS	PO	GC	IND	USE SPECIFIC STANDARD
	<b>RESIDENTIAL USES</b>																				
Household Living	Dwellings, Single-family					P	P	P	P	P	P	P	P								
	Dwellings, Cottage development					C	C	C		P	P	P	P	P							<u>16-15(a)</u>
	Dwelling, Manufactured Home					P	P	P	P	P	P	P	P	P							
	Dwelling, Mobile Home								P												
	Dwelling, Duplex									P	P	P	P	P	P						
	Dwelling, Triplex									P	P	P	P	P	P						
	Dwelling, Fourplex									P	P	P	P	P	P						
	Dwelling, Townhouse									P	P	P	P	P	P	P		-			<u>16-15(b)</u>
	Dwelling, Live/Work									C	C	P	P	P	P	P					<u>16-15(c)</u>
	Dwelling, Co-Housing Development										P	P	P	P	P	P	P				<u>16-15(d)</u>
Dwelling, Multiple-Family											P	P	P	P	P	P				<u>16-15(e)</u>	
Congregate Living	Assisted Care Facility										C	C	P	P	P	P			C		<u>16-15(f)</u>
	Dormitory									C	C	C	P	P	P	P	C		C		
	Group Care Facility					P	P	P	P	P	P	P	P	P	P	P					<u>16-15(g)</u>
	Group Residential Facility					P	P	P	P	P	P	P	P	P	P	P					<u>16-15(h)</u>

**TABLE 26: PERMITTED USE TABLE**

TABLE 26: PERMITTED USE TABLE																					
	PROPOSED ZONE DISTRICTS	OS-PP	OS-RO	OS-AO	OS-PO	RA	RE	SFR	MHC	RM	MFR-L	MFR-M	MFR-H	MU	WRTC	DTLA	INS	PO	GC	IND	USE SPECIFIC STANDARD
<b>INSTITUTIONAL USES</b>																					
Public, Institutional, and Civic Uses	Art Gallery, Museum, or Library													P	P	P	P	P	P		
	Cemetery	P															P		P		
	Funeral Home or Mortuary													P	P	P			P	C	
	Institutional and Civic Buildings	P	P											P	P	P	P	P	P		
	Hospital														P	P	P		C	C	
	Medical Or Dental Clinic														P	P	P	P	P	P	
	Private Club or Lodge														P	P	P		C	P	C
	Religious Institution					P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	School, Private					C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	A
	School, Public					P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A
<b>COMMERCIAL USES</b>																					
	Fish Hatchery			P													P			C	
	Community Garden			P		P	P	P	P	P	P	P	P	P	P	P	P				
	Plant Nursery or Greenhouse													P	P	P	P		P	P	
	Greenhouse For Cannabis Cultivation													P						P	<u>16-17(e)</u>
	Adult Entertainment																	C	P	P	<u>16-16(a)</u>
	Golf Course or Country Club	P	C				C	C									P				
	Indoor Entertainment Facility	P	C											P	P	P	P		P	C	
	Outdoor Recreation Facility		P	C										C	P	P	P		P	C	
	Park or Playground		P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	
	Sports Field		P	P									P	P	P	P	P	P	P	C	
	Equestrian Facilities		P	P		P															



**TABLE 26: PERMITTED USE TABLE**

	PROPOSED ZONE DISTRICTS	OS-PP	OS-RO	OS-AO	OS-PO	RA	RE	SFR	MHC	RM	MFR-L	MFR-M	MFR-H	MU	WRTC	DTLA	INS	PO	GC	IND	USE SPECIFIC STANDARD	
Lodging	Bed and Breakfast					C	C	C	C	C	C	C	C	P	P	P			P		<u>16-16(b)</u>	
	Campground or RV Park		P	P					A		C	C	C	P	P	P	P		P		<u>16-16(c)</u>	
	Hotel or Motel													P	P	P		P	P			
Food and Beverage	Bar, Lounge, or Tavern		C											P	P	P		C	P			
	Microbrewery, Distillery, or Winery		C											C	P	P		C	C	P		
	Restaurant													P	P	P		P	P	A		
	Office, Business or Professional													P	P	P		P	P	A		
	Laboratory													C	C	C		P	C	P	<u>16-16(d)</u>	
	Research and Development													P	P	P		P	P	P	<u>16-16(e)</u>	
	Financial Institution													P	P	P		P	P	A		
Retail Sales and Service	Adult Retail																		P	P	<u>16-16(a)</u>	
	Retail Sales		AC											P	P	P		A	P	A		
	Cannabis Retail													A	P	P			P	A	<u>16-16(f)</u>	
	Contractor Facility or Yard																		C	P		
	Daycare Center		AC											P	P	P		P	P	C	<u>16-16(g)</u>	
	Fitness Center													P	P	P		P	P	C		
	Liquor Retail													P	P	P			P	C		
	Nicotine Retail														P	P	P			P	C	<u>16-16(h)</u>
	Meeting, Banquet, or Event Facility														P	P	P	P	P	P	C	
	Mobile Home Sales																			P	P	
	Personal Services						C	C	C		C	C	C	C	P	P	P		A	P	P	
	Kennel						C								C	C	C			P	P	<u>16-16(i)</u>
	Self-Service Storage Facility																			P	P	
Veterinary Hospital														P	P	P		C	P	P		
	Ambulance Services														P	P			P	P		
	Light Vehicle and Equipment Sales, Rental, And Repair													C	C	C		P	P	P	<u>16-16(j)</u>	

**TABLE 26: PERMITTED USE TABLE**

	PROPOSED ZONE DISTRICTS	OS-PP	OS-RO	OS-AO	OS-PO	RA	RE	SFR	MHC	RM	MFR-L	MFR-M	MFR-H	MU	WRTC	DTLA	INS	PO	GC	IND	USE SPECIFIC STANDARD
	Heavy Vehicle and Equipment Sales, Rental and Repair																		C	P	<u>16-16(k)</u>
	Vehicle Fuel Sales														C	C			P	P	
	Vehicle Storage													C					C	P	<u>16-16(m)</u>
	Vehicle Wash														C	C			P	P	
Transportation	Airport																				P
	Heliport														C	C			C	C	
	Parking Facility													P	P	P	P	P	P	P	
	Transit Terminal or Station													C	P	P	P	P	P	P	
	Truck Terminal																				P
<b>INDUSTRIAL USES</b>																					
	Above-Ground Storage of Fuels																			C	C
	Artisan Manufacturing													P	P	P		P	P	P	<u>16-17(a)</u>
	Light Manufacturing													C	C	C		C	C	P	<u>16-17(b)</u>
	Heavy Manufacturing																			P	<u>16-17(c)</u>
	Special Manufacturing																				C
	Cannabis Cultivation or Manufacturing Facility													P					P	P	<u>16-17(e)</u>
	Distribution, Warehouse, or Wholesale Facility																	C	C	P	
	Natural Resource Extraction																				C
	Outdoor Storage													C	C	C	C	C	P	P	<u>16-17(f)</u>

**TABLE 26: PERMITTED USE TABLE**

TABLE 26: PERMITTED USE TABLE																						
	PROPOSED ZONE DISTRICTS	OS-PP	OS-RO	OS-AO	OS-PO	RA	RE	SFR	MHC	RM	MFR-L	MFR-M	MFR-H	MU	WRTC	DTLA	INS	PO	GC	IND	USE SPECIFIC STANDARD	
		Utilities & Communications	Public Utilities	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	C	C
Radio And TV, Studio or Station														P	P	P	P	P	P	P		
Recycling Station													C	C	C	C	P	C	C	P	<u>16-17(g)</u>	
Salvage Yard																				C	<u>16-17(h)</u>	
Transfer Station																	P			C		
Small Wireless Telecommunication Facility	A		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Wireless Telecommunication Facility	C		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	<u>16-17(i)</u>
<b>ACCESSORY USES</b>																						
	Accessory Dwelling Unit					A	A	A <sup>1</sup>		A	A										<u>16-18(a)</u>	
	Accessory Structure					A	A	A	A	A	A	A	A	A	A	A					<u>16-18(b)</u>	
	Caretaker Unit	P	P											A	A	A	A	A	A	A	<u>16-18(c)</u>	
	Daycare Facility					C	C	C	C	C	C	C	C	C	C	C					<u>16-18(d)</u>	
	Daycare Home					A	A	A	A	A	A	A	A	A	A	A					<u>16-18(e)</u>	
	Greenhouse			A		A	A	A	A	A	A								A	A	<u>16-18(f)</u>	
	Hay Or Feed Storage					A													P			
	Home Business					C	C	C		C	C	C	C	A	A	A					<u>16-18(g)</u>	
	Home Occupation					A	A	A		A	A	A	A	A	A	A					<u>16-18(h)</u>	
	Livestock Husbandry					A															<u>16-18(i)</u>	
	Outdoor Dining													A	A	A		A	A	A	<u>16-18(n)</u>	
	Outdoor Storage													A	A	A	A	A	A	A	<u>16-18(j)</u>	
	Recreational Vehicle Storage					A	A	A		A											<u>16-18(k)</u>	
	Residential Community Amenity					A	A	A	A	A	A	A	A	A	A	A					<u>16-18(l)</u>	
	Microwave Dish													C	C	C	C	C	C	C	<u>16-18(m)</u>	

1 Accessory Dwelling Units are permitted in the SFR-1, SFR-2, and SFR-3 Zone Districts and prohibited in the SFR-4 and SFR-5 Zone Districts

**TABLE 26: PERMITTED USE TABLE**

	PROPOSED ZONE DISTRICTS	OS-PP	OS-RO	OS-AO	OS-PO	RA	RE	SFR	MHC	RM	MFR-L	MFR-M	MFR-H	MU	WRTC	DTLA	INS	PO	GC	IND	USE SPECIFIC STANDARD
Accessory	Satellite Dish Antenna					A	A	A	A	A	A	A	A	C	C	C	C	C	C	C	<u>16-18(m)</u>
	Solar Collection System					A	A	A		A	A	A	A	A	A	A	C	A	A	P	<u>16-18(o)</u>
	Swimming Pool			A		A	A	A	A	A	A	A	A	A	A	A		A			<u>16-18(p)</u>
<b>TEMPORARY USES</b>																					
	Construction staging area, trailer, or office	T	T			T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	<u>16-19(a)</u>
	Dwelling, temporary					T	T	T	T	T											<u>16-19(b)</u>
	Fair, carnival, or circus																T				<u>16-19(c)</u>
	Film Productions	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	<u>16-19(d)</u>
	Garage or Yard Sale					T	T	T	T	T											<u>16-19(e)</u>
	Open air market	T	T											T	T	T	T		T		
	Mobile vending	T	T											T	T	T	T	T	T		<u>16-19(f)</u>
	Mobile food vending	T	T											T	T	T	T	T	T		<u>16-19(g)</u>
	Parklet													T	T	T	T	T	T		<u>16-19(h)</u>
	Real estate office or model home					T	T	T	T	T											<u>16-19(i)</u>
	Seasonal outdoor sales													T	T	T	T	T	T		<u>16-19(j)</u>
	Special event	T	T			T	T	T	T	T	T	T	T	T	T	T	T	T	T		<u>16-19(k)</u>
	Temporary storage					T	T	T	T	T	T	T	T					T	T	T	<u>16-19(l)</u>

## DIVISION 2 USE-SPECIFIC STANDARDS

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### SEC. 16-15 RESIDENTIAL USES

#### 16-15(A) Dwelling, Cottage Development

---

- (1) The minimum lot size for co-housing development is 1 acre.
- (2) Underlying zone district lot and setback requirements shall apply to the project site boundaries as a whole, but not to individual co-housing dwellings.
- (3) A minimum common open space of 10 percent of the total site area shall be designated and permanently reserved as usable common open space.
- (4) The development may contain shared indoor community space for all residents to use for activities, cooking, and/or dining.

#### 16-15(B) Dwelling, Townhouse

---

- (1) A minimum common open space of 10 percent of the total site area shall be designated and permanently reserved as usable common open space.

#### 16-15(C) DWELLING, LIVE/WORK

---

- (1) Live/work dwelling units shall contain distinct areas for working and living.
- (2) The non-residential work area shall not occupy more than 50 percent of the total floor area of each live/work unit.
- (3) The non-residential use shall be operated by a resident of the live/work unit.

#### 16-15(D) DWELLING, CO-HOUSING DEVELOPMENT

---

- (1) This use may provide a shared kitchen if kitchens are not provided in each dwelling unit.
- (2) This use may contain shared indoor community space for all residents to use.

#### 16-15(e) Dwelling, Multiple-Family

---

- (1) If developments include less than 20 units, a minimum common open space of 10 percent of the total site area shall be designated and permanently reserved as usable common open space.
- (2) If developments include more than 20 units, a minimum common open space of 15 percent of the total site area shall be designated and permanently reserved as usable common open space.

#### 16-15(F) ASSISTED CARE FACILITY

---

This use must comply with all applicable local, State, and Federal regulations and licensing.

#### 16-15(G) GROUP CARE FACILITY

---

- (1) This use must comply with all applicable local, State, and Federal regulations and licensing.
- (2) Prior to occupancy, required licensing or exemption thereof must be filed with the Community Development Director.
- (3) Underlying zone district requirements applicable to other residential uses permitted in the district shall apply.
- (4) In any Residential zone district, Group Care Facilities shall appear outwardly to be compatible with other dwellings in the neighborhood.

#### 16-15(H) GROUP RESIDENTIAL FACILITY

---

- (1) This use must comply with all applicable local, State, and Federal regulations and licensing.
- (2) Prior to occupancy, required licensing or exemption thereof must be filed with the Community Development Director.
- (3) Underlying zone district requirements applicable to other residential uses permitted in the district shall apply.
- (4) This use shall require a Conditional Use Permit pursuant to Section 16-74(b) if located within 500 feet of another Group Residential Facility.
- (5) In any Residential district, Group Residential Facilities shall appear outwardly to be compatible with other dwellings in the neighborhood.

## SEC. 16-16 COMMERCIAL USES

### 16-16(A) ADULT ENTERTAINMENT OR ADULT RETAIL

---

- (1) This use is prohibited within 300 feet of any Residential districts, School, or Daycare Center.
- (2) This use shall require a Conditional Use Permit pursuant to Section 16-74(b) if within 500 feet of another Adult Entertainment or Retail establishment.

### 16-16(B) BED AND BREAKFAST

---

- (1) This use shall outwardly appear to be a residential dwelling which is compatible with other dwellings in the neighborhood, with no evidence of a business use other than allowed signs.
- (2) The establishment shall be owner-occupied or shall be occupied by a resident manager.
- (3) The total number of persons that may occupy the Bed and Breakfast is twice the number of bedrooms for the dwelling units as a whole.
- (4) This use is limited to a maximum of 8 guestrooms.
- (5) Lodging accommodation for each guest is limited to a maximum of 30 consecutive days.
- (6) Off-street parking shall be provided in the amount of 1 space per bedroom plus 2 spaces for staff.
- (7) All required parking shall occur in designated parking areas, such as parking lots, driveways, and/or garages. No parking shall occur on lawns or sidewalks. On-street parking is prohibited.

### 16-16(C) CAMPGROUND OR RECREATIONAL VEHICLE (RV) PARK

---

- (1) The minimum lot size for this use is 2 acres.
- (2) The maximum gross density within a project shall not exceed 25 campground sites per acre.
- (3) Campground sites designated for recreational vehicles shall be sized to adequately accommodate the largest recreational vehicles allowed in the park so that no portion of a recreational vehicle extends beyond the campground site and onto any drive aisle.
- (4) All campground sites shall be located at least 25 feet from any project boundaries.

### 16-16(D) LABORATORIES

---

- (1) In the Downtown zone districts (DTLA, WRTC), laboratories as a primary use or incidental to Research and Development facilities shall require a Conditional Use Permit approval pursuant to Section 16-74(b).

### 16-16(E) RESEARCH AND DEVELOPMENT

---

- (1) Any facility using hazardous materials or procedures subject to additional review, licensing, or approval by State or Federal law, or emitting electromagnetic radiation or other radiation, shall comply with all State and Federal requirements regarding the storage, handling, transfer, use, and safety of those materials, procedures, or radiation, and shall require a Conditional Use Permit pursuant to Section 16-74(b).
- (2) Any facility conducting incidental animal experimental research shall require a Conditional Use Permit approval pursuant to Section 16-74(b).

### 16-16(F) CANNABIS RETAIL

---

- (1) This use must comply with all applicable local and State regulations and licensing.
- (2) No cannabis retail establishment shall be licensed if located within 300 feet of a School or Daycare Center.
- (3) No cannabis retail establishment shall be licensed if within 300 feet of another cannabis retail establishment.
- (4) It shall be unlawful for any cannabis retail establishment licensed pursuant to this Development Code to remain open to the public at any time other than between the hours of 7:00 a.m. and 12:00 a.m. daily.
- (5) Cannabis retail establishments shall not be permitted to have indoor or outdoor designated vaping or smoking areas as defined in Section 18-31 of Chapter 18 the County Code of Ordinances.

### 16-16(G) DAYCARE CENTER

---

- (1) This use shall obtain a Conditional Use Permit pursuant to Section 16-74(b) as required by Table 26 Permitted Use Table.
- (2) This use must comply with all applicable local, State, and Federal regulations and licensing.
- (3) Prior to operation, the license must be filed with the Community Development Director.
- (4) This use shall provide off-street parking per Division 3 Off-Street Parking, Loading, and Queuing and a procedure for pickup and delivery of children according to a site plan filed with the application.
- (5) No outdoor activities for children shall be allowed before 7:30 a.m. or after 6:00 p.m. daily.
- (6) Noise levels shall be governed by the provisions of Chapter 18 of the County Code of Ordinances.

### 16-16(H) NICOTINE RETAIL

---

- (1) This use must comply with all applicable local and State regulations.
- (2) No Nicotine Retail establishment shall be allowed if located within 300 feet of any Residential zone district, a School, or Daycare Center.
- (3) This use shall require a Conditional Use Permit pursuant to Section 16-74(b) if within 500 feet of another Nicotine Retail establishment.
- (4) It shall be unlawful for any Nicotine Retail establishment licensed pursuant to this Development Code to remain open to the public at any time other than between the hours of 8:00 a.m. and 10:00 p.m. daily.

### 16-16(I) KENNEL

---

- (1) Outdoor facilities associated with this use, including outdoor kennels or runs, shall not be located within 300 feet of any Residential zone district.

### 16-16(J) LIGHT VEHICLE AND EQUIPMENT SALES, RENTAL, AND REPAIR

---

- (1) This use shall require a Conditional Use Permit in any Mixed-use zone district pursuant to Section 16-74(b). Vehicle service and maintenance shall be conducted within fully enclosed portions of a building and any incidental outdoor vehicle or equipment display or storage is prohibited within the Mixed-use zone districts.
- (2) Any incidental outdoor vehicle or equipment display, storage, or service and maintenance areas must be screened from any abutting Residential or Mixed-use zone districts as required by Sec. 16-43.



#### 16-16(K) HEAVY VEHICLE AND EQUIPMENT SALES, RENTAL, AND REPAIR

---

- (1) This use is prohibited within 300 feet of a Single-family Residential zone district (SFR).
- (2) Any incidental outdoor vehicle or equipment display, storage, or service and maintenance areas must be screened from any abutting Residential or Mixed-use zone district as required by Sec. 16-43.
- (3) This use shall provide a Type B buffer, as required by Sec. 16-43, when adjacent to low-density Residential zone districts.
- (4) Open storage of inoperable, wrecked, or discarded machinery or equipment is prohibited.

#### 16-16(L) VEHICLE FUEL SALES

---

- (1) Vehicle fueling stations abutting a Single-family Residential zone district (SFR) shall require a Conditional Use Permit pursuant to Section 16-74(b).

#### 16-16(M) VEHICLE STORAGE

---

- (1) Commercial vehicle storage shall be prohibited in any Residential zone district.
- (2) All outdoor vehicle storage areas shall be screened from any adjacent Residential or Mixed-use zone district as required by Sec. 16-43.
- (3) This use shall provide a Type B buffer, as required by Division 5, when adjacent to low-density Residential zone districts.

## SEC. 16-17 INDUSTRIAL USES

### 16-17(A) ARTISAN MANUFACTURING

---

- (1) All activities associated with this use shall occur entirely within an enclosed structure.
- (2) The incidental Retail Sales of goods produced on the property are allowed.

### 16-17(B) LIGHT MANUFACTURING

---

- (1) All activities associated with this use shall occur entirely within an enclosed structure.
- (2) The incidental Retail Sales of goods produced on the property are allowed.

### 16-17(C) HEAVY MANUFACTURING

---

- (1) This use may be conducted outside of a building, provided it complies with all applicable standards of *Division 4*.
- (2) This use shall provide a Type C buffer, as required by *Division 5*, when adjacent to any non-industrial zone district.
- (3) This use is prohibited within 500 feet of any Residential zone district, School or Daycare Center.
- (4) Incidental Outdoor Storage is allowed, provided it is compliant with the standards of *Section 16-18(j)*.

### 16-17(D) SPECIAL MANUFACTURING

---

- (1) This use must comply with all applicable local, State, and Federal regulations and licensing.

### 16-17(E) CANNABIS CULTIVATION & MANUFACTURING FACILITY

---

- (1) A Cannabis Cultivation & Manufacturing Facility is allowed, provided that the establishment complies with all applicable local and State requirements and licensing.
- (2) This use shall provide a Type C buffer, as required by *Division 5*, when adjacent to any non-industrial zone district.
- (3) No Cannabis Cultivation & Manufacturing Facility shall be licensed if located within 300 feet of a School, or Daycare Center or any Residential zone district.
- (4) All activities associated with this use must be conducted within the fully enclosed portions of a building unless a Conditional Use Permit is obtained pursuant to *Section 16-74(b)*.
- (5) Incidental Outdoor Storage is allowed, provided it is compliant with the standards of *Section 16-18(j)*.

### 16-17(F) NATURAL RESOURCE EXTRACTION

---

- (1) This use must obtain all applicable State and Federal regulations and permits and comply with the terms of those permits throughout the duration of the activity.
- (2) This use is prohibited within 500 feet of any Residential zone district, School, or Daycare Center.
- (3) This use shall be screened from adjacent properties by all applicable standards of *Division 4*.
- (4) This use shall provide a Type C buffer, as required by *Division 5*, when adjacent to any non-industrial zone district.

### 16-17(G) RECYCLING STATION

---

- (1) This use shall occupy an area not greater than 1,000 square feet.
- (2) 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.
- (3) 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.

### 16-17(H) SALVAGE YARD

---

- (1) This use is prohibited within 300 feet of any Residential zone district, School, or Daycare Center.
- (2) This use shall be screened from adjacent properties by all applicable standards of *Division 4*.
- (3) This use shall provide a Type C buffer, as required by *Division 5*, when adjacent to any non-industrial zone district.

### 16-17(I) SMALL WIRELESS TELECOMMUNICATION FACILITY

---

- (1) This use requires a Small Wireless Telecommunication Facility Permit pursuant to procedures outlined in Section *16-73(I)*.
- (2) The County specifically reserves all of its rights under federal and state laws to impose design, aesthetic, spacing, placement, and/or construction standards for small wireless telecommunication facilities as may exist from time to time.
- (3) This section is not applicable to amateur radio facilities and licensees licensed by the FCC pursuant to federal and state laws.

#### 16-17-(I)(1) APPLICABILITY

Any wireless provider that seeks to install, modify, operate, or replace a utility pole in the rights-of-way that exceeds the height or size limits defined by federal law shall not be treated as a Small Wireless Telecommunication Facility.

#### 16-17-(I)(2) DECORATIVE POLES

Wireless providers shall be permitted to replace a decorative pole when necessary to collocate a small wireless telecommunication facility, but only where the replacement pole conforms to the design aesthetics of the decorative pole being replaced in the reasonable judgment of the Director of Public Works and shall also be subject to other applicable design requirements for the area of the replaced pole.

#### 16-17-(I)(3) HISTORIC DISTRICTS

The County may, as permitted by federal or state law, deny an application that alters the structure or area of a historic structure, or require reasonable design or concealment measures and reasonable measures for conforming to the design aesthetics of a Historic Protection Overlay District for a site within the Historic Protection Overlay Zone District. Any such design or concealment measures shall not prohibit or have the effect of prohibiting the provision of personal wireless services; nor may any such measure be considered part of the small wireless telecommunication facility for purpose of the size restrictions in the definition of small wireless telecommunication facility.

**16-17-(1)(4) REMOVAL, RELOCATION, OR MODIFICATION OF SMALL WIRELESS TELECOMMUNICATION FACILITIES IN THE RIGHT-OF-WAY**

- a. Within 90 days following receipt of written notice from the County, wireless provider shall, at its own cost and expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any small wireless telecommunication facilities within the rights-of-way whenever the County has determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any County improvement in or upon, or the operations of the County in or upon, the rights-of-way.
- b. The County has and retains the right in an emergency as reasonably determined by the County to remove any small wireless telecommunication facility located within the rights-of-way of the County, as the County may determine to be necessary, appropriate, or useful in response to any public health or safety emergency. If circumstances permit, the County shall notify the wireless provider and provide the wireless provider an opportunity to move its own facilities prior to cutting or removing a facility and shall notify the wireless provider after cutting or removing a small wireless facility.
- c. No abandonment of a small wireless telecommunication facility shall be permitted. All small wireless telecommunication facilities not in service shall be physically maintained as if in service for the protection and safety of the public.
- d. A wireless provider shall, upon planned removal of a small wireless telecommunication facility within the rights-of-way of the County, notify the County of its intention to discontinue use of the small wireless telecommunication facility. The notice shall be in writing and inform the County of the time and the way in which the small wireless telecommunication facility and related utility lines serving the small wireless telecommunication facility will be removed. The wireless provider is responsible for the costs of the removal and restoration of the public right-of-way to its prior condition. If the wireless provider does not complete the removal within 45 days after notice, the County may complete the removal and assess the costs of removal against the wireless provider.
- e. The County may require a wireless provider to repair all damage to the rights-of-way caused by the activities of the wireless provider and return the rights-of-way to its pre-damage condition according to the County's requirements and specifications. If the wireless provider fails to make the repairs within a reasonable period after written notice, the County may affect those repairs and charge the applicable party the reasonable, documented cost of such repairs including all labor, management, collection, and material costs.

**16-17-(1)(5) ATTACHMENT TO COUNTY UTILITY POLES IN THE RIGHT-OF-WAY**

- a. Small wireless telecommunication facilities may be collocated on County-owned utility poles pursuant to this article where the County determines that such collocation shall not interfere with the current or future use of such pole(s).
- b. No person or wireless provider will be permitted an exclusive arrangement to attach to County poles.
- c. Attachment to a County utility pole requires the execution of a pole attachment agreement.

## 16-17(J) WIRELESS TELECOMMUNICATION FACILITY

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Wireless Telecommunication Facilities require a Wireless Telecommunication Facility (WTF) Permit pursuant to procedures outlined in Section 16-74(c) Discretionary Wireless Telecommunication Facility Permit.

### 16-17-(J)(1) COLLOCATIONS AND PUBLIC UTILITY COLLOCATION

- a. Collocations are encouraged. Collocation on a concealed WTF shall maintain the concealed nature of the facility.
- b. The wireless provider shall agree to allow on a nondiscriminatory basis, to the maximum extent feasible, the collocation of other antennas on the approved tower or tower alternative.

### 16-17-(J)(2) LOCATION

- a. WTFs shall be located in accordance with the following priorities, with subsection a.1. being the highest priority and subsection a.3. being the lowest priority:
  1. In IND and GC zone districts;
  2. In other nonresidential zone districts;
  3. In residential zone districts, subject to the hearing requirements of Section 16-74(c) Discretionary Wireless Telecommunication Facility Permit.
- b. An applicant may not bypass sites of higher priority by stating the site proposed is the only site leased or selected without a demonstration that inability to use the requested site would constitute a prohibition or effective prohibition under applicable federal or state law.
- c. Only collocations, public utility collocations, and architecturally integrated WTFs to the maximum extent feasible are allowed within any Downtown or Mixed Use Zone District including MU, WRTC or DTLA.

### 16-17-(J)(3) CONCEALMENT REQUIREMENT

- a. WTFs shall be designed to be concealed and blend in with the surrounding structure or area as best applicable.
- b. WTFs shall have the least adverse visual effect of the environment to the maximum extent feasible by using concealment technology and building materials, colors, and textures designed to blend with the structure to which it may be affixed or to which it is adjacent and to harmonize with the natural surroundings.
- c. A WTF is considered concealed if the Community Development Director or designee determines the facility is:
  1. Aesthetically integrated with existing buildings, structures, and landscaping to blend in with the nature and character of the built and natural environment, considering height, color, style, massing, placement, design, and shape.
  2. Located in areas where the existing topography, vegetation, buildings, or other structures provide the greatest amount of screening of the WTF.
  3. Constructed and located so as not be a readily visible or identifiable as a WTF.
- d. These concealment requirements shall not be administered so as to not prohibit or have the effect of prohibiting the provision of personal wireless services.

#### 16-17-(J)(4) HEIGHT

WTFs shall not exceed fifteen feet (15') above the maximum height permitted in the zone in which the WTF is to be located, or if in the public right-of-way to the zone immediately adjacent to the WTF, unless a different height is specified by federal or state regulations.

#### 16-17-(J)(5) SETBACKS AND SEPARATION

- a. All proposed towers and any other proposed wireless telecommunications facility structures shall be set back from abutting parcels, recorded rights-of-way and road and street lines by sufficient distance to assure safety of persons and structures in the vicinity. A standard of acceptable distance will be equal to the height of the proposed tower or wireless telecommunication facility structure. A freestanding wireless telecommunication structure that abuts a Residential district shall establish the setback equal to the height of the structure. Applicants proposing a smaller setback shall demonstrate ancillary safety precautions in the design of the structure that justify the smaller setback, with acceptance of the ancillary safety precautions by the County.
- b. This use is prohibited within 1,000 feet in any direction of any other freestanding WTFs, as measured from the wall or fence of each freestanding WTF unless the wireless provider proves by clear and convincing evidence that no technical alternative or combination of alternatives to lesser spacing is possible.

#### 16-17-(J)(6) LANDSCAPING AND SCREENING

- a. Freestanding WTFs shall be surrounded by an opaque wall or fence design acceptable to the County of at least 6 feet high or higher if any equipment within the surrounded area exceeds 6 feet in height.
- b. Freestanding WTF screening shall include a Type A vegetative buffer as outlined in Division 5.

#### 16-17-(J)(7) LIGHTING

WTFs shall only include signage required by state or Federal law.

#### 16-17-(J)(8) ABANDONMENT

No abandonment of a small wireless facility shall be permitted. All small wireless facilities not in service shall be physically maintained as if in service for the protection and safety of the public.

### SEC. 16-18 ACCESSORY USES

#### 16-18(A) ACCESSORY DWELLING UNIT

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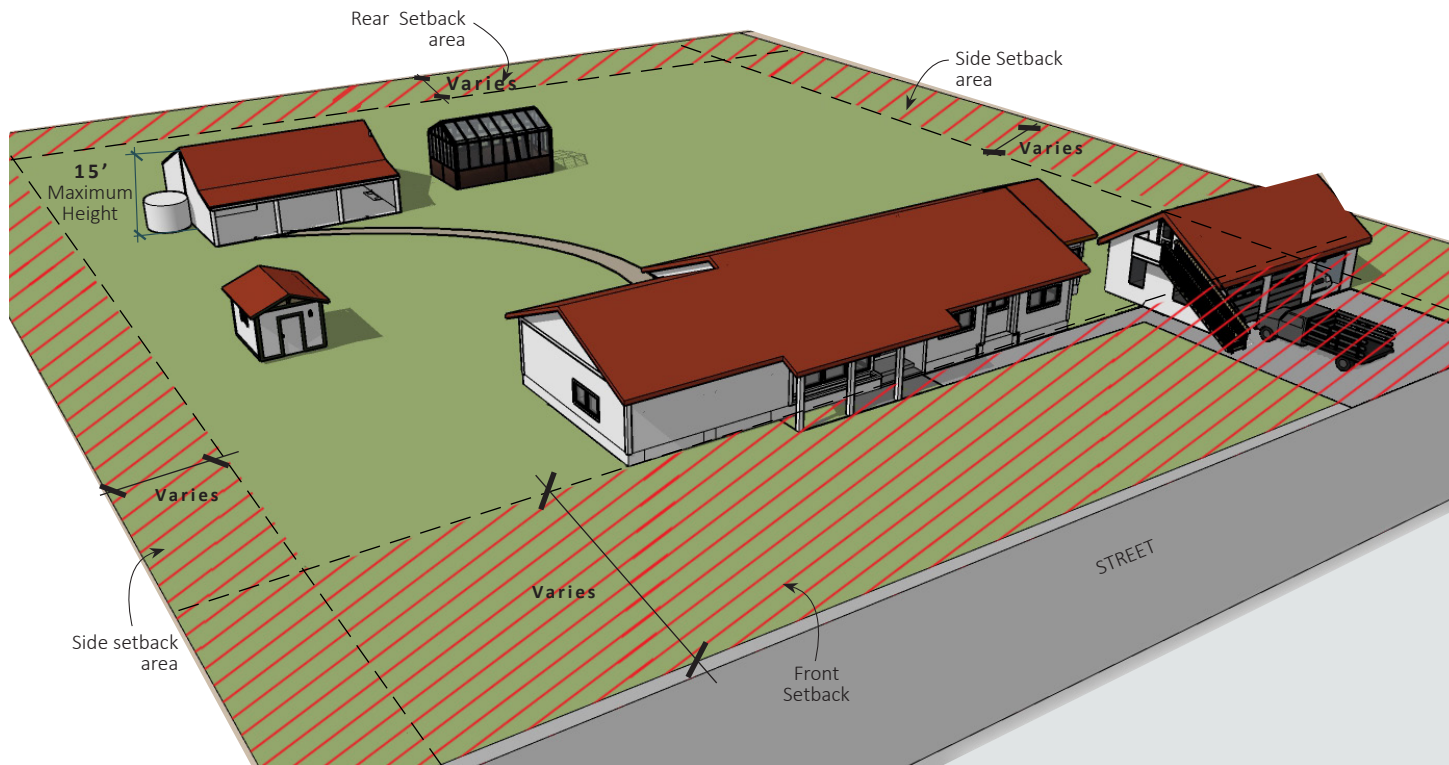
- (1) The erection of any Accessory Dwelling Unit requires a Building Permit prior to commencing construction.
- (2) No more than 1 Accessory Dwelling Unit either attached or detached is permitted per lot.
- (3) The underlying base zone district requirements including lot, setback, and coverage standards shall apply to an Accessory Dwelling Unit. The height of accessory structures for the underlying base zone district shall apply to detached Accessory Dwelling Units.
- (4) The square footage of the Accessory Dwelling Unit shall not be more than 800 square feet. The Accessory Dwelling Unit square footage shall not exceed the gross floor area of the primary dwelling.
- (5) Detached Accessory Dwelling Units shall be at least 10 feet from the primary dwelling on the lot.
- (6) Off-street parking shall be provided in the amount of 1 space per unit with no more than 1 tandem parking space allowed.
- (7) All required parking shall occur in designated parking areas, such as driveways and/or garages. No parking shall occur on lawns or sidewalks.
- (8) The Accessory Dwelling Unit shall not be subdivided from the primary dwelling or sold under separate ownership from the primary dwelling unless the accessory dwelling unit meets all applicable requirements for a primary dwelling and all dimensional standards for a separate lot.
- (9) No variances or administrative shall be granted for the standards outlined in this section.

#### 16-18(B) ACCESSORY STRUCTURES

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- (1) The erection of any Accessory Structure requires an Accessory Structure Permit pursuant to Section 16-73(c) prior to commencing construction.
- (2) Accessory Structures shall comply with any maximums and dimensional standards of the underlying zone district in which they are located, pursuant to section ARTICLE II Zone Districts.
- (3) Unless otherwise specified within this Code, Accessory Structures shall be a maximum height of 15 feet.
- (4) No Accessory Structure, except as modified below, may be located closer to the front property line than the main structure on any lot.
- (5) Garages and carports may be located in the front yard behind the minimum front setback in any Residential zone district.
- (6) No other Accessory Structure may be located in the front yard within 40 feet of the front property line in any zone district.
- (7) No Accessory Structures shall be located in required side yards in any zone district.
- (8) Small Accessory Structures, not exceeding 120 square feet, shall be at least 10 feet from the primary dwelling and other accessory structures on the lot.
- (9) In any zone district, no Accessory Structure shall be located within 5 feet of any lot line.

FIGURE 15: *Accessory Structure Standards*



### 16-18(C) CARETAKER UNIT

No more than 1 caretaker dwelling unit is permitted per lot as allowed per *Table 26 Permitted Use Table*.

### 16-18(D) DAYCARE FACILITY

- (1) This use shall obtain a Conditional Use Permit pursuant to *Section 16-74(b)* as required by *Table 26 Permitted Use Table*.
- (2) This use must comply with all applicable local, State, and Federal regulations and licensing.
- (3) Prior to operation, the license must be filed with the Community Development Director.
- (4) This use shall provide off-street parking per *Division 3 Off-Street Parking, Loading, and Queuing* and a procedure for pickup and drop-off of children according to a site plan filed with the application.
- (5) This use shall be limited to a minimum of 5 and maximum of 7 individual children.
- (6) This use shall outwardly appear to be a residential dwelling which is compatible with other dwellings in the neighborhood.
- (7) No major alterations to the dwelling are allowed that prevent the continuing use or the structure as a residence.
- (8) All required parking shall occur in designated parking areas, such as parking lots, driveways, and/or garages. No parking shall occur on lawns or sidewalks.
- (9) Outside recreation areas shall be fenced from adjoining residential properties.
- (10) No outdoor activities for children shall be allowed before 7:30 a.m. or after 6:00 p.m. daily.
- (11) Noise levels shall be governed by the provisions of Chapter 18 of the County Code of Ordinances.

### 16-18(E) DAYCARE HOME

- (1) This use shall be an accessory use and home occupation in any Residential zone district.



- (2) This use must comply with all applicable local, State and Federal regulations and licensing.
- (3) Prior to operation, required licensing or exemption thereof must be filed with the Community Development Department.
- (4) This use shall be limited to a maximum of 4 children.
- (5) This use shall outwardly appear to be a residential dwelling which is compatible with other dwellings in the neighborhood.
- (6) No major alterations to the dwelling are allowed that prevent the continuing use or the structure as a residence.
- (7) This use shall provide a minimum of 1 off-street parking space per employee.
- (8) All required parking shall occur in designated parking areas, such as parking lots, driveways, and/or garages. No parking shall occur on lawns or sidewalks.
- (9) Outside recreation areas shall be fenced from adjoining residential properties.
- (10) No outdoor activities for children shall be allowed before 7:30 a.m. or after 6:00 p.m. daily.
- (11) Noise levels shall be governed by the provisions of Chapter 18 of the County Code of Ordinances.

#### 16-18(F) GREENHOUSE

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- (1) Within Residential zone districts, this use must comply with all provisions for Accessory Structures in Section 16-18(b).

#### 16-18(G) HOME BUSINESS

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- (1) This use shall obtain a Conditional Use Permit per the requirements of Section 16-74(b) prior to conducting businesses.
- (2) This use shall acquire a Business Permit, pursuant to Chapter 12 - Business of the County Code of Ordinances.
- (3) This use shall provide a minimum of 1 off-street parking space per employee.
- (4) All required parking shall occur in designated parking areas, such as parking lots, driveways, and/or garages. No parking shall occur on lawns or sidewalks.
- (5) Other than restrictions on employment, this use shall comply with all regulations of the Home Occupations in Section 16-18(h).

#### 16-18(H) HOME OCCUPATION

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- (1) This use shall acquire a Business Permit, pursuant to Chapter 12 - Business of the County Code of Ordinances.
- (2) The conductor of this use shall be the permanent resident of the structure in which this use is conducted.
- (3) No more than one person outside of the residents of the dwelling shall be employed in the use or activities of a Home Occupation.
- (4) This use shall outwardly appear to be a residential dwelling which is compatible with other dwellings in the neighborhood.
- (5) No major alterations to the dwelling are allowed that prevent the continuing use of the structure as a residence.
- (6) The following uses from Table 26 Permitted Use Table are prohibited as a Home Occupation:
  - a. Any use in the Food and Beverage category.
  - b. Any use in the Vehicle and Equipment-related category.

- c. Any use in the Industrial category, with the exception of Artisan Manufacturing.
  - d. Contractor Facility or Yard.
  - e. Crematorium.
  - f. Mortuary.
  - g. Cannabis Cultivation & Manufacturing Facility, unless as authorized by the State as a licensed producer pursuant to the Lynn and Erin Compassionate Use Act.
  - h. Cannabis Retail, unless as authorized by the State as a licensed producer pursuant to the Lynn and Erin Compassionate Use Act.
- (7) All business activities shall be conducted in the primary building or an allowed Accessory Structure, except in the RA zone district where agricultural, horticultural, or animal husbandry uses may be carried out on the outside of a building.
  - (8) No more than 10 percent of the total floor area of the dwelling unit where the operator of the home occupation resides or a maximum of 300 square feet shall be designated to the Home Occupation use.
  - (9) The incidental retail sales of goods and services created on the premises may be sold on the premises, provided the retail component is not more than 10 percent of the total floor area of the dwelling unit.
  - (10) No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.
  - (11) The Home Occupation shall not generate vehicular traffic and parking greater than that which would be generated by a residential use of the underlying base zone district.
  - (12) Any violation of these regulations may result in the revocation of any Home Occupation Permit in addition to any other remedy for such violation provided in this Code or by law.

#### **16-18(I) LIVESTOCK HUSBANDRY**

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- (1) The keeping and maintenance of livestock shall comply with the regulations and provisions of Chapter 6 – Animals of the County Code of Ordinances.

#### **16-18(J) OUTDOOR STORAGE, ACCESSORY**

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- (1) Incidental Outdoor Storage shall be limited to goods or materials sold or used on the premises as part of the principal use of the property.
- (2) No Outdoor Storage shall be allowed in required off-street parking, landscape areas, or public right-of-way and pedestrian pathways.
- (3) Outdoor Storage of material shall create no hazard or visual obstructions to required sight visibility triangles of Section 16-25(d), or create a fire, safety, or health hazard.
- (4) All outdoor vehicle storage areas abutting any Residential or Mixed-use zone district is prohibited.
- (5) Each outdoor storage area shall be screened from view from all property lines and adjacent rights-of-way pursuant to all applicable standards in 16-40(b).
- (6) In any zone district except for IND, the height of any items stored outside shall not exceed the height of any screening fence or wall.
- (7) Where the outside storage is necessary during construction, it must comply with Section 16-19(a).

#### **16-18(K) RECREATIONAL VEHICLE STORAGE**

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- (1) Parking of Recreational Vehicle, Boat, and/or Recreational Trailer shall occur in one of the following

areas:

- a. Inside an enclosed Accessory Structure.
  - b. Outside in a side or rear yard.
- (2) A Recreational Vehicle, Boat, and/or Recreational Trailer Recreation equipment shall not be parked or stored in front yards except for periods for loading or unloading purposes provided it does not exceed 10 days at a time; except if the lot, because of topography or shape, and the structures located on the lot, cannot reasonably accommodate the location of recreation equipment in areas other than the front yard. In those instances, the recreational vehicle shall be kept in reasonable, operable condition and repair and parked with the vehicle or equipment perpendicular to the front property line, at least 11 feet from the face of the curb.
  - (3) Recreational Vehicle Storage shall occur in designated parking areas, such as parking lots, driveways, and/or garages. No parking shall occur on lawns or sidewalks.
  - (4) No part of any recreational vehicle or equipment may extend over any public sidewalk or into any required clear sight triangle.
  - (5) No parked vehicle or equipment may be used for dwelling purposes, except one recreational vehicle may be used for dwelling purposes for a maximum of 30 days in any calendar year on any lot if used by house guests of the resident(s) of the premises, provided that no money is received by the resident(s) of the site for this privilege or as a temporary dwelling during the construction of a single-family or two-family dwelling, through the issuance of a Temporary Use Permit, pursuant to Section 16-73(o).

#### 16-18(L) RESIDENTIAL COMMUNITY AMENITY

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- (1) Outdoor recreational areas, including but not limited to swimming pools, tennis courts, basketball courts, are permitted as an accessory use to townhouse, multi-family, or mixed-use developments. Swimming pools shall comply with the standards in Section 16-18(p).
- (2) Any structures required for this use, such as clubhouses, must comply with the dimensional regulations of the underlying base zone district and shall appear outwardly to be compatible with other dwellings in the development or neighborhood.

#### 16-18(M) MICROWAVE & SATELLITE DISH ANTENNAS

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- (1) A maximum of 1 satellite dish antenna per residential lot is permitted as an accessory use.
- (2) Installation will be in accordance with manufacturer's specifications. In the absence thereof, installation will be in accordance with specifications established by the County Engineer.

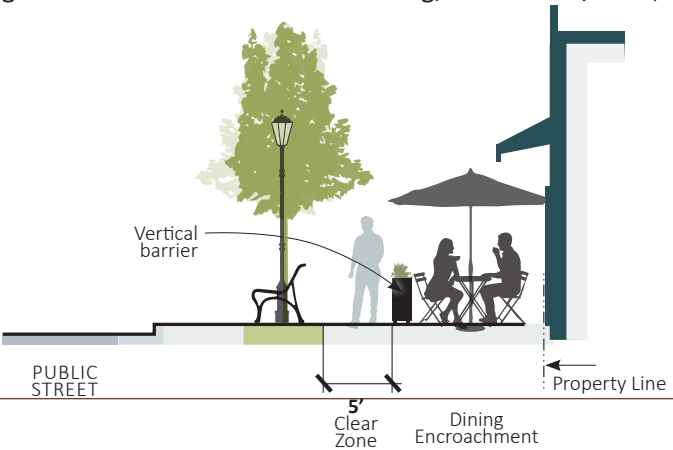
#### 16-18(N) OUTDOOR DINING

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- (1) Outdoor dining areas located in the public right-of-way shall require a Conditional Use Permit, pursuant to the requirements of Section 16-74(b), provided they meet the standards of this subsection.
- (2) Outdoor dining areas shall be limited to the area directly adjacent to the business they serve.
- (3) Outdoor dining areas shall not interfere with ingress or egress of surrounding establishments.
- (4) Outdoor dining areas shall not obstruct required sight visibility triangles as defined in Section 16-25(d).
- (5) Outdoor dining areas shall maintain a minimum of 5 feet of unobstructed sidewalk clear zone along the public sidewalk at any time.

**FIGURE 16: Outdoor Dining Standards**

- (6) Outdoor dining areas that have more than 4 tables or other furnishings shall provide a maximum 4-foot vertical separation between the dining area and the sidewalk with fencing, decorative plants, landscape planters, or other architectural barriers approved by the Community Development Director that prevent encroachment of tables and chairs into the 5-foot clear zone maintained for pedestrian access.
- (7) The outdoor dining use operator shall maintain the outdoor dining area in a clean and safe condition at all times.



**16-18(O) SOLAR COLLECTION SYSTEMS**

- (1) When a solar energy collection system is installed on a lot, Accessory Structures or vegetation on an abutting lot shall not be located so as to block the solar collector’s access to solar energy. The portion of a solar collector that is protected is that portion which:
  - a. Is located so as not to be shaded between the hours of 10:00 a.m. and 3:00 p.m. by a hypothetical 12-foot obstruction located on the lot line; and
  - b. Has an area not greater than one-half of the heated floor area of the structure, or the largest of the structures served.
- (2) Subsection (1) of this section does not apply to accessory structures or vegetation existing in any abutting lot at the time of installation of the solar energy collection system, or on the date of adoption of this chapter, whichever is later. Subsection (1) of this section controls any Accessory Structure erected on, or vegetation planted in, abutting lots after the installation of the solar energy collection system.

**16-18(P) SWIMMING POOLS**

- (1) Swimming pools, public or private, shall not be located in any required front or side setback area.

- (2) Swimming pools shall maintain a minimum distance of 10 feet from all property lines. Associated equipment such as pool coping, walks, or apron is not restricted by this 10-foot setback requirement.
- (3) A structure designed to enclose a pool shall meet the applicable accessory or main structure setback and height and coverage requirements of the underlying base zone district.
- (4) Swimming pools and associated equipment shall comply with Building Code requirements.
- (5) Every outdoor swimming pool, or the yard in which it is located, must be completely surrounded by a fence not less than 42 inches in height, and all fence gates or doors opening to the pool must be equipped with at least a self-closing and self-latching device for keeping the gates or doors securely closed at all times when not in actual use.
- (6) No private swimming pool shall be operated as a business or as a private club, unless in accordance with other provisions of this Code.

## SEC. 16-19 TEMPORARY USES

**16-19(A) CONSTRUCTION STAGING AREA, TRAILER, OR OFFICE**

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- (1) This use requires a Temporary Use Permit pursuant to procedures outlined per *Section 16-73(o)*.
- (2) This use may only be ancillary to a construction project and shall only be allowed 30 calendar days before construction begins to 30 calendar days after issuance of a Certificate of Occupancy for a structure, or 30 calendar days after construction finishes if no Certificate of Occupancy is required.
- (3) Security fences not exceeding 8 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 6 feet. Such fences shall be removed on or before the expiration of the Temporary Use Permit.

**16-19(B) DWELLING UNIT, TEMPORARY**

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- (1) This use requires a Temporary Use Permit pursuant to procedures outlined per *Section 16-73(o)*.
- (2) Temporary Dwelling Units shall only be permitted during construction of a permanent single-family or two-family dwelling unit and shall be located in a structure, mobile home, or recreational vehicle on the same premises as the activity or construction that it serves.
- (3) The applicant shall arrange for appropriate utility services to the Temporary Dwelling Unit.
- (4) The dwelling unit’s location on the site shall conform to the site development standards of the Residential district in which it is to be located.
- (5) The Temporary Dwelling Unit shall be removed from the site on or before occupancy of the permanent dwelling unit.

**16-19(C) FAIR, CARNIVAL, CIRCUS**

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- (1) This use requires a Temporary Use Permit pursuant to procedures outlined per *Section 16-73(o)*.
- (2) This use shall only operate for a maximum period of 15 days in any 6-month period at the same site.

**16-19(D) FILM PRODUCTIONS**

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- (1) This use requires a Temporary Use Permit pursuant to procedures outlined per *Section 16-73(o)*.

**16-19(E) GARAGE OR YARD SALE**

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- (1) This use shall be permitted multiple times per year, provided the duration of any sale shall not exceed 3 consecutive calendar days.

**16-19(F) MOBILE VENDING**

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- (1) This use may be operated outside an enclosed structure.
- (2) Mobile Vending operators intending to operate in the public right-of-way shall obtain all required licenses and permits from the County, which shall be available on-site for inspection by government officials.
- (3) Mobile Vending operating on private property shall obtain written consent from the private property owner(s) of properties on which they intend to operate.
- (4) Mobile Vending operators shall obey all parking and traffic laws. No part of the Mobile Vending operation shall obstruct required parking stalls.
- (5) Mobile Vending operations shall not obstruct pedestrian or bicycle access or passage, or parking lot circulation. Mobile Vending on sidewalks or on-site pedestrian walkways shall maintain a minimum

of 4 feet of unobstructed sidewalk clear zone along the public sidewalk at any time.

- (6) The display or sales of merchandise is permitted in the MU, WRTC, DTLA, GC, P-O, and the IND zone districts for a maximum period of 30 calendar days cumulative in any 12-month calendar year period.

FIGURE 17: *Mobile Vending*



- (7) This use may include any activity involved with food preparation or sales, provided all applicable Environmental Health and other County and State regulations shall apply and the use is compliant with the following regulations:
  - a. Mobile food vendors must comply/ address gray water and grease waste per state regulations
  - b. Mobile food vending operators shall maintain trash receptacles and all areas used for food vending in a safe and clean condition and must dispose of all waste in accordance with health department regulations.
- (8) In the INS zone district, student vendor sales shall be permitted only with the consent of the owner of such property provided the following standards are met:
  - a. Applicants shall comply with the provisions of Chapter 12 - Business of the County Code of Ordinances.
  - b. Student vendor sales of food products shall comply with state law.
  - c. Temporary Use Permits for student vendor sales shall be valid from, and including, Memorial Day weekend to Labor Day weekend.
  - d. 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 Temporary Use Permit is submitted to the County.
  - e. Student vendor sales on the public rights-of-way is prohibited.

## 16-19(G) MOBILE FOOD VENDING

- (1) Mobile vending is not allowed within 20 feet of the entry to an existing drive-in, takeout, or enclosed restaurant.
- (2) Mobile food vending is not allowed within three hundred (300) feet of a special event sponsored by Los Alamos County unless the vendor is participating in the scheduled special event.
- (3) Mobile food vending vehicles shall comply with the provisions of the noise ordinance Article III, Chapter 18 of this Code. Use of loudspeakers or amplification of sound by mobile food vending vehicles is prohibited.
- (4) Mobile food vendors shall at all times keep the area immediately surrounding the outside of their vehicle free of litter and refuse that originates from their operations. All litter originating from their vending operations shall be removed and disposed of in accordance with local and state disposal requirements.
- (5) Mobile food vendors shall comply with all traffic and safety regulations, including:
  - a. Use of parking spaces by mobile food vendors on public streets and public parking lots is allowed by first-come-first-served basis. Mobile food vendors shall not reserve parking spaces by the placement of obstructions intended to block or hold parking areas for their use.
  - b. Mobile food vendors shall not use or block accessible parking spaces or designated loading or short-term parking spaces.
  - c. Mobile food vending operations shall in no case adversely affect public safety or the operations of adjacent parking areas, public streets, and sidewalks.
- (6) Mobile food vending shall be permitted in the White Rock Town Center (WRTC), Mixed-Use (MU), Downtown Los Alamos (DTLA), General Commercial (GC), Professional Office (PO), Industrial (IND) zoning districts on private land, Public Land District (P-L), and public right-of-way subject to the following conditions:
  - a. Applicants shall obtain a County business license and comply with the provisions of Article II, chapter 12 of this Code if required.
  - b. Applicants shall comply with all requirements of Los Alamos County Fire Department and obtain a County Fire Operational Permit.
  - c. Mobile vending operating on private property in all non-residential zone districts shall obtain and provide written consent from the private property owner(s) of properties on which they intend to operate.
  - d. Mobile food vending sales shall comply with all applicable local, state and federal laws.
  - e. Mobile food vendors shall maintain trash receptacles and all areas used for food vending in a safe and clean condition and must dispose of waste in accordance with state health department regulations. Trash receptacles shall not impede on pedestrian or vehicular traffic in the vicinity of mobile food vending vehicle.
  - f. Mobile food vendors shall comply/address gray water and grease waste per New Mexico State, Los Alamos County, and Department of Public Utilities regulations.
  - g. Mobile food vendors shall state the make, model, and license plate number of each vehicle to be used for mobile food vending on the business license application.
  - h. Mobile food vendors shall furnish the County with a valid food establishment permit issued by the New Mexico Environment Department. The food establishment permit shall be clearly displayed on the outside of the vehicle at all times.
  - i. Each vehicle used for vending shall be individually permitted and shall clearly display the corresponding permit on the outside of the vehicle at all times.
  - j. Mobile food vendors participating in a special event shall follow all special events sponsored by Los Alamos County and temporary use permit requirements.
- (7) Upon receiving a written notice from the County for violations of the County Code or New Mexico State law, mobile food vendors shall correct all violations within (72) hours of receiving such notice.

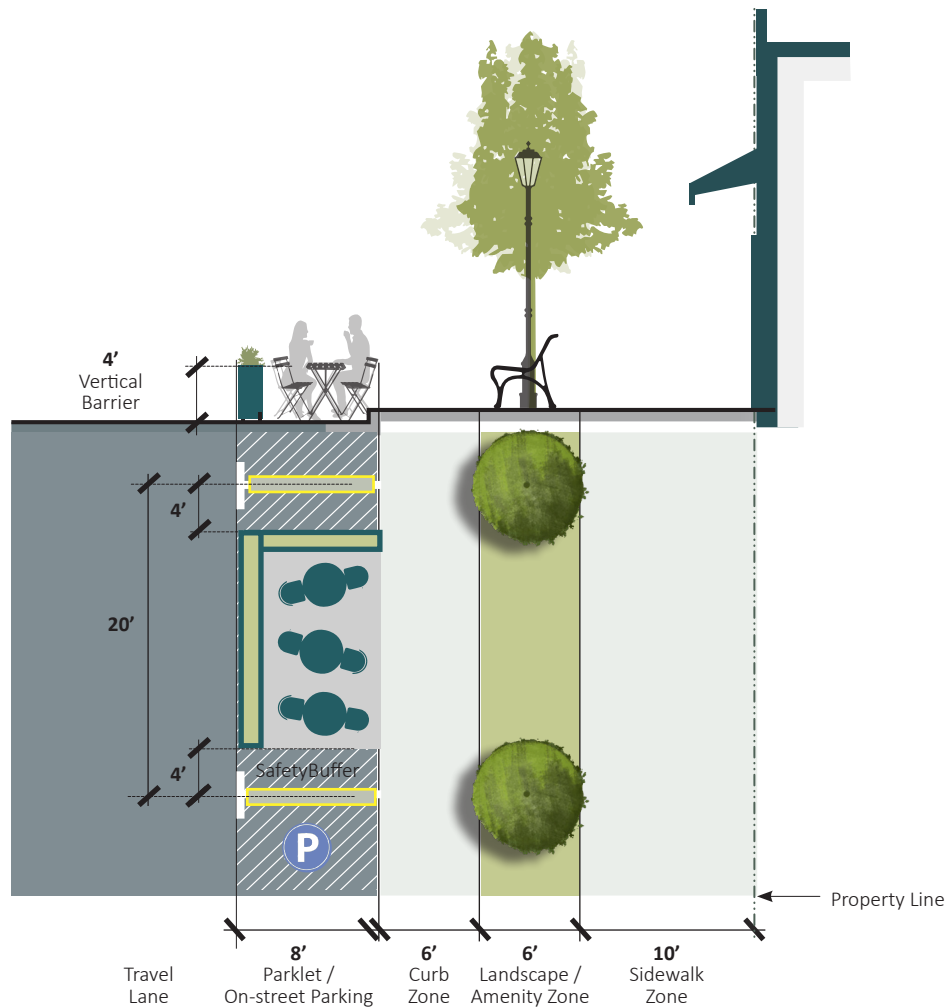


If the permittee does not correct the violations, the Community Development Director shall revoke the mobile food vendor permit and permittee shall be subject to penalties pursuant to Section 1-8 of the Code.

## 16-19(H) PARKLETS

- (1) Parklets are permitted on roadways with speeds of 30 mph or less, provided a Temporary Use Permit is obtained, pursuant to the requirements of [Section 16-73\(o\)](#).
- (2) A safety buffer shall be established around the parklet through the use of wheel stops placed a minimum of 4 feet from the parklet.
- (3) Parklets shall include vertical elements, such as posts or bollards, to increase visibility to traffic.
- (4) Parklets shall be a minimum width of 6 feet or the width of the parking lane, whichever is greater.
- (5) Parklet design shall not inhibit adequate drainage of stormwater runoff.
- (6) Parklet location shall not obstruct fire hydrants, transit stops, utilities, fire lanes, and sight visibility triangles or be located in any place deemed unsafe by Los Alamos County Public Works Department.

FIGURE 18: *Parklet Standards*



## 16-19(I) REAL ESTATE OFFICE

- (1) This use requires a Temporary Use Permit pursuant to procedures outlined per Section 16-73(o).
- (2) Real Estate Office and model homes may be located within a Residential zone district as part of an on-going residential development.

#### 16-19(J) SEASONAL OUTDOOR SALES

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- (1) This use requires a Temporary Use Permit pursuant to procedures outlined per Section 16-73(o).
- (2) This use shall only operate for a maximum period of 45 days in any calendar year, with the exception of seasonal produce sales which may be granted for a period that accommodates the growing / harvest season.
- (3) In any INS zone district, seasonal sales are permitted only with the consent of the owner of such property for a period of no longer than 45 days. The County Council shall designate those County lands where lot sales are to be permitted.
- (4) Seasonal Outdoor Sales shall not obstruct nor encroach upon any required side yard setback, pedestrian or bicycle access or passage, or parking lot circulation. Seasonal Outdoor Sales on sidewalks or on-site pedestrian walkways shall maintain a minimum of 4 feet of unobstructed sidewalk clear zone along the public sidewalk at any time.

#### 16-19(K) SPECIAL EVENT

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- (1) This use requires a Temporary Use Permit pursuant to procedures outlined per Section 16-73(o).
- (2) This use shall only operate for a maximum period of 15 days in any 90-day period.

#### 16-19(L) TEMPORARY STORAGE

---

- (1) This use requires a Temporary Use Permit pursuant to procedures outlined per Section 16-73(o).
- (2) This use shall only operate for a maximum period of 60 consecutive days in any calendar year. Temporary storage containers shall not be permanently placed within any front, side, or rear yard.
- (3) Temporary storage containers shall not be placed within public rights-of way ; except if the lot, because of topography or shape, and the structures located on the lot, cannot reasonably accommodate the location of temporary storage in areas other than within the public rights-of-way.
- (4) Temporary storage containers shall not interfere with required sight visibility triangles pursuant to Section 16-25(d).

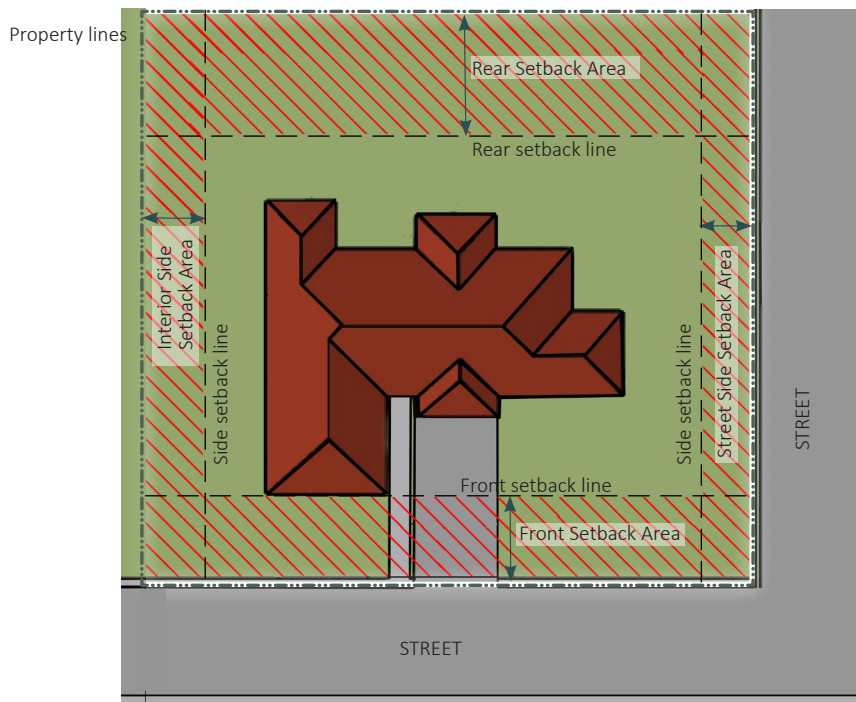
# ARTICLE IV. DEVELOPMENT STANDARDS

## 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 abutting 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.

FIGURE 19: *Required Setbacks*



- (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

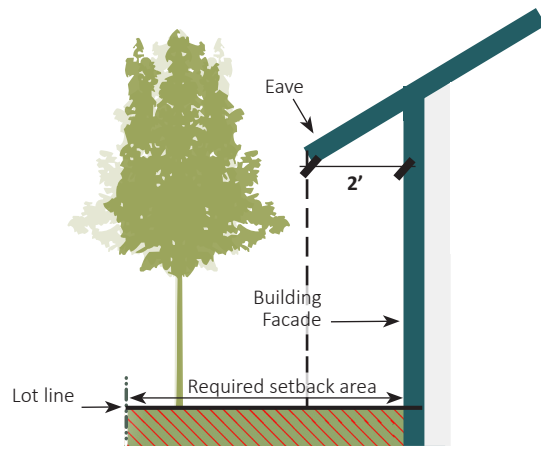
district lot abuts or is adjacent to any low-density residential lot when it shall comply with the standards of *Division 5 Neighborhood Protection Standards*.

- (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.

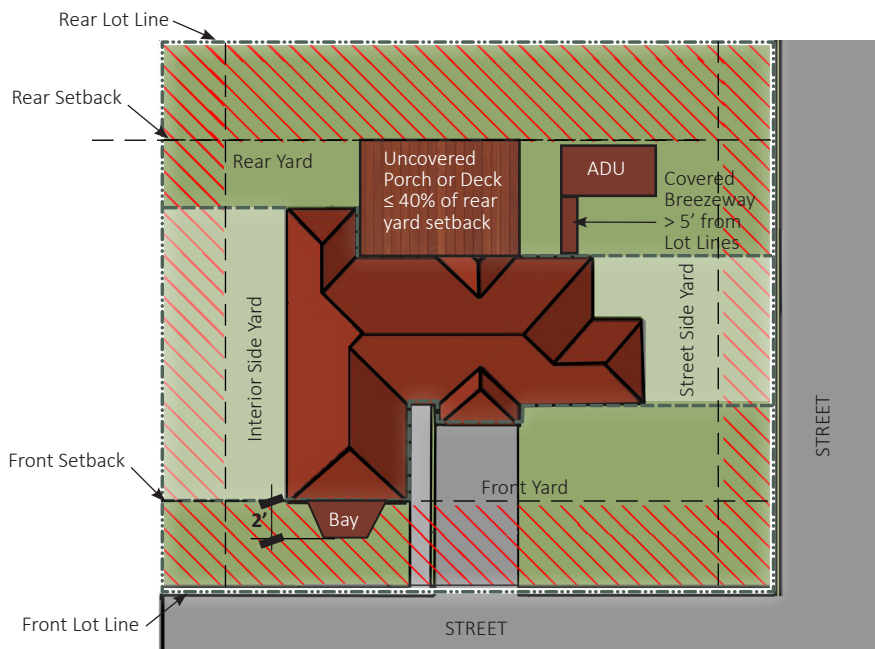
**SEC. 16-21 PERMITTED PROJECTIONS INTO REQUIRED SETBACK AREAS**

- (a) Uncovered walkways, driveways, steps, patios, or courtyards may extend any distance into any required setback area.
- (b) Non-structural architectural features such as eaves, cornices, sills, chimneys, awnings, or similar features may project a maximum of 2 feet into any required setback area.
- (c) Fire escapes and fire-resistive outside stairways may project into any required rear or side setbacks as permitted by the latest version of the New Mexico Building Code adopted by the County.
- (d) Uncovered porches or decks may extend a maximum of 40 percent of the required rear setback area into a required rear setback area, but shall not extend any distance into a required side or front setback area.
- (e) Except as otherwise provided in this Chapter, structural architectural features including arcades, balconies, bay windows, or similar may project a maximum of 2 feet into the required front setback area and 5 feet into any required rear setback area.
- (f) Carports may occupy a maximum of 40 percent of the required front setback area.

**FIGURE 20: Non-structural Projections**

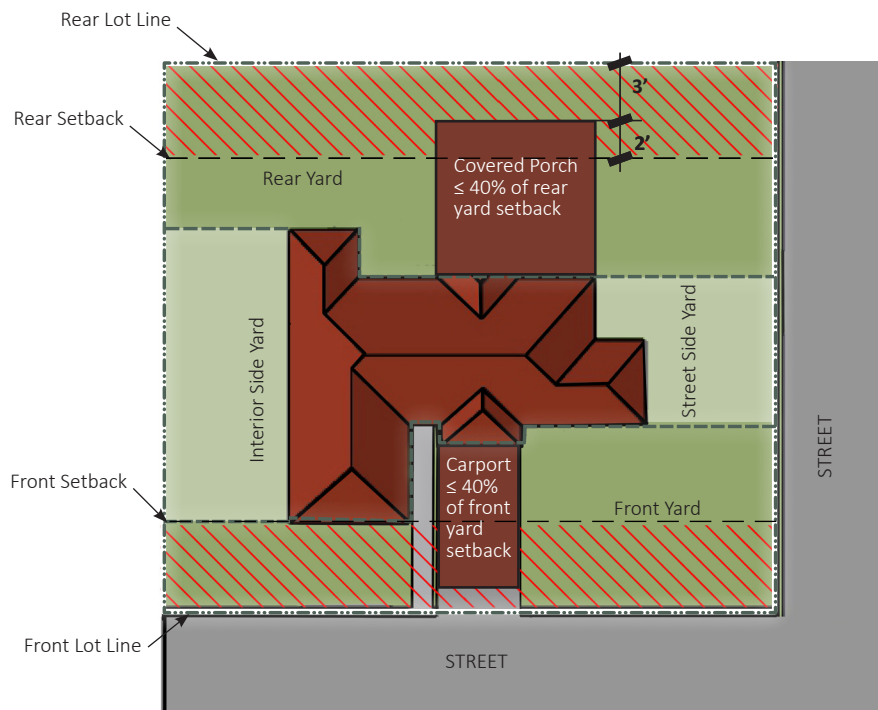


**FIGURE 21: Uncovered Projections**



- (g) Covered patios, porches, or decks attached to the primary building may occupy a maximum of 40 percent of the required rear setback area provided that the space under the cover is open on at least 3 sides and the eave of the patio or porch cover may encroach up to 2 feet into a required side or rear yard setback, but not closer than 3 feet from any lot line.
- (h) A roofed breezeway connecting a primary building and an Accessory Structures may project into the required rear yard in any Residential zone district provided that the breezeway is a minimum of 5 feet from all lot lines and open on all sides except for the supporting posts.

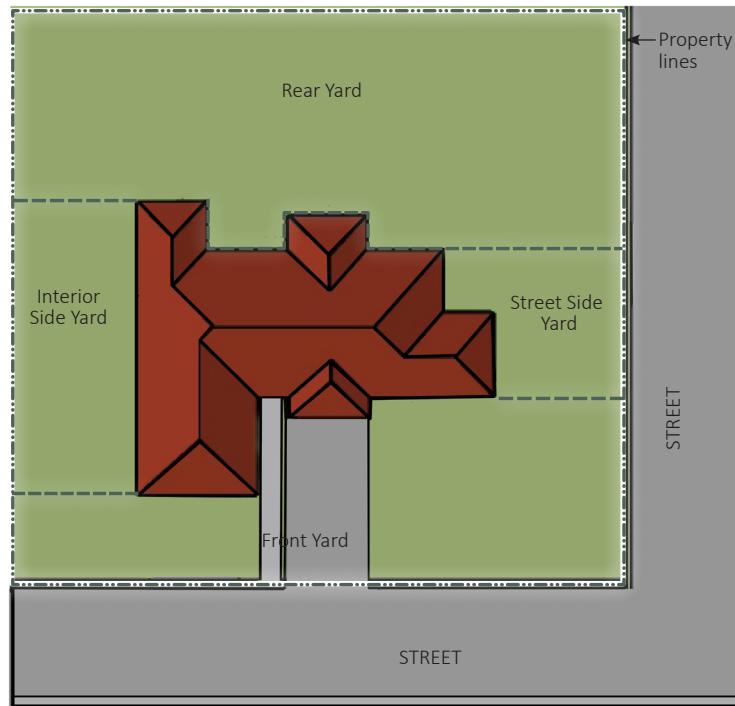
**FIGURE 22: Covered & Structural Projections**



## SEC. 16-22 YARD REQUIREMENTS

- (a) A yard is the open space between the lot line and a building.
  - (1) Front Yard refers to the part of a lot from the front lot line to any front façade of the primary building, extended to both side lot lines. If there is no primary building on the lot, the front yard refers to the part of a lot within the minimum setback in the zone district on the side of the lot where the property will be addressed.
  - (2) Interior Side Yard refers to the part of a lot from an interior side lot line to the side façade of the primary building.
  - (3) Street Side Yard refers to the part of a lot from a street side lot line the side façade of the primary building.
  - (4) Rear Yard refers to the part of a lot from the rear lot line to any rear façade of the primary building, extended to both side lot lines.

FIGURE 23: Yards



- (b) On a corner lot in any Residential zone district, the owner has a choice of which yard is the front yard and to construct the dwelling unit accordingly, unless the front yard is designated on the recorded plat of the subdivision.
- (c) The elected or designated front yard shall conform to the site development requirements for the underlying base zone district pursuant to the standards of ARTICLE II Zone Districts.
- (d) The other yard abutting a street is a side yard and shall have a minimum setback of 15 feet or the setback required by the underlying base zone district pursuant to the standards of ARTICLE II Zone Districts, whichever is larger.
- (e) On double frontage lots, one yard shall be designated as the front yard, and the other yard abutting a street shall be the rear yard but shall be subject to all site development requirements of a front yard of the underlying base zone district pursuant to the standards of ARTICLE II Zone Districts.
- (f) Fences, walls, and hedges in any yard are subject to the height limitations as defined in Table 47 Maximum Height of Walls and Fences.

## DIVISION 2 ACCESS AND CONNECTIVITY

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### SEC. 16-23 PURPOSE

The purpose of this section is to improve connectivity in existing and future development areas by:

- (a) Promoting multimodal travel in the County by providing options for automobiles, transit, bicycles, and pedestrians.
- (b) Ensuring convenient and efficient access to current and future neighborhoods.
- (c) Connecting neighborhoods to local destinations such as employment, schools, parks, and shopping centers.
- (d) Mitigating the traffic impacts of new development.
- (e) Reducing vehicle miles traveled and travel times.
- (f) Increasing the effectiveness of local service delivery and reducing emergency response times.
- (g) Avoiding the creation of large, isolated tracts without routes for through traffic or pedestrian and bicycle connections.

### SEC. 16-24 APPLICABILITY

Except as otherwise provided in this section, the provisions of this section shall apply to all development.

### SEC. 16-25 ACCESS AND CONNECTIVITY STANDARDS

#### 16-25(A) GENERAL

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- (1) Every lot shall have sufficient access providing reasonable means of ingress and egress for emergency vehicles and for those requiring access to the property for its intended use.
- (2) All driveway entrances and other openings onto streets shall be constructed so that:
  - a. Vehicles may safely enter and exit the property;
  - b. Interference with the free and convenient flow of traffic in abutting or surrounding streets is minimized; and
  - c. Shared driveways are provided to the maximum extent feasible to minimize the number of access points to streets, except for driveways within residential subdivisions or along private residential streets.

#### 16-25(B) RESIDENTIAL DEVELOPMENT ACCESS

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- (1) Driveways on residential corner lots shall not be located closer than 20 feet to the radius return.
- (2) Driveways providing direct access from a public street to a garage, carport, or residential structure shall be not less than 20 feet in depth.
- (3) Residential driveways shall be designed and constructed per the County's Public Works Design and Construction Standards.

#### 16-25(C) MULTI-FAMILY, MIXED-USE AND NON-RESIDENTIAL DEVELOPMENT ACCESS

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- (1) The number, location, and design of driveways shall be reviewed and approved by the County Engineer.
- (2) The number of driveways shall be kept to a minimum to reduce potential vehicular, bicyclist, and pedestrian traffic flow conflicts. Driveways along low speed or low volume streets shall be no closer than 100 feet of each other on the same street frontage or within 100 feet of an existing driveway or cross street on the same street frontage, unless otherwise approved by the County Engineer as

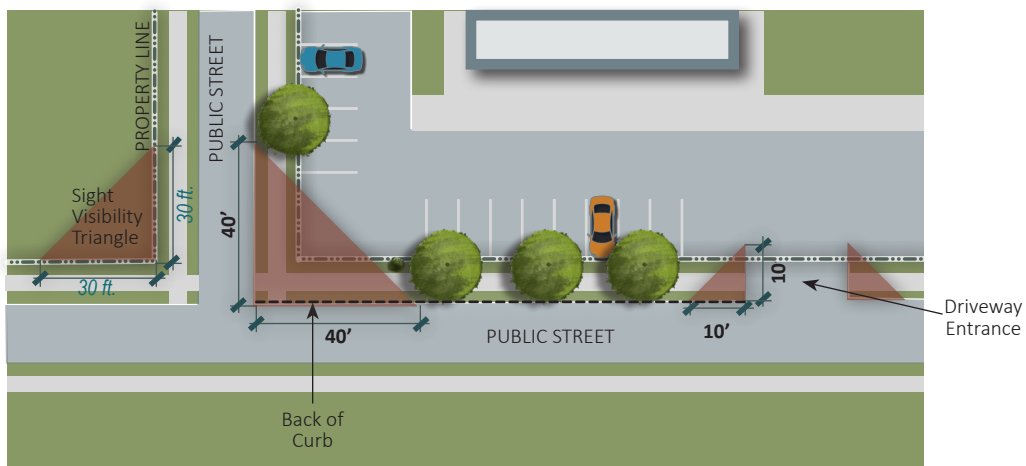
being required to make the lot buildable. The County Engineer may require a traffic engineering assessment, study, or impact analysis to evaluate the number, location, and design of proposed driveways including considerations for full or partial access and operational and safety impacts.

- (3) Driveways providing access to a public street shall be a minimum of 16 feet wide for one-way traffic and 30 feet wide for two-way traffic. Driveway width may vary by an applicable design vehicle's turning radius and off-tracking.
- (4) The slope of driveways providing access to public streets shall not exceed 8 percent unless otherwise approved by the County Engineer as being required to make the lot buildable.
- (5) Turning and maneuvering space shall be located entirely on private property unless otherwise approved by the County Engineer as being required to make the lot buildable.
- (6) Ingress to and egress from any off-street parking area shall not be located closer than 20 feet from point of tangent to an intersection or pedestrian crosswalk unless otherwise approved by the County Engineer as being required to make the lot buildable.
- (7) The County Engineer may require ingress separate from egress for safer flow of traffic.
- (8) Driveways shall be designed and constructed per the County's Public Works Design and Construction Standards unless otherwise approved by the County Engineer.
- (9) All properties that directly or indirectly access a state highway are regulated by the New Mexico Department of Transportation pursuant to New Mexico Administrative Code, 18.1.36 NMAC, and the requirements contained in the State Access Management Manual.

#### 16-25(D) SIGHT VISIBILITY TRIANGLES

- (1) Site entrances and driveways in all developments shall maintain a sight triangle area formed by joining points measured 30 feet along the property lines or 40 feet along the face of curb from the intersection of two streets, whichever is greater, or by joining points measured 10 feet back along a driveway and the face of curb from the point of intersection of the driveway and street for the safety of pedestrians, bicycles, and vehicles, see *Figure 24 Sight Visibility Triangles*.

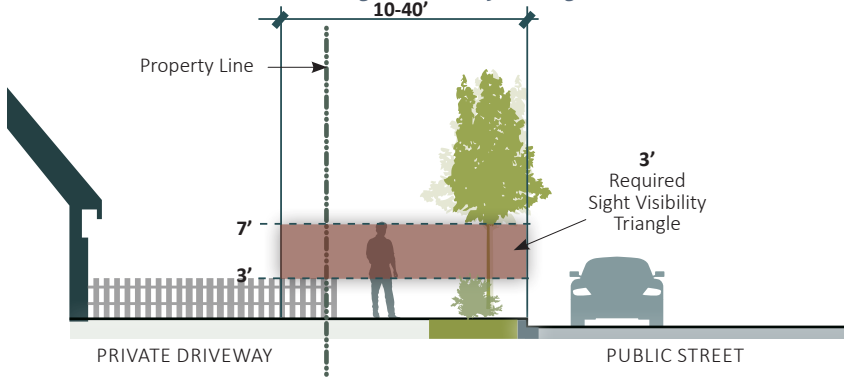
FIGURE 24: *Sight Visibility Triangles*



- (2) The area within required sight visibility triangles shall be free of visual obstruction.
- (3) Landscaping, fences and walls, and shrubs shall not exceed 3 feet within the required sight visibility triangle. Signage and trees between 3 feet and 7 feet tall are prohibited within the required sight visibility triangle. See *Figure 25 Restrictions in Sight Visibility Triangles*.



FIGURE 25: *Restrictions in Sight Visibility Triangles*



- (4) Vertical measurements shall be made from the top of the travel surface on the street.
- (5) Objects that may be located in the sight visibility triangle, include, but are not limited to, hydrants, utility poles, utility junction boxes, and traffic control devices, provided these objects are located to minimize visual obstruction.

### 16-25(E) CROSS-ACCESS BETWEEN ADJACENT USES

- (1) Mixed-use and non-residential development shall be designed to allow for cross-access to adjacent properties to encourage shared parking, shared access points, and increased connectivity on private development to the maximum extent feasible, see *Figure 26 Cross-access Between Adjacent Uses*. This may be established by one or more of the following:
  - a. Providing shared driveways for two adjacent lots from public rights-of-way to minimize curb cuts;
  - b. Connecting private streets and driveway
  - c. Coordinating parking structure and parking lot entrances;
  - d. Linkages between parking lots and parking structures; or
  - e. Common service/delivery areas.

FIGURE 26: *Cross-access Between Adjacent Uses*



- (2) When cross-access is deemed impractical by the County Engineer or undesirable based on topography, the presence of natural features, vehicular or pedestrian safety factors, or unsafe conditions, this requirement may be waived.
- (3) Cross-access and maintenance agreements associated with such interconnections shall be provided, if necessary, with the associated subdivision or site plan.

**16-25(F) PEDESTRIAN AND BICYCLE CIRCULATION**

**16-25-(F)(1) SIDEWALKS**

- a. Unless exempted in this section, sidewalks shall be installed on both sides of all arterials, collector streets, and local streets, including cul-de-sacs, and within and along the frontage of all new development or redevelopment.
- b. Unless otherwise stated in this Chapter, sidewalks shall be constructed per the County’s Public Works Design and Construction Standards.
- c. Sidewalks are not required on local streets in zone districts where the minimum lot size is 1 acre or greater or in steep-slope areas where sidewalks on 1 side of the street may be approved to reduce excessive slope disturbance, adverse impacts on natural resources, and potential soil erosion and drainage problems according to the County Engineer.

**16-25-(F)(2) ON-SITE PEDESTRIAN WALKWAYS**

- a. All multi-family, mixed-use and non-residential developments shall provide a network of safe, reasonably direct, and convenient on-site pedestrian walkways with a minimum width of 5 feet to and between the following areas:
  - 1. Entrances to each multi-family, mixed-use or non-residential building on the site, parking areas, and open spaces;
  - 2. Public sidewalks or on-site pedestrian walkways on adjacent properties that extend to the boundaries shared with the subject development;
  - 3. Adjacent public transit stops and shelters, public parks, trails, schools, and adjacent neighborhoods.

**FIGURE 27: Required On-site Pedestrian Walkways**



- b. When on-site pedestrian walkways are deemed impractical by the County Engineer or undesirable based on topography, the presence of natural features, vehicular or pedestrian safety factors, or unsafe conditions, this requirement may be waived.

### 16-25-(F)(3) BICYCLE CONNECTIONS

New development involving more than 1 lot or sites over 5 acres in size adjacent to existing or planned bikeways or multi-use trails shall provide at least 1 access point to these facilities to provide safe and convenient access for cyclists or pedestrians.

DIVISION 3 OFF-STREET PARKING, LOADING, AND QUEUING

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SEC. 16-26 PURPOSE

The purpose of this section is to provide for adequate, convenient, and safe off-street parking and loading areas for various land uses addressed in this chapter.

SEC. 16-27 APPLICABILITY

Off-street parking and loading spaces shall be provided as an accessory use in all zone districts in accordance with the requirements of this article. The provisions of this section apply to the following:

- (a) Construction of a new primary building;
- (b) Change of use or occupancy of a building(s), including additions, that require more parking;
- (c) Expansion of the gross floor area of an existing building by more than 25 percent. Parking and Loading Requirements shall apply to the expanded gross floor area of the building(s).
- (d) It shall be unlawful to discontinue, reduce, modify or otherwise dispense with parking and loading facilities that comply with the requirements of this section.

SEC. 16-28 OFF-STREET PARKING STANDARDS

16-28(A) CALCULATION OF OFF-STREET PARKING AND LOADING

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- (1) All square footage based parking and loading requirements shall be computed on the basis of gross floor area of the subject use. Structured parking within a building shall not be counted in such computation.
- (2) Lots containing more than one use shall provide parking and loading in an amount equal to the total of the requirements for all uses.
- (3) In case of fractional results in calculating required parking supply, the required numbers of the sum shall be rounded up to the nearest whole number.

16-28(B) UNLISTED USES

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For uses not explicitly listed in *Table 27 Minimum Off-Street Parking Requirements*, the Community Development Director is authorized to do any of the following:

- (1) Apply the minimum required parking spaces for the use listed in *Table 27 Minimum Off-Street Parking Requirements* that is most similar to the proposed use;
- (2) Establish the minimum required parking spaces based on standard parking resources or local or national best practice; or
- (3) Establish the minimum required parking spaces based on a parking study submittal conducted by a Registered Professional Engineer.

**16-28(C) MINIMUM OFF-STREET PARKING REQUIREMENTS**

Unless otherwise noted in this Chapter, minimum off-street parking spaces shall be provided in accordance with *Table 27 Minimum Off-Street Parking Requirements*.

<b>TABLE 27: MINIMUM OFF-STREET PARKING REQUIREMENTS</b>		
<b>LAND USE</b>		<b>REQUIRED PARKING</b>
<b>RESIDENTIAL</b>		
Household Living	Dwellings, single-family	2 spaces per unit
	Dwelling, co-housing development	1 space per unit Plus .25 guest space per unit
	Dwelling, cottage development	1 space per up to 2-bedroom unit 2 spaces per 3 or more bedroom unit
	Dwelling, duplex	2 spaces per unit
	Dwelling, townhouse. Dwelling, triplex	2 spaces per unit Developments with 10 or more units shall require 1 additional guest parking space per every 10 units.
	Dwelling, fourplex	2 spaces per unit Developments with 10 or more units shall require 1 additional guest parking space per every 10 units.
	Dwelling, townhouse	1 space per up to 2-bedroom unit 2 spaces per 3 or more bedroom unit
	Dwelling, live/work	1 space per unit plus as required for commercial use
Congregate Living	Dwelling, multiple-family	1 space per up to 1 bedroom units 1.5 spaces per 2-bedroom units or more plus 1 guest space per 10 dwelling units
	Assisted Care Facility	1 space per 3 beds
	Dormitory	1 space per bed, plus 2 spaces per owner or manager
	Group Care Facility	1 space per 3 beds
	Group Residential Facility	1 space per 3 beds
<b>INSTITUTIONAL</b>		
Public, Institutional, and Civic Uses	Art gallery, museum, or library	2 spaces per 1,000 sf
	Funeral home or mortuary	1 space per 3 seats
	Institutional and civic buildings	4 spaces per 1,000 sf
	Hospital	2 spaces per 3 beds
	Medical or dental clinic	6 spaces per 1,000 sf
	Private club or lodge	1 space per 4 persons design capacity
	Religious institution	1 space per 4 persons design capacity
	Schools, private	2 spaces per classroom, plus 1 space per 300 sf administrative space
	Schools, public	2 spaces per classroom, plus 1 space per 300 sf administrative space
	High school	6 spaces per classroom or 1 seat per 3 seats in main auditorium, whichever is greater, plus 1 per 300 sf administrative space
	Higher education facility	4 spaces per 1000 sf

**TABLE 27: MINIMUM OFF-STREET PARKING REQUIREMENTS**

LAND USE		REQUIRED PARKING
<b>COMMERCIAL</b>		
	Fish hatchery	1 space per 1,000 sf
	Community garden	No Requirement
	Plant nursery or greenhouse	4 spaces per 1,000 sf
Recreation & Entertainment	Adult entertainment	1 space per 4 persons design capacity
	Golf course or country club	1 space per 4 persons design capacity, plus 5 spaces per hole
	Indoor entertainment facility	1 space per 4 persons design capacity
	Outdoor recreation facility	1 space per 1,000 sf of site area where persons circulate, participate, or watch activities.
	Park or playground	1 space per 3 acres
	Sports field	1 space per 1,000 sf of site area where persons circulate, participate, or watch activities.
Lodging	Bed and breakfast	1 space per room, plus 2 staff spaces
	Campground or RV park.	1 space per RV or campsite
	Hotel or motel	1 space per room
Food and Beverage	Bar, lounge, or tavern	10 spaces per 1,000 sf
	Microbrewery, distillery, or winery	7 spaces per 1,000 sf
	Restaurant	10 spaces per 1,000 sf
Office, Business, and Professional	Office, business or professional	4 spaces per 1,000 sf
	Laboratory	1 space per 1,000 sf
	Research and development	1 space per 1,000 sf
	Financial institution	5 spaces per 1,000 sf
	Adult retail	4 spaces per 1,000 sf
	Retail sales	5 spaces per 1,000 sf
	Cannabis retail	4 spaces per 1,000 sf
	Contractor facility or yard	5 spaces per 1,000 sf of enclosed net usable floor area plus 2 spaces per 1,000 sf of display area
Retail Sales and Service	Daycare center	2.5 spaces per 1,000 sf
	Fitness Center	5 spaces per 1,000 sf
	Liquor retail	4 spaces per 1,000 sf
	Nicotine retail	4 spaces per 1,000 sf
	Meeting, banquet, or event facility	1 space per 4 persons design capacity
	Mobile home sales	1 space per 1,000 sf, plus 1 space per 6,000 sf outdoor display area
	Personal services	4 spaces per 1,000 sf
	Kennel	2.5 spaces per 1,000 sf
	Self-service storage facility	1 space per 20 units or 1 space per 1,000 sf, whichever is greater
	Veterinary hospital	5 spaces per 1,000 sf

**TABLE 27: MINIMUM OFF-STREET PARKING REQUIREMENTS**

LAND USE		REQUIRED PARKING
Vehicle and Equipment-Related	Ambulance services	5 spaces per 1,000 sf
	Light vehicle and equipment sales, rental, and repair	3 spaces per 1,000 sf office or retail space 3 spaces per service bay
	Heavy vehicle and equipment sales, rental, and repair	3 spaces per 1,000 sf office or retail space 3 spaces per service bay
	Vehicle fuel sales	4 spaces per 1,000 sf
	Vehicle storage	1 space per 1,000 sf office space
	Vehicle wash	3 spaces per 1,000 sf
Transportation	Airport	7 spaces per 1000 sf waiting room area 2 spaces per 1000 sf maintenance floor area 5 spaces per 1000 sf office area
	Heliport	No requirements
	Parking facility	No requirements
	Transit terminal or station	Determined by transportation authority
	Truck terminal	7 spaces per 1000 sf waiting room area 2 spaces per 1000 sf maintenance floor area 5 spaces per 1000 sf office area
<b>INDUSTRIAL</b>		
Manufacturing & Warehousing	Above-ground storage of fuels	1 space per 1,000 sf
	Artisan manufacturing	3 spaces per 1,000 sf
	Light manufacturing	2 spaces per 1,000 sf
	Heavy manufacturing	1 space per 1,000 sf
	Cannabis cultivation or manufacturing facility	1 space per 1,000 sf
	Distribution, warehouse, or wholesale facility	1 space per 1,000 sf warehouse/wholesale facility 5 spaces for 1,000 sf office
	Natural resource extraction	No Requirement
Utilities &	Public utilities	No Requirement
	Radio and TV, studio or station	4 spaces per 1,000 sf
Utilities &	Recycling station	1 space per 5,000 sf
	Salvage yard	1 space per 5,000 sf
	Transfer station	1 space per 5,000 sf
	Wireless Telecommunications Facility (WTF)	No Requirement

<b>TABLE 27: MINIMUM OFF-STREET PARKING REQUIREMENTS</b>	
<b>LAND USE</b>	<b>REQUIRED PARKING</b>
<b>ACCESSORY USES</b>	
Accessory dwelling	1 space per unit
Caretaker unit	1 space per unit
Daycare home	1 space per employee
Home business	1 space per employee
<b>TEMPORARY USES</b>	
Construction staging area, trailer, or office	4 spaces per 1,000 sf
Dwelling, temporary	2 spaces per unit
Fair, carnival, or circus	4 spaces per 1,000 sf
Open air market	No Requirement
Special event	As determined by Community Development Director

### SEC. 16-29 ACCESSIBLE PARKING

- (a) The number and design of accessible parking spaces shall be pursuant to the International Building Code (IBC) as adopted in Los Alamos County, New Mexico State Statutes, and the Americans with Disabilities Act (ADA), as amended.
- (b) Accessible parking spaces shall be required for all non-residential uses and multi-family uses according to Table 28 Accessible Parking Requirements.

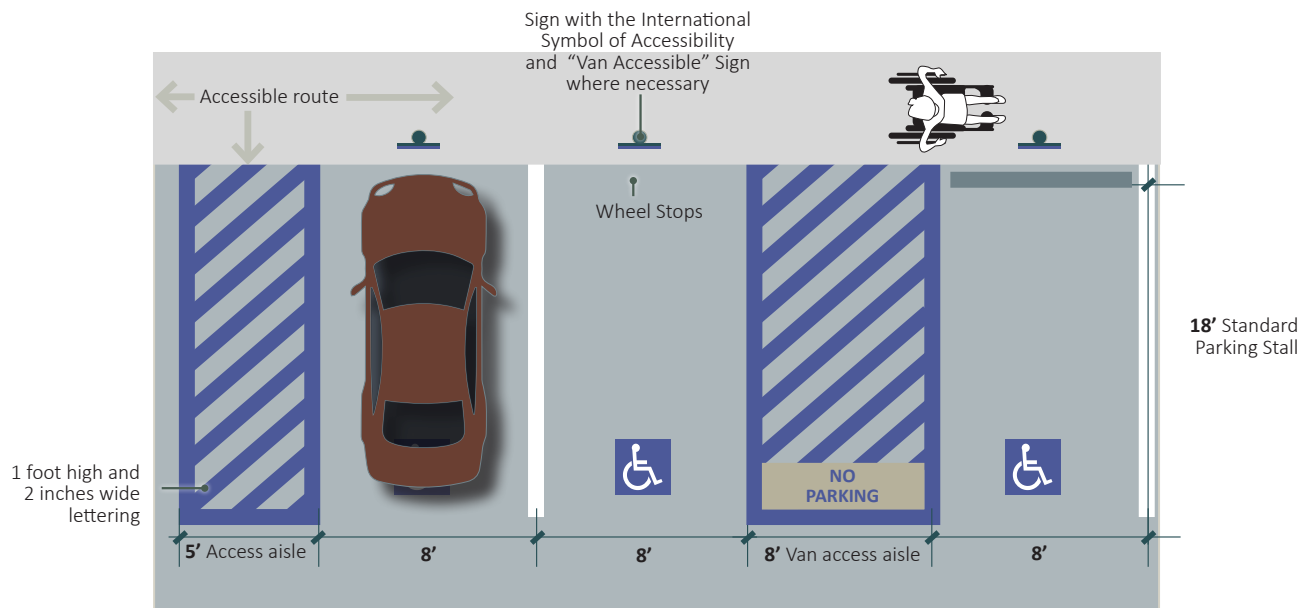
<b>TABLE 28: ACCESSIBLE PARKING REQUIREMENTS</b>		
Total Number of Parking Spaces	Minimum Number of Required Accessible Parking Spaces	Minimum Number of Required Van Accessible Parking Spaces
1-25	1	1
26-35	2	1
36-50	3	1
51-100	4	1
101-300	8	2
301-500	12	2
501-800	16	3
800-1000	20	4
1001 and over	20, plus 1 for each 100, or fraction thereof, over 1,000	For every 6 accessible parking spaces, at least one shall be van accessible.

- (c) Accessible parking spaces shall be located closest to the accessible building entrances and dispersed among the various types of parking facilities and uses.
- (d) Accessible parking spaces shall be 8 feet wide and 18 feet long.
- (e) Accessible parking spaces shall provide an adjacent 5 feet wide access aisle. If the parking space is van accessible, the adjacent access aisle shall be increased to 8 feet.
- (f) The access aisles shall be clearly marked by blue, diagonal striping and shall have the words “NO PARKING” in capital letters, each of which shall be at least 1-foot high and at least 2 inches wide, placed at the rear of the parking space.



- (g) Two parking spaces shall be permitted to share a common access aisle.
- (h) Each access aisle must adjoin a minimum 4-foot wide pedestrian access route.
- (i) A parking space identification sign with the international symbol of accessibility complying with the IBC shall be mounted 60 inches minimum above the ground surface measured to the bottom of the sign.
- (j) If the accessible route is in front of the parking space, wheel stops are required to keep vehicles from reducing the clear width of the accessible route below 36 inches.
- (k) Accessible parking spaces shall be identified by the International Symbol of Accessibility (ISA); a clearly visible depiction of the symbol shall be painted in blue on the pavement surface at the rear of the space.

FIGURE 28: Accessible Parking Design



- (l) Van accessible spaces shall be indicated by additional signage stating "Van Accessible".
- (m) Accessible parking spaces, aisles, and routes must be maintained in good repair and kept clear of snow, ice, or fallen leaf buildup.

## SEC. 16-30 PARKING ALTERNATIVES AND REDUCTIONS

- (a) The Community Development Director may approve parking reductions to the off-street parking supply requirements in Table 27 Minimum Off-Street Parking Requirements, as established in this section.
- (b) The cumulative total of all applicable reductions to off-street parking requirements shall not exceed 25 percent.

16-30(A) SHARED PARKING REDUCTION

- (1) 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 & BEVERAGE, AND RECREATION & ENTERTAINMENT	RETAIL SALES	OFFICE, BUSINESS, AND PROFESSIONAL SERVICES
Multi-family	N/A	30%	15%	15%	50%
Public, Civic, and Institutional	30%	N/A	30%	15%	20%
Food & Beverage, and Recreation & Entertainment	15%	30%	N/A	N/A	30%
Retail Sales	15%	15%	N/A	N/A	15%
Office, Business, and Professional Services	50%	20%	30%	15%	N/A

Percentages in the table are based on national percentages for uses sharing parking. This Chapter does not allow shared parking reductions to exceed 25%.

For example, if uses 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 25 percent. A sample parking requirement calculation is shown below.

Use	Size	Parking Standard	Parking Requirement
Multi-family	40, 2 bedroom dwelling units	1.5 spaces per 2 or more BR Unit plus 1 guest space per 10 dwelling units	64 spaces
Retail	10,000 square feet	5 spaces per 1,000 sf	50 spaces
Restaurant	5,000 square feet	10 spaces per 1,000 sf	50 spaces
Total required parking prior to allowed reductions			164 spaces
Total allowed reduction			25% of 164 = 41 spaces
<b>Total required parking after allowed reduction</b>			<b>164-41 = 123 spaces</b>

- (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 *Sec. 16-7(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 Sec. 16-7(i).

### 16-30(B) ADDITIONAL PARKING REDUCTIONS

Additional parking reductions may be granted for items listed in Table 30 Applicable Off-Street Parking Reductions.

<b>TABLE 30: APPLICABLE OFF-STREET PARKING REDUCTIONS</b>	
<b>FACTOR</b>	<b>ALLOWED REDUCTION</b>
Proximity to transit	The total number of required parking spaces may be reduced by 20% for developments within 1,320 feet of a public transit stop.
Provisions for bicycle infrastructure	The total number of required parking spaces may be reduced by 10% for developments that provide robust bicycle amenities (i.e., lockers and repair facilities) and additional designated bicycle parking areas in excess of what is required for the project.
Electrical charging stations	1 electrical station may be counted toward 2 required parking spaces.
Solar parking canopies	The total number of required parking spaces may be reduced by 10% for developments that utilize solar parking canopies.

### SEC. 16-31 MOTORCYCLE PARKING

- (a) Up to 3 percent of the required parking spaces, excluding accessible parking spaces, may be motorcycle parking spaces. All motorcycle parking stalls shall be 4 feet wide by 8 feet long.
- (b) Motorcycle parking spaces shall be located in a well-lit area that is visible from the primary building entrance on the site.
- (c) Motorcycle spaces shall be clearly signed and marked “Motorcycle Only” per the Manual on Uniform Traffic Control Devices (MUTCD) standards.

### SEC. 16-32 BICYCLE PARKING

- (a) Bicycle Parking requirements shall apply to all multi-family, mixed-use, and non-residential uses.
- (b) Minimum off-street bicycle parking spaces shall be provided in accordance with Table 27 Minimum Off-Street Parking Requirements.

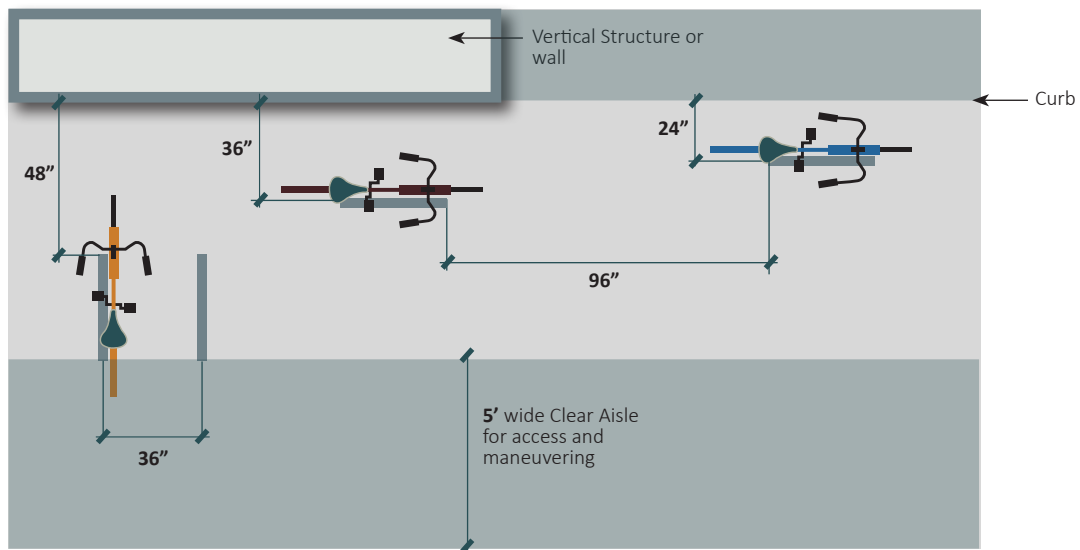
<b>TABLE 31: MINIMUM OFF-STREET BICYCLE PARKING REQUIREMENTS</b>	
<b>AUTOMOBILE PARKING SPACES REQUIRED</b>	<b>BICYCLE PARKING SPACES REQUIRED</b>
1-5	2
6-15	4
16-50	6
51-100	10
100 or more	14

- (c) Bicycle parking spaces shall be in a well-lit area, visible from and, where feasible, located within 50 feet of the primary building entrance on the site measured along the most direct pedestrian access route. Location shall not impede pedestrian access.
- (d) Bicycle parking facilities shall be racks or lockers that are installed and anchored to prevent removal except by authorized personnel.
- (e) All racks must provide two points of contact with a frame at least 6 inches apart horizontally and accommodate a bicycle frame where at least 1 wheel can be locked to the rack with a high security

U-shaped shackle lock. An inverted U type rack is the preferred rack design.

- (f) Racks placed parallel (side by side) to each other, including rack units sold as multiple units attached together, must be at least 36 inches apart. Racks aligned end-to-end must be at least 96 inches apart.
- (g) Racks placed perpendicular to a wall, curb, or pedestrian aisle must be at least 48 inches from the wall, curb, or pedestrian walkway to the nearest vertical component of the rack.
- (h) Racks placed parallel to a wall must be at least 36 inches from the wall to the nearest vertical component of the rack.
- (i) Racks placed parallel to a curb must be at least 24 inches from the curb to the nearest vertical component of the rack.
- (j) Each bicycle parking space must be accessible without needing to move another bicycle.
- (k) Bicycle parking spaces should be located adjacent to a clear aisle at least 5 feet wide to allow for maneuvering of the bicycle. Where bicycle parking is located next to a sidewalk, the maneuvering area may extend into the sidewalk.
- (l) The area devoted to bicycle parking must be hard surfaced.

FIGURE 29: *Bicycle Parking Design*



## SEC. 16-33 PARKING LOCATION & DESIGN

### 16-33(A) USE OF PARKING AND LOADING AREAS

- (1) No required off-street parking or loading space shall be used for any purpose other than the parking of vehicles, unless otherwise allowed by this Chapter.
- (2) Parking shall be prohibited in aisle ways, fire lanes or similar areas not officially designated for parking purposes. These areas shall be posted with "No Parking" signs and/or other means as required by the Community Development Director.
- (3) Required parking spaces and areas shall not be used for the sale, display or repair of motor vehicles or other goods and services unless authorized by a Temporary Use Permit issued in accordance with Sec. 16-6(o).
- (4) Parking lots shall not be used for overnight occupancy and parking of recreational vehicles, campers, trailers, buses, vans, motor homes, moving vans, refrigerator trucks or similar vehicles, except as authorized by the Community Development Director.

**16-33(B) LOCATION OF PARKING AREAS**

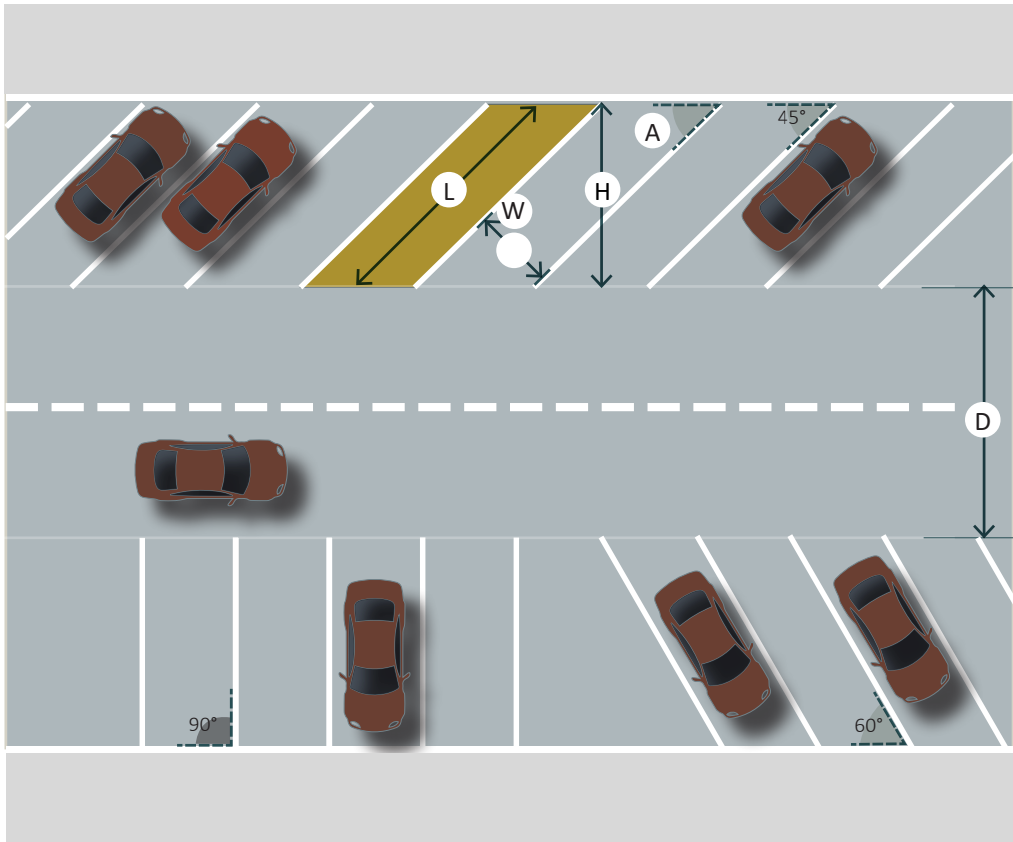
- (1) No portion of an off-street parking facility shall be located in a public street or sidewalk, alley, or other public right-of-way.
- (2) No more than 1 tandem parking space is permitted.
- (3) Parking in any low-density Residential zone district shall be located on the same lot as the residential use they serve and is prohibited on any portion of the front yard or street side yard setback areas other than on a driveway or drive aisle.
- (4) Required parking spaces for any residential use other than those listed in *Sec. 16-33(b)2* above may be located in a designated communal or shared parking area located on a lot adjacent to at least 1 of the lots served by such parking.
- (5) For all other uses, required off-street parking, loading, and vehicle stacking spaces for mixed-use or non-residential development shall be located on the same lot as the principal use, except as otherwise provided in this subsection or as allowed in *Sec. 16-30(a)*.
- (6) All parking spaces shall be internally accessible to one another without re-entering adjoining public right-of-way unless otherwise approved by the County Engineer as being required to make the lot buildable.

**16-33(C) DIMENSIONS**

- (1) Standard parking stalls and drive aisle dimensions shall be per *Table 32 Parking Stall & Aisle Dimensions*.

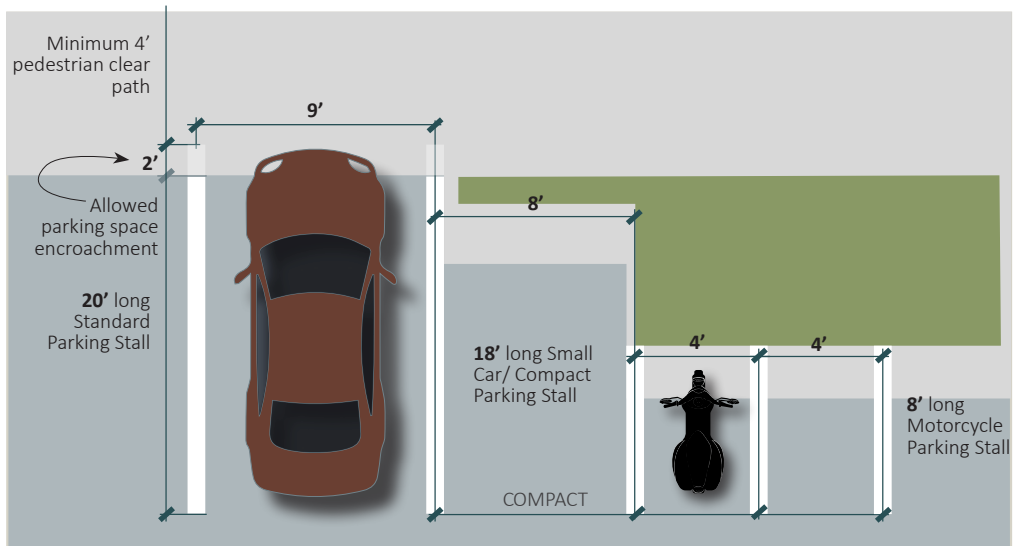
<b>TABLE 32: PARKING STALL &amp; AISLE DIMENSIONS</b>						
	PARKING ANGLE (A)	STALL WIDTH (W)	STALL LENGTH (L)	STALL DEPTH (H)	DRIVE AISLE (D)	
					ONE-WAY AISLE	TWO-WAY AISLE
Head In Standard	90 degree	9'	20'	20'	24'	24'
Head In Compact	90 degree	8'	18'	18'	24'	24'
Angled	60 degree	9.8'	20'-9"	21'	20'	22'
Angled	45 degree	12'	22'-5"	19'	20'	20'
Parallel	0 degree	8'	20'		12'	20'

FIGURE 30: *Parking Stall & Aisle Dimensions*



- (2) Compact parking spaces shall not exceed 20 percent of the total required parking spaces. Projects providing parking in excess of the minimum required number of spaces may utilize any combination of compact and standard spaces for excess parking areas.
- (3) The front of the parking space may encroach 2 feet into a landscape strip or pedestrian walkway; however, any parking spaces protruding over a pedestrian walkway shall maintain at least a 4-foot wide clearance for pedestrian access, see [Figure 31 Parking Space Design](#).

FIGURE 31: *Parking Space Design*



#### 16-33(D) PEDESTRIAN WALKWAYS

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- (1) All parking lots that contain more than 100 parking spaces shall include pedestrian walkways through the parking lot to the primary building entrance or a sidewalk providing access to the primary building entrance.
- (2) At a minimum, walkways shall be provided for every 3 driving aisles or at a distance of not more than 150-foot intervals, whichever is less.

#### 16-33(E) SURFACING

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- (1) All required parking lots or parking facilities, except in the RA and RE zone districts and public parks, shall be paved and have grading and drainage as approved by the County Engineer.
- (2) Surfacing shall consist of Asphalt Concrete or Portland Cement Concrete Pavement with an aggregate base of design and depth as recommended by a pavement or geotechnical engineer. Permeable materials such as permeable pavers, gravel, or other porous materials may be used for parking area surfacing where appropriate, with approval by the Community Development Director.
- (3) The maximum grade slope of the parking lot or parking facility shall not be more than 5 percent unless determined by the Community Development Director to be required to make the lot buildable.

#### 16-33(F) WHEELSTOPS, STRIPING AND SIGNAGE

---

- (1) Except for single-family, duplex and three-family dwelling types, all parking stalls shall be marked with painted lines not less than 4 inches wide.
- (2) Signage shall comply with MUTCD.
- (3) All traffic-control devices such as parking stripes, designated car stalls, directional arrows for signs, wheel stops, curbs, and other developments shall be installed and completed as shown on the approved site plan or Conditional Use Permit.
- (4) Bumper guards and/or wheel stops shall be required on the periphery of all required parking facilities so that vehicles will not protrude into the public right-of-way or strike a building, fence, or landscaping or protrude over public or private sidewalks.

#### 16-33(G) LIGHTING

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- (1) Lighting provided for off-street parking facilities shall meet the standards of *Division 6 Outdoor Lighting*.
- (2) Parking facility lighting may be subject to review and approval by the Department of Public Department for energy efficiency, the Traffic and Streets Division, and by the Police Department for personal and property security.

## SEC. 16-34 OFF-STREET LOADING REQUIREMENTS

- (a) Whenever the normal operation of any development requires that goods, merchandise, or equipment be routinely delivered to or shipped from that development or whenever loading areas are required by the Community Development Director, sufficient off-street loading and unloading areas must be provided to accommodate the delivery or shipment operation in a safe and convenient manner, as laid out in Sec. 16-34.

GROSS FLOOR AREA (GFA)	NUMBER OF REQUIRED LOADING SPACES
Less than 50,000 square feet	None
50,000 to 100,000 square feet	1
100,000 to 125,000 square feet	2
Each additional 100,000 square feet above 125,000	1

- (b) The Community Development Director may waive the required loading spaces or require additional loading spaces if a given use or extraordinary site characteristics warrant them.
- (c) Loading spaces shall be located on the same lot as the use and structure they serve.
- (d) Loading areas shall not be permitted in any required front setback area or the public right-of-way.
- (e) Loading areas located within 50 feet of any Residential zone district shall be screened by any applicable standards of Sec. 16-40.
- (f) Vehicles parked in the loading areas shall not encroach into required parking spaces, required setbacks, access aisles, or fire lanes.
- (g) Loading areas shall be designed so that delivery vehicles do not have to back into the loading area from a public street or back out of the loading area onto a public street.

## SEC. 16-35 VEHICLE QUEUING REQUIREMENTS

- (a) Vehicle stacking spaces shall be integrated into the site layout and shall not interfere with site access points, access to parking or loading spaces, internal circulation aisles, pedestrian facilities, and public streets and rights-of-way.
- (b) Vehicle stacking spaces shall be a minimum of 9 feet by 20 feet per vehicle.
- (c) All uses with drive-through and drive-up facilities shall provide the minimum number of vehicle stacking spaces per Table 34 Required Vehicle Stacking Spaces.

USE	REQUIRED VEHICLE STACKING SPACES	MEASURED FROM END OF STACKING LANE TO:
Drive-through or Drive-up Food and Beverage	10 per window	Service Window
Vehicle Wash	3 per bay	Outside of washing bay
Vehicle Fuel Sales	1 per pump	End of fuel pump island
Retail Sales	4 per drive-through station	Service window
Financial Institutions or Automated Teller Machine (ATM)	3 per drive-through station 2 per ATM	Service window ATM



## DIVISION 4 LANDSCAPING AND SCREENING

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### SEC. 16-36 PURPOSE

This section regulates landscaping to ensure visually attractive and sustainable landscapes that enhance the County's overall appearance and benefit the health, safety, and welfare of the community by:

- (a) Ensuring the use of native and low water-use species, regionally appropriate, and sustainable design and maintenance techniques to conserve water resources.
- (b) Mitigating the urban heat island effect by reducing heat and glare.
- (c) Buffering road and neighborhood noise.
- (d) Contributing to the processes of air purification, oxygen regeneration, groundwater recharge, and stormwater runoff retention through landscaping designed to retain soil moisture, and prevent erosion while aiding in the abatement of air and water pollution.
- (e) Enhancing the appearance of commercial, industrial, and multi-family residential developments, and to protecting public and private investments and property values.

### SEC. 16-37 APPLICABILITY

The provisions of this section apply to the following:

- (a) New construction of multi-family, mixed-use, or non-residential structures; and the
- (b) Expansions of existing multi-family, mixed-use, and non-residential structures of 25 percent or more of building floor area.

### SEC. 16-38 EXCEPTIONS

The provisions of this section do not apply to single-family development in the RA, RE, SFR, RM zone districts.

### SEC. 16-39 GENERAL LANDSCAPE STANDARDS

#### 16-39(A) MINIMUM LANDSCAPE SITE AREA

---

- (1) A minimum of 10 percent of the site shall be landscaped in accordance with the requirements of this section.
- (2) For the purpose of this section, the net site area is defined as the square footage of the entire lot to be developed minus the square footage of any structures.
- (3) Landscaping for phased development may be determined based only on the square footage of the portion of the lot that is actually being developed per each phase.

#### 16-39(B) TYPE AND AMOUNT OF PLANT MATERIALS

---

- (1) Trees and other plant materials selected should emphasize native or regionally adapted materials and water conservation practices, taking into consideration site specific constraints such as:
  - a. Water demand, drought tolerance, appropriateness of native and naturalized species, and geological and topographical conditions;
  - b. The protection and preservation of native species, appropriate naturalized species, and natural areas; and
  - c. Using high maintenance plants only for accents.
- (2) Landscape design should use a variety and mixture of plant materials to avoid destruction of singular species through blight and/or disease.

- (3) All vegetation required shall meet the minimum requirements in Table 35 Minimum Plant Material and Standards.

<b>TABLE 35: MINIMUM PLANT MATERIAL AND STANDARDS</b>		
<b>PLANT MATERIAL</b>	<b>MINIMUM AMOUNT</b>	<b>SPECIES AND SIZE</b>
Trees	2 trees per 1,000 square feet of landscaped area	Deciduous 2-inch minimum caliper trunk*
		For Multi-trunk trees, minimum of 3 trunks with a 1-inch minimum caliper per trunk
		Evergreen 15 gallon size, 2-inch minimum caliper trunk* If used for screening requirements in <u>Sec. 16-40</u> , species that grow to a minimum height of 6 feet at maturity
Shrubs	10 shrubs per 1,000 square feet of landscaped area	At least 30 percent of the required shrubs shall be an evergreen species. 5 gallon in size and grow to a minimum height and width of 1 foot at maturity. If used for screening requirements in <u>Sec. 16-40</u> , species that grow to a minimum height of 4 feet at maturity.
Ground Cover	75% coverage of the ground area at maturity	Grass and/or low-lying green plants shall be planted to provide at least 75% coverage of the ground area at maturity. For slopes steeper than 3:1 this coverage shall be increased to 90% coverage of the ground area at maturity. Ground cover shall include low shrubs, annual or perennial flowers or native grasses. Decorative bark material and/or stone, gravel, excluding asphalt, concrete or soil that is untreated may be substituted at the discretion of the Community Development Director. Irrigated turf shall be limited to: <ul style="list-style-type: none"> <li>• 10% of total required ground cover for non-residential development</li> <li>• 25% of the total gross main floor area for residential development</li> </ul>
*Caliper measurements shall be taken at the trunk 2 feet above grade.		

- (4) Existing healthy trees with a minimum trunk diameter of 3 inches or more and or shrubs with a height of at least 4.5 feet may be counted toward the requirements of this section.
- (5) For landscape designs that integrate hardscapes (i.e. plazas, courtyards, trails etc.), the hardscape areas may be counted toward 25 percent of the overall project site’s landscape requirements. Acceptable hardscape materials include but are not limited to concrete, concrete or permeable pavers, and brick. Asphalt is prohibited for integrated hardscapes.

### 16-39(C) IRRIGATION SYSTEMS

- (1) The County strongly encourages the use of native or drought tolerant plants without the need for irrigation.

- (2) Watering methods shall be required if the proposed planting materials are not native or drought tolerant plants and trees.
- (3) An irrigation system, consisting of an underground system (automatic or manual), that includes a USC approved reduced principal backflow preventer, pipes, valves, and heads of adequate size to irrigate properly the proposed planting may be required.

#### 16-39(D) INSTALLATION AND MAINTENANCE

- (1) All required landscaping and irrigation systems shall be maintained as shown on the approved landscape plan.
- (2) Regular maintenance is required of all landscaping and irrigation improvements in good condition and in a way that presents a healthy, neat, and orderly appearance. All landscaping shall be maintained free from disease, pests, weeds, and litter. This maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching, or other maintenance as needed and in accordance with acceptable horticultural practices.
- (3) Any plant materials not surviving shall be replaced within 30 days of its demise or in the next appropriate season.
- (4) Failure to maintain the improvements or landscaping required by this section constitutes a violation of this Chapter.

#### 16-39(E) STREETScape LANDSCAPING

- (1) Up to 50 percent of the required landscaping for all projects may be located in the public right-of-way for streetscaping purposes, subject to a joint landscaping agreement between the County and the property owner. The abutting property owner shall maintain landscaped areas within the public right-of-way.
- (2) If street trees are provided as part of the landscaping located in the public right-of-way, street trees shall be provided at a minimum of 25 feet on center on average when mature.
- (3) Plant materials in a sight visibility triangle as defined in *Sec. 16-25(d)* shall be selected and maintained to ensure there is no appreciable obstruction to vision within the clear zone.
- (4) Where more than 4 feet of space exists between the back of curb and the sidewalk, street trees shall be planted with their centerline 2 feet from the sidewalk. Where less than 4 feet exists, required street trees may be planted within 20 feet of the back of curb of the abutting street.

FIGURE 32: Streetscape Landscaping Where 4 Feet Exists

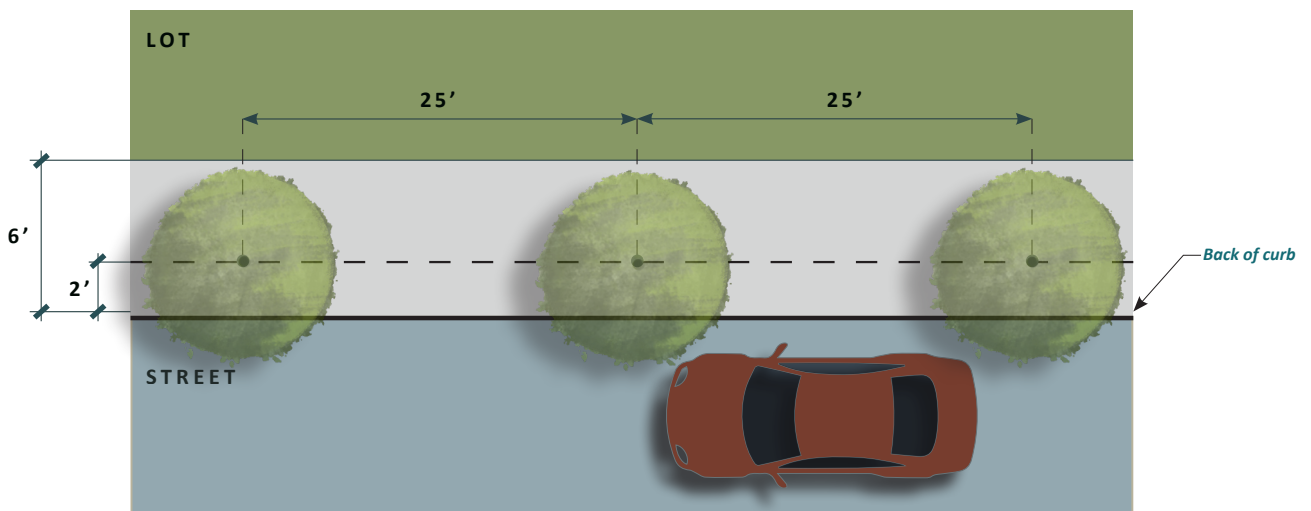
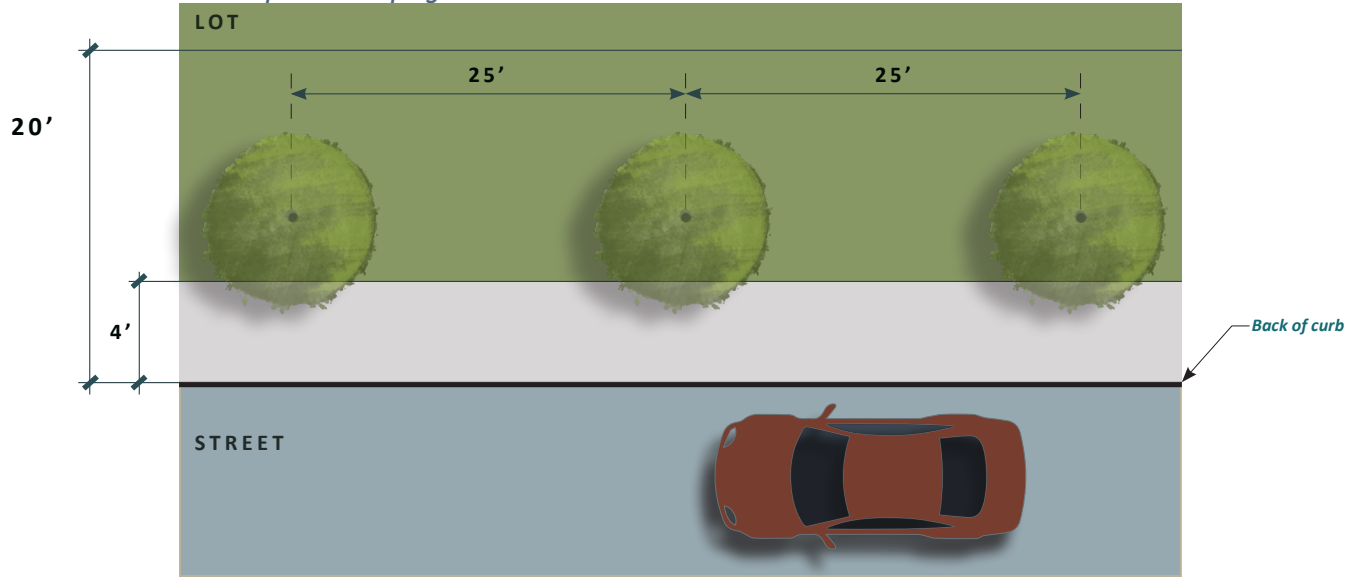


FIGURE 33: *Streetscape Landscaping Where Less than 4 Feet Exists*

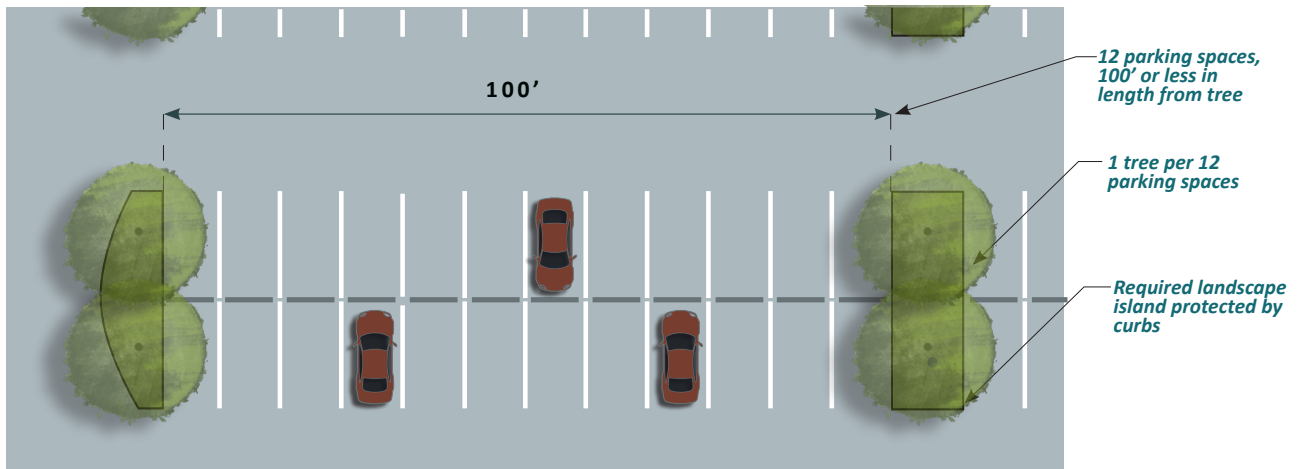


- (5) Alternative streetscape landscaping may be approved by the Community Development Director as part of the site plan review as outlined in Sec. 16-7(i).

#### 16-39(F) PARKING LOT LANDSCAPING AND SCREENING

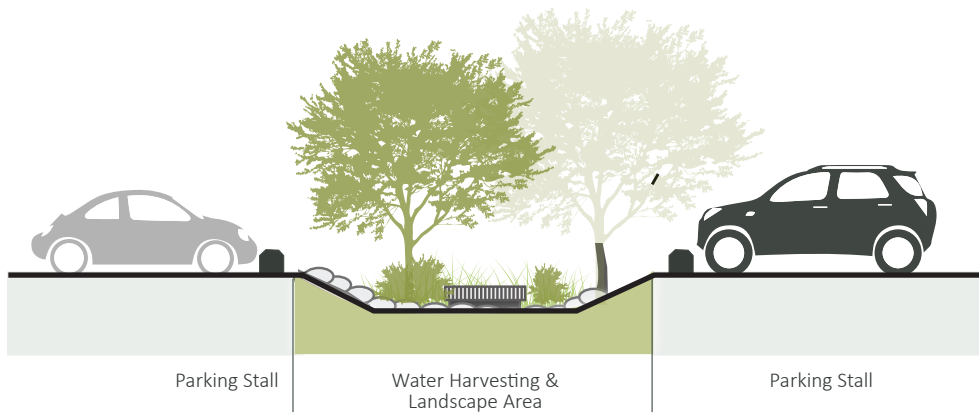
- (1) All new surface parking lots containing 25 or more spaces, or the expansion of an existing parking lot by 25 spaces or more shall provide landscaping that meets the standards of this subsection.
- (2) The minimum number of trees shall be 1 tree per 12 parking spaces.
- (3) No parking space may be more than 100 feet in any direction from a tree trunk.

FIGURE 34: *Parking Lot Tree Requirements*



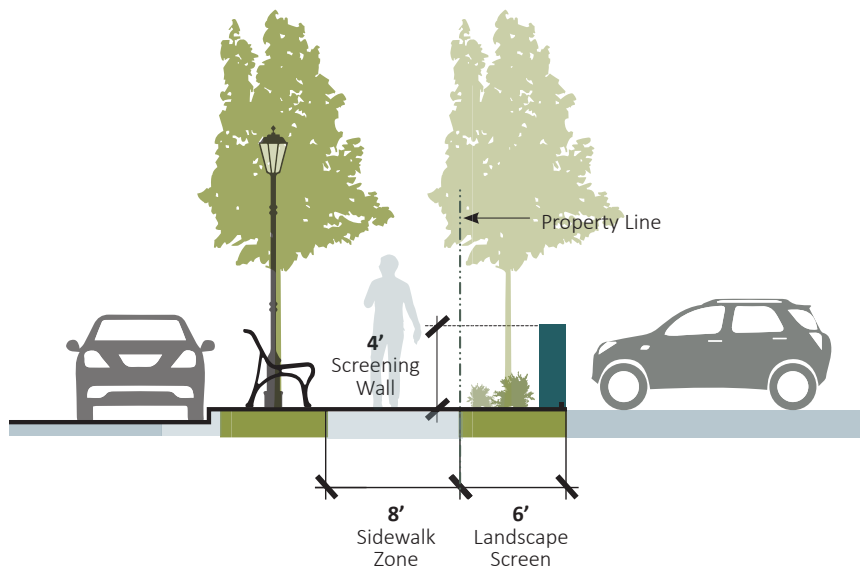
- (4) All trees and plantings within parking lots shall be in planting areas or landscape islands, protected by curbs or wheel stops.
- (5) Required parking lot landscaping may be incorporated with one or more consolidated bioretention areas (e.g. rain gardens).

FIGURE 35: *Parking Lot Bioretention*



- (6) Within the MFR, MU, DTLA, and WRTC zone districts, surface parking lot located within 10 feet of a public street shall be screened from the street by a masonry wall or a landscaped strip at least 6 feet wide containing at least 2 trees and 6 shrubs per 50 feet of the parking lot edge closest to the street, or by other means that the Community Development Director or their designee determines provides equal or better screening of the headlights of parked vehicles.

FIGURE 36: *Parking Lot Screening*



## SEC. 16-40 SCREENING STANDARDS

### 16-40(A) GENERAL SCREENING STANDARDS

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- (1) Any landscaping provided to meet screening standards will be credited towards the overall landscaping requirement.
- (2) In any case where a wall or fence is required or installed, chain link fencing shall not satisfy this requirement.

### 16-40(B) OUTDOOR STORAGE FOR VEHICLES, EQUIPMENT, AND MATERIALS

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- (1) Outdoor storage areas shall be screened from public streets and adjacent residential land uses and Residential zone districts using one or a combination of fences, walls, berms, or landscaping that is at least 6 feet in height and provides a permanent opaque, year-round screen.
- (2) Walls, fences, or enclosures used to screen outdoor storage areas shall be visually compatible with the architectural design and materials of the development.

### 16-40(C) SCREENING OF REFUSE CONTAINERS

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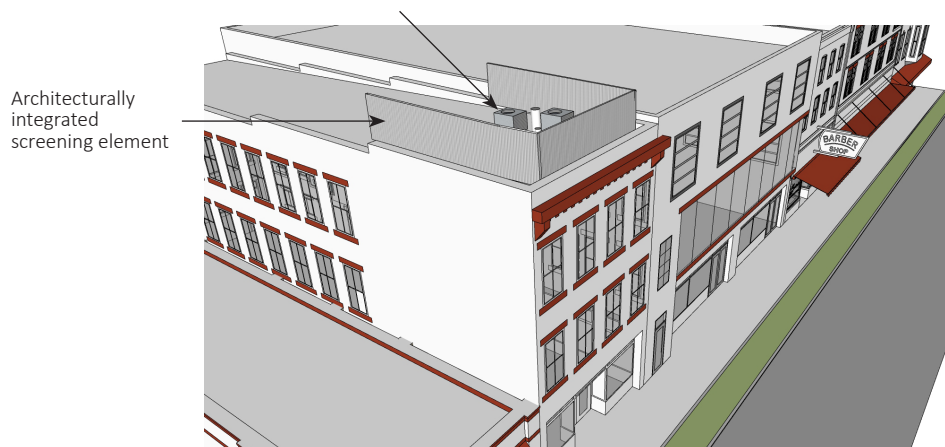
- (1) Refuse containers shall be screened on 3 sides by a solid 6-foot high wall or fence.
- (2) Refuse container enclosures shall be located at the rear or side of buildings, in other inconspicuous locations, where they are generally not noticeable from public streets, pedestrian walkways, other public areas, or residential uses, or Residential zone districts.
- (3) Refuse enclosures shall be constructed of materials that are compatible with the overall architectural design of the development.

### 16-40(D) SCREENING OF MECHANICAL AND UTILITY EQUIPMENT

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- (1) Roof-mounted mechanical equipment of mixed-use and non-residential developments shall be screened by a parapet wall or similar architectural feature sufficient to screen the equipment from all sides when viewed from the ground level.

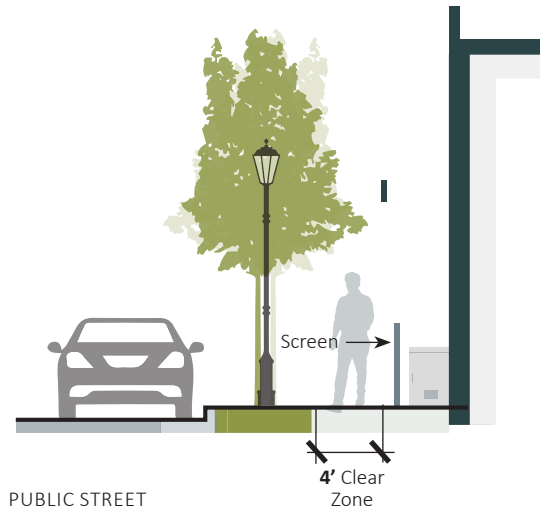
**FIGURE 37: *Screening of Roof-Mounted Equipment***  
Rooftop-mounted equipment



- (2) Ground-mounted mechanical equipment of mixed-use and non-residential development shall be located so that it is not visible from a public right-of-way, customer entrances, pedestrian walkways, or other public areas or from the adjacent properties to the maximum extent possible.

- (3) Ground-mounted mechanical equipment located within the view of the public right-of-way, customer entrances, other public areas and adjacent properties shall be screened from public view using one of the following options:
- a. Decorative wall, fence, or enclosure that is constructed of materials that is compatible with the overall architectural design of the development and of a height that is not less than the height of the equipment to be screened; or
  - b. Vegetative screen that is of sufficient height at maturity and of opacity to effectively soften and screen the equipment.

FIGURE 38: *Screening of Ground-Mounted Equipment*



**DIVISION 5 NEIGHBORHOOD PROTECTION STANDARDS**

**SEC. 16-41 PURPOSE**

The purpose of this section is to provide for adequate transitions and preserve the character of established neighborhoods in instances where any mixed-use or non-residential uses are located near low-density Residential zone districts and/or historically designated landmarks or districts per the HP-O zone district.

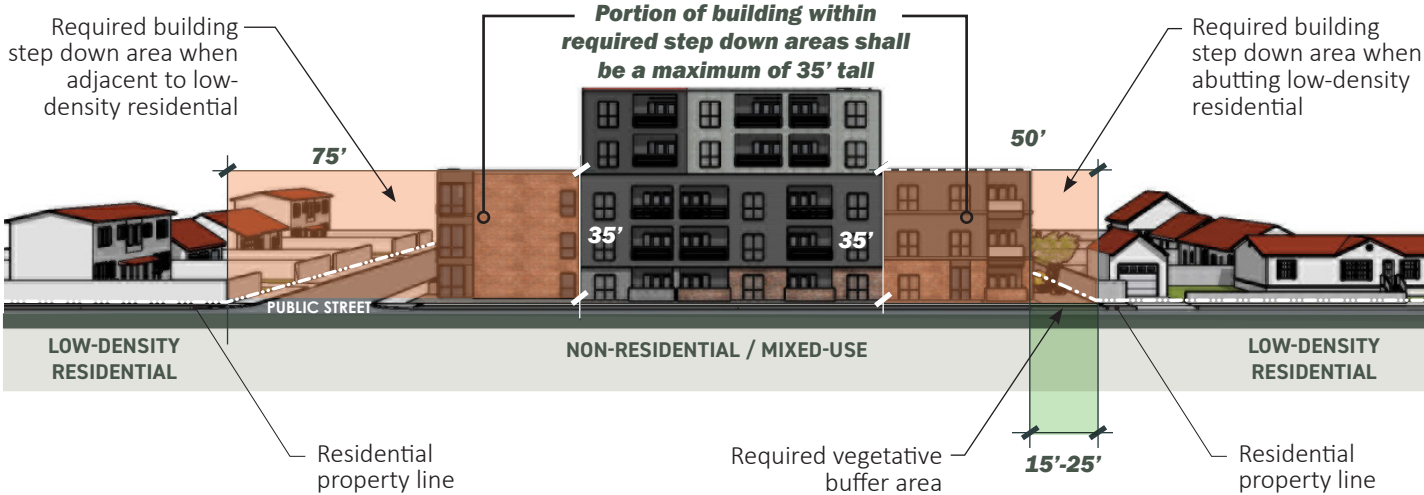
**SEC. 16-42 APPLICABILITY**

The provisions of this section apply to multi-family, mixed-use, and non-residential uses abutting low-density Residential zone districts and the HP-O zone district. For the purpose of this subsection, low-density Residential zone districts are considered any lot in the RA, RE, SFR, and RM zone districts.

**SEC. 16-43 NEIGHBORHOOD PROTECTION STANDARDS**

- (1) Any portion of a primary building within 50 feet of any lot line that directly abuts a low-density Residential zone district or HP-O zone district shall step down to a maximum height of 35 feet.
- (2) Any portion of a primary building within 75 feet of any lot line that is adjacent to a low-density Residential zone district or HP-O zone district shall step down to a maximum height of 35 feet.

**FIGURE 39: Neighborhood Protection Standards**



- (3) Landscape buffers shall be required along the adjacent property line of abutting developments per Table 37 Minimum Landscape Buffer Requirements to mitigate the impacts of significant differences in property use, size, or scale.

<b>TABLE 36: REQUIRED LANDSCAPE BUFFERS</b>		
<b>DEVELOPMENT TYPE</b>	<b>ADJACENT TO</b>	<b>REQUIRED BUFFER</b>
MFR-L, MFR-M, MHC	RA, RE, SFR, RM, or HP-O	Type A Buffer
MFR-H, MU, WRTC, DTLA, GC, PO, INS	RA, RE, SFR, RM, or HP-O	Type B Buffer
IND	Any non-industrial	Type C Buffer



- (4) When properties are required to have a landscape buffer per *Table 37 Minimum Landscape Buffer Requirements*, the requirements of *Type C Buffer*, shall apply.

<b>TABLE 37: MINIMUM LANDSCAPE BUFFER REQUIREMENTS</b>				
<b>BUFFER TYPE</b>	<b>MINIMUM WIDTH</b>	<b>TYPE AND AMOUNT</b>	<b>WALL, FENCE, OR BERM</b>	<b>REQUIRED OPACITY</b>
Type A	10 feet min.	2 trees- deciduous or evergreen- for every 100 linear feet 12 shrubs for every 100 linear feet	Not required	Semi-opaque, defined as having only seasonal horizontal openings not exceeding 25% of the total buffer length from the ground to a height of 6 feet within 2 years of planting
Type B	20 feet min.	1 deciduous trees for every 100 linear feet 2 evergreen trees for every 100 linear feet 24 shrubs for every 100 linear feet, 60% of which shall be evergreen	Required wall, fence or berm ≥6 feet	Semi-opaque, defined as having only seasonal horizontal openings not exceeding 10% of the total buffer length from the ground to a height of 6 feet within 2 years of planting
Type C	25 feet min.	4 deciduous trees for every 100 linear feet 4 evergreen trees for every 100 linear feet 36 shrubs for every 100 linear feet, 60% of which shall be evergreen	Required wall, fence, or berm ≥8 feet	Completely opaque defined as having no horizontal openings from the ground to a height of 8 feet within 2 years of planting

FIGURE 40: Type A Buffer



FIGURE 41: Type B Buffer

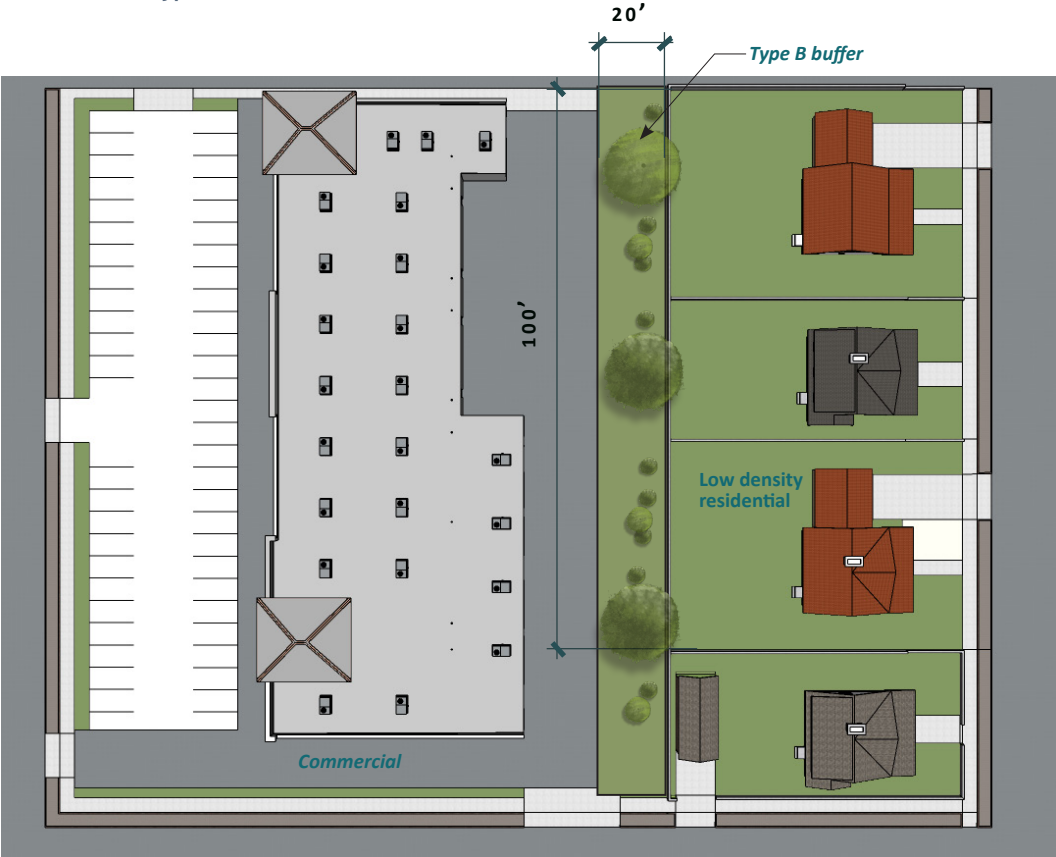
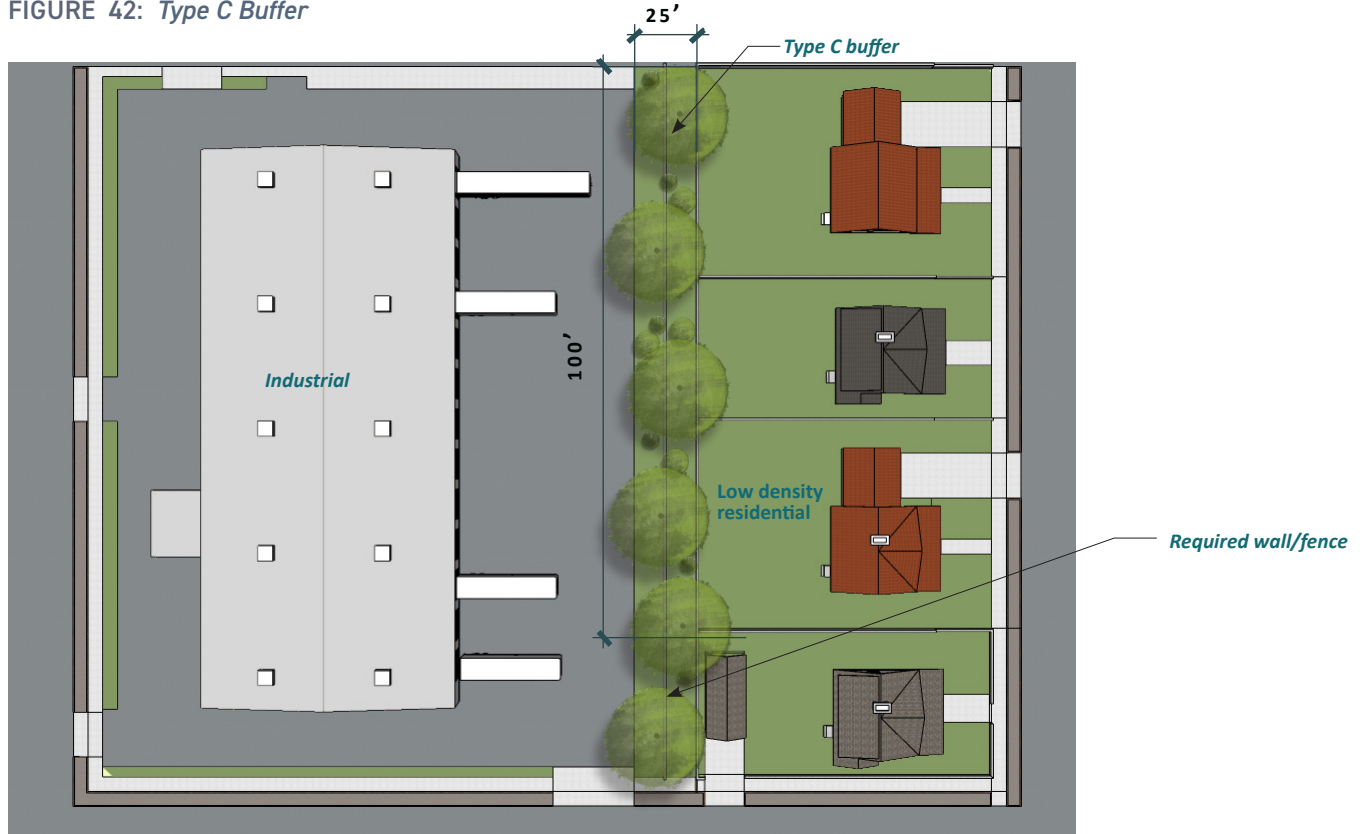


FIGURE 42: Type C Buffer



- (5) For the purposes of this subsection “industrial development” refers to any uses indicated under the Industrial category of *Table 26 Permitted Use Table* and “non-industrial” development refers to all other uses.
- (6) If walls or fences are required in *Table 37 Minimum Landscape Buffer Requirements*, the material(s) of which shall be opaque. A chain link fence or similar is not considered a solid fence for purposes of this section. The side of the wall facing the development being buffered shall maintain a finished appearance.
- (7) All berms, if provided, shall not exceed a slope with maximum rise of 1 foot to a run of 2 feet (a ratio of 1:2) and a maximum height of 4 feet with a compacted flat top of at least 15 inches wide. All berms, regardless of size, shall be stabilized with a ground cover, another suitable vegetation, or a permanent slope retention device. A combination of trees and shrubs are to be installed in an appropriate design scheme along the berm.
- (8) No parking or structures are allowed within required landscape buffer.
- (9) The placement and design of buildings should take into consideration the privacy of adjacent residential properties by avoiding placement of elements like windows or balconies that face directly into the site.

## DIVISION 6 OUTDOOR LIGHTING

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### SEC. 16-44 PURPOSE

The following principles for responsible lighting design define the purpose of this section:

- (a) Useful – All lighting at night should have an intended purpose
- (b) Targeted – Light should be directed only where it is needed
- (c) Low Light Levels – Light should be no brighter than necessary for the task
- (d) Controlled – Lighting should only be used when it is useful
- (e) Spectrum – Limit the amount of harmful short wavelengths (blue-violet)

The results from using the forementioned principles will promote the health, safety, and welfare of people and ecological systems, reduce obtrusive and inappropriate light that inhibit human vision, and curtail light pollution (as measured by Zenith or Bortle sky glow metrics) to improve the nighttime environment for residents and visitors of the region.

### 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 (10) years from the adoption date of this Chapter. After ten (10) 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 twenty-five percent (25%) or more, shall cause the entire property to meet the requirements of this section.
- (e) In the event an outdoor light fixture is not working or damaged to the extent repair costs equal at least fifty percent (50%) of replacement cost, the repair/replacement shall conform with the requirements of this 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.

## SEC. 16-46 PROHIBITIONS

The following types of exterior lighting sources, fixtures, and installations shall be prohibited in Los Alamos County.

- (a) Mercury vapor lighting.
- (b) Inefficient light sources (efficacy less than 45 lm/w).
- (c) Blinking, flashing, moving, revolving, scintillating, flickering, changing intensity, and changing color lights.
- (d) Unshielded floodlights.
- (e) No outdoor lighting may be used in any manner that could interfere with the safe movement of motor vehicles on public thoroughfares, including the following:
  - (1) Any fixed light not designed for roadway illumination that produces direct light or glare that could cause the operator of a motor vehicle to lose visual performance or visibility.
  - (2) Any light that may be confused with or construed as a traffic control device except as authorized by state, federal, or county government.
- (f) Aerial lasers, beacons, and / or searchlights are prohibited except for emergency use.

## SEC. 16-47 EXEMPTIONS

The following types of lighting installations shall be exempt from the requirements within this section.

- (a) Lighting required by federal, state, or county laws and regulations that conflict with this Chapter will supersede and replace the County requirements.
- (b) Lighting associated with the air-side facilities at the Airport (runway, taxiway, deice pad, aircraft parking areas and other facilities located inside the security fence) is regulated by the Federal Aviation Administration (FAA) for safety and shall be exempt from the requirements of this chapter. All other exterior lighting at the Airport (e.g. entrances, parking, drop-off, and pick-up) shall follow the appropriate lighting zone guidelines within non-residential tasks.
- (c) Flags should be lowered and removed from sunset to sunrise so illumination is not needed when possible. For flags displayed at night, nighttime illumination of the United States of America flag and the New Mexico State flag is allowed. Nighttime illumination of other flags is not allowed. Guidelines are:
  - (1) For an even distribution of light on the flag surface when fully extended, use either top of pole downward directed light, a maximum of three (3) in-ground uplights, or three (3) shielded spotlights that are surface mounted at grade. Surface mounted lights should rotate and tilt so they can be aimed to hit the flag.
  - (2) In-ground and surface mounted shielded spotlights should be narrow beam (15 degree maximum), no more than 100 lumens per foot of height (e.g. 2500 lumens per light for a 25 ft tall flag), with point sources of light not be visible outside of a 15-foot radius.
- (d) NMDOT lighting installed within the public right-of-way that is not addressed within Sec. 16-53 shall be exempt from the requirements of this chapter. Lighting installed within the public right-of-way with a purpose of illuminating outside the public right-of-way is not exempt.
- (e) Signage illumination is addressed within of Division 8 this Chapter.
- (f) If a proposed lighting plan or fixtures are proposed that do not meet this section, but that have demonstrable community benefit, an exemption may be considered. The applicant shall submit additional information to adequately assess the community benefit for approval by the Community Development Director or designee.

**SEC. 16-48 LIGHTING PLAN**

- (a) Site plan applications for new development and modifications shall include lighting plans, pursuant to *Sec. 16-6(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 *Sec. 16-55 Lighting Plan Only* must obtain a Lighting Plan approval, pursuant to *Sec. 16-6(f)*.

**SEC. 16-49 LIGHTING ZONE DESIGNATIONS**

- (a) The lighting zone shall determine the limitations for lighting as specified in this section. The lighting zones within Los Alamos County shall be per *Table 38 Light Zone Designations*.

<b>TABLE 38: LIGHT ZONE DESIGNATIONS</b>		
<b>LIGHT ZONES</b>	<b>LIGHT ZONE CHARACTERISTICS/DEFINITIONS</b>	<b>APPLICABLE DISTRICTS</b>
Lighting Zone 0 (LZ0)	No Ambient Light (wilderness, protected parks, preserves)	OS-PO; OS-AO;
Lighting Zone 1 (LZ1)	Low Ambient Light (rural, residential, developed park areas)	RA; RE; SFR (all types); MFR (all types); RM (all types); MHC; OS-PP
Lighting Zone 2 (LZ2)	Ambient Light (office, commercial, mixed use, schools, light industrial)	MU; DTLA; WRTC; PO; GC; IND; INS; OS-RO
Lighting Zone 3 (LZ3)	Moderately High Ambient Light (central business, play fields, heavy industrial)	Only available for Temporary or Permit Categories;
Lighting Zone 4 (LZ4)	LZ4- High Ambient Light (Times Square and Las Vegas)	Not applicable in Los Alamos County

- (b) Lighting zone designations should not be based on existing conditions, but rather the type of environment the municipality seeks to achieve. Unless otherwise mentioned, Los Alamos County will have no Lighting Zone 4 applications.

**SEC. 16-50 GENERAL, RESPONSIBLE DESIGN STANDARDS**

- (a) The maximum Correlated Color Temperature (CCT) permissible within Los Alamos County shall be 2700K. The Color Rendering Index (CRI) of light sources in LZ-1 and greater must be greater than 65. Lower CCT (e.g. 2200K) is allowed in all zones provided it meets the CRI requirement, and per ANSI/IES, it is encouraged in LZ-0 applications regardless of CRI.
- (b) LZ-2 lighting shall be dimmed by 50% by 10:00 p.m. or one (1) hour after business close (whichever comes latest). This LZ-2 curfew shall remain in effect until 6:00 a.m. The LZ-2 curfew does not apply to the following:
  - (1) Street, Roadway, and other Department of Transportation lighting.
  - (2) Code required lighting for public steps, stairs, walkways, and building entrances.
  - (3) Other special use or permitted exceptions listed within this chapter such as flag, seasonal, sports fields, and businesses which operate during these hours.
- (c) Unless otherwise allowed, all light sources shall be fully shielded and possess a U0 rating (IES TM-15) for zero uplight. Meaning, luminaires must be constructed in such a manner that all light emitted by the luminaire, either directly from the light source or diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal.

- (d) All light sources shall be a maximum G2 rating (IES TM-15), and located or shielded such that the point light source shall not be visible from adjacent property or streets.
- (e) The maximum illumination at the property line (measured at grade with the light meter aiming upward) shall not exceed the requirements listed in *Table 39 Property Line Light Trespass Illuminance Limits* below. These requirements will likely require mounting locations 2.5 times luminaire height away from property lines with addition distance or shielding required for lighting installed along ridgelines or hillsides.
- (f) Illuminance trespass limits per *Table 39 Property Line Light Trespass Illuminance Limits* are for a single property. Measured values will be the sum of multiple illuminated properties when the property line is shared. The property line can be considered five (5) feet beyond actual when bordering with public walkways, bikeways, plazas, and parking lots.

<b>TABLE 39: PROPERTY LINE LIGHT TRESPASS ILLUMINANCE LIMITS</b>				
	LZ0	LZ1	LZ2	LZ3
	<u>OS-PO, OS-AO</u>	RA, RE, SFR, MFR, RM, MFL-H, OS-PP	MU; DTLA; WRTC; PO; GC; IND; INS; OS-RO	TEMPORARY OR PERMIT CATEGORIES
Footcandles (fc)	0.05	0.1	0.3	0.8
Lux (lx)	0.5	1	3	8

- (g) Pole/Post mounted lighting taller than 36 inches is prohibited within Residential zone districts except Multi-Family parking and common areas where the maximum height is 12 feet. Pole lighting for non-residential parking lots is limited to 20 feet tall if adjacent to a lot with a residential use, and 25 feet tall thereafter.
- (h) Shielded floodlights are limited to 1,260 lumens.

**SEC. 16-51 RESIDENTIAL LIGHTING**

- (a) The total allowable site lumens (initial) for any Residential zone district or residential use is limited to the values defined in *Table 40* below.

<b>TABLE 40: TOTAL SITE LUMENS ALLOWED RESIDENTIAL</b>		
<b>PROPERTY SIZE</b>	LZ1	LZ2
	RA, RE, SFR, MFR, RM, MHC	MU, DTLA, WRTC
Single Family; 1 acre+ (43,560sf+)	12,000	n/a
Multi-Family; Per 1 acre (43,560sf)	12,000	20,000
Single Family; 3/4 acre (32,670sf)	9,000	n/a
Single Family; 1/2 acre (21,780sf)	6,000	n/a
Single Family; 1/5 acre (8,812sf)	3,000	5,000
Mobile Home; (5,500sf)	2,000	4,000
Single Family; 1/10 acre (4,356sf)	2,000	4,000
Single Family; 1/20 acre (2,178sf)	1,500	3,000
NOTE: The upper lumen limits listed below should not be the design goal. The design goal should be to use the minimum light levels that meet the requirements of the task.		

- (b) An additional 3,000 lumens per the limits of *Table 40* is allowed for each Accessory Dwelling Unit (ADU) is allowed on lots larger than (2) acres.
- (c) An additional 300 lumens per parking lot space per the limits of *Table 40* is allowed for Multi-Family developments.
- (d) Vertical illuminance of targeted elements (e.g. facades, or landscape elements) is allowed using partially shielded luminaires, provided the total amount of partially shielded light does not exceed 20% of the total site lumen allowance or the individual luminaire limits listed in *Table 41* below.

**TABLE 41: INDIVIDUAL LUMINAIRE LIMITS (VERTICAL ILLUMINANCE)**

LUMINAIRE TYPE	LZ0	LZ1	LZ2	LZ3
	<u>OS-PO, OS-AO</u>	RA, RE, SFR, MFR, RM, MFL-H, OS-PP	MU; DTLA; WRTC; PO; GC; IND; INS; OS-RO	TEMPORARY OR PERMIT CATEGORIES
Low Voltage Landscape	n/a	205	430	525
Shielded In-grade Uplight	n/a	455	910	1,820
Partially Shielded Flood	n/a	630	1,260	2100
Fully Shielded UO Down	n/a	630	1,260	2,100

- (e) Façade lighting on multi-family and mixed use lots is prohibited above residential floors to prevent unwanted light.
- (f) Art, monuments, and fountains may be illuminated if they are adjacent (i.e. within 10 feet) to the residential structure.
- (g) Tree, garden, and landscape lighting is only allowed within 25 feet of a residence or driveway entrance. Tree and landscape lighting must be turned off during hours of curfew. For this reason, solar powered landscape lights are not recommended.
- (h) Perimeter fence lighting for walls, fences, and perimeter barriers is prohibited within the LZ1 zone.
- (i) Illumination of walls and underneath built in shorter than five feet to help reassurance and egress is allowed within common areas of development within the LZ2 zone, provided they are washed with approved façade or landscape lighting techniques and meet the other requirements of this section.
- (j) Driveway and parking lot lighting is not permitted within the LZ1 zone.
- (k) Porte cochere and covered porch/canopy lighting for entrances and transfers is allowed. Luminaires mounted under canopies shall be aimed downward and installed such that the bottom of the luminaire or lens, whichever is lower, is recessed or fully cutoff and not producing any light above horizontal. All light emitted by an under-canopy fixture shall be substantially confined to the posts, façades and ground surface directly beneath the perimeter of the canopy.
- (l) Pathways, stairs, and steps lighting shall be no taller than thirty-six (36) inches.
- (m) If local code allows, gas flame and fire pits are allowed. Artificial lighting used to illuminate patios, above grade decks, balconies, or gazebos must be shielded or fully shielded with the point light source not visible beyond the property line in which it is located.



**SEC. 16-52 NON-RESIDENTIAL LIGHTING**

- (a) The total allowable site lumens (initial) for all non-residential zone districts shall be based on the lot size (per acre) or hardscape square footage of developed structure, parking lots, and landscape buffer. Individual site lumen limits are outlined in Table 42 below.

<b>TABLE 42: TOTAL SITE LUMENS ALLOWED FOR NON-RESIDENTIAL ZONE DISTRICTS</b>					
<b>LIGHTING REQUIREMENT</b>	<b>UNIT</b>	<b>LZ0</b>	<b>LZ1</b>	<b>LZ2</b>	<b>LZ3</b>
		<b>RA, RE, SFR, MFR, RM, MFL-H, OS-PP</b>	<b>MU; DTLA; WRTC; PO; GC; IND; INS; OS-RO</b>	<b>TEMPORARY OR PERMIT CATEGORIES</b>	<b>OS-PO, OS-AO</b>
Site Lumen Limit; Per Acre (43,560sf)		0	20,000	35,000	50,000
Tree and Landscape Buffer	lm / sf	n/a	1	2	4
Parking Lot	lm / space	n/a	220	440	880
Vehicle Sales / Display Lot	lm / sf	n/a	4	8	16
Drive Up Window	ea.	n/a	2,000	4,000	8,000
Gas Station Canopy	lm / pump	n/a	4,000	8,000	16,000

sf = Square Foot

- (b) Partially shielded luminaires for the following applications are allowed for this purpose if the light distribution is effectively contained by the targeted element (e.g. façade, sculpture, shrub), and if the total amount of partially shielded light does not exceed 20% of the total site lumen allowance or individual luminaire limits listed in Table 43 below.

<b>TABLE 43: INDIVIDUAL LUMINAIRE LIMITS (VERTICAL ILLUMINANCE)</b>				
<b>LUMINAIRE TYPE</b>	<b>LZ0</b>	<b>LZ1</b>	<b>LZ2</b>	<b>LZ3</b>
	<b>OS-PO, OS-AO</b>	<b>RA, RE, SFR, MFR, RM, MFL-H, OS-PP</b>	<b>MU; DTLA; WRTC; PO; GC; IND; INS; OS-RO</b>	<b>TEMPORARY OR PERMIT CATEGORIES</b>
Low Voltage Landscape	n/a	205	430	525
Shielded In-grade Uplight	n/a	455	910	1,820
Partially Shielded Flood	n/a	630	1,260	2100
Fully Shielded UO Down	n/a	630	1,260	2,100

- (c) Façade Lighting shall ensure the following standards:
- (1) The point light source shall not be visible from adjacent properties.
  - (2) Façade lighting within mixed use zone district property is prohibited above residential floors.
  - (3) Non-residential façade lighting must be turned off no later than curfew or after business hours, whichever comes later.
- (d) Art, monuments, and fountain features shall only be lit in non-residential applications to help people gain understanding of their surroundings and avoid conflict prior to curfew.
- (e) Tree and landscape lighting must be turned off during hours of curfew. For this reason, solar powered landscape lights are not recommended.
- (f) Illumination of walls, fences, and perimeter barriers shorter than eight (8) feet to help reassurance and egress is allowed only within non-residential common areas.
- (g) Outdoor lighting used to illuminate parking spaces, driveways, or maneuvering areas shall meet fully shielded requirements and be designed, arranged, and shielded so that the point light source is not visible from adjoining lot lines or public streets.

- (h) Porte cochere and covered porch/canopy lighting for entrances and transfers is allowed. Luminaires mounted under canopies shall be aimed downward and installed such that the bottom of the luminaire or lens, whichever is lower, is recessed or fully cutoff and not producing any light above horizontal. All light emitted by an under-canopy fixture shall be substantially confined to the posts, façades and ground surface directly beneath the perimeter of the canopy.
- (i) Lighting of pathways, stairs, and steps shall be no taller than thirty-six (36) inches.

**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.

<b>TABLE 44: ROADWAY LIGHTING</b>	
<b>ROADWAY LIGHTING DESIGN CATEGORY</b>	<b>ROADWAY ILLUMINATION</b>
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.

- (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 *Sec. 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 IES RP-8-18 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*.

<b>TABLE 45: LIGHTING STANDARDS FOR ROADS</b>			
<b>LIGHT LOCATION</b>	<b>LUMEN LIMIT</b>	<b>COLOR TEMPERATURE</b>	<b>BUG RATING</b>
Pedestrian pathway fixtures < 18 inches tall, such as bollards.	300 lumen	2700 K maximum	U2 B-N/A G1
Pedestrian pathway fixtures > 18 inches tall	3500 lumen	2700 K maximum	U0 B1 G1
Street lighting	N/A	2700 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.

<b>TABLE 46: ILLUMINANCE LIMITS FOR ROADS</b>	
<b>ROAD</b>	<b>MAXIMUM AVERAGE ILLUMINANCE</b>
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.

## SEC. 16-54 SPECIAL USE

- (a) Security Lights emitting infrared radiation used for security surveillance systems is permitted if they are fully shielded and aimed no higher than 70 degrees from horizon. Special review by the Planning and Zoning Commission may allow lighting of a greater intensity under the following circumstances:
- (1) Multi-Family, Mixed Use, and Commercial common areas with increased density and activity may require increased illumination at primary points of entrances or exits. Light intensity shall not exceed five (5) foot-candles average at grade.
  - (2) Shielded flood lights controlled by a motion sensor must be limited to motion within the owner's property lines, and turned off 5 minutes after motion.

- (b) Lights located at historic landmark sites that have illuminance purpose and are consistent with the time period and character of the historic structure or district may be exempt from shielding, uplight, and light trespass requirements upon request and subsequent approval from the Community Development Director or Historic Preservation Advisory Board.
  - (1) Historically approved fixtures shall be limited to 700 lumens per fixture and 10,000 lumens per acre.
  - (2) If new site lighting is needed to meet pedestrian safety requirements (e.g. stairs and egress), or an architectural or historical feature requires greater illumination, modern lighting techniques should not compete with the historic character of the property or convey a false sense of history (e.g. faux historic lights).
- (c) Holiday lighting of a temporary nature is allowed between November 1 and January 30, provided that the lighting is low-wattage (1 watt/ft. for string lights or 70 lumens for single bulb), does not exceed 1000 lumens per site, create dangerous glare on adjacent streets or properties, is maintained in an attractive condition and does not constitute a fire hazard. All other lighting associated with any national, local or religious holiday or celebration may be illuminated two weeks prior to the holiday and extinguished within two days after the holiday.
- (d) Gas Station canopies shall not exceed a Measured illuminance of 20 footcandles average under the canopy.

#### SEC. 16-55 LIGHTING PLAN ONLY

The following lighting types shall require a Lighting Plan pursuant to *Sec 16-6(f)*.

- (a) Temporary lighting exemptions may be secured for a maximum of fourteen (14) days from the date of signed approval and issuance by the Community Development Director. The Director shall have the authority to refer an application for a temporary exemption to the Planning and Zoning Commission or the Historic Preservation Commission if deemed appropriate. A temporary exemption request shall contain at least the following information:
  - (1) Specific exemption(s) requested, luminaire locations, mounting heights, and area(s) to be illuminated;
  - (2) Data sheets for exact luminaires (including lamp type, lumen output, CCT, CRI, polar distribution plot, and BUG rating);
  - (3) Duration of time requested for exemption;
  - (4) Other information as may be required by the Community Development Department Director.
- (b) Outdoor lighting used for construction or major renovation can be exempt from the requirements of this Chapter with an approved lighting plan.
- (c) Sport and Recreation Lighting shall confine illumination to the field, bleacher, track, or recreational area. Such lighting may need to exceed lighting zone illumination standards and CCT requirements to meet requirements for play and safety per ANSI/IES RP-6. Additional guidelines are as follows:
  - (1) Direct light from luminaires must not be visible from adjacent properties.
  - (2) Shielding and internal louvers to prevent light trespass, glare, and light emitted above sixty-two (62) degrees from the horizontal ground plane are required.
  - (3) Lighting shall be extinguished no later than one (1) hour after the event ends.
- (d) Underwater pool, spa, and pool deck lighting is allowed pursuant to approval by a lighting plan. Such lighting should follow ANSI/IES, or local municipal lighting recommendations based on residential, hospitality, or public use. This lighting is not part of the total site lumen limit.
- (e) Decorative lighting elements, such as shades with translucent, perforated patterns, and diffusers, may be exempted from the fully-shielded requirement provided they are less than 1,000 lumens and meet all other requirements of this Chapter and demonstrate a benefit for the community.

**DIVISION 7 WALLS, FENCES AND GATES**

**SEC. 16-56 PURPOSE**

The purpose of this section is to provide for adequate privacy and security without degrading the aesthetic quality of the County, generating a public nuisance and/or hazards, or obstructing vision at intersections.

**SEC. 16-57 APPLICABILITY**

The construction, replacement, and maintenance of all fences, walls, and retaining walls shall comply with the requirements of this section.

**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 Sec. 16-6(e).

**SEC. 16-59 FENCE AND WALL STANDARDS**

**16-59(A) LOCATION AND HEIGHT**

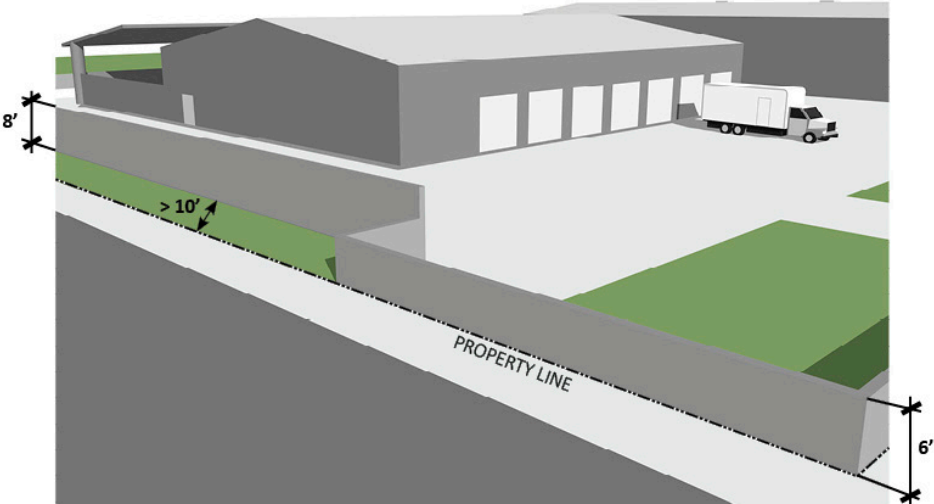
- (1) The maximum permitted height for a fence or wall depends on the zone district and where the fence or wall is located on the property. All fences and walls shall comply with the height limits shown in Table 47 Maximum Height of Walls and Fences.

<b>TABLE 47: MAXIMUM HEIGHT OF WALLS AND FENCES</b>					
<b>LOCATION OF FENCE/ WALL</b>	<b>MAXIMUM HEIGHT BY ZONE DISTRICT</b>				
	<b>RA, RE</b>	<b>SFR, RM, MHC</b>	<b>MFR, MU, WRTC, DTLA</b>	<b>GC, PO</b>	<b>IND</b>
Within required front or street facing side yards	5'	3' solid	3' solid	6'	6'
≤ 10 feet from property line		4' view	6' view		
> 10 feet from property line		6'	6'	10'	10'
Within required interior side and rear yards	7'	7'	8'	10'	10'
Within the sight visibility triangle at the intersections of streets, alleys, and driveways	3', see <u>Section 16-25(d) Sight Visibility Triangles</u>				

FIGURE 43: Residential Fence Standards

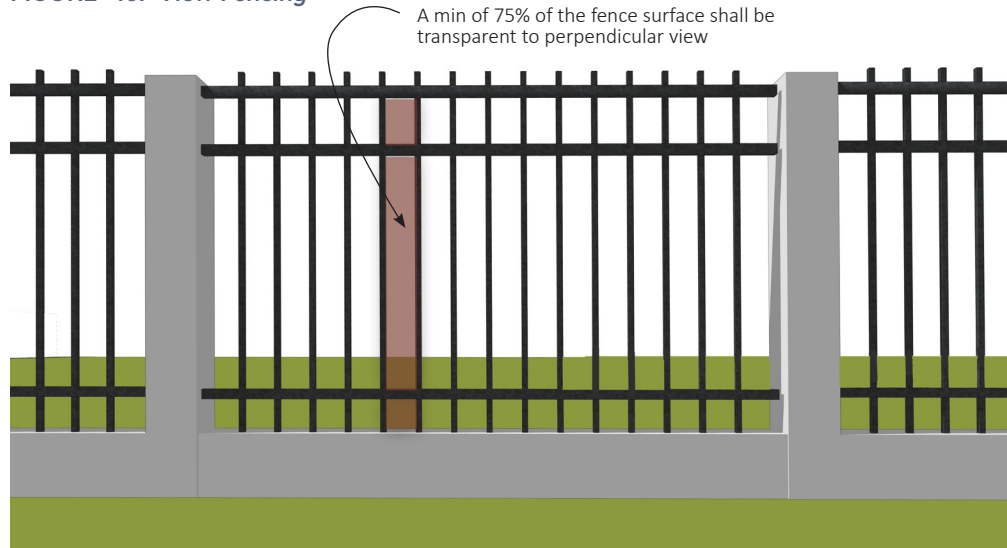


FIGURE 44: Industrial Fence Standards



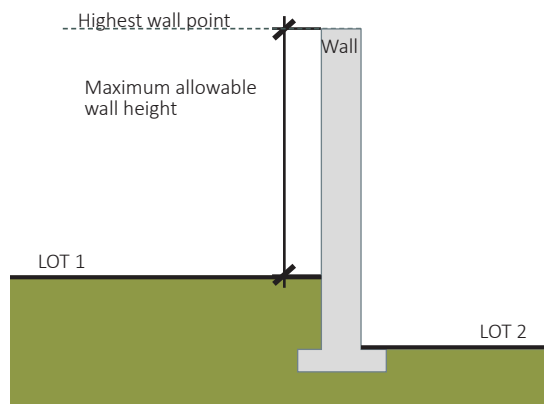
- (2) Where view walls or fencing are specified in Table 47 Maximum Height of Walls and Fences, the wall or fence shall be constructed of materials, such as wrought iron, lattice, or something similar that permits at least 75 percent of the structure surface to be transparent.

FIGURE 45: View Fencing



- (3) The maximum height of a fence or wall shall be measured as the vertical distance from the ground elevation or finished grade of the property on which the fence or wall is erected to the highest point of the fence or wall. Where there is a difference in the ground elevation or finished grade between two adjoining parcels, the height of any fence or wall constructed along the common property line shall be determined by using the finished grade of the highest contiguous parcel.

FIGURE 46: Maximum Fence/ Wall Height Measurement



- (4) All fences and walls that restrict visibility shall be subject to Sec. 16-25(d) Sight Visibility Triangles and must be limited to 3 feet in height.
- (5) Fences 6 feet in height and taller shall comply with Building Code requirements.
- (6) Fences shall be located on the applicant's property. Fences shall not be located on shared property lines nor shall footings encroach onto any adjoining property.

### 16-59(B) FENCE AND WALL MATERIALS

---

- (1) Fences and walls shall be constructed of durable materials that are weather and decay resistant.
- (2) The use of barbed wire, razor wire, or barbed tape shall be prohibited, except in GC, IND, and RA zone districts, provided it shall be placed as follows:
  - a. Not less than 6 feet from the ground at the fence line and shall not exceed 10 feet in height, and
  - b. At least 5 horizontal feet from any sidewalk.
- (3) Fences and walls visible from a public street shall be compatible with the overall site design and the primary building. The finished side of the fence shall front or face the public right-of-way or adjacent property.

### 16-59(C) GATES

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- (1) Gates shall be constructed so as not to obstruct Sight Visibility Triangles as set forth in Sec. 16-25(d) Sight Visibility Triangles.
- (2) Except as otherwise allowed by this Chapter, gates shall not exceed 1 foot above the maximum height specified in Table 47 Maximum Height of Walls and Fences.

### 16-59(D) RETAINING WALLS

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- (1) Retaining walls over 4 feet high having a retained slope of 5 to 1 (5:1) or greater shall be designed, signed, and sealed by a professional civil engineer, registered in the state of New Mexico.
- (2) Retaining walls constructed of manufactured materials shall provide the manufacturers' specifications and shall be limited to 8 feet in height.

### 16-59(E) MAINTENANCE

---

- (1) All fences, walls, and retaining walls shall be maintained in good condition, so as not to become a public or private nuisance, and so as not to be dilapidated or a danger to adjoining property owners or the public.
- (2) Fences, walls, and retaining walls which are no longer maintained in a safe manner and/or which create a hazard through neglect, lack of repair, manner of construction, method of placement, or otherwise, shall be repaired, replaced, or removed by the property owner.



## DIVISION 8 SIGNAGE

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### SEC. 16-60 PURPOSE

Signs perform an important function in identifying and promoting positive conditions for sign communication. The intent of these regulations is to ensure that signs within the County are appropriate for the adequate identification, communication, and advertising of their respective uses, in keeping with the appearance of the affected property and surrounding environment, and protective of the public health, safety, and welfare by:

- (a) Ensuring that signs are designed, constructed, installed, and maintained according to minimum standards to safeguard life, health, property, and public welfare.
- (b) Setting standards and providing uniform controls that permit reasonable use of signs and preserve the character of Los Alamos County.
- (c) Prohibiting the erection of signs in such numbers, sizes, designs, illumination, and locations as may create a hazard to pedestrians and motorists.
- (d) Avoiding excessive conflicts from large or multiple signs, so that permitted signs provide adequate identification and direction while minimizing clutter, unsightliness, and confusion.

### 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 *Division 16-1-4 Nonconformities*.

### SEC. 16-62 EXCEPTIONS

The following signs shall be exempted from the rules and regulations of this section:

- (a) Any sign, signal, or legal notice posted or erected by any County, State, Federal or other governmental entity in carrying out its responsibility to protect the public health, safety, and welfare.
- (b) Official government notices and notices posted by government officers or employees in the performance of their official duties and government signs to control traffic, provide information, identify streets, warn of danger, or perform other regulatory purposes.
- (c) Traffic control signs and devices, on-site or within the public right-of-way to control or direct traffic.
- (d) Any sign inside a structure not attached to the window.
- (e) Address numbering placed pursuant to the building code.
- (f) Any historic plaques erected or provided by the County, state, or federal entities, designating an area of historical significance.
- (g) Exterior works of art such as, but not limited to, paintings, murals, and sculptures conveying no commercial message.
- (h) Flags conveying no commercial message.

### SEC. 16-63 PERMIT REQUIREMENTS

- (a) Except as otherwise expressly provided in this section, the installation or placement of any permanent sign in the County must first obtain a Sign Permit pursuant to *Sec. 16-6(k)*.
- (b) Temporary Signs as allowed by *Sec. 16-65(f)* do not require a permit but must meet all other applicable requirements of *Sec. 16-65(f)*.

## SEC. 16-64 PROHIBITED SIGNS

The following signs are prohibited in all zone districts within the County:

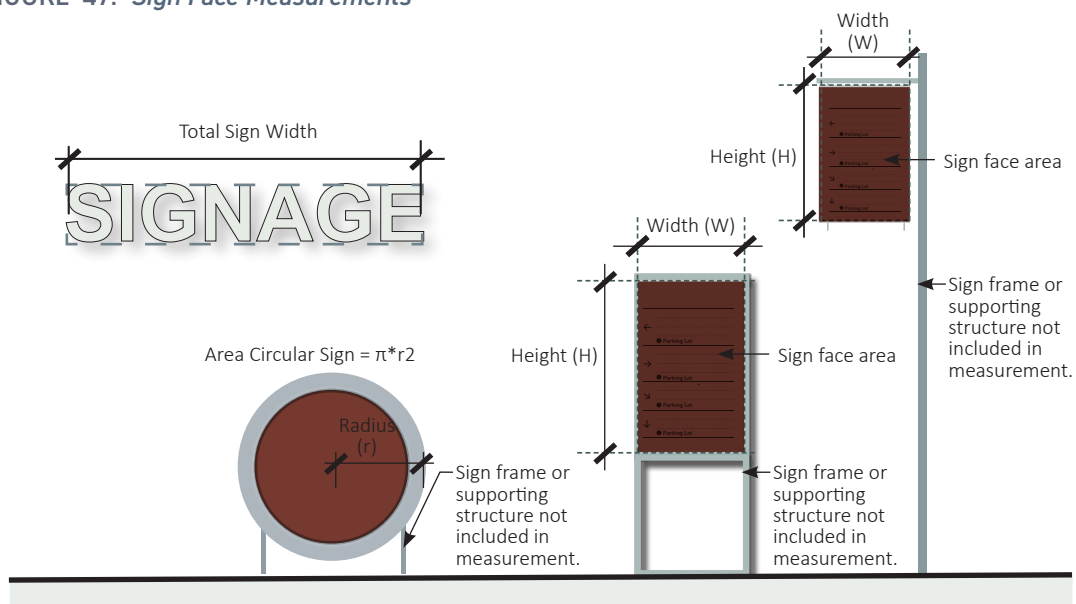
- (a) Any sign or sign structure which is in violation of this section.
- (b) Any sign maintained in conjunction with a use, event, service, or activity that is not lawful.
- (c) Any sign or sign structure which is deemed unsafe by the Chief Building Official or County Engineer.
- (d) Off-premises signs, except as specifically authorized in this section.
- (e) A sign located on or that projects over the public right-of-way, except as allowed under this section.
- (f) Any sign located so as to conflict with the clear and open view of public devices controlling public traffic, bicyclists, or pedestrians or to impair the safety of a moving vehicle by distracting the vision of the driver.
- (g) Animated mechanical or moving signs, or electrical appurtenances, such as, but not limited to, revolving beacons or flashing signs.
- (h) Signs with reflective surfaces.
- (i) A sign which obstructs a driver's, bicyclist's, or pedestrian's clear view of an intersecting road, alley, or major driveway.
- (j) Roof-mounted signs.
- (k) Billboards, stationary or mobile.
- (l) Any sign located in a required Sight Visibility Triangle, pursuant to Sec. 16-25(d) Sight Visibility Triangles.

## SEC. 16-65 SIGN STANDARDS

### 16-65(A) SIGN MEASUREMENTS

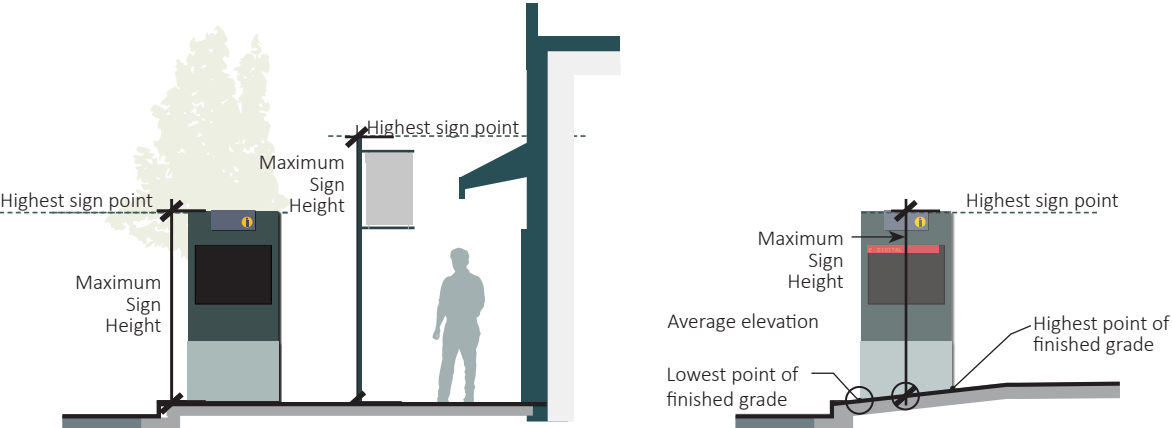
- (1) Sign area shall be computed by the area enclosed within a sign border or the sum of the areas of the minimum imaginary rectangles enclosing each word or non-verbal symbol if there is no sign border.
- (2) The sign face area for a multi-faced sign with more than 2 sides or a sign that is a three-dimensional object shall be computed by adding together the maximum areas of all faces or portions of the object that are simultaneously visible from a single point of view.

FIGURE 47: Sign Face Measurements



- (3) The sign face area for freestanding and projecting signs shall be computed by the area of the board or surface exclusive of the frame or supporting structure.
- (4) Sign height is measured as the vertical distance from the average elevation of the finished grade to the top of the highest attached component of the sign. If natural grade at the base of a sign is lower than the grade of an adjacent road, the height of the sign may be measured from the top of curb elevation.

FIGURE 48: Sign Height Measurements



- (5) Clearance for projecting signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other structural elements.

FIGURE 49: Projecting Sign Clearance



16-65(B) AUTHORIZED SIGNAGE

- (1) All signs shall be in accordance with the provisions of *Table 48 Authorized Signage* and all other regulations set forth in this section.

<b>TABLE 48: AUTHORIZED SIGNAGE</b>							
<b>SIGN TYPE</b>	<b>TOPIC</b>	<b>OS-PP, OS-AO, OS-PO</b>	<b>RA, RE, SFR, RM</b>	<b>MFR-L, MFR-M, MFR-H</b>	<b>MU, WRTC, DTLA</b>	<b>INS, PO, GC</b>	<b>IND</b>
Permanent Signs	Sign area	4 sq.ft.	4 sq.ft.	2 sq.ft. per MF unit; 8 sq. ft. max	10 sq.ft. per LF building frontage; 100 sq. ft. max	10 sq.ft. per LF building frontage; 200 sq. ft. max	20 sq.ft. per LF building frontage; 100 sq. ft. max.
	Sign height	4 ft.	4 ft.	25 ft.			
	Sign illumination	Prohibited		Permitted pursuant to <i>Sec. 16-65 Sign Standards</i>			
Temporary Signs	Sign area	8 sq.ft.	10 sq.ft.	5 sq.ft. per MF unit; 20 sq.ft. max	30 sq.ft. per LF building frontage; 100 sq. ft. max.	30 sq.ft. per LF building frontage; 100 sq. ft. max.	10 sq.ft. per LF building frontage; 100 sq. ft.
	Sign height	4 ft.	4 ft.	8 ft.			
	Sign illumination	Prohibited					
LF= Linear Feet of the building frontage.							

- (2) Linear feet of building frontage is determined using the following processes:
- a. For single tenant buildings the building frontage is the lineal distance of the building measured along a straight line parallel to the street. Where said building is not parallel to the street, the building frontage shall be measured along the exterior front wall of the building.
  - b. For an individual business located within a multi-tenant building, the building frontage shall be the length of the space occupied by said business measured in a straight line along the exterior front wall of the building, except for an individual business with minimal exterior frontage occupying the interior corner space of an “L” shaped multi-tenant building, in which case the building frontage may be determined by the length of the space occupied by the individual business measured in a straight line parallel to the nearest street. For multi-tenant buildings, the building frontage for each tenant shall be measured from the centerline of the party walls defining the occupied space.
- (3) Signs shall be setback a minimum of 5 feet from any property line, except within the WRTC and DTLA zone districts where signs may be located on the front property line.
- (4) No permanent signs shall be located within a public right-of-way.
- (5) Right-of-way encroachments, including signs that project over the public right-of-way, shall require an Encroachment Permit pursuant to *Sec. 16-6(d)*.
- (6) Signs that project over a sidewalk or on-site pedestrian walkways shall maintain a minimum clearance of 10 feet above finished grade.
- (7) No sign shall be placed within a required sight visibility triangle, pursuant to *Sec. 16-25(d) Sight Visibility Triangles*

- (8) Signs allowed to be illuminated per Table 48 Authorized Signage, shall comply with the sign illumination standards of Sec. 16-65(c).
- (9) Any permanent sign on County buildings, structures, or properties shall require the approval of the County Manager, or the Utilities Manager for utility infrastructure.
- (10) Temporary signs shall comply with all standards of Section 16-65(f).

### 16-65(C) SIGN ILLUMINATION

---

- (1) If a parcel is authorized for an illuminated sign in Table 48 Authorized Signage, the illumination shall not exceed 3 lux above ambient lighting as measured horizontally 6 feet from the center of the face of the sign, 6 feet above grade at the edge of the property where the sign is located. Illumination can be measured in footcandles, lux, or luminance.
- (2) All sign lighting shall be designed, directed, and shielded in such a manner that the light source is not visible beyond the property boundaries where the sign is located and shall comply with the requirements of Division 6 Outdoor Lighting.
- (3) Internally illuminated signs shall consist of light-colored letters against a dark background and use semi-opaque material for sign text or images such that the light emanating from the sign is diffused.
- (4) Backlit signs shall be designed such that the light source is not visible, and that only diffuse light emanates from the sign.
- (5) Sign lighting may not blink, fluctuate, or otherwise give indication of movement except as permitted for Electronic Messaging Centers pursuant to Sec. 16-65(d).
- (6) All external sign light sources shall be shielded and aimed only at the sign.
- (7) No temporary signs shall be illuminated, unless required for public safety as determined by the Community Development Director.

### 16-65(D) ELECTRONIC MESSAGE CENTERS (EMC)

---

- (1) EMCs are prohibited in all Residential zone districts and Parks and Open Space zone districts, except for a Public School use, which may provide a maximum of 1 EMC per Section 2 below.
- (2) A maximum of 1 permanent sign per premises within a Non-residential zone district is allowed to be an EMC, provided the EMC shall not exceed 50 percent of the total allowed signage allowances.
- (3) A maximum of 1 permanent sign per premises within a Mixed-use zone district is allowed to be an EMC pursuant to the approval of a Conditional Use Permit per Sec. 16-7(b), provided the EMC shall not exceed 50 percent of the total allowed signage allowances.
- (4) A maximum of 1 EMC sign is allowed per a Public School location, provided the EMC shall not exceed 50 percent of the total allowed signage allowances.
- (5) EMCs shall not be located within 100 feet of a road intersection.
- (6) EMCs shall be set back a minimum of 5 feet from any abutting Non-residential or Mixed-use zone district property line and shall be set back a minimum distance that equals the height of the sign when abutting a Residential zone district property line.
- (7) EMCs shall be placed so that the message or copy is oriented away from adjacent residential buildings or Residential zone districts to the maximum extent possible.
- (8) The EMC message or copy shall not change more than once every 8 seconds.
- (9) Transitions between displayed messages shall use fade, dissolve, or similar, but may not use scrolling, travel, or similar transition which creates a sense of motion.
- (10) Dynamic frame effect EMC signs are not permitted.
- (11) No sounds are permitted from EMC signs.
- (12) No EMC shall have the appearance of flashing.
- (13) EMCs shall have automatic dimming capability that adjusts the brightness to the ambient light at all times of the day and night.

- (14) EMCs illumination shall not exceed 0.3 footcandles over ambient lighting conditions when measured at the recommended distance based on the EMC size. The recommended measurement distance is the square root of the area of the sign multiplied by 100.
- (15) EMCs shall be located, designed, and directed to not create light trespass on adjacent properties and shall comply with the intent of *Division 6 Outdoor Lighting* to the maximum extent possible.

#### 16-65(E) CONSTRUCTION AND MAINTENANCE OF PERMANENT SIGNS

---

- (1) Every sign shall be constructed of durable materials and shall be structurally safe and erected or installed in strict accordance with the County Building Code permitting and approvals requirements.
- (2) All sign supports and elements such as angle irons, chains, wires, and electrical service must be concealed from public view to the maximum extent possible.
- (3) Any freestanding supports and foundations used in construction and placement of all signs and sign structures must be located outside of any public land or rights-of-way.
- (4) All signs and components thereof shall be structurally sound and maintained in good repair and in compliance with all currently adopted building or electrical codes.
- (5) Routine maintenance activities including but not limited to painting, cleaning, or repainting sign copy or sign faces within their existing framework and recladding do not require a permit.

#### 16-65(F) TEMPORARY SIGNS

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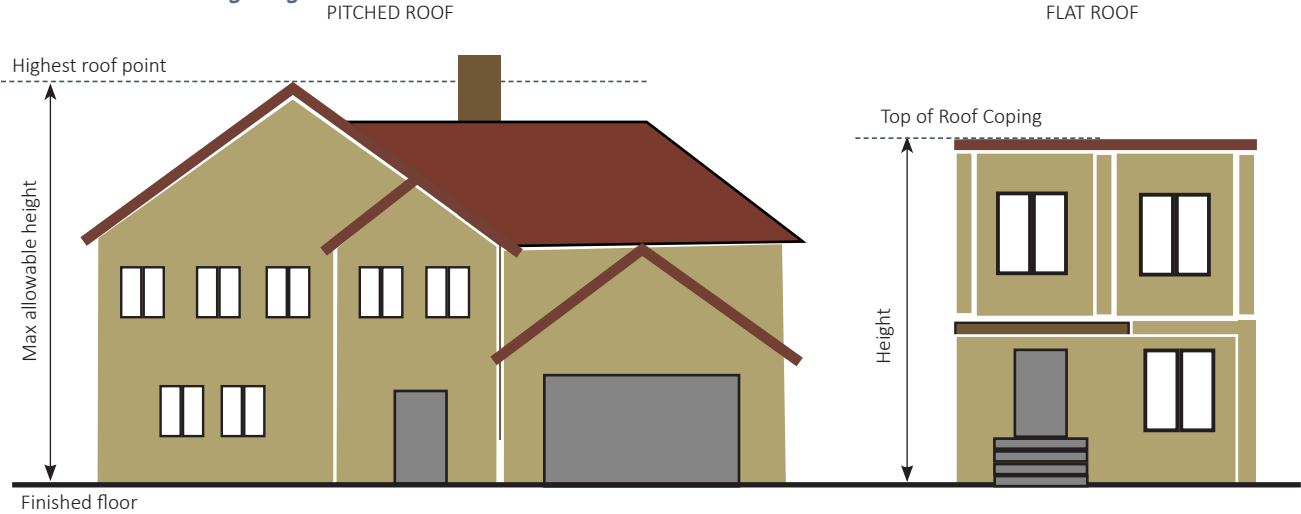
- (1) Temporary signs shall not exceed a sign area of 8 square feet and 8 feet in height.
- (2) Temporary signs may be in place no longer than 60 consecutive days, after which time they must be removed.
- (3) No temporary sign in the right-of-way shall be placed on a sidewalk or in such a manner to block, impede, or limit the use of Americans with Disabilities Act (ADA) access points, nor shall any temporary sign in the right-of-way extend over or into any street, alley, sidewalk, or other public thoroughfare; nor shall it be erected so as to prevent free ingress to or egress from any door, window, or fire escape.
- (4) Signs in the right-of-way may not be located or posted on streetlights, stop signs, utility poles, or other utility structures located in the right-of-way.
- (5) No temporary sign in the right-of-way shall be illuminated except where required by the Community Development Director for public safety purposes.
- (6) Temporary signs may only be placed on public lands or public rights-of-way in designated temporary signage zones as shown on the Official Zoning Map.

**DIVISION 9 BUILDING DESIGN**

**SEC. 16-66 BUILDING HEIGHT**

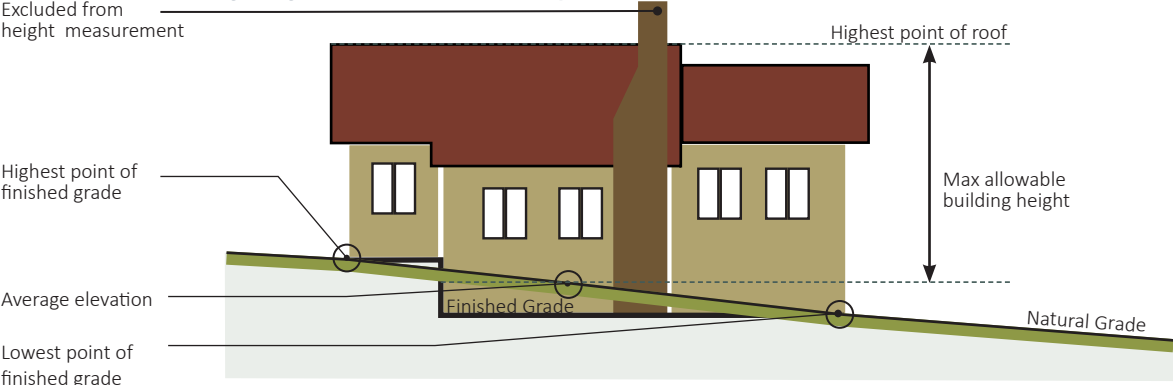
- (a) The maximum building height for buildings is described in *ARTICLE II Zone Districts* for each zone district.
- (b) The height of a building shall be measured as the vertical distance from the lowest finished grade of the structure to the highest point on the building roof. The “highest point” 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.

**FIGURE 50: Building Height Measurement**



- (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.

**FIGURE 51: Building Height Measurement on Sloped Sites**



- (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 *Sec. 16-18(m)*.

- (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.

#### **SEC. 16-67 BUILDING FOUNDATIONS**

That part of the foundation of a residential structure that is exposed shall not exceed 2.5 feet above the natural grade at any point on slopes of less than 15 percent. On slopes of 15 percent or more, that part of the foundation of a residential structure that is exposed shall not exceed 5 feet above the natural grade at any point.



# ARTICLE V. ADMINISTRATION AND ENFORCEMENT

## DIVISION 1 REVIEW AND DECISION-MAKING BODIES

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### SEC. 16-68 COMMUNITY DEVELOPMENT DEPARTMENT / COMMUNITY DEVELOPMENT DIRECTOR

#### 16-68(A) AUTHORITY

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The Planning Division of the Community Development Department is responsible for day-to-day administration of this Code, unless this Code states that another individual, department, or body has a specific responsibility.

The Community Development Director has overall responsibility to make administrative decisions on development for the decisions of Planning Division staff and may delegate authority as necessary to any staff member.

#### 16-68(B) RESPONSIBILITIES

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- (1) The Community Development Director, or their designee, shall have the review and final decision authority as shown for administrative decisions listed in *Table 49 Procedures Summary Table*, pursuant to the Decision Criteria for application-specific procedures outlined in *Division 3* of this Code, including the following development applications:
  - a. Accessory Structure Permits
  - b. Administrative Deviations / Waivers
  - c. Declaratory Rulings
  - d. Encroachment Permits
  - e. Fence / Wall Permits
  - f. Landscape Plans
  - g. Lighting Plans
  - h. Minor development plan amendments
  - i. Minor site plan amendments
  - j. Sign Permits
  - k. Special Event Permits
  - l. Summary Plans
  - m. Temporary Use Permits
  - n. Administrative Wireless Telecommunications Facilities Permits
  - o. Small Wireless Facilities Permit
- (2) The Community Development Director, or their designee, shall refer any application or decision-making authority granted by this chapter to the Planning and Zoning Commission when the Community Development Director, or their designee, determines that there are unusual conditions or unique circumstances that warrant review and decision making by the Planning and Zoning Commission.
- (3) The Community Development Director, or their designee, shall maintain an office to supply the public with information about, and interpretation of, the text of this Code, the Official Zoning Map and the Comprehensive Plan.
- (4) The Community Development Director, or their designee, shall interpret the County of Los Alamos Development Code and may take any necessary or appropriate action based on such interpretation of the Code pursuant to the procedures below.

- (5) The Community Development Director, or their designee, shall not be required to accept an application or take any other action that cannot, based on the Community Development Director's interpretation of the County of Los Alamos Development Code, be approved or justified as a matter of law.
- (6) The Community Development Director, or their designee, shall, upon request, provide the applicant or requestor a written explanation of the Director's action.
- (7) The Community Development Director, or their designee, shall make a reasonable interpretation of the Code that is not inconsistent with the policies of the County and guidance by the Planning and Zoning Commission and County Council.
- (8) The decisions and code interpretations of the Community Development Director, or their designee, shall apply to all applications filed and actions taken on or before the time a different interpretation is determined and applied by the Planning and Zoning Commission pursuant to Sec. 16-69.
- (9) If an development application is subject to review and a final decision by the Community Development Director, or their designee, the Director, or their designee, shall make a decision based on the Decision Criteria applicable to the application type in Division 3. Final decision on development applications reviewed by the Community Development Director, or their designee, shall be issued in writing and shall clearly state reasons for a denial or any applicable conditions of approval.
- (10) Any final decision of the Community Development Director, or their designee, including code interpretations, may be appealed to the Planning and Zoning Commission pursuant to Section 16-72(g).

## SEC. 16-69 PLANNING AND ZONING COMMISSION

### 16-69(A) AUTHORITY

---

The Planning and Zoning Commission is a 9-member board appointed by County Council per the requirements of Chapter 8 Boards and Commissions. Pursuant to NMSA 1978 § 3-19-1 the Planning and Zoning Commission shall provide advisory recommendations to the County Council regarding planning and zoning for the County and for promoting the general welfare of the citizens of the County.

### 16-69(B) RESPONSIBILITIES

---

- (1) The Planning and Zoning Commission shall have the review and recommendation authority as shown for discretionary decisions listed in Division 3 Specific Development Procedures, pursuant to the application-specific procedures outlined in Division 3 Specific Development Procedures this Code, for the following development applications:
  - a. Master Plan Approvals
  - b. Development Plan Approvals, including any associated site plans or sketch plats.
  - c. Comprehensive Plan Adoption or Amendments
  - d. Zone Map Amendments
  - e. Text Amendments
  - f. The Planning and Zoning Commission shall have the review and final decision authority as shown for discretionary decisions listed in Table 49 Procedures Summary Table, including the authority to approve, conditionally approve or disapprove the following development applications:
    - g. Code Interpretations
    - h. Sketch Plats
    - i. Preliminary Plats
    - j. Final Plats
    - k. Conditional Use Permits
    - l. Site Plan
    - m. Development Plan
    - n. Major Site Plan Amendments
    - o. Major Development Plan Amendments
    - p. Variances
    - q. Discretionary Wireless Telecommunication Facilities Permit
- (2) Any application or decision-making authority referred to it by the Community Development Director, or their designee, pursuant to Section Sec. 16-68.
- (3) The Planning and Zoning Commission shall have appeal authority for all Administrative Decisions acted on by the Community Development Director, or their designee, as listed in R = Review and Recommend and for all decisions or determinations of the County Engineer or County Utilities Manager to require or not require any or all impact reports. The Planning and Zoning Commission shall affirm, overturn, or modify the decision of the Community Development Director, or their designee, the County Engineer, or the County Utilities Manager.
- (4) If the application is subject to a recommendation to the County Council, the commission shall make a decision based on the Decision Criteria applicable to the application type in Division 3. The Planning and Zoning Commission shall take any one (1) of the following actions:
  - a. Recommendation of approval of the development application as presented;
  - b. Recommendation of approval of the development application with conditions. In granting conditional approval, the Planning and Zoning Commission may only impose such conditions as are reasonably necessary to meet the approval criteria of specific procedures outlined Division

- 3, including the granting of variances more restrictive than those originally requested by the applicant;
    - c. Recommendation of denial of the application; or,
    - d. If the Planning and Zoning Commission is unable to arrive at a recommendation, the proposed development application shall be forwarded without recommendation to the County Council for consideration.
- (5) If an application is subject to review and a final decision by the Planning and Zoning Commission, the commission shall make a decision based on the Decision Criteria applicable to the application type in *Division 3*. The Planning and Zoning Commission shall take any one (1) of the following actions:
  - a. Approve the development application as presented;
  - b. Approve the development application with conditions. In granting conditional approval, the Planning and Zoning Commission may only impose such conditions as are reasonably necessary to meet the approval criteria of specific procedures outlined *Table 26 Permitted Use Table*, including the granting of variances more restrictive than those originally requested by the applicant;
  - c. Denial of the application; or,
  - d. Defer the matter to a date no more than 60 calendar days following its first appearance on the agenda, unless a longer deferral is accepted by the applicant.
- (6) A majority of Planning and Zoning Commissioners in office shall constitute a quorum for the transaction of business. No final action on any substantive matter, other than recommendations to the County Council, shall be taken except on the affirmative vote of a majority of the commission members present, but in no event less than four affirmative votes. Whenever a quorum is not present to commence, no action shall be taken except to adjourn the meeting to the next scheduled public hearing.
- (7) Final decision on development applications reviewed by the Planning and Zoning Commission shall be issued in writing and shall clearly state reasons for an approval, denial, or any applicable conditions of approval within 15 days of the Public Hearing.
- (8) Planning and Zoning Commissioners shall attend Planning and Zoning Commission training conducted by the Community Development Director, or their designee, or other County staff.

## SEC. 16-70 COUNTY COUNCIL

### 16-70(A) AUTHORITY

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The County Council is the zoning authority for Los Alamos County and has authority to make decisions on those types of applications shown as County Council responsibilities in *R = Review and Recommend*.

The County Council has delegated some of its broad planning and zoning authority to the Planning and Zoning Commission authorized by law, and the effect of those delegations is shown in this Code.

### 16-70(B) RESPONSIBILITIES

---

- (1) The County Council shall have the review and final decision authority as shown for policy decisions listed in *R = Review and Recommend*, pursuant to the application-specific procedures outlined in *Division 3* of this Code, for the following development applications:
  - a. Master Plan Approvals
  - b. Development Plan Approvals, including any associated site plans or sketch plats.
  - c. Comprehensive Plan Adoption or Amendments
  - d. Zone Map Amendments
  - e. Text Amendments
- (2) The County Council shall have appeal authority for all Discretionary Decisions acted on by the Planning and Zoning Commission as listed in *D = Review and Decide*, for the following development applications:
  - f. Sketch Plats
  - g. Preliminary Plats
  - h. Final Plats
  - i. Conditional Use Permits
  - j. Site Plans
  - k. Development Plans
  - l. Major Site Plan Amendments
  - m. Major Development Plan Amendments
  - n. Variances
- (3) A majority of County Council Members in office shall constitute a quorum for the transaction of business. Whenever a quorum is not present to commence, no action shall be taken except to adjourn the meeting to the next scheduled public hearing.
- (4) If an application is subject to review and a final decision by the County Council, the Council shall make a decision based on the Decision Criteria applicable to the application type in *Division 3*. The Council shall take any one (1) of the following actions:
  - a. Approve the development application as presented;
  - b. Approve the development application with conditions. In granting conditional approval, the Council may only impose such conditions as are reasonably necessary to meet the approval criteria of specific procedures outlined *Division 3*, including the granting of variances more restrictive than those originally requested by the applicant;
  - c. Denial of the application; or,
  - d. Defer the matter to a date no more than 60 calendar days following its first appearance on the agenda, unless a longer deferral is accepted by the applicant.
- (5) Final decision on development applications reviewed by the County Council shall be issued in writing and shall clearly state reasons for an approval, denial, or any applicable conditions of approval within 15 days of the Public Hearing.

## DIVISION 2 PROCEDURES

### SEC. 16-71 PROCEDURES SUMMARY TABLE

Table 1 Procedures Summary Table lists the type of development applications authorized by this code. For each type of application, the table indicates what type of notice is required, whether pre-application meetings with staff or neighbor meetings are required, which County bodies review and make a decision on the application, and in which cases a public meeting or hearing is required.

APPLICATION TYPE	NOTICE		MEETINGS		REVIEW/ APPROVING BODIES			SPECIFIC PROCEDURES
	PUBLISHED NEWSPAPER AD	MAILED POSTED NOTICE	PRE-APPLICATION MEETING	NEIGHBORHOOD MEETING	COMMUNITY DEVELOPMENT DIRECTOR/ DESIGNEE	PLANNING AND ZONING COMMISSION	COUNTY COUNCIL	
<b>Administrative Decisions</b>								
Accessory Structure Permits					D	AD		<u>16-73(c)</u>
Administrative Deviations/ Waivers					D	AD		<u>16-72(f)</u>
Administrative Wireless Telecommunications Facility					D	AD		<u>16-73(b)</u>
Encroachment Permits					D	AD		<u>16-73(d)</u>
Fence/ Wall Permits					D	AD		<u>16-73(e)</u>
Lighting Plan					D	AD		<u>16-73(f)</u>
Minor Historic Demolition Permit					D	AD		<u>16-73(g)</u>
Minor Historic Property Alteration Certificate					D	AD		<u>16-73(h)</u>
Minor Development Plan Amendments					D	AD		<u>16-73(i)</u>
Minor Site Plan Amendments					D	AD		<u>16-73(j)</u>
Sign Permits					D	AD		<u>16-73(k)</u>
Special Event Permits					D	AD		<u>16-73(m)</u>
Summary Plats					D	AD		<u>16-73(n)</u>
Temporary Use Permits					D	AD		<u>16-73(o)</u>
Small Wireless Facilities Permit					D	AD		<u>16-73(l)</u>

*X = Required*  
*R = Review and Recommend*  
*D = Review and Decide*  
*AD = Appeal Review and Decision*

**TABLE 49: PROCEDURES SUMMARY TABLE**

APPLICATION TYPE	NOTICE			MEETINGS		REVIEW/ APPROVING BODIES			SPECIFIC PROCEDURES
	PUBLISHED NEWSPAPER AD	MAILED	POSTED NOTICE	PRE-APPLICATION MEETING	NEIGHBORHOOD MEETING	COMMUNITY DEVELOPMENT DIRECTOR/ DESIGNEE	PLANNING AND ZONING COMMISSION	COUNTY COUNCIL	
<b>Quasi-Judicial Decisions</b>									
Preliminary Plats	X	X	X	X			D	AD	<u>16-74(a)</u>
Final Plats	X	X	X	X			D	AD	<u>16-74(a)</u>
Conditional Use Permits	X	X	X	X			D	AD	<u>16-74(b)</u>
Discretionary Wireless Telecommunication Facility Permit	X	X	X	X			D	AD	<u>16-74(c)</u>
Historic Economic Hardship Wavier							D	AD	<u>16-74(d)</u>
Major Historic Demolition Permit	X	X	X	X			D	AD	<u>16-74(e)</u>
Major Historic Property Alteration Certificate	X	X	X	X			D	AD	<u>16-74(f)</u>
Variances	X	X	X				D	AD	<u>16-74(g)</u>
Minor Zone Map Amendments	X	X	X	X	X		D	AD	<u>16-74(h)</u>
Site Plan Adoption / Major Amendments	X	X	X	X			D	AD	<u>16-74(i)</u>
Development Plan Adoption / Major Amendments	X	X	X	X	X		D	AD	<u>16-74(j)</u>
<b>Legislative Decisions</b>									
County Landmark or Historic District Adoption or Amendment	X	X	X	X	X		R	D	<u>16-75(b)</u>
Master Plans	X			X			R	D	<u>16-75(c)</u>
Comprehensive Plan Adoption or Amendments	X			X			R	D	<u>16-75(a)</u>
Major Zone Map Amendments	X	X	X	X	X		R	D	<u>16-75(e)</u>
Text Amendments	X			X			R	D	<u>16-75(d)</u>

X = Required  
R = Review and Recommend  
D = Review and Decide  
AD = Appeal Review and Decision

## SEC. 16-72 COMMON PROCEDURES

### 16-72(A) CODE INTERPRETATIONS

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The Community Development Director has the authority to interpret this Code and may take any necessary or appropriate action based on such interpretation of the Code.

#### 16-72-(A)(1) PROCEDURES

- a. Upon written request to the Community Development Department, the Community Development Director, or their designee, shall provide the applicant or requestor a written explanation of the director's action.
- b. The Community Development Director, or their designee, shall not be required to accept an application or take any other action that cannot, based on the Community Development Director's interpretation of the County of Los Alamos Development Code, be approved or justified as a matter of law.
- c. The Community Development Director, or their designee, shall make a reasonable interpretation of the Code that is not inconsistent with the adopted goals and policies of the County and guidance by the Planning and Zoning Commission and County Council.
- d. The decisions and code interpretations of the Community Development Director, or their designee, shall apply to all applications filed and actions taken on or before the time a different interpretation is determined and applied by the Planning and Zoning Commission pursuant to Section Sec. 16-69.

### 16-72(B) MEETING REQUIREMENTS

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#### 16-72-(B)(1) PRE-APPLICATION MEETING

- a. The purpose of a pre-application meeting is to provide an opportunity for an applicant and County staff to discuss applicable submittal requirements and procedures; the scope, features, and potential impacts of the proposed development on surrounding neighborhoods and infrastructure systems; and the consistency with the provisions of this chapter and the County's public works and utilities design and construction standards. The Community Development Director, or their designee, shall define the nature of the pre-application meeting.
- b. Where Table 49 Procedures Summary Table requires pre-application meetings, a pre-application meeting with the applicant and County staff is required.
- c. Where Table 49 Procedures Summary Table requires pre-application meetings, applications will not be accepted until a pre-application meeting has been held.



## 16-72-(B)(2) NEIGHBORHOOD MEETING

- a. Where *Table 49 Procedures Summary Table* requires neighborhood meetings, the Community Development Department shall offer at least one (1) meeting to all property owners within 300 ft, excluding public rights-of-way, of the exterior lot lines of the subject property prior to the public hearing on the request.
- b. If property owners choose to meet, they must respond within 14 calendar days of the meeting offer being sent. If all property owners decline the meeting, the applicant may proceed pursuant to Section 5 below.
- c. If requested, the neighborhood meeting shall be facilitated by the applicant.
1. Meetings shall be scheduled prior to the public hearing held at a place that is accessible to neighbors that reside in close proximity to the subject property.
  2. At the neighborhood meeting, the applicant shall provide information about the proposed project, including but not limited to the scope of uses, approximate square footages for different uses, general site layout, design guidelines, architectural style, conceptual elevations, and conceptual landscaping plans.
  3. A summary of the neighborhood meeting shall be prepared and emailed to meeting participants who signed in and provided an email address and to the Community Development Department as part of the development application.
- d. Where *Table 49 Procedures Summary Table* requires that a neighborhood meeting be offered, and a meeting was held, the applicant shall provide proof that a meeting was offered; proof that the meeting occurred, including a sign-in sheet of attendance; meeting location, date, and time; summary of discussion, including concerns raised, areas of agreement and disagreement, and next steps identified, if any; and identification of any design accommodations that may have been made as a result of the meeting to the Community Development Department. If the concerns raised at the meeting have not been accommodated, the applicant must identify the site or project constraints that limit the ability to address those concerns.
- e. Where *Table 49 Procedures Summary Table* requires that a neighborhood meeting be held, and a meeting was not requested, the requirement for a neighborhood meeting shall be waived if the Community Development Department can demonstrate that reasonable attempts were made to notify property owners as required above, and either no response was received within 14 calendar days of the notice being sent, or the notified property owners declined the neighborhood meeting.
- f. Where *Table 49 Procedures Summary Table* requires a neighborhood meeting, applications will not be accepted until a neighborhood meeting has been held, or the requirements for a reasonable attempt to hold a meeting have been met.



## 16-72(C) NOTIFICATIONS

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### 16-72-(C)(1) PURPOSE

The purpose of this section is to establish minimum public notice requirements in the land use decision making process and to assure that the general public is adequately notified or otherwise made aware of land use regulations, permits, and programs under consideration which may affect, both directly or indirectly, lands within the County.

### 16-72-(C)(2) REQUIRED NOTICE

- a. Where *Table 49 Procedures Summary Table* requires notice, notice shall be provided.
- b. A public hearing for which notice has been given may be rescheduled to a later date, on a day not more than 21 days from the original scheduled hearing, without repetition of notice. Notice of the new date, time and place for the rescheduled hearing shall be prominently displayed or otherwise communicated at the originally scheduled hearing.

### 16-72-(C)(3) CONTENT OF NOTICES

- a. All notice required by *Table 49 Procedures Summary Table* shall include, at a minimum, all the following information:
  1. The address of the subject property, if available, and a location map indicating the subject property;
  2. The name of the property owner;
  3. The name of the agent (if different from the property owner);
  4. A short summary of the approval being requested, including an explanation of any deviations or variances being requested, if any. If an exhibit such as a plat or site plan is included within the required application materials, a copy of the exhibit should be included in the notice;
  5. The date, time, and place of the public hearing if required;
  6. An address, telephone number, or website where additional information about the application can be obtained.

### 16-72-(C)(4) PUBLISHED AND POSTED NOTICE

- a. Where *Table 49 Procedures Summary Table* requires published notice, the Community Development Director, or their designee, shall publish a notice in a newspaper of general circulation within the County at least 14 calendar days before the public hearing.
- b. Where *D = Review and Decide Table 50 Procedures Summary Table* requires posted notice, the Community Development Department shall post at least one sign on a street abutting the property that is the subject of the application, at a point clearly visible from that street, for at least 14 calendar days before the public meeting or hearing, as applicable.
- c. The posted sign shall at a minimum contain the following information:
  1. Identify the application type and number;
  2. Identify the date, time, and location of the public hearing being noticed; and
  3. Identify a telephone number, website address, and/or email address where additional information about the application can be obtained.

### 16-72-(C)(5) MAILED NOTICE

- a. Where Table 49 Procedures Summary Table requires a neighborhood meeting, the Community Development Department shall mail via First-class Mail a minimum of 28 days before the public hearing. At a minimum, the meeting offer shall include required items in Section 16-72-(c)(3) with the exception that information provided in the offer is conceptual and constitutes a draft intended to provide sufficient information for discussion of concerns and opportunities.
- b. Where Table 49 Procedures Summary Table requires mailed notice for administrative decisions, the Community Development Department shall mail notice by First-Class Mail to all owners of record as identified in the records of the County Tax Assessor or occupants of properties within 300 ft, excluding public rights-of-way, of exterior lot lines of the subject property.
- c. Where Table 49 Procedures Summary Table requires mailed notice for discretionary decisions, the Community Development Department shall mail notice 14 days prior to the public hearing to all owners of record as identified in the records of the County Tax Assessor or occupants of properties within 300 ft, excluding public rights-of-way, of exterior lot lines of the subject property.
- d. Where Table 49 Procedures Summary Table requires mailed notice for policy decisions, notice shall be mailed by the Community Development Department in accordance with NMSA 1978 § 3-21-6.

### 16-72(D) APPLICATION SUBMITTAL REQUIREMENTS

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- (1) Unless otherwise stated in this Code, all development applications listed in Table 49 Procedures Summary Table shall be submitted by the Property Owner or an authorized Agent to the Community Development Department.
- (2) Application fees shall be paid at the time of submittal according to the type of application on the development fee schedule. Application fee schedules shall be established by Council action and maintained on the County website, with copies available from the Community Development Department.
- (3) A Pre-Application Meeting or a Neighborhood Meeting shall be conducted when required per Table 49 Procedures Summary Table prior to application submittal.
- (4) Each development application shall include all forms and information required by the County for that type of application as set forth in this Code.
- (5) On receiving a development application, the Community Development Director, or their designee, shall determine whether the application is complete within five (5) business days of submittal. A complete application is one that contains all required application materials on the corresponding application form approved by the Community Development Department, requirements outlined in this Code, and a written explanation justifying the application per the applicable decision criteria.
- (6) Incomplete applications shall be rejected. If the Community Development Director, or their designee, determines that an application is incomplete, the Community Development Director, or their designee, shall notify the applicant in writing of the missing or incomplete development application within five (5) business days after receiving the application. The applicant may correct the deficiencies and resubmit the application for a determination of completeness until the Community Development Director, or their designee, determines the application is complete.
- (7) An applicant may withdraw an application at any time, provided that notice of the withdrawal is provided in writing to the Community Development Director, or their designee.
- (8) The fee for filing an application is not refundable, in whole or in part.

### 16-72(E) IMPACT REPORTS

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- (1) The Community Development Director, or their designee, may require impact reports to mitigate and identify any potential adverse effects of a proposed development on public infrastructure and land as well as adjoining properties.

- (2) The following are exempt from the requirements to prepare impact reports:
  - a. A single-family or two-family residential dwelling on a legal lot of record;
  - b. Any nonresidential development where a site plan is not required.
- (3) The Community Development Director, the County Engineer, or their designee, will advise the applicant in writing of required impact studies.
- (4) Within 21 calendar days of the written request by an owner or agent, the County shall complete the necessary surveys to create baseline data for the owner’s use in the completion of impact reports. If the county does not have all requested baseline data, the requirement for impact reports shall not be waived by the county.
- (5) Impact reports may be required per Table 50. When required, the minimum report standards of Table 50 below shall serve as a guideline for preparing the report.

<b>TABLE 50: IMPACT REPORTS</b>		
<b>TYPE OF REPORT</b>	<b>REQUIRED</b>	<b>MINIMUM REPORT STANDARDS</b>
Grading and Erosion Control Plans	<ul style="list-style-type: none"> <li>• May be required as part of any preliminary plat or site plan application.</li> <li>• Hillside development plans may be required for subdivision actions, new construction or major remodels for all development, including single-family residential developments, on sites that have a slope which is equal to or greater than 1:2.</li> </ul>	
Soils Report	<ul style="list-style-type: none"> <li>• When there are known geologic conditions that will create hazardous conditions for public improvements and private structures</li> <li>• When soils have characteristics that require specialized engineering for building foundations or public roadways as shown on “Soil Survey of Los Alamos County, New Mexico,” prepared by the Los Alamos National Laboratory, June 1978;</li> <li>• Where unconsolidated fill material is known to exist within the tract of land that is proposed for development;</li> <li>• Where levels of radioactive contamination on the tract of land proposed for development exceed 30 micro-Roentgens/hour measured from surface readings</li> </ul>	<ul style="list-style-type: none"> <li>• Location on a scaled drawing of any soils or geologic conditions within and contiguous to the proposed development area which create hazardous conditions or require specialized engineering design;</li> <li>• Written description of the soils types, or natural or manmade land features that are shown on the required scaled drawings;</li> <li>• Measures to mitigate any adverse soils or geologic conditions which have been mapped within the proposed development.</li> </ul>
Traffic Generation Report	<ul style="list-style-type: none"> <li>• For residential development, when all phases exceeds 30 dwelling units.</li> <li>• For commercial, industrial, recreational and mixed uses, when the estimated average daily traffic (ADT) generated by the proposed development exceeds 300 ADT or peak-hour criteria set by the County Engineer.</li> <li>• Where plan review or field inspection indicates that site design for the proposed development will not meet minimum county engineering standards.</li> </ul>	<ul style="list-style-type: none"> <li>• Average daily traffic (ADT) and level of service (LOS) counts for surrounding public streets for pre-development and post-development conditions;</li> <li>• Preliminary road profiles and street sections</li> <li>• Minimum sight distances for intersections for pre-development and post-development conditions;</li> <li>• Quantify the number and direction of pedestrian traffic on public streets, and isolate locations where points of conflict will occur between pedestrians and vehicular traffic, creating hazardous conditions.</li> </ul>

**TABLE 50: IMPACT REPORTS**

TYPE OF REPORT	REQUIRED	MINIMUM REPORT STANDARDS
Stormwater Drainage Report	<ul style="list-style-type: none"> <li>• Where there is a drainage basin of five or more acres upstream from the site.</li> <li>• When there is known evidence of flooding immediately downstream of the proposed development.</li> <li>• When additional stormwater runoff caused by the development of the property will result in the substantial increase in the volume and velocity of stormwaters discharged from the site.</li> <li>• When improvements or realignments to major drainage channels are proposed.</li> </ul>	<ul style="list-style-type: none"> <li>• The stormwater drainage report will be prepared and stamped by a professional engineer;</li> <li>• Graphic description of upstream drainage area for stormwaters which flow through the subject site, including number of acres in the upstream basin;</li> <li>• Quantities of water measured in cubic feet per second entering and discharged from the site for conditions existing prior to construction of the development and conditions represented at completion of all phases of the development, based on a 100-year frequency rainfall;</li> <li>• Graphic description of direction of flow for stormwater through the development;</li> <li>• Graphic description indicating points of stormwater discharge upon completion of development and description of methods for controlling erosion at points of discharge;</li> <li>• Impact on downstream properties upon completion of all phases of the development;</li> <li>• Capacity of public storm drainage facilities to accept existing runoff and anticipated runoff from future development of the subject site as well as potential development of vacant lands upstream from the subject site. The assumed intensities of development for upstream lands shall be based on the land use recommendations of the comprehensive plan or the zoning district designation as shown on the official zoning map, whichever is more restrictive;</li> <li>• Measures to mitigate any adverse impacts created by development of the site.</li> </ul>
Utility Capacity Analysis Report	<ul style="list-style-type: none"> <li>• When the size of utility lines does not conform to the sizes specified by the Utilities Master Plan.</li> <li>• For residential improvement exceeding three residential dwelling units.</li> <li>• For commercial improvements exceeding 5,000 square feet heated area.</li> </ul>	<ul style="list-style-type: none"> <li>• The capacity of existing and proposed gas, water, electric and sanitary sewer systems;</li> <li>• The calculated demand on the utility systems of the improvement.</li> </ul>

## 16-72(F) PUBLIC HEARING PROCEDURES

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### 16-72-(F)(1) PUBLIC HEARING CATEGORIES

There are three basic types or categories of decisions authorized in the Development Code, which are Legislative, Quasi-Judicial and Administrative:

- a. Legislative Decisions. Legislative decisions involve a change in land-use policy by the decision-making body that does not concern a single tract, parcel, or lot under common ownership or land predominantly owned by a single person or entity under common ownership, including adoption of any change in the Development Code or adoption of any change to the Comprehensive Plan; adoption of or any amendment to the text of the Development Code, the Comprehensive Plan or the FLUM; and approval of any voluntary development agreements. A public hearing is required but the procedural requirements of a quasi-judicial hearing do not apply.
- b. Quasi-Judicial Decisions. A quasi-judicial decision involves the use of a discretionary standard, as specified in the Development Code, to an application for discretionary development approval that is applicable to specific land in common ownership or to an area of land in which the predominant ownership is in a single ownership. Quasi-judicial discretionary proceedings require a public hearing consistent with the standards of procedural due process as established in Section 16-72-(f)(5). In making quasi-judicial decisions, the decision-making body shall investigate facts or ascertain the existence of facts, hold hearings, weigh evidence, make written findings of fact, conclusions of law and recommendations and exercise discretion of a judicial nature. In the land-use context, these quasi-judicial decisions generally involve the application of land-use policies to individual properties in common ownership as opposed to the creation of policy. These decisions require an exercise of discretion in applying the requirements and standards of the Development Code, state and federal law.
- c. Administrative Decisions. Administrative decisions involve interpretation and application of non-discretionary standards of the Development Code to an application. A public hearing is not required for action on an application for administrative approval.

### 16-72-(F)(2) PUBLIC HEARING REQUIREMENTS

- a. The Planning and Zoning Commission and County Council shall conduct public hearings on development applications pursuant to Table 49 Procedures Summary Table as reviewing bodies, decision bodies, and appellate bodies, as necessary.
- b. Development Applications indicated as Quasi-Judicial Decisions within Table 49 Procedures Summary Table shall be conducted as quasi-judicial hearings pursuant to Section 16-72-(f)(5).
- c. Development Applications indicated as Legislative Decisions within Table 49 Procedures Summary Table shall be conducted as legislative hearings pursuant to Section 16-72-(f)(4).
- d. A full record of Council hearings will be made by sound or video recording or transcription; any person shall have the opportunity to listen to, copy, or transcribe the recording during business hours.
- e. A summary of actions taken shall be kept of all Planning and Zoning Commission hearings, and they shall be kept available for public inspection.

## 16-72-(F)(3) PUBLIC HEARING OFFICER

### 16-72-(F)(3)A. ESTABLISHMENT

The purpose of the Hearing Officer position is to assist in the adjudication of quasi-judicial applications for discretionary development approval. More than one Hearing Officer may be appointed, as appropriate.

### 16-72-(F)(3)B. REFERRAL OF MATTERS FOR HEARING

The Planning and Zoning Commission or County Council may refer applications or other matters to a Hearing Officer to conduct public hearings, make written findings of fact, conclusions of law and recommendations, and file written reports with such findings, conclusions of law and recommendations to the Planning Commission or Council for further action.

### 16-72-(F)(3)C. TERM AND REMOVAL

A Hearing Officer or Hearing Officers may be appointed by the Council. A Hearing Officer shall be appointed for a definite term, not to exceed four (4) years, and may be reappointed at the conclusion of any term. A Hearing Officer may be removed by the Council solely for reasonable cause. Reasonable cause for removal of a Hearing Officer shall include, but not be limited to, violations of the standards set forth in the New Mexico Code of Judicial Conduct, as adopted by the New Mexico Supreme Court.

### 16-72-(F)(3)D. QUALIFICATIONS

A Hearing Officer shall have a J.D. degree from a law school certified by the American Bar Association or Association of American Law Schools, with not less than six (6) years of legal experience, and shall be licensed to practice law in New Mexico. During the term of the Hearing Officer's appointment and during the three (3) years immediately preceding the Hearing Officer's appointment, neither the appointed Hearing Officer nor the Hearing Officer's law firm shall represent or have represented persons or entities with regard to land use applications submitted to the County or in appeals of or lawsuits regarding County land use decisions. In addition, a Hearing Officer shall not during the term of the Hearing Officer's appointment:

1. hold elective office;
2. be employed by the County;
3. be appointed to any County or joint board or commission of the County; or
4. be employed by any political subdivision of the State of New Mexico or tribal government the geographic boundaries of which are located either wholly or partly within the geographic boundaries of the County.

### 16-72-(F)(3)E. POWERS AND DUTIES

A Hearing Officer shall have all powers necessary to conduct quasi-judicial hearings assigned to a Hearing Officer by the Planning and Zoning Commission or Council.

## 16-72-(F)(4) LEGISLATIVE HEARING REQUIREMENTS

### 16-72-(F)(4)A. RULES OF PROCEDURES FOR LEGISLATIVE HEARINGS

The applicant shall present their application and advocate for it before the review and decision-making body. Any member of the public, County department, or other affected governmental entities may provide public comment on the application. Presentations and public comment need not be submitted under oath or affirmation. The presiding official may establish a time limit for presentations and public comment and may reasonably limit presentations and public comment where it is repetitive.

### 16-72-(F)(4)B. PLANNING AND ZONING COMMISSION RECOMMENDATION FOR POLICY DECISIONS

On any legislative decision application requiring final approval of the Council, the Planning and Zoning Commission shall issue a written statement with a recommendation to the Council that an application be approved, approved with conditions, or denied. If an application requiring final approval of the Council has been duly submitted to the Planning Commission, and the Planning Commission has failed to convene a quorum or to make a recommendation approving, approving with conditions or denying such development approval at two (2) meetings on the application, the application shall move to the Council without a recommendation unless the Applicant waives this requirement and agrees in writing to any additional Planning and Zoning Commission meetings.

### 16-72-(F)(4)C. COUNCIL ACTION

The Council shall hold a public hearing to consider a legislative decision application. The Council shall consider the application and presentation, and any public comment, County department recommendation, or recommendation of the Planning and Zoning Commission before taking action.

## 16-72-(F)(5) QUASI-JUDICIAL HEARING REQUIREMENTS

### 16-72-(F)(5)A. CONDUCT OF QUASI-JUDICIAL HEARINGS

1. All quasi-judicial public hearing shall be conducted in a manner to protect the due process rights of parties and affected parties, as required by New Mexico law.
2. All parties have a right to be represented by an attorney throughout the proceedings.
3. The party who files the application has the burden to show that the request meets the criteria of this Code.
4. The hearing body shall act as an impartial decision-maker.
5. The hearing body shall act as a fact-finding body and shall approve or disapprove the application in accordance with the evidence presented which is competent and relevant. Testimony or evidence that does not meet these criteria shall be disregarded.
6. If the hearing is before the Planning and Zoning Commission or the County Council, a quorum of the body must be present.
7. Before hearing the matter, the members of the review and decision-making authority will disclose any conflicts and ex-parte communications pursuant to Section 16-72-(f)(5)d and, if they have a conflict, recuse themselves from the hearing, deliberation, and vote. A party to the hearing shall be afforded an opportunity to present evidence and argument and to question witnesses on all relevant issues, but the hearing body may impose reasonable limitations on the number of witnesses heard, and on the nature and length of their testimony and questioning.



8. Testimony at the hearing shall be under oath or affirmation and cross-examination of any persons presenting information at the public hearing will be permitted by the applicant, any affected party, and County staff as directed by the presiding official.
9. Members of the hearing body conducting the hearing may ask questions of the owner/applicant, staff, any party, or of any witness.
10. Proceedings of the hearing body will be guided by such other rules and procedures as may be adopted by the County Council or the hearing body.

#### 16-72-(F)(5)B. PROCEEDINGS OF QUASI-JUDICIAL HEARINGS

1. All written materials including petitions, legal analyses, and other documents containing substantive arguments, evidence, or analysis shall be submitted to the Community Development Department at least five (5) days prior to the public hearing, in time for full consideration by staff, interested parties or members of the public, and for proper presentation to the applicable hearing body prior to its regular scheduled hearing.
2. The presiding officer of the review and decision-making body shall call the public hearing to order at the time specified on the public notice. The presiding officer shall announce the nature of the hearing and the process which shall be followed.
3. The Community Development Department staff shall confirm that public notice requirements were met, briefly describe the applicant's request, present factual information regarding the particular property, other relevant factual information, introduce and review all relevant County Code provisions and answer questions from the reviewing body. The hearing body may request the Community Development Department staff to make a recommendation as to whether the request meets the applicable Decision Criteria.
4. The applicant shall present the case in support of their application and shall bear the burden of demonstrating that the request meets the applicable Decision Criteria. The applicant may offer the testimony of expert or lay witnesses and documentary evidence that the applicant deems appropriate, subject to cross-examination and reasonable time limits established by the presiding officer.
5. The hearing body shall receive testimony, including expert or lay witnesses, and relevant documentary evidence for or against the application from the public, governmental agencies or entities, and interested parties with standing, subject to cross-examination and reasonable time limits established by the presiding officer.
6. Any affected party that has standing per Section 16-72-(g)(4), including the County, shall be afforded an opportunity to present evidence, argument and to examine the applicant or Community Development Department staff on all relevant issues, but the hearing body may impose reasonable limitations on the number of witnesses heard, and on the nature and length of their testimony and questioning. If several affected parties have the same evidence and objections, they may appoint one of their number to present their evidence and objections, and each of them shall acknowledge to the hearing body that the appointee will adequately present their evidence and objections and that they will not be permitted to testify further.
7. Cross-examination shall be afforded to anyone with standing pursuant to Section 16-72-(g)(4).
8. The hearing body shall close the public portion of the hearing and conduct deliberations. The reviewing body may elect to deliberate in a closed meeting pursuant to the Open Meetings Act, NMSA 1978 § 10-15-1 et seq.
9. Approval by the hearing body shall require a motion and affirmative vote of a majority of the members present, and no less than four, to approve the application. Failure to issue a final decision or recommendation prior to the close of the hearing shall constitute denial of the application,.
10. The hearing body shall issue written a written recommendation or final decision with a findings of fact and conclusion of law explaining the decision within ten days of the conclusion of the hearing, pursuant to Section 16-72-(f)(5)c.

#### 16-72-(F)(5)C. PUBLIC HEARING DECISIONS

1. The hearing body shall make a recommendation or final decision pursuant to the applicable Decision Criteria in *Division 3*.
2. The hearing body making a recommendation shall take any one of the following actions pursuant to the applicable Decision Criteria in *Division 3* and shall issue a written statement with findings of fact and a recommendation and forward it to the hearing body making the final decision:
  - i. Recommend approval of the application as presented if the request is in conformity with the criteria.
  - ii. Recommend approval of the application with conditions. In granting conditional approval of the request, the hearing body may only impose such conditions as are reasonably necessary to meet the approval criteria of specific procedures within *Division 3*.
  - iii. Recommend denial of the application if the request is not in conformance with the decision criteria within *Division 3*.
  - iv. If the recommending body is unable to arrive at a recommendation, the request shall be forwarded without recommendation to the final decision body for consideration.
3. The hearing body making a final decision shall take any one of the following actions pursuant to the applicable decision criteria in *Division 3* and shall issue a final decision with written findings of fact and conclusions of law within ten business days of the hearing:
  - i. Approve the application as presented if the proposal is in conformity with the criteria.
  - ii. Approve the application with conditions. In granting conditional approval, the hearing body making the final decision may only impose such conditions as are reasonably necessary to meet the approval criteria of specific procedures within *Division 3*.
  - iii. Deny the application if the proposal is not in conformance with the decision criteria within *Division 3*. Remand the application back to the recommending body for further proceedings.
4. The decision shall be announced in writing with notice by mail to all parties and publication. The decision shall include information about the process to appeal the decision and where applications to appeal can be found. No decision shall be announced unless appeal forms are available to interested parties with standing.

#### 16-72-(F)(5)D. EX-PARTE COMMUNICATION

Prior to making a decision at a quasi-judicial public hearing and until a final, unappealable decision on the matter has been reached, members of the hearing body shall not do any of the following:

1. Communicate, directly or indirectly, with any party or party representative in connection with the merits of any issue involved;
2. Use nor rely upon any communication, reports, or other materials prepared in connection with the particular case unless made a part of the record; or
3. Inspect the site with any party or their representative unless all parties are given opportunity to be present.

## 16-72(G) APPEALS

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### 16-72-(G)(1) APPEALABLE ACTIONS

- a. Decision or determination of the County Engineer or County Utilities Manager to require or not require any or all of the impact reports.
- b. Final actions of the Community Development Director, or their designee, including code interpretations, permits, development applications, subdivisions or other authority as provided in Section Sec. 16-68.
- c. Final actions of a governing body made after a public hearing as provided in Section 16-72(f).

### 16-72-(G)(2) EFFECT OF APPEAL

- a. The filing of an appeal shall suspend the final action of the decision-making body until such time as the appeal shall be heard and acted upon by the appellate body having jurisdiction as provided in this Code.
- b. No subdivision, plan, permit, license, or certificate of approval or use of land or structures involved in the application on appeal shall be issued until the appeal has been decided on by the County of Los Alamos.

### 16-72-(G)(3) APPEAL BODIES

- a. The Planning and Zoning Commission shall have appeal authority as shown for Administrative Decisions decided by the Community Development Director, or their designee, as listed in Table 49 Procedures Summary Table and for any decision or determination of the County Engineer or County Utilities Manager to require or not require any or all of the impact reports.
- b. The County Council shall have appeal authority as shown for Discretionary Decisions decided by the Planning and Zoning Commission as listed in Table 49 Procedures Summary Table.
- c. Appeal of a decision of the Planning and Zoning Commission acting as an appellate body is to the County Council.
- d. Appeal of a decision of the County Council is to the District Court as provided by law.

### 16-72-(G)(4) STANDING REQUIRED TO APPEAL

- a. Appeals of final actions may be filed by the following persons:
  1. The owner of the property listed in the application.
  2. All persons that were required to be mailed notice for the application giving rise to the final action being appealed.
  3. Any County official acting in their official capacity whose services, properties, facilities, interest, or operations may be adversely affected by the application; or
  4. Any person who has a recognized legal interest under New Mexico law.
- b. For Discretionary Decision and Policy Decisions, as provided in Table 49 Procedures Summary Table, the appellant must have made an appearance of record to have standing to appeal, except in cases where the appellant alleges improper notice.
- c. An appearance of record can be made through any of the following:
  1. The initial submittal of the application which is the subject of the appeal.
  2. The submittal of written comments by the eventual appellant about the subject case submitted to the relevant decision-making body within the deadline for written comments prior to the decision.
  3. Verbal comments made by the eventual appellant provided at a public hearing about the subject case during the review process before the relevant decision-making body.

## 16-72-(G)(5) APPEAL PROCEDURE

### 16-72-(G)(5)A. FILING AN APPEAL

1. A notice to appeal any Administrative Decisions must be filed with the Community Development Department within 15 calendar days, including weekend days and excluding County-recognized holidays, after the date of the final written decision.
2. A notice to appeal any Discretionary Decisions must be filed with the Community Development Department within 15 calendar days, including weekend days and excluding County-recognized holidays, after the date of the final written decision.
3. Each appellant is required to submit to the Community Development Department a notice to appeal which states the grounds for the appeal and includes the following:
  - i. Brief description of the relevant factual background, previous proceedings, and decision by the decision-making body giving rise to the appeal;
  - ii. The names and addresses of each party that participated in the hearing;
  - iii. Identification of the specific findings of fact, interpretation of statute, code, regulation, or attached condition being challenged;
  - iv. Identification of specific section(s) of this Code, County regulation, or other law which the Appellant alleges was incorrectly applied or interpreted;
  - v. Demonstration of appellant's standing pursuant to *Section 16-72-(g)(4)*;
  - vi. Certification that Appellant understands that they have the burden of proof under the standard of review.
  - vii. Certification that Appellant has informed each party of the application to appeal.
4. The notice of appeal must be accompanied by a non-refundable filing fee, as set by County Council, per parcel.
5. Only issues stated in the application for appeal shall be considered during the applicable proceeding.
6. The Community Development Department shall not accept a notice of appeal filed after the appeal deadline has passed.
7. Once the Community Development Department accepts the notice of appeal, the Community Development Department shall notify all parties with standing of the appeal.
8. All parties are entitled to the opportunity to be represented by an attorney throughout the appeal process.

### 16-72-(G)(5)B. RECORD AND BRIEFING

1. Within 30 days after accepting the notice to appeal, the Community Development Department shall make available a record on review. The record on review shall include a transcript or recording of the hearing, hearing exhibits, notices, and a copy of the application to appeal. The Community Development Department shall provide the record on review to the appellant and other parties on appeal.
2. Within 5 business days of the Community Development Department making the record available, if a party believes something is incorrect or omitted from the record on review, then the party may file a statement specifying the error or omission and provide a copy of the material the party believes should be, but is not, included in the record. The Community Development Department shall make any corrections to the record on review within seven calendar days, as necessary, and shall notify the parties that the record on review is complete. Only those records described in Section A of this subsection shall be made a part of the record on review.
3. Within 14 calendar days after the Community Development Department completes the record, each Appellant may submit a written brief with their arguments to the Community Development Department and the parties. Within 14 calendar days of Appellant submitting their brief, Appellee

may submit a written response with their arguments. Within 7 calendar days of Appellee submitting their response, Appellant may submit a written reply addressing the issues raised in the response.

4. Briefing shall be limited to the brief in support of the appeal, response, and reply. The appellate body may only consider motions to continue for good cause.
5. All briefing shall be in compliance with County policy with regards to formatting and length.
6. Where the appellate body chair determines that the briefing schedule described in this Section is unreasonable due to the number of parties or complexity of issues on appeal, then the chair may provide to the parties alternative directions for briefing.
7. When briefing is complete, the Community Development Department shall provide the record and briefing to the appellate body not later than 14 calendar days before the appeal hearing.

#### 16-72-(G)(5)C. APPLICATION WITHDRAWALS

1. An appellant may withdraw the appeal at any time, provided that notice of the withdrawal is provided in writing to the Community Development Director, or their designee.
2. The fee for filing an application of appeal is not refundable, in whole or in part.

#### 16-72-(G)(5)D. HEARING PROCEDURES

1. The Community Development Department shall provide published notice of the appeal hearing per Section 16-72(c).
2. The appellate body assigned pursuant to Table 49 Procedures Summary Table shall hold a public hearing and hear the appeal in accordance with this sub-section.
3. An assigned appellate body pursuant to Section 16-72-(g)(3) shall hear the appeal at the next available regularly scheduled hearing after the appeal is filed that provides adequate time for notice to be provided pursuant to Section 16-72(c).
4. The appellate body may appoint a hearing facilitator or designate a Hearing Official pursuant to Section 16-72-(f)(3).
5. By the affirmative vote of the majority of its members, the appellate body may, without a full public hearing, remand an appeal to the original decision-making authority for rehearing and decision if it finds that rehearing would be likely to resolve the appeal. If the appellate body remands the appeal without a full hearing, the appellate body shall make findings of fact on which that action is based.
6. If an appeal is filed by a member of the County Council or by a member of the Planning and Zoning Commission, that Councilor or Commissioner shall be excused from deliberations and voting on the appeal.
7. The chair of the appellant body shall prescribe the length and manner of the parties' presentation. Each party shall be allowed an oral presentation of no less than five minutes. Appellant shall proceed first, and Appellee shall proceed second. Oral presentations shall be limited to matters relevant to the appeal, issues raised in the notice of appeal, and the jurisdiction of the appellate body.
8. Members of the appellate body may question any party after the party completes their presentation.
9. At the close of oral presentations, the appellate body conducting the hearing shall close the public portion of the hearing and conduct deliberations. The reviewing body may elect to deliberate in a closed meeting pursuant to the Open Meetings Act, NMSA 1978, section 10-15-1 et seq.
10. The appellate body shall not accept or consider new evidence outside of the complete record compiled by the Community Development Department.

#### 16-72-(G)(5)E. FINAL DECISIONS

1. The appellate body may remand, reverse, or affirm the appealed decision.
2. If the appellate body remands the appeal to the original decision body for reconsideration, it shall state specifically the matters to be reheard and the reasons for remand on which that action is based. The matter must be heard and decided by the original decision-making body prior to any further appeal of the matter. A decision to remand the decision appealed will be effective only on motion and affirmative vote of a majority of the membership of the decision-making body, and no less than four affirmative votes.
3. A decision to reverse the decision appealed will be effective only on motion and affirmative vote of a majority of the members of the appellate body present, and no less than four affirmative votes.
4. If no affirmative majority vote is taken, or a vote of less than four affirmative votes, or a tie vote occurs, the decision below stands.
5. Final decision on the appeal shall be issued to the appellant in writing and shall include the factual findings that clearly state reasons for the action taken within 14 days of the Public Hearing.

#### 16-72-(G)(6) REVIEW AND DECISION CRITERIA

The criteria for review of an appeal shall be whether the decision-making body or the prior appeal body made one (1) of the following mistakes:

- a. The decision-making body or the prior appeal body acted arbitrarily, capriciously, or not according to law.
- b. The decision being appealed is not supported by substantial evidence.
- c. The decision-making body or the prior appeal body erred in applying the requirements of this Code, State Statutes, or other applicable rules and regulations governing the decision.

#### 16-72(H) CALCULATION OF TIME PERIODS

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If the last day for the performance of any act described in this Code falls on a Saturday, Sunday, or legal holiday, such act shall be considered performed timely if performed on the next succeeding day which is not a Saturday, Sunday, or legal holiday.

**16-72(I) PERMIT AND APPROVAL EXPIRATIONS**

Unless specified otherwise in this Code or the terms attached to a permit or approval, each permit or development application approval shall be valid for the period of time shown in *Table 51 Permit and Approval Expirations* and shall be invalid after that time has passed, unless any of the following applies:

- (1) The property owner authorized agent has begun construction, use, or occupancy of the property within the time shown in *Table 51 Permit and Approval Expirations* for the relevant type of permit or approval; or
- (2) The period of validity is extended pursuant to 16-72(j).

<b>TABLE 51: PERMIT AND APPROVAL EXPIRATIONS</b>	
<b>TYPE OF APPROVAL</b>	<b>PERIOD OF VALIDITY</b>
<b>Administrative Decisions</b>	
Accessory Structure Permit	1 year
Administrative Deviations/ Waivers	2 years
Declaratory Rulings	Does not expire, unless the section(s) of the LAC to which the ruling relates is amended
Encroachment Permits	2 years
Fence/ Wall Permits	1 year
Landscape Plans	1 year
Lighting Plans	1 year
Minor Development Plan Amendments	2 years
Minor Site Plan Amendments	2 years
Sign Permits	1 year
Special Event Permits	As stated in the Special Event Permit
Summary Plats	2 years
Temporary Use Permits	As stated in the Temporary Use Permit
Wireless Telecommunications Facilities	2 years
<b>Decisions Requiring a Public Hearing*</b>	
Preliminary Plats	1 year
Final Plats	Does not expire once timely recorded
Conditional Use Permits	2 years
Site Plans	3 years
Development Plans	3 years
Major Site Plan Amendments	1 Year or Until Preliminary Plat is approved
Major Development Plan Amendments	1 Year or Until Preliminary Plat is approved
Variances	Expires with associated site plan
Minor Master Plan Approval	3 years
<b>Policy Decisions</b>	
Major Master Plan Approval	Do not expire
Comprehensive Plan Adoption and Amendments	
Zone Map Amendments	
Text Amendments	
*A 1 year extension may be granted by the appropriate approver if requested by an applicant	

## 16-72(J) EXTENSIONS OF PERIOD OF VALIDITY

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For each approval expiration period shown in Table 51 the original decision-making body may approve 1 extension of validity for good cause shown for a time not to exceed the original period of validity for that permit or approval, provided that all of the following requirements are met:

- (1) The applicant or property owner submits a written request for the time extension before the expiration of the original permit or approval with the Community Planning Director.
- (2) The extension is considered and a decision made by the same decision-making body as the initial approval, except that no public meeting or hearing shall be required, if one would have been required under this Code for the initial approval.



**DIVISION 3 SPECIFIC DEVELOPMENT PROCEDURES**

**SEC. 16-73 ADMINISTRATIVE DECISIONS**

**16-73(A) ADMINISTRATIVE DEVIATIONS**

**16-73-(A)(1) APPLICABILITY**

This section applies to Administrative Deviations to standards of this Code that allow relatively minor modification from the dimensional or numeric standards of this Code up to the limits listed in Table 52 where strict application of the Code would result in practical difficulty or undue hardship preventing the use of the land as otherwise allowed by the Code.

**16-73-(A)(2) TABLE OF ALLOWABLE ADMINISTRATIVE DEVIATIONS**

- a. An application for a minor modification that is not related to a request for “reasonable accommodation” under the Federal Fair Housing Act or the Religious Land Use and Institutionalized Persons Act may request only the types of adjustments shown in Table 52.

<b>TABLE 52: ALLOWABLE ADMINISTRATIVE DEVIATIONS</b>	
<b>CODE STANDARD</b>	<b>ALLOWABLE MODIFICATION (MAXIMUM PERCENTAGE)</b>
Lot area, minimum	10
Lot coverage, minimum	10
Setbacks, minimum	15
Building height, maximum	10
Off-street parking spaces, minimum	10
Wall and fence height, maximum	1' maximum
Landscape coverage, minimum	10
Any other numeric standard	10

- b. Administrative Deviations shall be prohibited to maximum building heights within the required neighborhood protection area pursuant to Division 5.
- c. For requests for deviations beyond these thresholds or to standards not included in Table 52, applications will be reviewed and decided as Variances pursuant to Section 16-74(g).

**16-73-(A)(3) PROCEDURES**

- a. Applications for a Administrative Deviation request may be made by the owner or agent of any parcel or property to be affected.
- b. Administrative Deviation applications may be submitted concurrently with other development applications and shall include the application and other documentation that show compliance with the applicable provisions of this Code and other adopted County plans or policies as required by the County’s Site Plan application to the Community Development Department, including:
  - 1. Proof of property ownership.
  - 2. A written explanation of how the request conforms to the Decision Criteria within S16-73-(a)(4).
- c. The Community Development Department shall intake the application pursuant to the requirements of Section 16-72(d).

- d. The Community Development Director, or their designee, shall review the Administrative Deviation request based on its conformity with the Decision Criteria of *Section 16-73-(a)(4)*.
- e. Final decisions shall be rendered within 14 days of receipt of a complete application.
- f. The Community Development Director may administratively approve minor dimensional deviations of 12 inches or less from the provisions of this Code or a deviation in the number of required off-street parking spaces amounting to one (1) percent or less of the spaces otherwise required. Such deviations may be granted administratively without public notification or the holding of a public hearing.
- g. The Community Development Director may only grant such deviations upon the subject property owner's written request and the director's written finding that the granting of such a deviation will not result in any negative health or safety impacts on the community or negatively impact a neighboring property. Such powers shall not include deviations to design and construction standards promulgated or administered by the Public Works Department.

#### 16-73-(A)(4) DECISION CRITERIA

- a. The applicant's site is subject to site constraints not generally shared by surrounding properties or the site was platted or developed in an unusual pattern when compared to abutting properties (e.g. the property was developed with orientation or access facing a different street than abutting lots) that would prevent the development of a permissive land use in a type of structure generally found on sites of a similar size in the surrounding area.
- b. The site constraints were not created by the actions of the property owner or another interested party.
- c. The request is for a single site and is not part of a pattern of similar requests for adjacent properties or for nearby sites by the same property owner or within the same subdivision, Master Plan, or Development Plan area.
- d. The approval of the requested deviations will not cause material adverse impacts on surrounding properties.
- e. Granting of the approved Deviation is the minimum necessary easing of the Code requirements making possible the reasonable use of the land, structure, or building.

#### 16-73(B) ADMINISTRATIVE WIRELESS TELECOMMUNICATION FACILITIES PERMIT

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##### 16-73-(B)(1) APPLICABILITY

This section applies to applications for any of the following Wireless Telecommunication Facilities:

- a. Collocations on public utility poles.
- b. Collocations on concealed WTFs
- c. Like-for-like antenna swap outs, back-up generators, and other minor site modifications to existing WTFs
- d. New towers or antennas in non-residential zone districts.

##### 16-73-(B)(2) PROCEDURES

- a. Applications for a Wireless Telecommunication Facility may be made by the owner or agent of any parcel of property to be affected.
- b. Wireless Telecommunication Facility applications shall be submitted to the Community Development

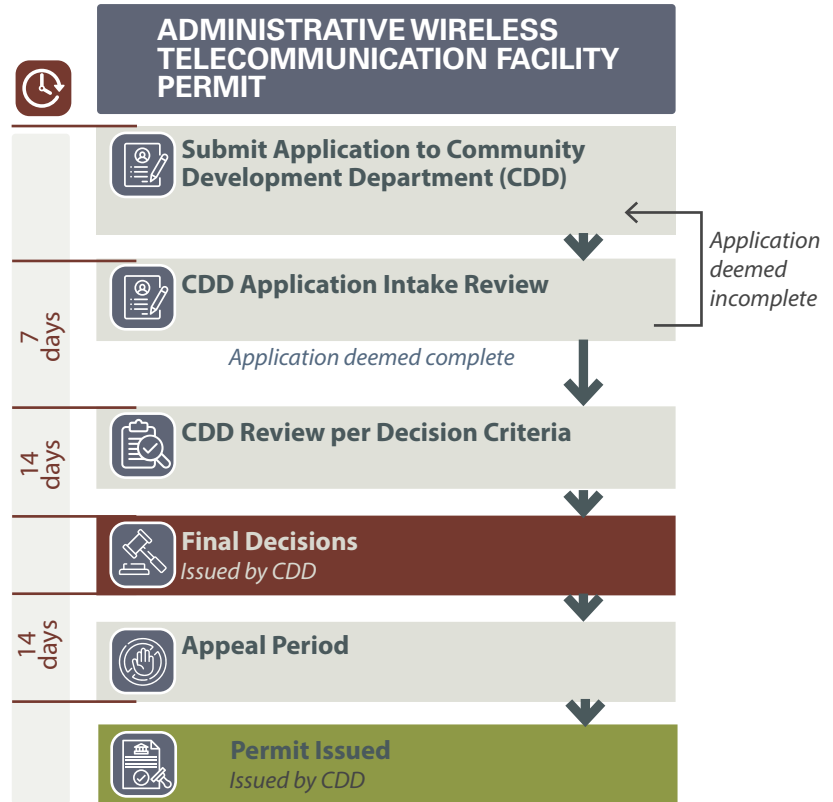
Department and shall include all information per the County’s Wireless Telecommunication Facility application, including but not limited to:

1. Proof of property ownership;
2. A letter of authorization from the property owner if the application is submitted by an agent;
3. A scaled site plan indicating compliance with Sec. 16-74(i) , indicating the location of existing structures, the location of the proposed improvements, existing and proposed easements, setbacks, means of access, and landscaping if required by the County;
4. Elevations for all four sides of the proposed facility indicating the height about existing grade, materials, color, and lighting;
5. Information showing that the facility is necessary, and that its denial would constitute a prohibition or effective prohibition under federal law, i.e., propagation studies;
6. Written evidence demonstrating the technological reason for the WTF location. If the proposed location is not the highest priority listed in Sec. 16-17-(j)(2), a detailed explanation shall be provided as to why a location of a higher priority was not selected and why failure to grant a permit for the proposed location would constitute a prohibition or effective prohibition of the applicant’s ability to provide service as defined under applicable state or federal law;
7. A written explanation of how the request conforms to the Decision Criteria within Sec.16-73-(b)(3).

- c. The Community Development Department shall intake the application pursuant to the requirements of Sec. 16-72(d).
- d. The Community Development Director, or their designee, shall review the Wireless Telecommunication Facility Permit application based on its conformity with the Decision Criteria of Sec. 16-73-(b)(3)
- e. If the application complies with the provisions of 16-73(b), the Community Development Director shall issue an approval.
- f. The final action of the Community Development Director or their designee may be appealed in accordance with Sec. 16-72(g).

### 16-73-(B)(3) DECISION CRITERIA

An application for a Wireless Telecommunication Facility shall be approved if it complies with all applicable standards in this Code and any other adopted County regulations.



## 16-73(C) ACCESSORY STRUCTURE PERMIT

### 16-73-(C)(1) APPLICABILITY

This section applies to any application for an Accessory Structure Permit to construct structures such as Accessory Dwelling Units (ADUs) or sheds within the County pursuant to the procedures in Sec. 16-73-(c)(2).

### 16-73-(C)(2) PROCEDURES

A. Applications for a Accessory Structure Permit may be made by the owner or agent of any parcel of property to be affected.

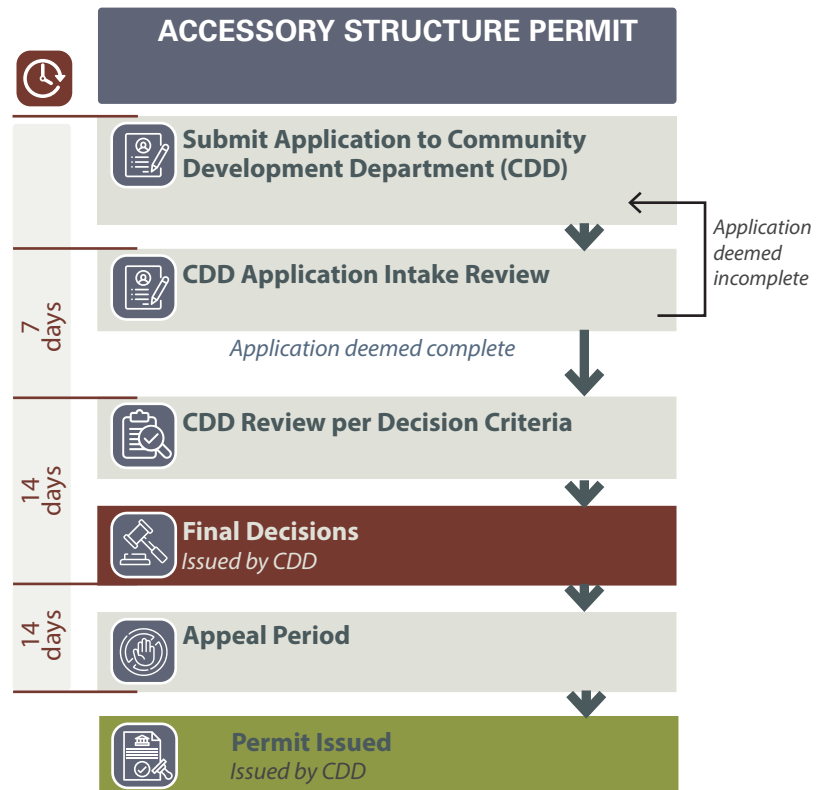
B. Accessory Structure Permit applications shall be submitted to the Community Development Department and shall include all information per the County's Accessory Structure Permit application, including:

- I. Proof of property ownership.
- II. A scaled plat or survey which shall indicate and dimension any existing utility lines on the site, existing and proposed easements, existing buildings and structures on the site, and all buildings.
- III. A scaled site plan which shall indicate, label, and dimension all access and parking related to the site, proposed and existing easements, existing utility lines on the site, and existing and proposed buildings and structures. Sufficient documentation of compliance with all applicable development standards of ARTICLE IV such as required setbacks, building separations, building heights, open space, and parking shall be included.
- IV. A written explanation of how the request conforms to the Decision Criteria within Section 16-73-(c)(3).

C. The Community Development Department shall intake the application pursuant to the requirements of Section 16-72(d).

D. The Community Development Director, or their designee, shall review the Accessory Structure Permit application based on its conformity with the Decision Criteria of Section 16-73-(c)(3).

E. If the application complies with the provisions of Section 16-73-(c)(3), the Community Development Director, or their designee, shall issue an Accessory Structure Permit.



### 16-73-(C)(3) DECISION CRITERIA

An application for a Accessory Structure Permit shall be approved if it complies with all applicable standards in this Code, any other adopted County regulations.

## 16-73(D) ENCROACHMENT PERMIT

### 16-73-(D)(1) APPLICABILITY

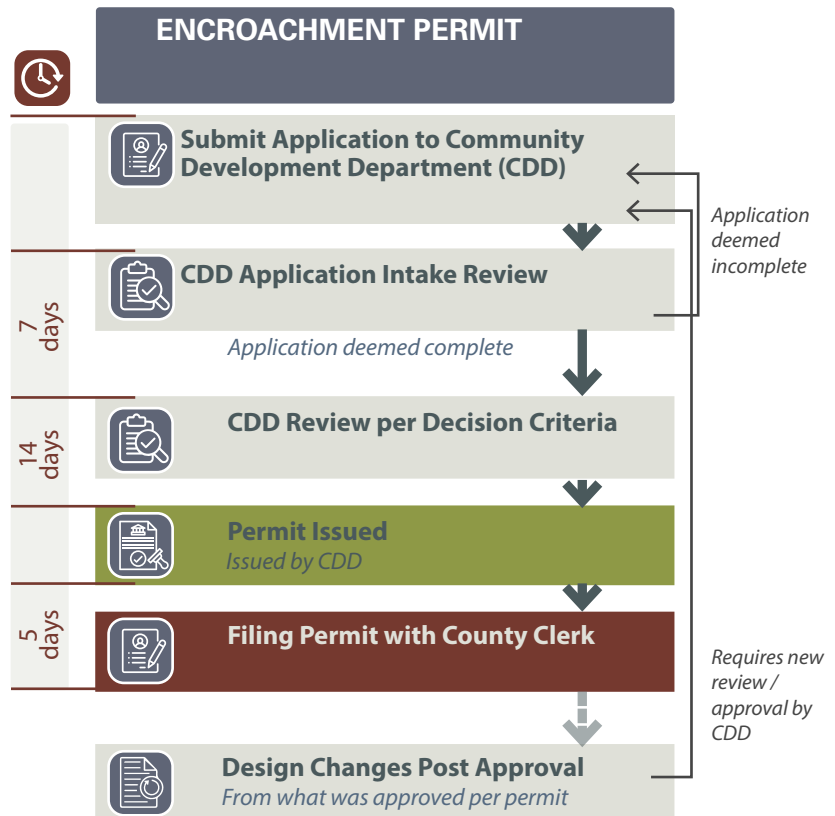
This section applies to any application for an Encroachment Permit for construction of structures or site elements to encroach upon a public utility or drainage easement or public right-of-way owned by the County.

### 16-73-(D)(2) EXEMPTIONS

- a. Encroachment Permits for construction or site elements within a private easement.
- b. Encroachment Permits for installation of fences on all public easements (utility and drainage) are not required with the following conditions:
  1. Application and approval of a building permit is required.
  2. Applicant shall be fully responsible for utility line locating (Call 811 Before You Dig) prior to excavation/post installation.
  3. Fence placement shall not damage nor interfere with the function of any public utility or stormwater drainage system. The applicant shall be financially responsible for the repair to any damaged public infrastructure in compliance with County standards.
  4. For drainage easements, the applicant shall ensure existing surface drainage patterns are maintained and unimpeded.
  5. If at any time the County deems that a fence placement interferes with the intended purpose of the easement, including maintenance and construction work, the applicant shall be responsible for fence removal and replacement and any associated costs.
- c. Encroachment Permits for installation of non-permanent structures with no subsurface foundation or structure are not required on public utility easements that do not include a surface drainage function or infrastructure.

### 16-73-(D)(3) PROCEDURES

- a. Applications for an Encroachment Permit may be made by the owner of any parcel of property containing or adjacent to a public easement and/or right-of-way affected.
- b. Encroachment Permit applications shall be submitted to the Community Development Department and shall include all information per the County's Encroachment Permit application including a survey which shall indicate and dimension property boundaries, existing easements and right-of-way, any existing utility and stormwater drainage features, and existing and proposed structures. Other documentation that shows compliance with the applicable



provisions of this Code and other adopted County plans or policies may be required including:

1. A scaled site plan indicating any proposed new structures and modifications to the property, easement, right-of-way, or public infrastructure serving the property or surrounding area including but not limited to pedestrian and/or vehicular circulation and street features including sidewalks, driveways, traffic signs and devices, lighting, landscaping and furnishings; grading and stormwater drainage features; and utility services. Sufficient documentation of compliance with all applicable development standards such as required setbacks, building heights, open space, parking, applicable development phasing shall be included.
  2. Construction Drawings indicating any proposed new structures and modifications to the easement, right-of-way, or public infrastructure serving the property or surrounding area including streets, stormwater drainage features, and utilities including any necessary provisions required by the County Engineer in accordance with the Public Works Design and Construction Standards and the Utilities Manager in accordance with the Public Utility Construction Standards.
  3. If an application for encroachment is related to a larger site and development plan application pursuant to Section 16-74(i) or 16-74(j), as applicable, any applicable impact studies as required by the County Engineer or Utilities Manager may apply.
- c. The Community Development Department shall intake the application pursuant to the requirements of Section 16-72(d).
  - d. If the application is approved by the County Engineer and Utilities Manager, the Community Development Department shall issue an Encroachment Permit. The property owner shall have five (5) days from permit issuance to record the Encroachment Permit with the office of the County Clerk and submit the recorded copy to the Community Development Department.
  - e. Any changes in the design / construction from what was approved under the original permit due to design modifications, errors or due to the result of unforeseen field conditions shall require re-approval. Any such changes will require immediate cessation of the construction, pending such approval.
  - f. Failure to inform the County of Los Alamos of any changes to design, or as-built construction conditions other than shown on the permit may be cause for cancellation of an approved Encroachment Permit.
  - g. The property owner shall be financially responsible for any public infrastructure damaged as a result of any installations made under an Encroachment Permit.
  - h. Permit issuance shall in no way limit or diminish the County's rights to the easement or right-of-way. Should the County require use of the easement or right-way at any time, the property owner shall remove all structures or site elements or be subject to removal by the County at the owner's expense within 30 days of a required notice of removal. The County shall not be liable for any damage resulting from removal of such structures or site elements.

#### 16-73-(D)(4) DECISION CRITERIA

An application for an Encroachment Permit shall be approved if it complies with all applicable standards in this Code, any other adopted County regulations, and any requirements deemed necessary by the Utilities Manager and County Engineer. Requests that may result in damage or interference with operation, maintenance and repair of any public street, stormwater drainage facility or utility will be denied.

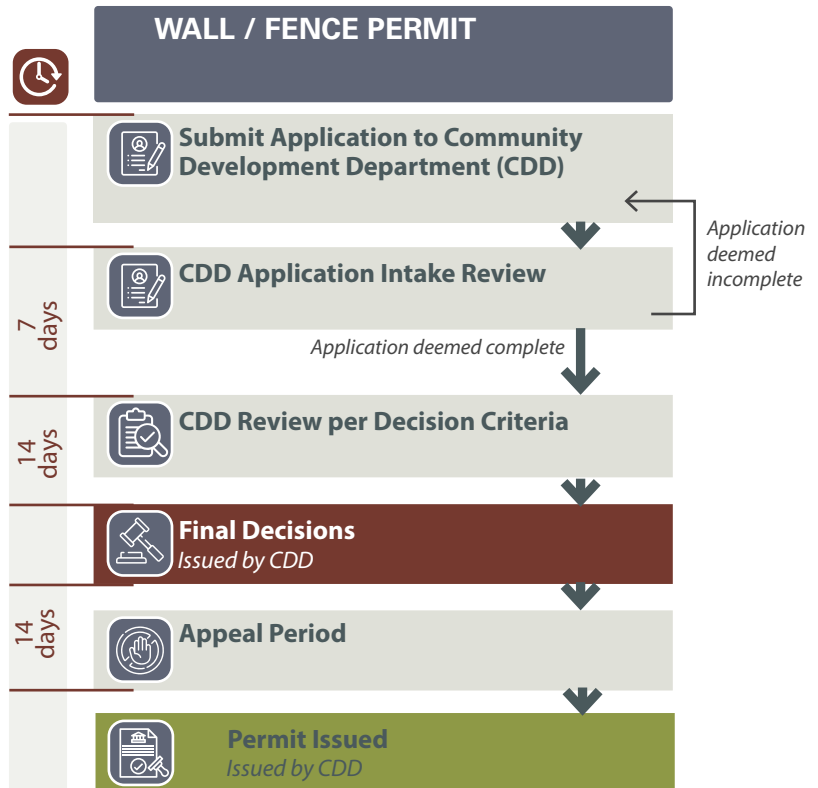
## 16-73(E) FENCE/WALL PERMIT

### 16-73-(E)(1) APPLICABILITY

This Section applies to all applications to build a wall or fence that meets the standards in *Division 7*.

### 16-73-(E)(2) PROCEDURES

- a. Applications for Wall or Fence Permits may be made by the owner or agent of any parcel of property to be affected.
- b. Wall or Fence and Permit applications shall be submitted to the Community Development Department and shall include all information per the County's Fence and Wall Permit application, including:
  1. Proof of property ownership.
  2. A scaled plat or survey which shall indicate and dimension any existing utility lines on the site, existing and proposed easements, existing buildings and structures on the site, and all buildings.
  3. A scaled site plan which shall indicate and dimension all access and parking related to the site, proposed and existing easements, existing utility lines on the site, existing buildings and structures, existing and proposed walls, fences, or gates. Show, dimension, and label all existing and proposed easements, and location of all proposed walls, fences, and gates. Sufficient documentation of compliance with the applicable development standards of *ARTICLE IV* such as distances from the property lines, lengths and heights of proposed wall, fence, and gate heights must be provided.
  4. New walls and fences in excess of six (6) feet in height or existing walls and fences raised in excess of six feet (6') require construction documents which shall be certified by a New Mexico Registered Structural Engineer or Architect.
  5. A written explanation of how the request conforms to the Decision Criteria within *Section 16-73-(e)(3)*.
- c. The Community Development Department shall intake the application pursuant to the requirements of *Section 16-72(d)*.
- d. The Community Development Director, or their designee, shall review the Wall and Fence Permit application based on its conformity with the Decision Criteria of *Section 16-73-(e)(3)*.
- e. If the application complies with the provisions of *Section 16-73-(e)(3)*, the Community Development Director shall issue a permit.



### 16-73-(E)(3) DECISION CRITERIA

An application for a Wall or Fence Permit shall be approved if it complies with all applicable standards in this Code, particularly *Division 7* Walls, Fences and Gate, and any other adopted County regulations.

## 16-73(F) LIGHTING PLAN

### 16-73-(F)(1) APPLICABILITY

Whenever a building, subdivision, site plan, or outdoor lighting permit is applied for, an outdoor lighting plan shall be submitted in conjunction with the application.

### 16-73-(F)(2) PROCEDURES

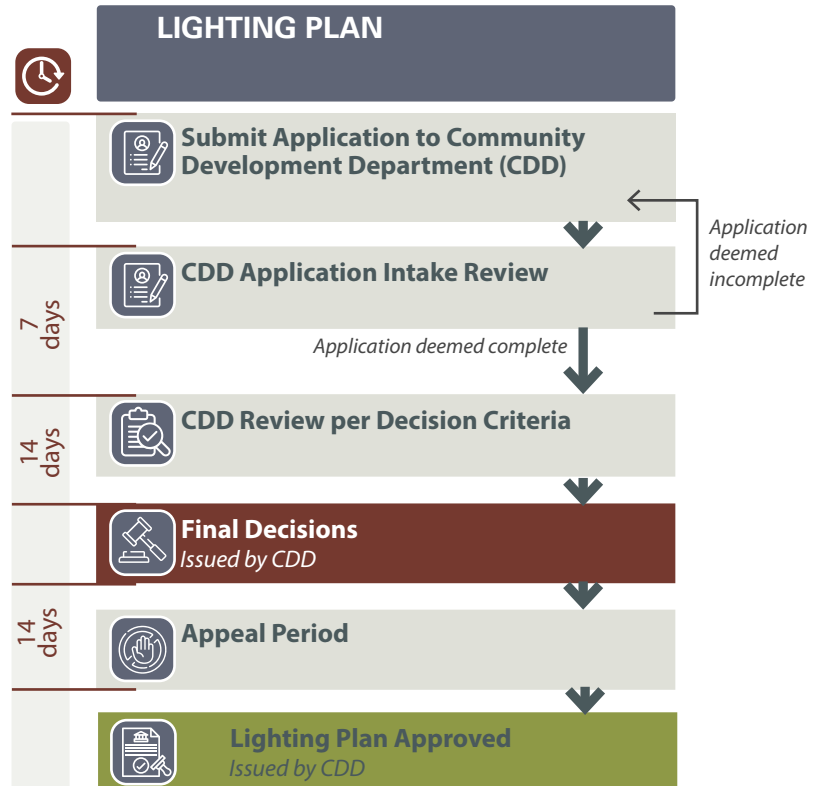
- a. Applications for Lighting Plans may be made by the owner or agent of any parcel of property to be affected.
- b. Lighting plans shall be submitted to the Community Development Department and must follow one of the following methods:

1. "Prescriptive Method": A spreadsheet, or chart, containing identification for each luminaire type, quantity, initial lumen output, BUG rating, the total expected site lumens, and the total site lumens allowed based on the property size. A sub-category analysis is also required for the total lumens coming from partially shielded light (e.g. tree, landscape, sculpture, and some wall or façade light) allowed in the requirements below, which can't exceed 20% of the allowable lumens.

- i. It is the responsibility of the applicant to submit a signed affidavit that the site lighting plan meets the requirements of the ordinance.

- ii. Supporting data sheets for exact luminaires (model numbers), distribution plots, BUG ratings, luminaire locations, mounting heights, and aiming directions.

2. "Performance Method": the entire outdoor lighting design shall be analyzed using industry standard lighting software. This lighting plan shall include:
  - i. Luminaire locations, mounting heights, aiming directions, IES photometric data, buildings, and other physical objects within the site.
  - ii. The total site lumens should not exceed the requirements listed within this ordinance.
  - iii. The average illuminance (in footcandles or lux) for any one task should not exceed ANSI/IES standards for the applicable lighting zone, including but not limited to:
    - Façade, building entrance, porte cochere, softscape, perimeter barriers
    - Walking paths adjacent to architecture, hardscape, exits, landscape, waterfront, stairs, and ramps.
    - Patios, outdoor dining, decks, terraces, pools, and pool decks.
  - iv. The analysis shall utilize an enclosure comprised of calculation planes with zero reflectance values around the perimeter of the site including a top plane no less than 33 feet (10





meters) above the tallest luminaire. The illuminance on the calculation planes must not exceed the limits of light trespass defined within this ordinance.

- v. A signed affidavit that the site lighting plan meets the requirements of the ordinance.
- 3. Comparable examples already in the community that demonstrate technique, specification and/or light level should be provided if available to expedite the review process.
- c. The Community Development Department shall intake the application pursuant to the requirements of Section 16-72(d).
- d. The Community Development Director, or their designee, shall review the lighting plan based on its conformity with the Decision Criteria of Section 16-73-(f)(3).
- e. If the application complies with the provisions of Section 16-73-(f)(3), the Community Development Director shall issue an approval. The Director shall have the authority to refer an application to the Planning and Zoning Commission or the Historic Preservation Advisory Board if deemed appropriate.
- f. Any appeals related to decisions regarding outdoor lighting shall be made to the Planning and Zoning Commission using the procedure set forth in Section 16-72(g).

### 16-73-(F)(3) DECISION CRITERIA

A lighting plan shall be approved if it complies with all applicable standards in this Code, particularly Division 6, and any other adopted County regulations.

### 16-73(G) MINOR HISTORIC DEMOLITION PERMIT

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#### 16-73-(G)(1) APPLICABILITY

This Section applies to all applications for demolition permits within a Historic Protection Overlay.

#### 16-73-(G)(2) PROCEDURES

- a. Applications for Historic Demolition Permit may be made by the owner or agent of any parcel of property to be affected.
- b. HP-O demolition permits shall be submitted to the Community Development Department and shall include all information per the County's Demolition Permit application, including:
  - 1. Proof of Ownership
  - 2. Scaled floor plan showing scope of demolition.
  - 3. A written explanation demonstrating compliance with the decision criteria of section 16-73-(g)(4) or 16-73-(g)(3).
- c. The Community Development Department shall intake the application pursuant to the requirements of Section 16-72(d).
- d. The Community Development Director, or their designee, shall set a committee session with the director and two members of the Historic Preservation Advisory Board (HPAB) designated by the Historic Preservation Advisory Board chair to review the application within 10 days of receipt of a complete application.
- e. The Demolition Permit application shall be reviewed based on its conformity with the Decision Criteria of Section 16-73-(g)(4) or 16-73-(g)(3).
- f. If the committee finds the application complies with the provisions of Section 16-73-(g)(4) or 16-73-(g)(3), the Community Development Director shall issue the permit.
- g. If the committee does not issue a demolition permit, then the request shall follow the Major Historic Demolition Permit procedures of Section 16-74(e).

### 16-73-(G)(3) DECISION CRITERIA FOR PARTIAL DEMOLITION

An application for a Demolition Permit in an HP-O shall be approved if it meets all of the following criteria:

- a. The partial demolition is required for renovation, restoration, or rehabilitation of the structure.
- b. The structure is determined to have historic or architectural significance but, the structure proposed for demolition is not structurally sound despite evidence of the owner's efforts to maintain the structure.
- c. The request has mitigated, to the greatest extent possible, impacts on the historic importance of the structure or structures located on the property and on the architectural integrity of the structure or structures on the property.

### 16-73-(G)(4) DECISION CRITERIA FOR TOTAL DEMOLITION

An application for a Demolition Permit in an HP-O shall be approved if it meets all of the following criteria:

- a. The structure is of minimal historic significance because of its location, condition, modifications or other factors, and its demolition will be inconsequential to historic preservation needs of the area; or
- b. The structure is determined to have historic or architectural significance but:
  1. The structure proposed for demolition is not structurally sound despite evidence of the owner's efforts to maintain the structure; and
  2. The structure cannot be rehabilitated or reused on site to provide for any reasonable beneficial use of the property; and
  3. The structure cannot be practically moved to another site in Los Alamos; and
  4. The request demonstrates that the proposal mitigates the greatest extent practical the following:
    - i. Any impacts that occur to the visual character of the neighborhood where demolition is proposed to occur.
    - i. Any impact on the historical importance of the structure or structures located on the property and adjacent properties.
    - i. Any impact to the architectural integrity of the structure or structures located on the property and adjacent properties.

### 16-73(H) MINOR HISTORIC PROPERTY ALTERATION CERTIFICATE

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#### 16-73-(H)(1) APPLICABILITY

- a. Any alteration to the exterior appearance of any historically designated structure, new construction or demolition within a designated Historic Protection Overlay of Sec. 16-9 shall require Historic Property Alteration Certificate per this section.
- b. Any construction, alteration, relocation or demolition of any fence or other landscape feature including, without limitation, any deck, wall, berm, garden structure, exterior lighting, driveway, or landscaping that has the potential for affecting historic structures or features shall also require an approved Historic Property Alteration Certificate per this section.

## 16-73-(H)(2) EXEMPTIONS

A Historic Property Alteration Certificate shall not be required for:

- Ordinary maintenance and repair where the purpose of the work is to preserve the integrity of the structure and/or materials, correct any aesthetic deterioration to the structure, and restore it to its condition prior to deterioration; or
- Construction, alteration or demolition involving only interior features of the structure, unless such work impacts the structure's exterior appearance.

## 16-73-(H)(3) PROCEDURES

a. Applications for a Historic Property Alteration Certificate may be made by the owner or agent of any parcel of property to be affected.

b. Historic Property Alteration Certificate applications shall include the application, scaled site plan, architectural drawings, and other documentation that show compliance with the applicable provisions of this Code and other adopted County plans or policies as required by the County's Historic Property Alteration Certificate application to the Community Development Department, including:

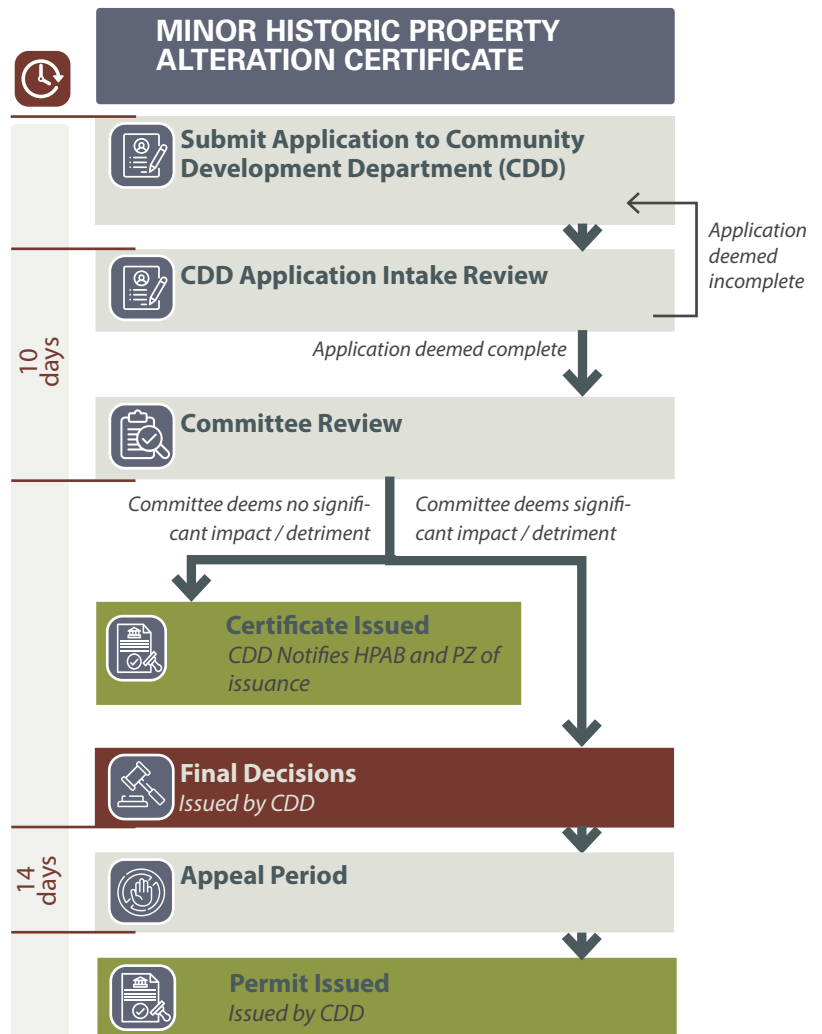
- Proof of property ownership or Owner's affidavit if property is rented or leased.
- Architectural drawings showing proposed alterations, as applicable
- A written explanation of how the request conforms to the Decision Criteria within Section 16-73-(h)(4).
- Any applicable requirements as required by the Community Development Director.

c. The Community Development Department shall intake the application pursuant to the requirements of Section 16-72(d).

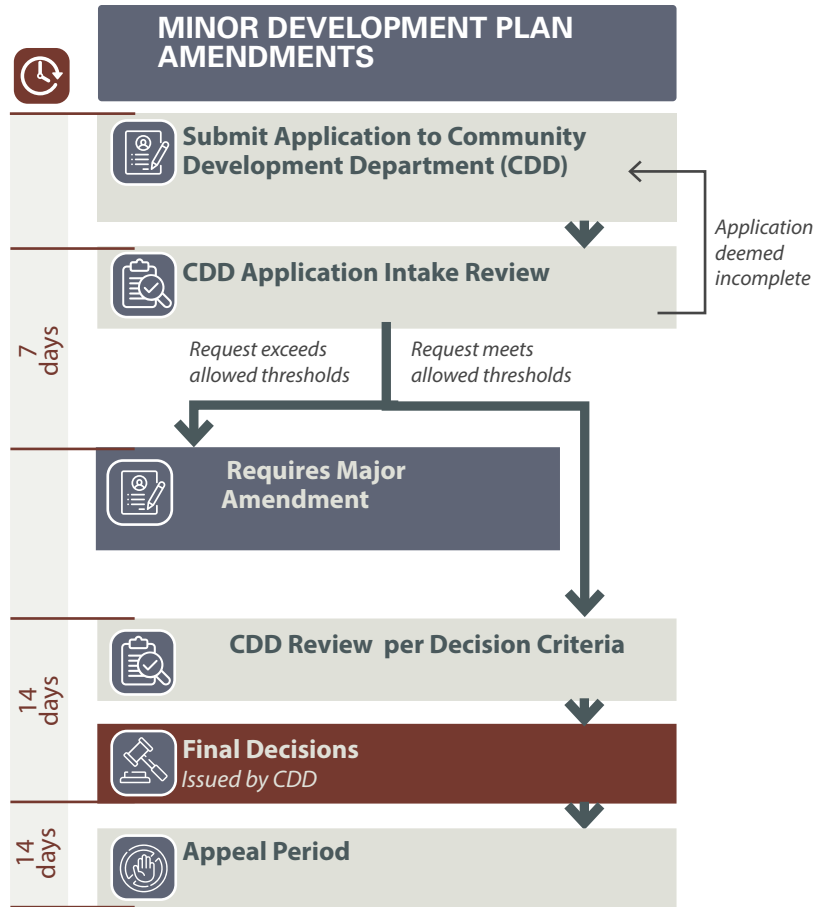
d. The Community Development Director, or their designee, shall set a Historic Property Alteration Certificate Review Committee session with the director and two members of the Historic Preservation Advisory Board designated by the Historic Preservation Advisory Board chair to review the application within 10 days of receipt of a complete application.

e. The Historic Property Alteration Certificate application shall be reviewed based on its conformity with the Decision Criteria of Section 16-73-(h)(4).

f. If the committee determines there will be no significant impact or potential detriment based on the decision criteria in Section 16-73-(h)(4), the Community Development Department shall issue the alternation certificate and send written notification to the Historic Preservation Advisory Board and the Planning and Zoning Commission of such issuance.



- g. If it has been determined by the majority of the committee that the proposed work would create a significant impact or potential detriment to the historic property based on the criteria in Section 16-73-(h)(4), the application shall be referred to a public hearing pursuant to Section 16-72(f). The Community Development Department shall notify the applicant of the referral in writing within 5 days of the decision.
- h. The final action of the committee regarding any Minor Historic Property Alteration Certificate may be appealed to the Planning and Zoning Commission in accordance with Section 16-72(g).



**16-73-(H)(4) DECISION CRITERIA**

An application for a Minor Historic Property Alteration Certificate shall be approved if it meets all of the following criteria:

- a. The proposed work will preserve, enhance, or restore significant features of the resources as identified in the criteria for designation of the nomination or any specific design guidelines adopted for the historic landmark or district.
- b. The proposed work is compatible with the relevant historic, cultural, or architectural qualities characteristic of the structure, site or district including, but not limited to, elements of size, scale, massing, proportions, orientation, materials, surface textures and patterns, details and embellishments and the relation of these elements to one another.
- c. The proposed work will not significantly destroy, damage, or diminish significant features of the resources as identified in the criteria for designation of the nomination or within any specific design guidelines adopted for the historic landmark or district.

**16-73(I) MINOR DEVELOPMENT PLAN AMENDMENTS**

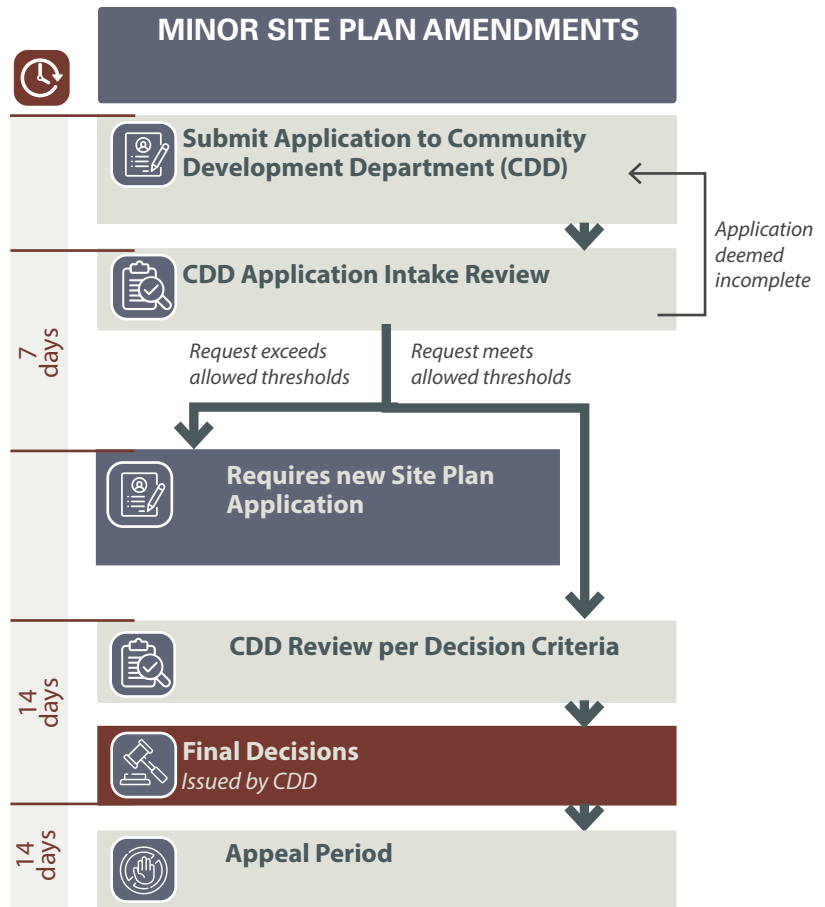
**16-73-(I)(1) APPLICABILITY**

This Section applies to any amendment to a previous Development Plan approval that changes site development standards at a threshold of not more than 10 percent.

**16-73-(I)(2) PROCEDURES**

- a. Applications for Minor Development Plan Amendment applications may be made by the owner or agent of any parcel of property to be affected.
- b. Minor Development Plan Amendment applications shall be submitted to the Community Development Department and shall include all information per the County’s Minor Development Plan Application, including:

1. Proof of property ownership.
  2. The original, approved Development Plan
  3. The proposed amendments to the Development Plan clearly noting changes.
  4. Any applicable requirements or impact studies as required by the County Engineer.
- c. The Community Development Department shall intake the application pursuant to the requirements of *Section 16-72(d)*.
- d. The Community Development Director, or their designee, shall review the Minor Development Plan Amendment application to determine whether the proposed changes are within the allowed thresholds for a minor amendment and based on its conformity with the Decision Criteria of *Section 16-73-(i)(3)*.
- e. If the Community Development Director, or their designee, determines that the proposed amendment exceeds the allowable thresholds for a minor amendment or are not in substantial compliance with this chapter or other ordinances, resolutions or regulations, the request amendment shall be treated as a new Development Plan reviewed pursuant to *Section 16-74(j)*.
- f. If the application complies with the provisions of *Section 16-73-(i)(3)*, the Community Development Director, or their designee, shall approve the amendment.



### 16-73-(I)(3) DECISION CRITERIA

An application for a Minor Development Plan Amendment shall be approved if it meets all of the following criteria:

- a. The requested change is within the 10 percent thresholds for minor amendments.
- b. The development of the property is in conformance with the intent and policies of the Comprehensive Plan and other adopted County policies and plans.
- c. The amendment is in compliance with the intent of the original Development Plan and any previous requirements or conditions of approval.
- d. The requested change does not require major public infrastructure or significant changes to access or circulation patterns on the site and does not substantially change the function or appearance of the development, which would warrant additional review by the Planning and Zoning Commission pursuant to *Section 16-74(j)*.
- e. No deviations or variances shall be granted for Minor Amendments.

## 16-73(J) MINOR SITE PLAN AMENDMENTS

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### 16-73-(J)(1) APPLICABILITY

This Section applies to any amendments to a previously approved Site Plan that does not change the use, function or appearance of the development, or increase the gross floor area of previously approved buildings in excess of 20 percent, not to exceed a maximum of 5,000 square feet of gross floor area.

### 16-73-(J)(2) PROCEDURES

- a. Applications for Site Development Plan Amendment applications may be made by the owner or agent of any parcel of property to be affected.
- b. Minor Site Plan Amendment applications shall be submitted to the Community Development Department and shall include all information per the County's Minor Development Plan Application, including:
  1. Proof of property ownership.
  2. A new scaled site plan or the original, approved Site Plan, if one exists.
  3. The proposed amendments to the Site Plan clearly noting changes.
  4. A utilities plan indicating any proposed modifications to the infrastructure serving the site, including public and private streets, driveways, and traffic control measures and utilities.
  5. A grading and drainage plan indicating any proposed modifications necessary provisions for controlling stormwater drainage on-site and off-site as required by the County Engineer in accordance with the County's storm drainage construction standards or such other ordinances or storm water management plans as may exist.
  6. A lighting plan indicating compliance with 16-73(f), demonstrating the total site lumen limit is not exceeded and indicating the location, type, height, color temperature, lumen output and amount of all proposed and existing light fixtures.
  7. A landscape plan indicating compliance with Division 4, demonstrating the minimum landscaped site area requirements and minimum plant materials and standards have been met and showing compliance with all landscaping, streetscape, parking lot landscape, buffering, and screening requirements.
  8. Any applicable requirements or impact studies as required by the County Engineer, including on sites that have a slope which is equal to or greater than 1:2 which may require more rigorous Grading, Erosion Control and Reclamation Plan.
- c. The Community Development Department shall intake the application pursuant to the requirements of Section 16-72(d).
- d. The Community Development Director, or their designee, shall review the Minor Site Plan Amendment application to determine whether the proposed changes are within the allowed thresholds for a minor amendment the Community Development Director, or their designee , shall review the application based on its conformity with the Decision Criteria of Section 16-73-(j)(3).
- e. If the Community Development Director, or their designee, determines that the proposed amendment exceeds the allowable thresholds for a minor amendment or are not in substantial compliance with this chapter or other ordinances, resolutions or regulations, the requested amendment shall be treated as a new Site Plan reviewed pursuant to Section 16-74(h).
- f. If the application complies with the provisions of Section 16-73-(j)(3), the Community Development Director, or their designee, shall approve the amendment.

### 16-73-(J)(3) DECISION CRITERIA

An application for a Minor Site Plan Amendment shall be approved if it meets all of the following criteria:

- a. The requested change is within the 10 percent threshold for minor amendments.
- b. The development of the property is in conformance with the intent and policies of the Comprehensive Plan and other adopted County policies and plans.
- c. The amendment is in compliance with the intent of the original Site Plan and any previous requirements or conditions of approval.
- d. The requested change does not require major public infrastructure or significant changes to access or circulation patterns on the site and does not substantially change the function or appearance of the development, which would warrant additional review by the Planning and Zoning Commission pursuant to Section 16-74(h).
- e. No deviations or variances shall be granted for Minor Amendments.

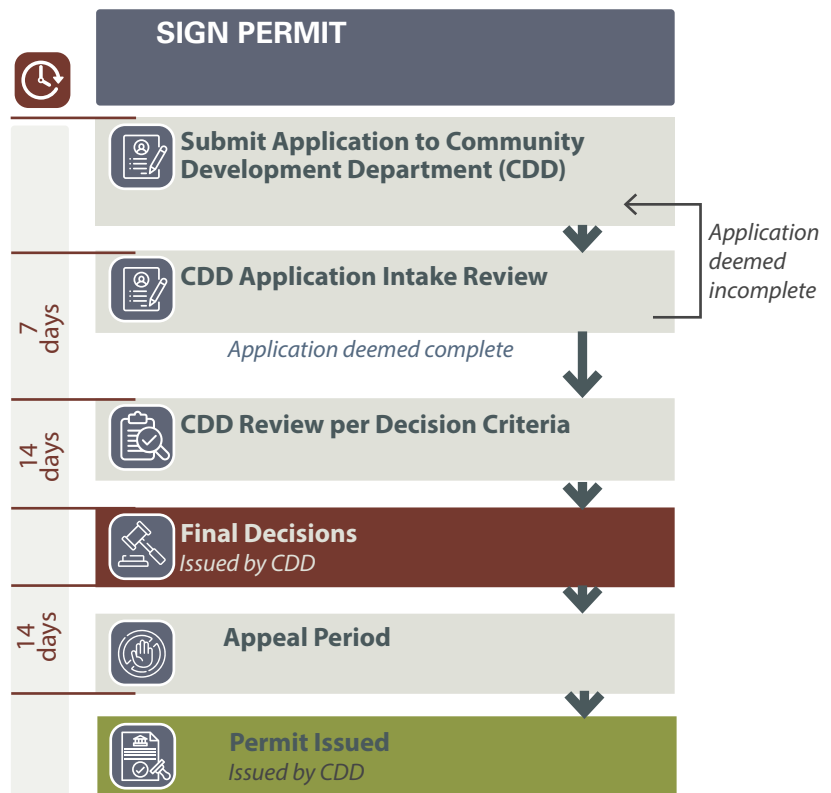
### 16-73(K) SIGN PERMIT

#### 16-73-(K)(1) APPLICABILITY

This Section applies to any sign that requires a Sign Permit pursuant to Sec. 16-63.

#### 16-73-(K)(2) PROCEDURES

- a. Applications for Sign Permits may be made by the owner or agent of any parcel of property to be affected.
- b. Sign Permit applications shall be submitted to the Community Development Department and shall include all information per the County’s Sign Permit Plan Application, including:
  - 1. Proof of property ownership.
  - 2. A scaled and dimensioned color drawing of all proposed signs that indicates how it will be constructed.
  - 3. A scaled site plan which shall indicate the location of any proposed Permanent Freestanding Signs. Sufficient documentation of compliance with all applicable development standards of Division 8 Signage is required as well as documentation from a New Mexico Registered Structural Engineer verifying all proposed Permanent Freestanding Signs are designed to withstand 90 mph wind, 30 psf snow, and seismic design D loads.
  - 4. Building elevations showing the locations and dimensions of any proposed Wall Signs.



- 5. Electrical plan for any proposed Electronic Message Center, which includes compliance with Sign Illumination standards of Section 16-65(c).
- c. The Community Development Department shall intake the application pursuant to the requirements of Section 16-72(d).
- d. The Community Development Director, or their designee, shall review the Sign Permit application based on its conformity with the Decision Criteria of Section 16-73-(k)(3).
- e. If the application complies with the provisions of Section 16-73-(k)(3), the Community Development Director, or their designee, shall issue a Sign Permit.

**16-73-(K)(3) DECISION CRITERIA**

An application for a Sign Permit shall be approved if it complies with all applicable standards in this Code, in particular Division 8 and other adopted County regulations.

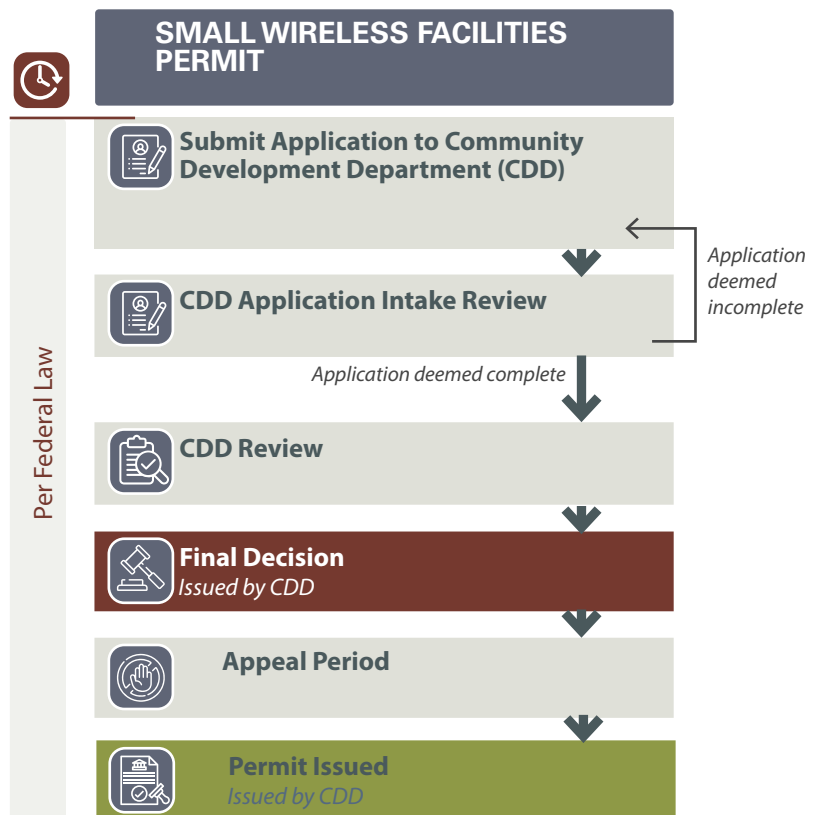
**16-73(L) SMALL WIRELESS FACILITIES PERMIT**

**16-73-(L)(1) APPLICABILITY**

- a. This section applies to any application for a Small Wireless Facilities Permit for placement of a small wireless facility in any right-of-way. An applicant may submit a consolidated application for up to 25 small wireless facilities so long as they are all of substantially the same type, and on substantially the same types of structures, however no more than one such consolidated application may be filed within any five business-day period.
- b. An Small Wireless Facilities Permit application is not required for:
  - 1. Routine maintenance that does not involve the addition of transmission or related equipment; and
  - 2. The replacement of a small wireless facility with another small wireless facility that is substantially similar to or the same number, size or smaller in size, and weight and height as long as the wireless provider that owns the wireless facility notifies the County and provides details of the proposed replacement demonstrating the substantial similarity of the replacement at least ten days before the replacement is made.

**16-73-(L)(2) PROCEDURES**

- a. Applications for Small Wireless Telecommunication Facility may be made by the owner or agent of any parcel of property to be affected.
- b. Small Wireless Telecommunication Facility applications shall be submitted to the Community Development





Department and shall include all information per the County’s Small Wireless Telecommunication Facility application form(s) as may be amended by the County from time to time.

- c. The Community Development Director shall be responsible for creating and updating the applicable applications for wireless projects, as well as the intake and processing steps to timely process wireless projects to a decision. Within the applicable time frame, the County shall determine and notify the applicant whether the application is complete. If an application is incomplete, the County shall specifically identify the missing information in writing. For incomplete applications, the time for processing the application shall be tolled as permitted by applicable law.
- d. If the application complies with the provisions of Section 16-73-(l)(3), the Community Development Director shall issue a Small Wireless Facilities permit.
- e. The Community Development Director or their designee shall make their final decision to approve or deny the application within the time limits established by applicable federal and state laws.
- f. The final action of the Community Development Director or their designee may be appealed in accordance with Section 16-72(g).

### 16-73-(L)(3) DECISION CRITERIA

An application for a Small Wireless Facilities Permit shall be approved if it complies with all applicable standards in this Code and any other adopted County regulations.

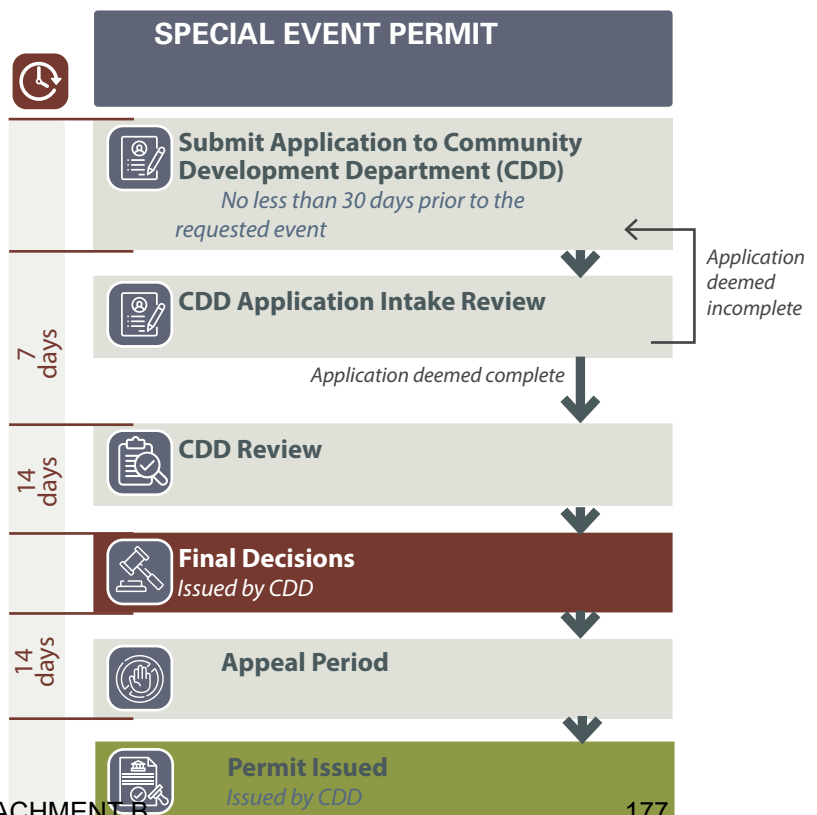
### 16-73(M) SPECIAL EVENT PERMIT

#### 16-73-(M)(1) APPLICABILITY

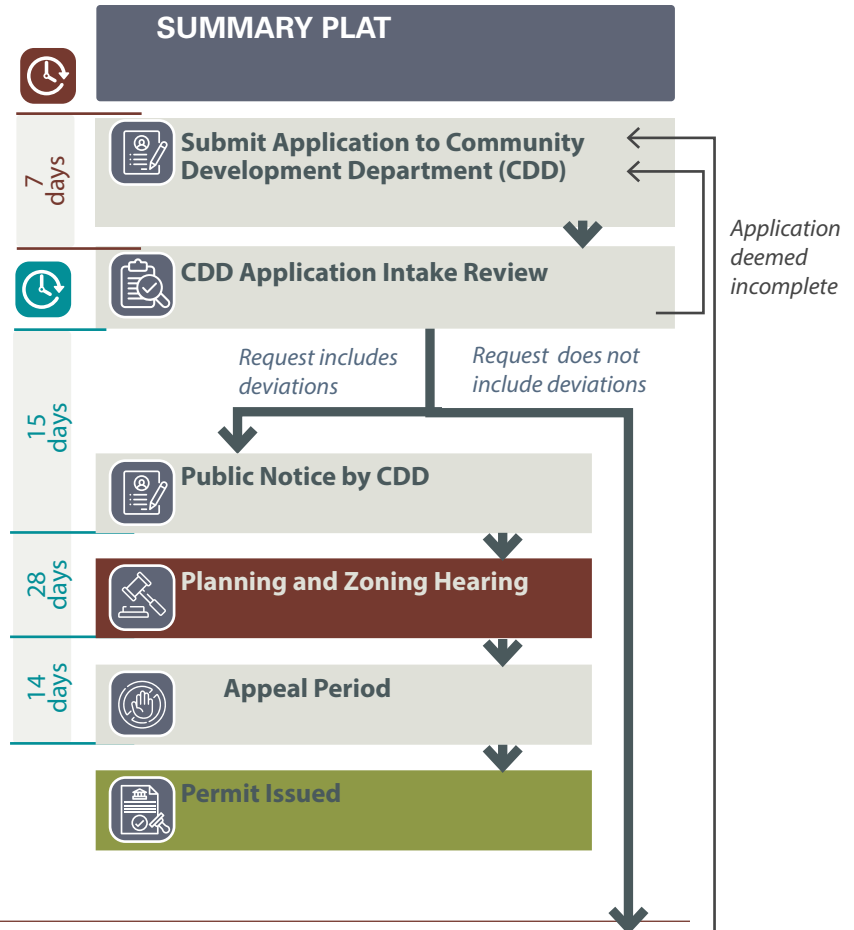
This section applies to any special event on public or private property that are open to the public, when the sale of tickets is involved, and/or a private event with 100 people or more in attendance.

#### 16-73-(M)(2) PROCEDURES

- a. Applications for Special Event Permit applications may be made by the owner or agent of any parcel of property to be affected.
- b. Special Event Permit applications shall be submitted to the Community Development Department no less than 30 days before the requested event and shall include all information per the County’s Special Event Permit Application, including:
  1. Proof of property ownership, or written permission from the owner of the subject property if different from the applicant.
  2. A scaled Site Plan with sufficient detail of the proposed use and site elements regarding access, location of parking, temporary sanitary facilities or other temporary provisions, and the location of any structures or signage may be



- required if deemed necessary by the Community Development Director, or their designee.
3. Any additional applicable permits as required by the Community Development Director, including but not limited to: Noise Ordinance Waiver Permit, Temporary Use Permit, Alcohol Permit, Traffic Impedance Permit, Vendor Permits and Fire/Police Permits.
  - c. The Community Development Department shall intake the application pursuant to the requirements of Section 16-72(d)
  - d. The Community Development Director, or their designee, shall review the Special Event Permit application within 5 days of receipt and route it to the appropriate departments for review and approval.
  - e. Upon approval from all reviewers, the Community Development Director, or their designee, shall provide a written notice to the applicant and issue a permit.

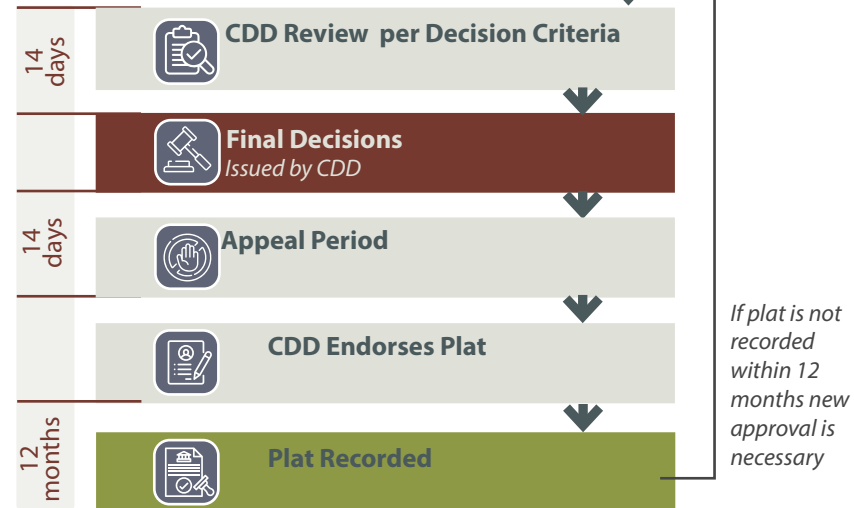


**16-73(N) SUMMARY PLAT**

**16-73-(N)(1) APPLICABILITY**

This section applies to any Summary Plat applications which seek a technical surveying correction, a lot line adjustment, consolidate no more than two lots, or subdivide a lot into no more than two lots.

Summary plat applications requesting any associated variances shall be reviewed by the Planning and Zoning Commission pursuant to Section 16-74(f).



**16-73-(N)(2) PROCEDURES**

- a. Applications for Summary Plat applications may be made by the owner or agent of any parcel of property to be affected.
- b. Summary Plat applications shall be submitted to the Community Development Department and shall include all information per the County's Summary Plat Application, including:
  1. Proof of property ownership.
  2. A scalable proposed Plat with Metes and Bounds prepared by a Licensed Surveyor which shall indicate and dimension any existing utility lines on the site, existing and proposed easements,

- existing buildings, and structures on the site. Sufficient documentation of compliance with all applicable development standards such as required setbacks, building heights, open space, parking, and applicable development phasing shall be included.
3. Proof of payment of taxes.
  4. A written explanation of how the request conforms to the Decision Criteria within Section 16-73-(n)(3).
- c. The Community Development Department shall intake the application pursuant to the requirements of Section 16-72(d).
  - d. The Community Development Director, or their designee, shall submit the Summary Plat to the County Engineer and the County Utilities Manager for review within 28 days of receipt.
  - e. The County Engineer and County Utilities Manager shall review the application based on compliance with this Code and other County regulations and provide a recommendation to the Community Development Director, or their designee.
  - f. The Community Development Director, or their designee, shall review the Summary Plat application based on its conformity with the Decision Criteria of Section 16-73-(n)(3).
  - g. If the application complies with the provisions of Section 16-73-(n)(3), the Community Development Director, or their designee, shall approve the summary plat.
  - h. Written notification of the written final action, listing any conditions imposed if the action was approved, shall be sent to the applicant and to the County Manager, with a copy retained in the Community Development Department.
  - i. An aggrieved party with standing pursuant to Section 16-72-(g)(4) may file an appeal pursuant to Section 16-72(g) within 15 days of the effective date of the final action.
  - j. After the expiration of the 15-day appeal period with no appeal being filed, the Community Development Director shall endorse their approval on the plat.
  - k. The applicant shall record the plats in the office of the County Clerk within 12 months of the date of final action on the plat. If the time period for recording the plat with the County Clerk expires, any and all applications for summary plats on the same parcel of property shall be treated as a new application.

### 16-73-(N)(3) DECISION CRITERIA

- l. An application for a Summary Plat shall be approved if it meets all of the following criteria:
- m. The development of the property shall substantially conform to the comprehensive plan and shall not be materially detrimental to the health, safety, and general welfare of the County.
- n. The request is in conformance with all applicable standards. No deviations or variances shall be granted for Summary Plats.
- o. For Lot Splits, both lots shall front on an existing, dedicated, and improved street.
- p. Both lots and uses must meet the minimum site development parking requirements of the applicable district, as set forth in Division 3 Off-Street Parking, Loading, and Queuing.
- q. Necessary easements shall be provided for existing and proposed utilities in an acceptable manner to the County Engineer and the Utilities Manager.

### 16-73(0) TEMPORARY USE PERMIT

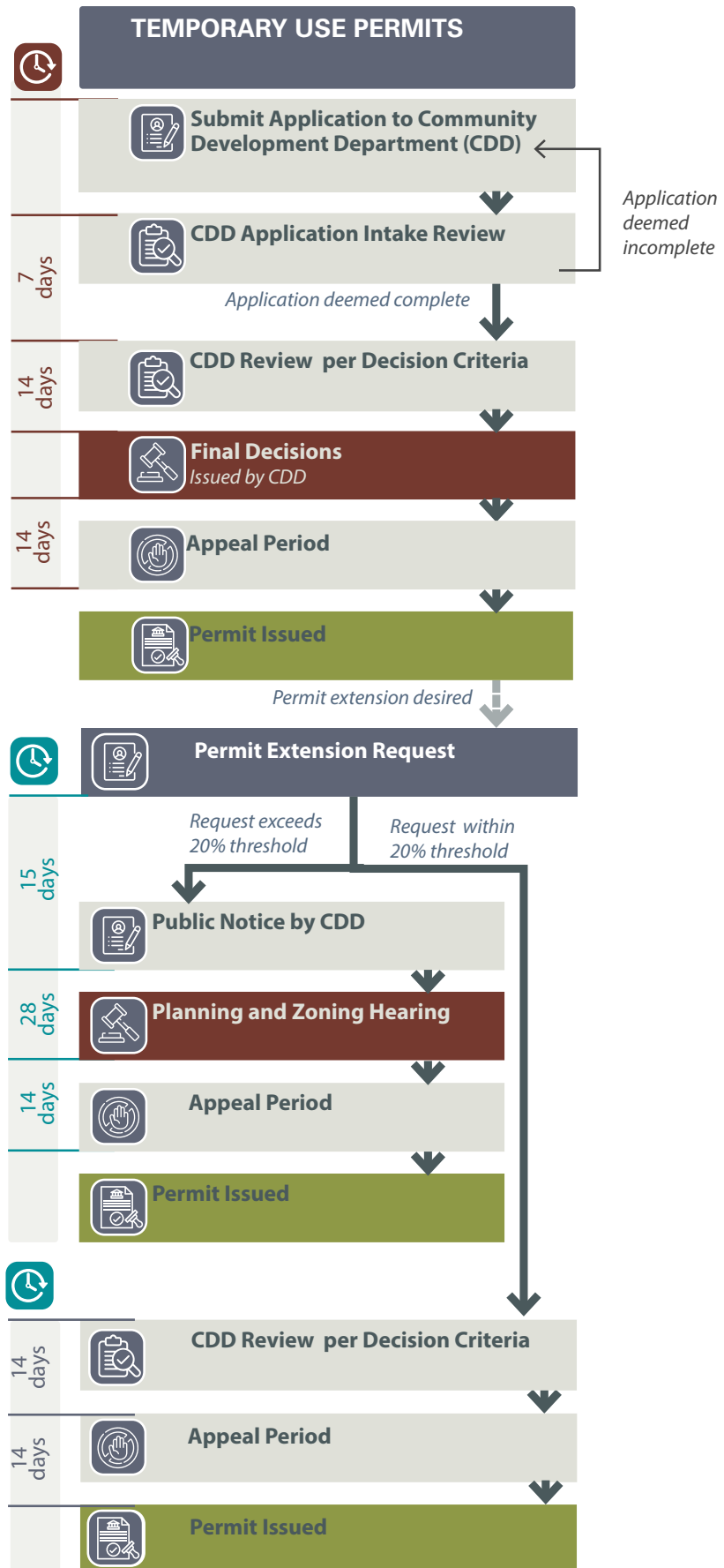
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#### 16-73-(0)(1) APPLICABILITY

This Section applies to Temporary Uses within Table 26 Permitted Use Table that require a Temporary Use Permit and shall comply with any applicable Use-specific Standards pursuant to ARTICLE III.

16-73-(0)(2) PROCEDURES

- a. Applications for Temporary Use Permits may be made by the owner or agent of any parcel of property to be affected.
- b. Temporary Use Permit applications shall be submitted to the Community Development Department and shall include all information per the County’s Temporary Use Permit Application, including:
  - 1. Proof of property ownership, or written permission from the owner of the subject property if different from the applicant.
  - 2. A scaled Site Plan with sufficient detail of the proposed use and site elements regarding access, location of parking, temporary sanitary facilities or other temporary provisions, and the location of any structures or signage may be required if deemed necessary by the Community Development Director, or their designee.
  - 3. A cash deposit or letter of credit determined to be adequate to insure the cleaning up of the property covered by the temporary use permit may be required if deemed necessary by the Community Development Director. 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.

4. A written explanation of how the request conforms to the Decision Criteria within Section 16-73-(o)(3).
- c. The Community Development Department shall intake the application pursuant to the requirements of Section 16-72(d).
- d. The Community Development Director, or their designee, shall review the Temporary Use Permit application based on its conformity with the Decision Criteria of Section 16-73-(o)(3).
- e. If the application complies with the appropriate provisions Section 16-73-(o)(3), the Community Development Director, or their designee, shall issue a permit.
- f. The Community Development Director, or their designee, may modify any of the conditions contained in the Temporary Use Permit, if the Community Development Director, or their designee, determines that the modification does not conflict with the purposes of the zoning requirements.
- g. The Community Development Director, or their designee, 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.
- h. A use requiring a Temporary Use Permit that continues beyond the allowed temporary use period shall constitute an offense under this Code and shall be subject to the general penalties prescribed in Division 6.

#### 16-73-(0)(3) DECISION CRITERIA

An application for a Temporary Use Permit shall be approved if it complies with all applicable Use-specific Standards in ARTICLE III and adequately mitigates adverse impacts to properties within 300 feet.

#### 16-73-(0)(4) CONDITIONS

The Community Development Director, or their designee, may impose any of the conditions:

- a. Permitted hours of operation
- b. Any other conditions such as lighting, parking, or protective fences which are deemed necessary to protect adjacent property or the public health, safety, and general welfare;
- c. CDD 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.
- d. CDD may modify any of the conditions contained in the Temporary Use Permit, if the Community Development Director, or their designee, determines that the modification does not conflict with the purposes of the zoning requirements.

## SEC. 16-74 QUASI-JUDICIAL DECISIONS

### 16-74(A) SUBDIVISION (SKETCH, PRELIMINARY AND FINAL PLATS)

#### 16-74-(A)(1) APPLICABILITY

- This section applies to any application for the subdivision of land within the County pursuant to the procedures in Section 16-74-(a)(2).
- A Summary Plat for lot splits into no more than two lots shall be completed pursuant to Section 16-73(n).

#### 16-74-(A)(2) PROCEDURES

- Prior to the submission of any subdivision application, the applicant shall attend a Pre-Application Meeting pursuant to Section 16-72-(b)(1).
- Applications for Subdivision may be made by the owner or agent of any parcel of property to be affected.
- Subdivision applications shall include the application, a scaled plat or survey, and other documentation that show compliance with the applicable provisions of this Code and other adopted County plans and policies as required by the County's Site Plan application to the Community Development Department, including:
  - Proof of property ownership.
  - A vicinity map showing the boundaries of the property to be subdivided and all adjacent lots within 300 feet.
  - A scaled Plat or survey which shall indicate and dimension any existing utility lines on the site, existing and proposed easements, existing buildings and structures on the site, and all buildings and public rights-of-way within 20 feet of all boundaries of the site.
  - A written explanation of how the request conforms to the Decision Criteria within Section 16-74-(a)(3).
- Any variances associated with the subdivision action may be granted by the Planning and Zoning Commission concurrently to the subdivision application provided they are in compliance with the requirements and procedures of Section 16-74(f).
- The Community Development Department shall intake the application pursuant to the requirements of Section 16-72(d).
- The Community Development Department shall provide public notice pursuant to the requirements



of Section 16-72-(c)(2).

- g. The Community Development Director, or their designee, shall set a date for public hearing before the Planning and Zoning Commission on the request within 28 days of receipt of a complete application.
- h. The Community Development Department staff shall review the application and forward a recommendation to the Planning and Zoning Commission.
- i. The Planning and Zoning Commission shall conduct a public hearing on the application pursuant to the requirements of Section 16-72(f) and Chapter 8.
- j. A subdivision application shall be reviewed based on its conformity with the Decision Criteria of Section 16-74-(a)(3).
- k. A preliminary plat phase may proceed to the next step in the review and decision-making process only after the 15-day appeal period has passed with no appeal being filed.
- l. There shall be no more than 12 months between final action on a preliminary plat and application for final plat.
- m. After the expiration of the 15-day appeal period with no appeal being filed, the final plat shall be signed by the chair of the Planning and Zoning Commission and shall show such other endorsements as required by NMSA 1978 § 14-8-16.
- n. Final plats shall include a list of any variances and/or deviations granted as an exhibit or note.
- o. The applicant shall record the final plats in the office of the County Clerk within 12 months of the date of final action on the plat. If the time period for recording the plat with the County Clerk expires, any and all applications for subdividing the same parcel of property shall be treated as a new application.
- p. The County Clerk shall not accept any plat for filing that does not show the endorsement or signatures as required by state statute or this section.

### **16-74-(A)(3) DECISION CRITERIA**

An application for subdivision shall be approved if it meets all of the following criteria:

- a. The development of the property substantially conforms to the intent and policies of the Comprehensive Plan and other adopted County policies and plans.
- b. The subdivision action shall not be materially detrimental to public health, safety, and welfare.
- c. The subdivision is in conformance with all applicable provisions of this Code and other adopted County regulations.
- d. The subdivision must be served or be capable of being served by all public utilities, with the exception of subdivisions for the R-E and R-A zone districts where it is determined by the Utilities Manager that it is economically unfeasible to extend sewer lines.
- e. The County's public infrastructure and services required to serve the proposed development including but not limited to water, sanitary sewer, electricity, gas, storm sewer, streets, etc. have adequate capacity to serve the proposed subdivision or made to be adequate if improvements are required in compliance with the County's construction standards, drainage standards, and adopted Utilities Department plans and specifications.
- f. Any necessary easements shall be provided for both existing and proposed utilities in an acceptable manner to the County Engineer and Utilities Manager.
- g. The plat retains natural features such as watercourses, natural vegetation, terrain, historic and archaeological sites and structures, and other community assets, which if preserved, will contribute to the overall appearance and quality of life in the County to the maximum extent feasible.
- h. The subdivision does not create a nonconformity or increase the extent or degree of an existing nonconformity with the provisions of this Code unless a Variance pursuant to Section 16-74(f) is approved concurrently with the plat.
- i. An application for a Preliminary Plat shall be approved if it complies with all applicable provisions

of this Code, any other adopted County regulations, and any conditions specifically applied to development of the property in a prior permit or approval affecting the property.

- j. An application for a Final Plat shall be approved if it includes all changes, conditions, and requirements contained in the Preliminary Plat approval.

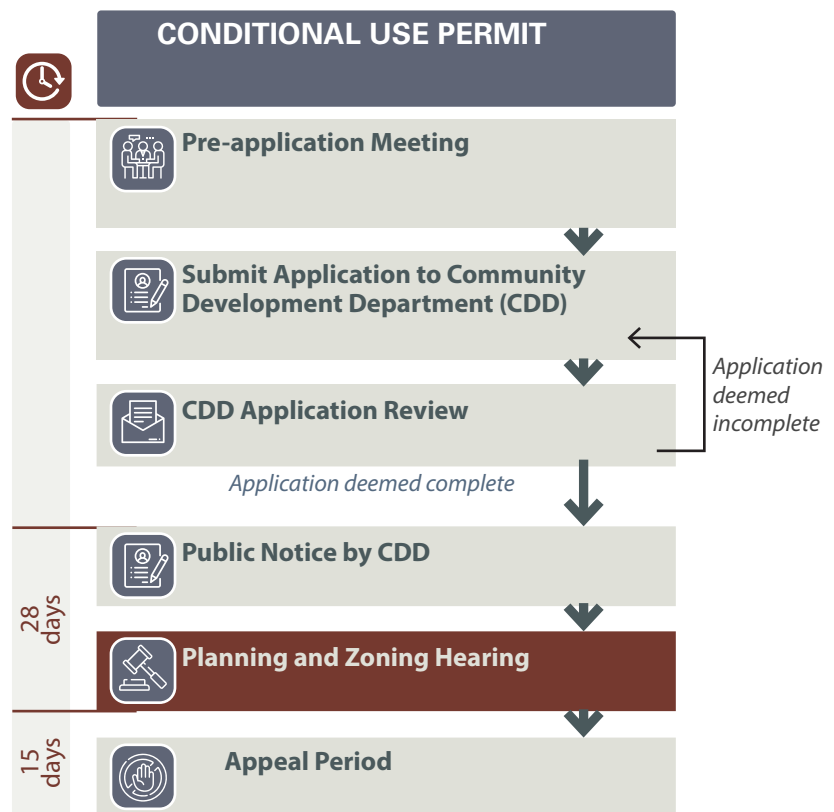
## 16-74(B) CONDITIONAL USE PERMIT

### 16-74-(B)(1) APPLICABILITY

- a. This section applies to all applications for a use listed as Conditional in Table 26 Permitted Use Table that are only allowed if approved pursuant to the procedures in Section 16-74-(b)(2).
- b. Approval of a new Conditional Use Permit is also required for modification or expansion of an existing Conditional Use.

### 16-74-(B)(2) PROCEDURES

- a. Prior to the submission of a Conditional Use Permit application, the applicant shall attend a Pre-Application Meeting pursuant to Section 16-72-(b)(1).
- b. Applications for a Conditional Use Permit may be made by the owner or agent of any parcel of property to be affected.
- c. Conditional Use Permit applications shall include the application, plan and other documentation that show compliance with the applicable provisions of this Code and other adopted County plans or policies as required by the County's Site Plan application to the Community Development Department, including:
  1. Proof of property ownership.
  2. A vicinity map showing the boundaries of the subject property and all adjacent lots within 300 feet.
  3. A scaled site plan which shall indicate and dimension all access and parking related to the site, proposed and existing easements, existing utility lines on the site, existing buildings and structures, and all buildings and public rights-of-way within 20 feet of all boundaries of the site. Show, dimension, and label all existing and proposed easements, and any existing and proposed landscaping, fencing, lighting, signage and any other proposed improvements. Sufficient documentation of compliance with all applicable development standards of ARTICLE IV such as required setbacks, building heights, open space, and parking shall be included.
  4. A written explanation of how the request conforms to the Decision Criteria within Section 16-74-(b)(3).
- d. The Community Development Department shall intake the application pursuant to the requirements of Section 16-72(d).
- e. The Community Development Department shall provide public notice pursuant to the requirements





of Section 16-72-(c)(2).

- f. The Community Development Director, or their designee, shall set a date for public hearing before the Planning and Zoning Commission on the request within 28 days of receipt of a complete application.
- g. The Community Development Department staff shall review the application and forward a recommendation to the Planning and Zoning Commission.
- h. The Planning and Zoning Commission shall conduct a public hearing on the application pursuant to the requirements of Section 16-72(f).
- i. The Conditional Use Permit application shall be reviewed based on its conformity with the Decision Criteria of Section 16-74-(b)(3).

### 16-74-(B)(3) DECISION CRITERIA

An application for a Conditional Use Permit shall be approved if it meets all of the following criteria:

- a. The Conditional Use substantially conforms to the intent and policies of the Comprehensive Plan and other adopted County policies and plans.
- b. The Conditional Use is not detrimental to the public safety, health, or welfare.
- c. The Conditional Use is in conformance with all applicable provisions of this Code and other adopted County regulations.
- d. The special use shall conform to all applicable regulations of the district in which it is located.
- e. The Conditional use does not cause significant adverse impacts on properties in the vicinity.
- f. There are adequate utilities, access roads, drainage, and other necessary improvements to allow the land use, or improvements are planned to provide adequate measures.
- g. The location, size, design, and operating characteristics of the Conditional Use will be compatible with the use and development of properties in the vicinity.
- h. The Conditional Use is in compliance with the Site Plan procedures and requirements of Section 16-74(h) and demonstrates that the site development will be compatible with properties in the vicinity.

### 16-74(C) DISCRETIONARY WIRELESS TELECOMMUNICATION FACILITY PERMIT

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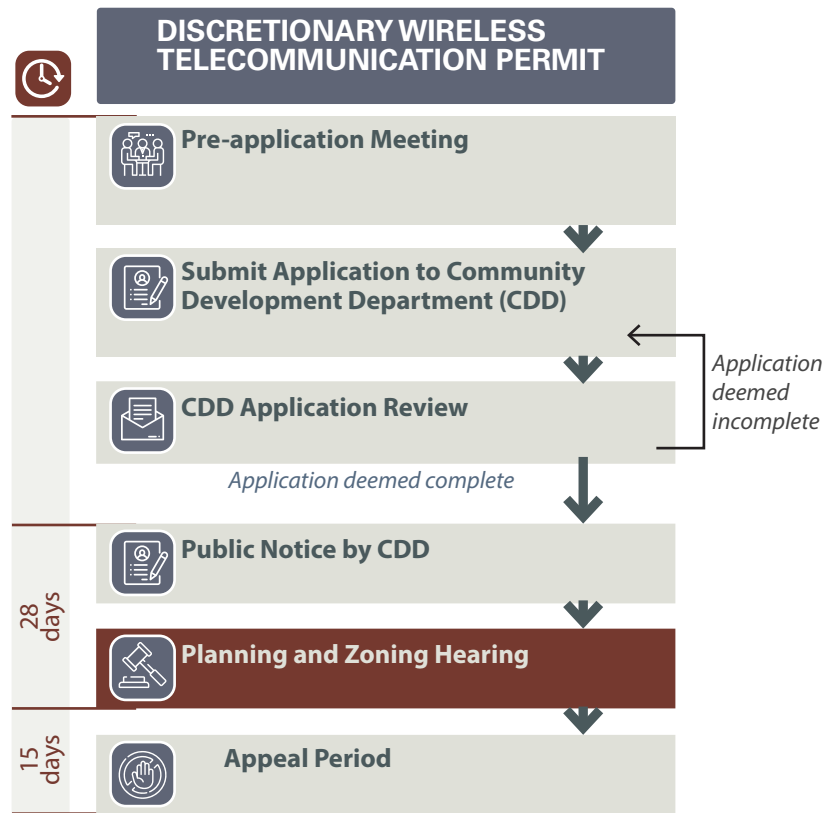
#### 16-74-(C)(1) APPLICABILITY

A tower or antenna that is not otherwise permitted or administratively approved shall be reviewed by the Planning and Zoning Commission as outlined below.

#### 16-74-(C)(2) PROCEDURES

- i. Applications for a Wireless Telecommunication Facility may be made by the owner or agent of any parcel of property to be affected.
- j. Wireless Telecommunication Facility applications shall be submitted to the Community Development Department and shall include all information per the County's Wireless Telecommunication Facility application, including but not limited to:
  - 1. Proof of property ownership;
  - 2. A letter of authorization from the property owner if the application is submitted by an agent;
  - 3. A site plan indicating compliance with 16-74(i), indicating the location of existing structures, the location of the proposed improvements, existing and proposed easements, setbacks, means of access, and landscaping if the facility is freestanding;
  - 4. Elevations for all four sides of the proposed facility indicating the height about existing grade, materials, color, and lighting;

5. Information showing that the facility is necessary, and that its denial would constitute a prohibition or effective prohibition under federal law, i.e., propagation studies;
  6. Written evidence demonstrating the technological reason for the WTF location. If the proposed location is not the highest priority listed in 16-17-(j)(2), a detailed explanation shall be provided as to why a location of a higher priority was not selected and why failure to grant a permit for the proposed location would constitute a prohibition or effective prohibition of the applicant's ability to provide service as defined under applicable state or federal law .
  7. A written explanation of how the request conforms to the Decision Criteria within 16-74-(c)(3).
  8. The Community Development Department shall intake the application pursuant to the requirements of Section 16-72(d).
- k. The Community Development Department shall provide public notice pursuant to the requirements of Section 16-72-(c)(2).
- l. The Community Development Director, or their designee, shall set a date for public hearing before the Planning and Zoning Commission on the request within 28 days of receipt of a complete application.
- m. The Community Development Department staff shall review the application and forward a recommendation to the Planning and Zoning Commission.
- n. The Planning and Zoning Commission shall conduct a public hearing on the application pursuant to the requirements of Section 16-72(f) and Chapter 8.
- o. The Wireless Telecommunication Facilities Permit shall be reviewed based on its conformity with the Decision Criteria of Section 16-74-(c)(3) .
- p. The final action of the Community Development Director or their designee may be appealed in accordance with Section 16-72(g).



### 16-74-(C)(3) DECISION CRITERIA

An application for a Wireless Telecommunication Facility shall be approved if it complies with all applicable standards in this Code and any other adopted County regulations and if it meets all the following criteria:

- a. The proposed telecommunications facilities are necessary to close a demonstrated significant gap in service coverage of the applicant based on actual signal strength data for the area where the gap is claimed and for the type of gap claimed; and
- b. The applicant has demonstrated that no other less intrusive means or alternative to the proposed telecommunications facilities design is practicable.
- c. The applicant has demonstrated that no higher priority location per Section 16-17-(j)(2) is practicable.

16-74(D) HISTORIC ECONOMIC HARDSHIP WAIVIERS

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16-74-(D)(1) APPLICABILITY

This Section applies to applicants who has been denied a Historic Property Alteration Certificate and may seek an exemption from all, or portions of, the requirements of the Historic Protection Overlay (HP-O) based on economic hardships.

16-74-(D)(2) PROCEDURES

- a. Applications for an exemption to the HP-O standards based on economic hardship may be made by the owner or agent of any parcel of property to be affected.
- b. Exemptions based on economic hardship applications shall be submitted to the Community Development Department and shall include all information per the Economic Hardship Exemption Form including a demonstration of the following:
  - 1. In the case of an income-producing property, that a reasonable rate of return cannot be obtained from the property in its present condition or if improved in compliance with this article.
  - 2. In the case of a non-income-producing property, that the property has no beneficial use as a dwelling or for an institutional use in its present condition or if improved in compliance with this article.
  - 3. The consideration for economic hardship shall not include willful or negligent acts by the owner, purchase of the property for substantially more than the market value, or failure to perform normal maintenance and repairs.
  - 4. In addition, the applicant shall demonstrate that it has consulted in with the HPAB, local preservation groups, or interested parties in an effort to seek an alternative that will result in protection of the property.
- c. The Community Development Department shall intake the application pursuant to the requirements of Section 5-2(B)(IV).
- d. The Community Development Department shall provide public notice pursuant to the requirements of Section 5-2(B)(III). The Community Development Director, or their designee, shall set a date for public hearing before the Planning and Zoning Commission on the request within 30 days of receipt of a complete application.
- e. The Planning and Zoning Commission shall conduct a public hearing on the application pursuant to the requirements of Section 5-2(B)(V).
- f. The Planning and Zoning Commission shall approve or deny the request.
- g. The final action of the Planning and Zoning Commission regarding any exemptions based on economic hardship may be appealed to the County Council in accordance with Section 1-2(B)(VI) Appeals.

16-74-(D)(3) DECISION CRITERIA

An application for exemptions based on economic hardship shall be approved if it meets the following criteria:

- a. The hardship does not relate to the applicant’s financial status
- b. The impact of this ordinance is such that it denies the applicant all reasonable or beneficial use of the property.

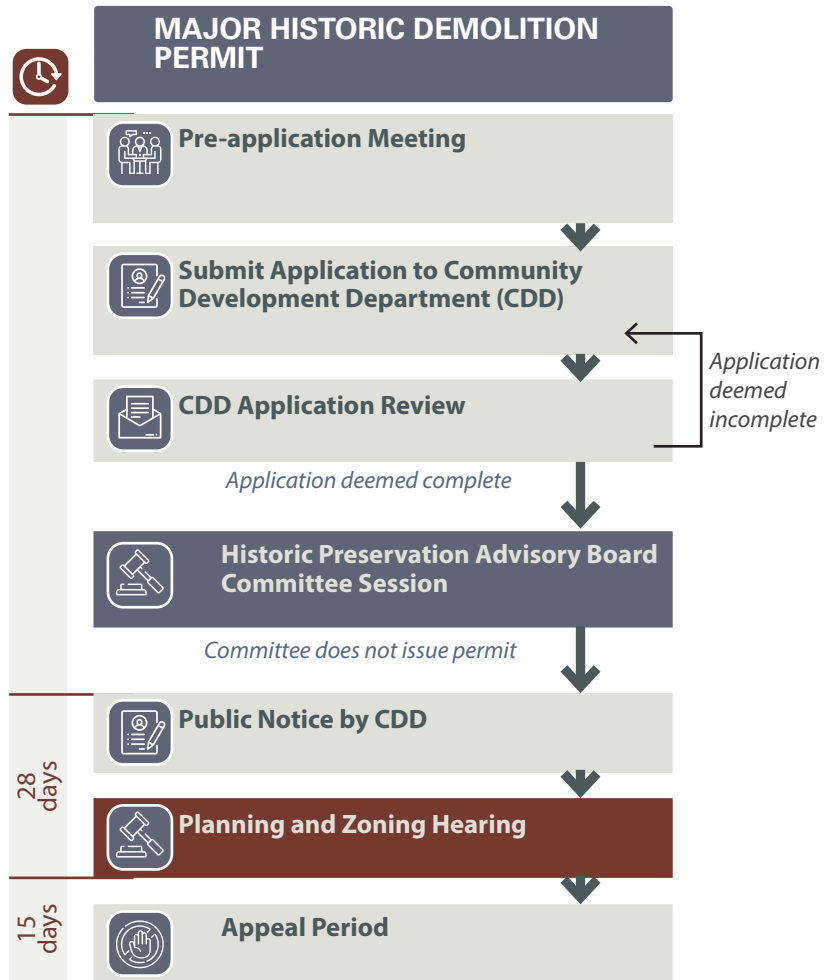
**16-74(E) MAJOR HISTORIC DEMOLITION PERMIT**

**16-74-(E)(1) APPLICABILITY**

This Section applies to all applications for demolition within a Historic Protection Overlay.

**16-74-(E)(2) PROCEDURES**

- a. Applications for Historic Demolition Permits may be made by the owner or agent of any parcel of property to be affected.
- b. Historic demolition permits shall be submitted to the Community Development Department and shall include all information per the County’s Demolition Permit application, including:
  - 1. Proof of Ownership
  - 2. Scaled floor plan showing scope of demolition.
  - 3. A written explanation demonstrating
- c. The Community Development Department shall intake the application pursuant to the requirements of Section 16-72(d).
- d. The Community Development Director, or their designee, shall set a committee session with the director and two members of the Historic Preservation Advisory Board designated by the Historic Preservation Advisory Board chair to review the application within 10 days of receipt of a complete application.
- e. If the committee does not issue a demolition permit, then the Community Development Director shall set a date for public hearing before the HPAB on the demolition request within 30 days of the demolition denial by the Committee.
- f. The HPAB shall conduct a public hearing on the application pursuant to the requirements of Section 16-72(f). The HPAB shall make a recommendation to the Planning and Zoning Commission.
- g. Following receipt of the HPAB recommendation for application, the Planning and Zoning Commission shall conduct a public hearing pursuant to Section 16-72(f) within 14 days of the HPAB hearing date.
- h. The Planning and Zoning Commission shall approve or deny the demolition request.
- i. The final action of the Planning and Zoning Commission regarding any demolition request may be appealed to the County Council in accordance with Section 16-72(g) Appeals.
- j. If the request for demolition permit is denied by the Planning and Zoning Commission, then no



permit for demolition shall be issued for six months from the date of the Planning and Zoning Commission hearing on the permit.

- k. If historic designation has not been granted for the property, at the expiration of the six-month period, the building official shall grant a demolition permit for the property.
- l. At the time of adoption of historic property designation, the temporary restraint of demolition and any stays of demolition in effect shall expire.

#### **16-74-(E)(3) DECISION CRITERIA FOR PARTIAL DEMOLITION:**

An application for a Demolition Permit in an Historic Protection Overlay shall be approved if it meets all of the following criteria:

- a. The partial demolition is required for renovation, restoration, or rehabilitation of the structure.
- b. The structure is determined to have historic or architectural significance but, the structure proposed for demolition is not structurally sound despite evidence of the owner's efforts to maintain the structure.
- c. The request has mitigated, to the greatest extent possible, impacts on the historic importance of the structure or structures located on the property and on the architectural integrity of the structure or structures on the property.

#### **16-74-(E)(4) DECISION CRITERIA FOR TOTAL DEMOLITION**

An application for a Demolition Permit in an Historic Protection Overlay shall be approved if it meets all of the following criteria:

- a. The structure is of minimal historic significance because of its location, condition, modifications or other factors, and its demolition will be inconsequential to historic preservation needs of the area; or
- b. The structure is determined to have historic or architectural significance but:
  - 1. The structure proposed for demolition is not structurally sound despite evidence of the owner's efforts to maintain the structure; and
  - 2. The structure cannot be rehabilitated or reused on site to provide for any reasonable beneficial use of the property; and
  - 3. The structure cannot be practically moved to another site in Los Alamos; and
  - 4. The request demonstrates that the proposal mitigates to the greatest extent practical the following:
    - i. Any impacts that occur to the visual character of the neighborhood where demolition is proposed to occur.
    - ii. Any impact on the historical importance of the structure or structures located on the property and adjacent properties.
    - iii. Any impact to the architectural integrity of the structure or structures located on the property and adjacent properties.

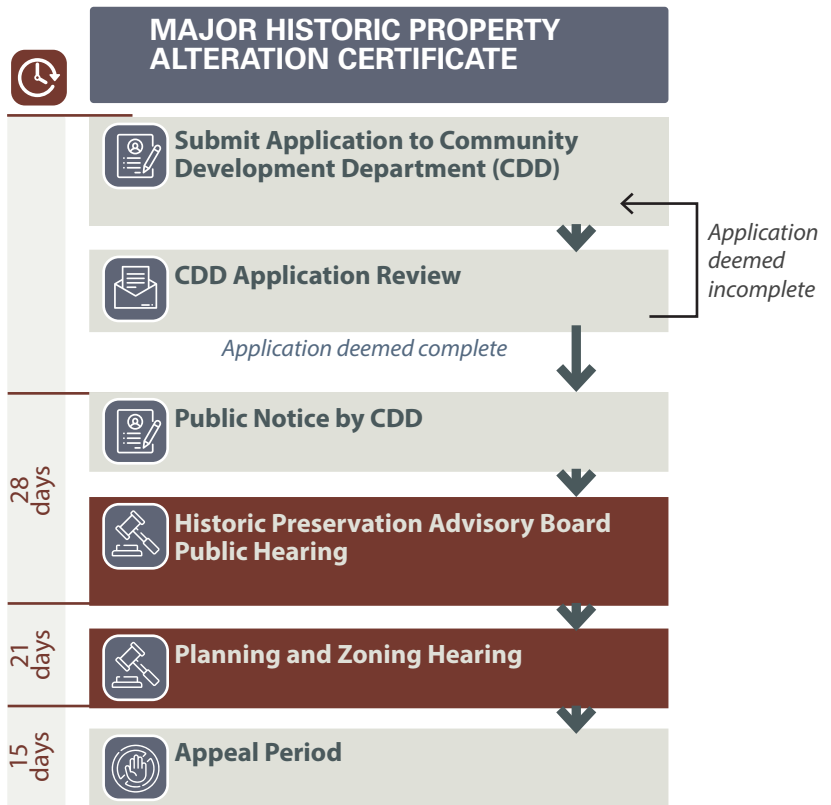
**16-74(F) MAJOR HISTORIC PROPERTY ALTERATION CERTIFICATE**

**16-74-(F)(1) APPLICABILITY**

New construction over 200 square feet in gross floor area, the relocation or demolition of a historic property within a designated Historic Protection Overlay of Sec. 16-9 shall require Major Historic Property Alteration Certificate per this section.

**16-74-(F)(2) PROCEDURES**

- a. Applications for a Historic Property Alteration Certificate may be made by the owner or agent of any parcel of property to be affected.
- b. Historic Property Alteration Certificate applications shall include the application, site plan, architectural drawings and other documentation that show compliance with the applicable provisions of this Code and other adopted County plans or policies as required by the County’s Site Plan application to the Community Development Department, including:
  - 1. Proof of property ownership or Owner’s affidavit if property is rented or leased.
  - 2. Architectural drawings showing proposed alterations, as applicable.
  - 3. A written explanation of how the request conforms to the Decision Criteria within Section 5-1(C)(III).
  - 4. Any applicable requirements as required by the Community Development Director.



- c. The Community Development Department shall intake the application pursuant to the requirements of Section 16-72(d).
- d. The Community Development Department shall provide public notice pursuant to the requirements of Section 16-72-(c)(2).
- e. The Community Development Department shall set a date for public hearing before the Historic Preservation Advisory Board on the request within 40 days of receipt of a complete application.
- f. The Historic Preservation Advisory Board shall conduct a public hearing on the application and forward a recommendation to the Planning and Zoning Commission. The Historic Preservation Advisory Board recommendation on the application shall take one of three forms: (i) approval as presented; (ii) approval with conditions; or (iii) denial. If the Historic Preservation Advisory Board fails to make a recommendation within the 40-day period, the request will be forward to the Planning and Zoning Commission without a recommendation.
- g. The Planning and Zoning Commission shall hold a public hearing pursuant to Section 16-72(f) at the next regularly scheduled meeting after receiving the Historic Preservation Advisory Board recommendation or, in the event that the Historic Preservation Advisory Board isn’t able to reach a

recommendation, after the 40-day review period has passed.

- h. The Historic Property Alteration Certificate application shall be reviewed based on its conformity with the Decision Criteria of Section 16-74-(f)(3).
- i. The final action of the Planning and Zoning Commission regarding any Historic Property Alteration Certificate may be appealed to the County Council in accordance with Section 16-72(g).

### 16-74-(F)(3) DECISION CRITERIA

An application for a Major Historic Property Alteration Certificate shall be approved if it meets all of the following criteria:

- a. The proposed work will preserve, enhance, or restore significant features of the resources as identified in the criteria for designation of the nomination or any specific design guidelines adopted for the historic landmark or district.
- b. The proposed work is compatible with the relevant historic, cultural, or architectural qualities characteristic of the structure, site or district including, but not limited to, elements of size, scale, massing, proportions, orientation, materials, surface textures and patterns, details and embellishments and the relation of these elements to one another.
- c. The proposed work will not significantly destroy, damage, or diminish significant features of the resources as identified in the criteria for designation of the nomination or within any specific design guidelines adopted for the historic landmark or district.

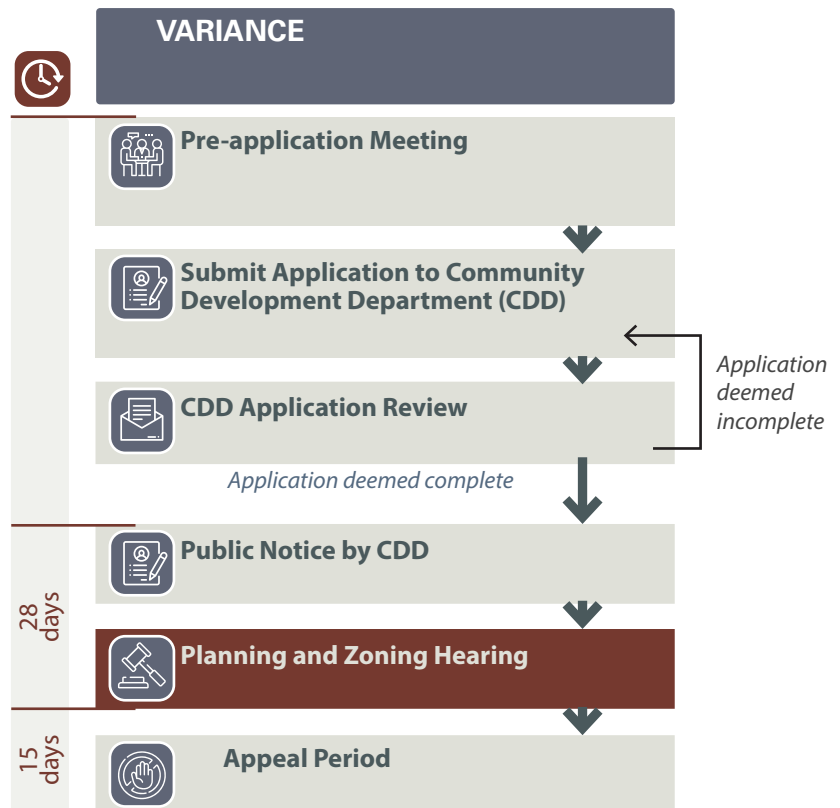
### 16-74(G) VARIANCES

#### 16-74-(G)(1) APPLICABILITY

- a. Any deviation from this Code in excess of the thresholds established in 16-73(a) Administrative Deviations will require a Variance pursuant to the procedures of this section.
- b. Applications that are below the thresholds in 16-73(a) Administrative Deviations are considered Administrative Deviations and may be reviewed/approved administratively without a public hearing pursuant to Section 16-72(f).

#### 16-74-(G)(2) PROCEDURES

- a. Prior to the submission of a Site Plan application, the applicant shall attend a Pre-Application Meeting pursuant to Section 16-72-(b)(1).
- b. Applications for Variances may be made by the owner or agent of any parcel of property to be affected.
- c. Variance applications shall include the application, plan, and other documentation that show compliance with the applicable provisions of this Code and other adopted County plans or policies as required by the



County's Site Plan application to the Community Development Department, including:

1. Proof of property ownership.
  2. A scaled site plan which shall indicate and dimension all information pertinent to the variance request, including existing and proposed lot coverages, all existing buildings and structures on the site, existing and proposed easements, existing and proposed setbacks, and building/ structure elevations.
  3. A written explanation of how the request conforms to the Decision Criteria within Section 16-74-(g)(3).
- d. Applications for Variances associated with a subdivision request shall be submitted with the preliminary plat application or with the summary subdivision application pursuant to Section 16-73(n), as applicable.
  - e. The Community Development Department shall intake the application pursuant to the requirements of Section 16-72(d).
  - f. The Community Development Department shall provide public notice pursuant to the requirements of Section 16-72-(c)(2).
  - g. The Community Development Director, or their designee, shall set a date for public hearing before the Planning and Zoning Commission on the request within 28 days of receipt of a complete application.
  - h. The Community Development Department staff shall review the application and forward a recommendation to the Planning and Zoning Commission.
  - i. The Planning and Zoning Commission shall conduct a public hearing on the application pursuant to the requirements of Section 16-72(f).
  - j. The Site Plan application shall be reviewed based on its conformity with the Decision Criteria of Section 16-74-(g)(3).

### 16-74-(G)(3) DECISION CRITERIA

An application for a Variance shall be approved if it meets all of the following criteria:

- a. The Variance will not be contrary to the public safety, health, or welfare.
- b. The Variance will not undermine the intent of this Code, the applicable zone district, other County adopted policies or plans, or violate the Building Code.
- c. Granting of the Variance will not cause an intrusion into any utility or other easement unless approved by the owner of the easement.
- d. The Variance request is caused by unusual physical characteristic or a hardship inherent in the lot or lot improvements and the peculiarity or hardship has not been self-imposed.
- e. The Variance will not create any significant adverse impacts on properties within the vicinity.
- f. Granting of the approved Variance is the minimum necessary easing of the Code requirements making possible the reasonable use of the land, structure, or building.

### 16-74(H) MINOR ZONE MAP AMENDMENT

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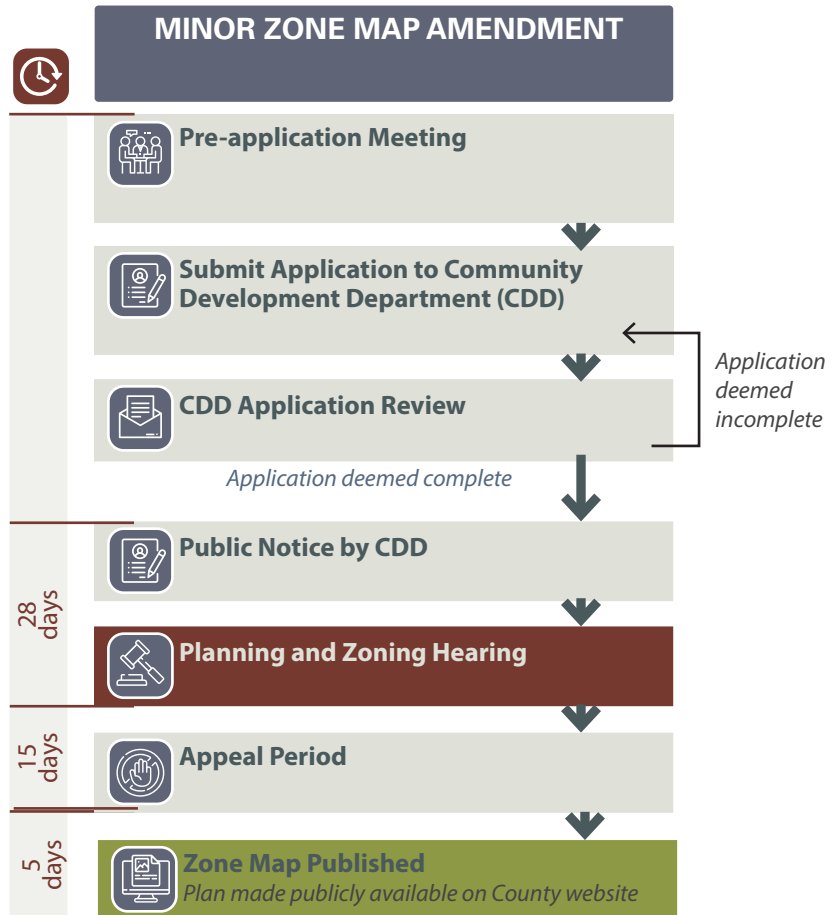
#### 16-74-(H)(1) APPLICABILITY

This section applies to all applications for a Zone Map Amendment to change a single tract, parcel or lot under common ownership; or the land or the land affected by the map amendment is predominantly owned by a single person or entity under common ownership.



## 16-74-(H)(2) PROCEDURES

- a. Prior to the submission of a Zone Map Amendment application, the applicant shall attend a Pre-Application Meeting pursuant to Section 16-72-(b)(1) and conduct a Neighborhood Meeting pursuant to Section 16-72-(b)(2).
- b. Applications for an 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 their designee, or the owner or agent of any parcel of property to be affected.
- c. Zone Map Amendment applications shall be submitted to the Community Development Department. The application shall explain how it conforms to the Decision Criteria in Section 16-74-(h)(3).
- d. A request for amendment to the Comprehensive Plan, if found necessary by the Community Planning Director, shall be submitted, processed, heard, and decided upon concurrently with the request for Zone Map Amendment.
- e. The Community Development Department shall intake the application pursuant to the requirements of Section 16-72(d).
- f. The Community Development Department shall provide public notice pursuant to the requirements of Section 16-72-(c)(2).
- g. The Community Development Director, or their designee, shall set a date for public hearing before the Planning and Zoning Commission on the Zone Map Amendment request within 28 days of receipt of a complete application.
- h. The Planning and Zoning Commission shall conduct a public hearing on the application pursuant to the requirements of Section 16-72(f).
- i. The Planning and Zoning Commission shall approve or deny the proposed Zone Map Amendment pursuant to the Decision Criteria within Section 16-74-(h)(3).
- j. If the Planning and Zoning Commission approves the Zone Map Amendment, the Official Zoning Map shall be amended to note the new zone district designation and posted on the County website.



## 16-74-(H)(3) DECISION CRITERIA

An application for a Zone Map Amendment of the Official Zoning Map shall be approved if it meets all of the following criteria:

- a. The proposed Zone Map Amendment is consistent with the health, safety, and welfare of the County as shown by conformance with the goals and policies of the Comprehensive Plan and other adopted County plans or policies.
- b. The existing zone district designation is shown to be inappropriate for one or more of the following reasons:

1. It was established in error;
  2. Changed conditions warrant the rezoning; or
  3. A different zone is more advantageous to the community as articulated by conformance with each applicable goal and policy the Comprehensive Plan, including the future land use map.
- c. The proposed zoning will not designate a zone district different from surrounding zone districts to one small area, i.e. create a spot zone, unless one or more of the following criteria are met:
1. Granting such zoning accomplishes the goals and policies of the Comprehensive Plan;
  2. Unique characteristics specific to the site exist; or
  3. The zoning serves as an appropriate transition between land uses of higher and lower intensity.
  4. The County's existing and proposed infrastructure and public improvements including, but not limited to utilities, streets, sidewalks, or trails have adequate capacity to serve the development made possible by the Zone Map Amendment.
- d. The establishment, maintenance, or operation of uses made possible by the Zone Map Amendment will not be detrimental to the health, safety, or welfare of persons residing or working adjacent to or within the proximity of the subject property.

## 16-74(I) SITE PLAN ADOPTION OR MAJOR AMENDMENT

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### 16-74-(I)(1) APPLICABILITY

- a. Unless specifically exempted in Section 16-74-(j)(2), all new development within the County requires a Site Plan pursuant to the requirements of this section. No such development shall be lawful or permitted to proceed without final Site Plan approval.
- b. Any changes to previous Site Plan approvals above the thresholds of Section 16-73-(j)(1) shall require a major amendment pursuant to the procedures of this section.

### 16-74-(I)(2) EXCEPTIONS

A Site Plan shall not be required for the following developments:

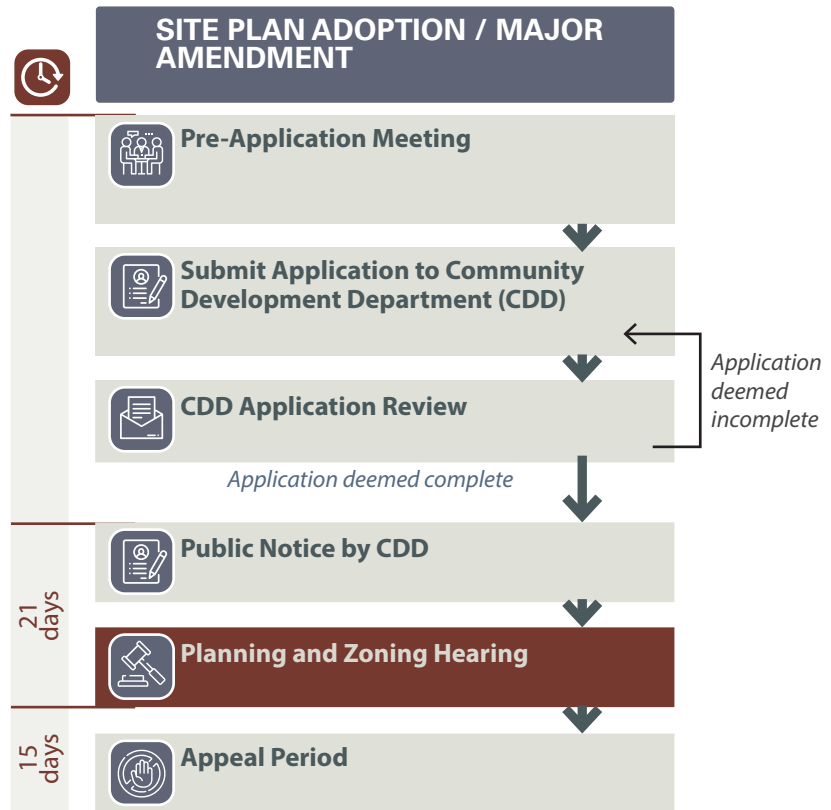
- a. The construction of individual single-family dwellings and all other permitted single-family dwellings and all other permitted, conditional, and accessory uses in the R-A, R-E, SFR, MHC, RM, and PD zone districts.
- b. The construction of individual single-family and two-family dwelling units, and the construction of structures under 120 square feet in area for all other permitted, conditional, and accessory uses in any MFR-L zone district.
- c. Changes to the interior of an existing structure.
- d. Facade changes, as defined by the latest County adopted edition of the Uniform Building Code, either through architectural or material means, except if the building or structure is located in the H (historical site) overlay district.
- e. The construction of a shade structure which complies with the site development requirements of this Code and all other applicable rules and regulations of the County.

### 16-74-(I)(3) PROCEDURES

- a. Prior to the submission of a Site Plan application, the applicant shall attend a Pre-Application Meeting pursuant to Section 16-72-(b)(1).
- b. Applications for Site Plans may be made by the owner of any parcel of property to be affected.
- c. Site Plan applications shall include the application, plan, and other documentation that show compliance with the applicable provisions of this Code and other adopted County plans or policies

as required by the County’s Site Plan application to the Community Development Department, including:

1. Any proposed modifications to the site, including the types, extent, and intensity of land uses that are proposed, the locations of existing and new structures, pedestrian and vehicular circulation, parking and loading facilities. Sufficient documentation of compliance with all applicable development standards such as required setbacks, building heights, open space, parking, applicable development phasing shall be included;
2. A utilities plan indicating any proposed modifications to the infrastructure serving the site, including public and private streets, driveways, and traffic control measures and utilities.
3. A grading and drainage plan indicating any proposed modifications necessary for controlling stormwater drainage on-site and off-site as required by the County Engineer in accordance with the County’s storm drainage construction standards or such other ordinances or storm water management plans as may exist.
4. A lighting plan indicating compliance with Division 6 Outdoor Lighting, demonstrating the total site lumen limit is not exceeded and indicating the location, type, height, color temperature, lumen output and amount of all proposed and existing light fixtures.
5. A landscape plan indicating compliance with Division 4, demonstrating the minimum landscaped site area requirements and minimum plant materials and standards have been met and showing compliance with all landscaping, streetscape, parking lot landscape, buffering, and screening requirements.
6. Any applicable requirements or impact studies as required by the County Engineer, including a Grading, Erosion Control, and Reclamation plan on sites that include slopes that are equal to or greater than 1:2.
7. A written explanation of how the request conforms to Decision Criteria in Section 16-74-(i)(4).
- d. The Community Development Department shall intake the application pursuant to the requirements of Section 16-72(d).
- e. The Community Development Department shall provide public notice pursuant to the requirements of Section 16-72-(c)(2).
- f. The Community Development Director, or their designee, shall set a date for public hearing before the Planning and Zoning Commission on the request within 28 days of receipt of a complete application.
- g. The Community Development Department staff shall review the application and forward a recommendation to the Planning and Zoning Commission.
- h. The Planning and Zoning Commission shall conduct a public hearing on the application pursuant to the requirements of Section 16-72(f) and Chapter 8.



- i. The Site Plan application shall be reviewed based on its conformity with the Decision Criteria of Section 16-74-(i)(4).

#### 16-74-(1)(4) DECISION CRITERIA

An application for a Site Plan shall be approved if it meets all of the following criteria:

- a. The Site Plan substantially conforms to the intent and policies of the Comprehensive Plan and other adopted County policies and plans.
- b. If the subject property is within an approved Master Plan, the Site Plan is in conformance with any relevant standards in the Master Plan.
- c. If the subject property is within an approved PD zone district, the Site Plan is consistent with any applicable terms and conditions in any previously approved PD zoning covering the subject property and any related development agreements and/or regulations.
- d. The Site Plan is in conformance with all applicable provisions of this Code and other adopted County regulations.
- e. The County's existing public infrastructure and services, including but not limited to water, sanitary sewer, electricity, gas, storm sewer, streets, trail and sidewalks have adequate capacity to serve the proposed development, and any burdens on those systems have been mitigated in compliance with the County's construction standards to the maximum extent practicable.
- f. The Site Plan mitigates any significant adverse impacts to properties within the vicinity to the maximum extent practicable.
- g. Provisions shall be made to serve the development with tot lots and/or neighborhood parks in accordance with the Comprehensive Plan. A fee may be paid as approved by County Council to accomplish the purpose of the Comprehensive Plan in lieu of the development of tot lots or neighborhood parks.

#### 16-74(J) DEVELOPMENT PLAN ADOPTION OR MAJOR AMENDMENT

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##### 16-74-(J)(1) APPLICABILITY

- a. Any application for a Development Plan associated with a new Zone Map Amendment to a Planned Development (PD) zone district shall be approved in accordance with the requirements of this section. No such development shall be lawful or permitted to proceed without final Development Plan approval.
- b. Any changes to previous Development Plan approval that changes site development standards at a threshold of greater than 20 percent shall require a major amendment pursuant to the procedures of this section.

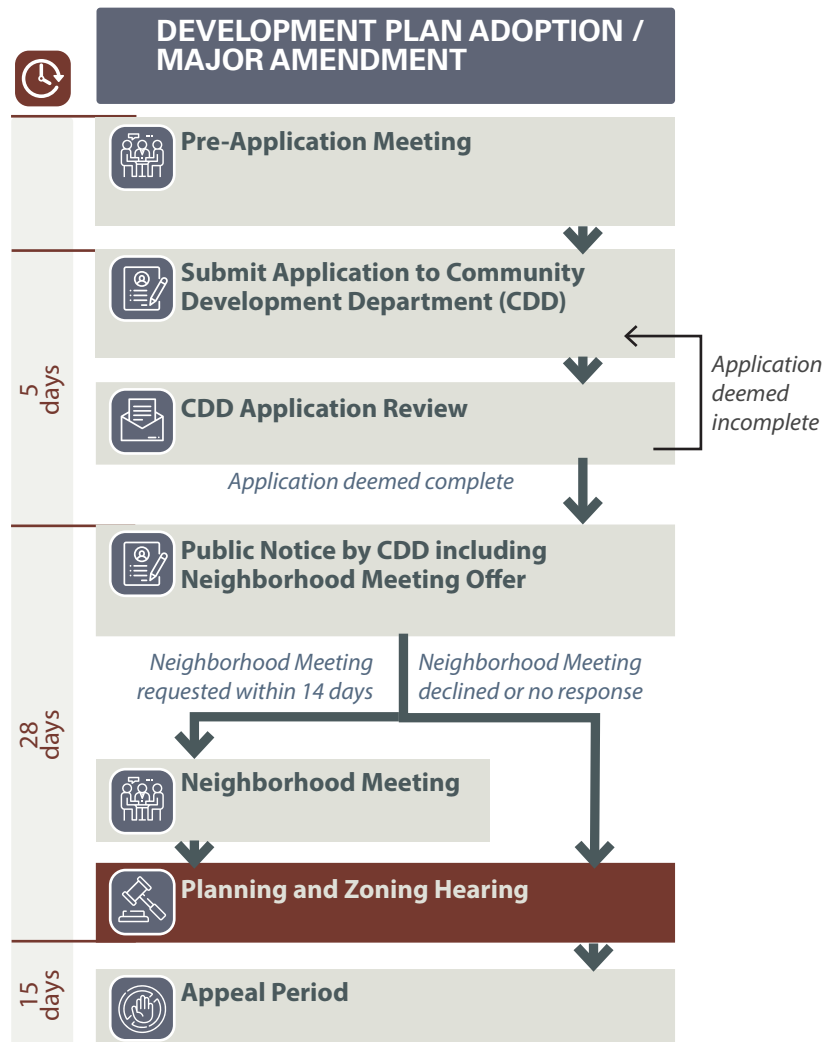
##### 16-74-(J)(2) PROCEDURES

- a. Prior to the submission of a Development Plan application, the applicant shall attend a Pre-Application Meeting pursuant to Section 16-72-(b)(1).
- b. Prior to the submission of a Development Plan application, the applicant shall attend a Neighborhood Meeting pursuant to Section 16-72-(b)(2).
- c. Applications 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 or agent of any parcel of property to be affected.

d. Development Plan applications shall include the application, plan, and other documentation that show compliance with the applicable provisions of this Code and other adopted County plans or policies as required by the County's Development Plan application to the Community Development Department, including:

1. A vicinity map showing the boundaries of the subject property and all adjacent lots within 300 feet.
2. A site plan pursuant to the requirements of Section 16-74(h), which includes sufficient detail on any proposed modifications to the site including the types, extent and intensity of land uses that are proposed, proposed standards for site elements such as building design, parking and loading, landscaping, lighting, and pedestrian and vehicular circulation.
3. A utility plan indicating any proposed modifications to the infrastructure serving the site, including public and private streets, driveways, and traffic control measures and utilities.
4. A grading and drainage plan indicating any proposed modifications necessary for controlling stormwater drainage on-site and off-site as required by the County Engineer in accordance with the County's storm drainage construction standards or such other ordinances or storm water management plans as may exist.
5. A lighting plan indicating compliance with Division 6 Outdoor Lighting, demonstrating the total site lumen limit is not exceeded and indicating the location, type, height, color temperature, lumen output and amount of all proposed and existing light fixtures.
6. A landscape plan indicating compliance with Division 4, demonstrating the minimum landscaped site area requirements and minimum plant materials and standards have been met and showing compliance with all landscaping, streetscape, parking lot landscape, buffering, and screening requirements.
7. Any applicable impact studies as required by the County Engineer, including a Grading, Erosion Control, and Reclamation plan on sites that include slopes that are equal to or greater than 1:2.
8. A written explanation of how the request conforms to the Decision Criteria in Section 16-74-(j)(3).

- e. The Community Development Department shall intake the application pursuant to the requirements of Section 16-72(d).
- f. The Community Development Department shall provide public notice pursuant to the requirements of Section 16-72-(c)(2).
- g. The Community Development Director, or their designee, shall set a date for public hearing before



the Planning and Zoning Commission on the request within 28 days of receipt of a complete application.

- h. The Community Development Department staff shall review the application and forward a recommendation to the Planning and Zoning Commission.
- i. The Planning and Zoning Commission shall conduct a public hearing on the application pursuant to the requirements of Section 16-72(f).
- j. The Development Plan application shall be reviewed based on its conformity with the Decision Criteria of Section 16-74-(j)(3).

### **16-74-(J)(3) DECISION CRITERIA**

An application for a Development Plan shall be approved if it meets all of the following criteria:

- a. The County's existing public infrastructure and services, including but not limited to water, sanitary sewer, electricity, gas, storm sewer, streets, trail and sidewalks have adequate capacity to serve the proposed development, and any burdens on those systems have been mitigated in compliance with the County's construction standards to the maximum extent practicable.
- b. The uses and development standards contained in the Development Plan are sufficiently clear and specific so as to enable the efficient review by the County of all subsequent Subdivision, Site Plan or Variance applications for future development within the Development Plan area.
- c. The development standards contained in the development plan shall either be in conformance with all other County development requirements, or where different, shall represent an equal or higher level of amenity, quality, and design as evidenced by the following considerations:
- d. The degree to which the Development Plan helps to meet the needs of the County and the people it serves; and
  - 1. The degree to which the Development Plan provides for an attractive appearance and suitable balance of buildings and open space; and
  - 2. The degree to which the Development Plan provides for the safety and convenience of its occupants and visitors.
- e. The Development Plan shall either have no negative physical impacts on persons residing or working adjacent to or in the general vicinity of the property; or if the potential for such negative impacts exists, the Development Plan shall contain specific safeguards so as to substantially mitigate such negative impacts.

## SEC. 16-75 LEGISLATIVE DECISIONS

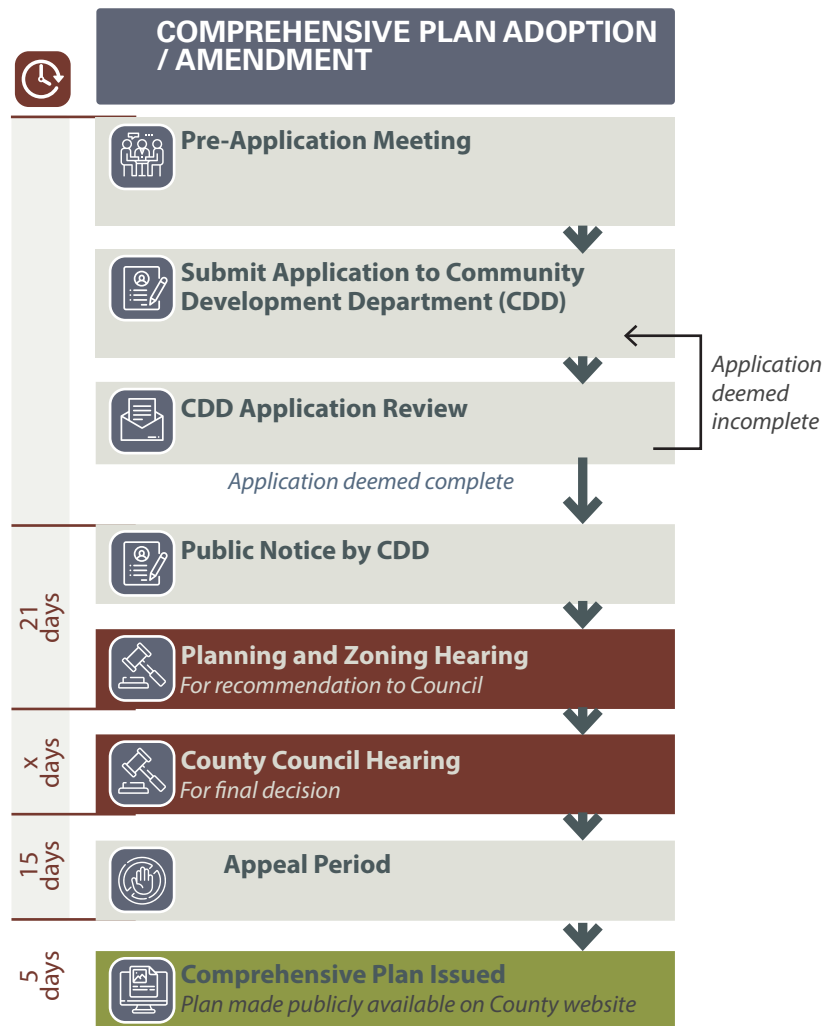
### 16-75(A) COMPREHENSIVE PLAN ADOPTION OR AMENDMENT

#### 16-75-(A)(1) APPLICABILITY

This section applies to all applications to adopt or amend the Los Alamos County Comprehensive Plan.

#### 16-75-(A)(2) PROCEDURES

- a. 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, or their designee.
- b. Applications for an amendment to the Comprehensive Plan shall explain how it conforms to the Decision Criteria in Section 16-75-(a)(3), why the amendment is necessary, and cite the sections of the Comprehensive Plan to be amended. 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.
- c. The Community Development Department shall intake the application pursuant to the requirements of Section 16-72(d).
- d. The Community Development Department staff shall review the application, including any specific regulations applicable to a proposed adoption or amendment of the Comprehensive Plan, and forward a recommendation to the Planning and Zoning Commission.
- e. The Community Development Department shall provide public notice pursuant to the requirements of Section 16-72-(c)(2).
- f. The Community Development Director, or their designee, shall set a date for public hearing before the Planning and Zoning Commission on the Comprehensive Plan Amendment request within 28 days of receipt of a complete application.
- g. The Planning and Zoning Commission shall conduct a public hearing on the application pursuant to the requirements of Section 16-72(f). The Commission shall make a recommendation to the County Council pursuant to the Decision Criteria in Section 16-75-(a)(3).
- h. Following receipt of the Planning and Zoning Commission recommendation, the County Council shall conduct a public hearing pursuant to the requirements of Section 16-72(f).
- i. The County Council may adopt the Comprehensive Plan submitted by the Planning and Zoning



Commission, as a whole, by a single resolution, or may from time to time approve and adopt a part or parts thereof, any such part to correspond generally with one or more of the functional elements of the plan.

- j. The plan shall only become effective as the Comprehensive Plan of the County upon approval by resolution of the County Council, carried by affirmative votes of not less than a majority of all members of the County Council. The resolution shall refer expressly to revisions to specific elements, the addition of elements, maps, descriptive matter, changes to the vision statement, policy plan and goals, or other revisions intended by the Planning and Zoning Commission to form the whole or part of the Comprehensive Plan.
- k. The Community Development Department shall post the new or amended Comprehensive Plan on the County's website.

### 16-75-(A)(3) DECISION CRITERIA

An application for Adoption or Amendment of the Comprehensive Plan shall be approved if it meets all of the following criteria:

- l. The amendment is consistent with the overall vision, policies and other parts of the Comprehensive Plan, the Strategic Leadership Plan of the County Council, and other adopted County policies and plans.
- m. 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.
- n. The adoption or amendment will protect the public health, safety, or welfare better than retention of the continued application of the existing Comprehensive Plan.
- o. The adoption or amendment will result in general benefits to a large portion of the residents or property owners in the County.

### 16-75(B) COUNTY LANDMARK OR HISTORIC DISTRICT ADOPTION

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#### 16-75-(B)(1) APPLICABILITY

This section applies to all applications for the adoption of a County Landmark or Historic District, amendment to the boundaries of a designated Historic District, removal of a designated landmark or site, or amending the standards of a Historic Preservation Overlay within this code.

#### 16-75-(B)(2) PROCEDURES

- a. Prior to the submission of a County Landmark or Historic District adoption or amendment application, the applicant shall attend a Pre-Application Meeting pursuant to Section 16-72-(b)(1) and conduct a Neighborhood Meeting pursuant to Section 16-72-(b)(2).
- b. Applications for adoption or amendment to a County Landmark or Historic District Adoption may be made by any person.
- c. Development Plan applications shall include the application, plan, and other documentation that show compliance with the applicable provisions of this Code and other adopted County plans or policies as required by the County's Development Plan application to the Community Development Department, including:
  - 1. Written consent of the property owner(s) for a nomination of an individual landmark or written consent of the owners of at least 66 percent of the properties within the proposed district.
  - 2. Written justification explaining how the request meets the historical or architectural significance of the proposed landmark or historic criteria for designation per 16-75-(b)(3).



3. A description of the particular historic or architectural features that should be preserved. The description shall be based on a study prepared by an architectural or qualified authority on historic preservation surveying the proposed landmark or all properties within the proposed district, as applicable. The features deemed to be significant and worthy of preservation shall be specifically listed and illustrated in the study and shall form the basis for proposed preservation regulations within the district.
- d. A request for amendment to the Comprehensive Plan, if found necessary by the Community Planning Director, shall be submitted, processed, heard, and decided upon concurrently with the request for County Landmark or Historic District Adoption or Amendment .
- e. The Community Development Department shall intake the application pursuant to the requirements of Section 5-2(B)(IV).
- f. The Community Development Department shall provide public notice pursuant to the requirements of Section 5-2(B)(III).
- g. The Community Development Director, or their designee, shall set a date for public hearing before the Planning and Zoning Commission on the County Landmark or Historic District adoption or amendment request within 28 days of receipt of a complete application.
- h. The Historic Preservation Advisory Board shall conduct a public hearing on the application and make a recommendation to the Planning and Zoning Commission. The HPAB may nominate or sponsor an application for the designation of an individual landmark or an historic district.
- i. The Planning and Zoning Commission shall conduct a public hearing on the application pursuant to the requirements of Section 16-72(f). The Planning and Zoning Commission shall make a recommendation to the County Council pursuant to the Decision Criteria in 16-75-(b)(3). as to whether the proposed historic landmark or district shall be officially designated on the official zoning map as an overlay district.
- j. Following receipt of the Planning and Zoning Commission recommendation for the proposed County Landmark or Historic District Adoption or Amendment, the County Council shall conduct a public hearing pursuant to Section 16-72(f) to consider the recommendation of the Planning and Zoning Commission and whether the proposed historic landmark or district shall be officially designated on the county zoning map as an overlay district.
- k. The County Council shall approve or deny the proposed Zone Map Amendment pursuant to the Decision Criteria within Section 16-75-(b)(3).
- l. The Council may also vote to remand the matter back to the Planning and Zoning Commission for further proceedings. If the case is remanded, the County Council shall specify the time within which the Planning and Zoning Commission shall report back to the County Council its findings and recommendations on the matter(s) referred to it.
- m. Final approval of the County Landmark or Historic District Adoption shall be determined by the County Council.
- n. After the County Council has approved a County Landmark or Historic District Adoption or Amendment, the Official Zoning Map shall be amended to note the change and posted on the County website.

### 16-75-(B)(3) DECISION CRITERIA

An application for a County Landmark or Historic District adoption or amendment shall be approved if it meets not less than two of the following characteristics all of the following criteria:

- a. Embodies an architectural style or method of construction dating from one or more significant historic periods.
- b. Establishes a sense of time and place unique to Los Alamos County.
- c. Exemplifies or reflects the cultural, social, economic or political history of the nation, state or county.
- d. Is associated with the lives of significant historical persons or events.

- e. Has the potential to preserve, display, or yield significant historic or archaeological information.
- f. Exists on the registry of the State or National Register of Historic Places.

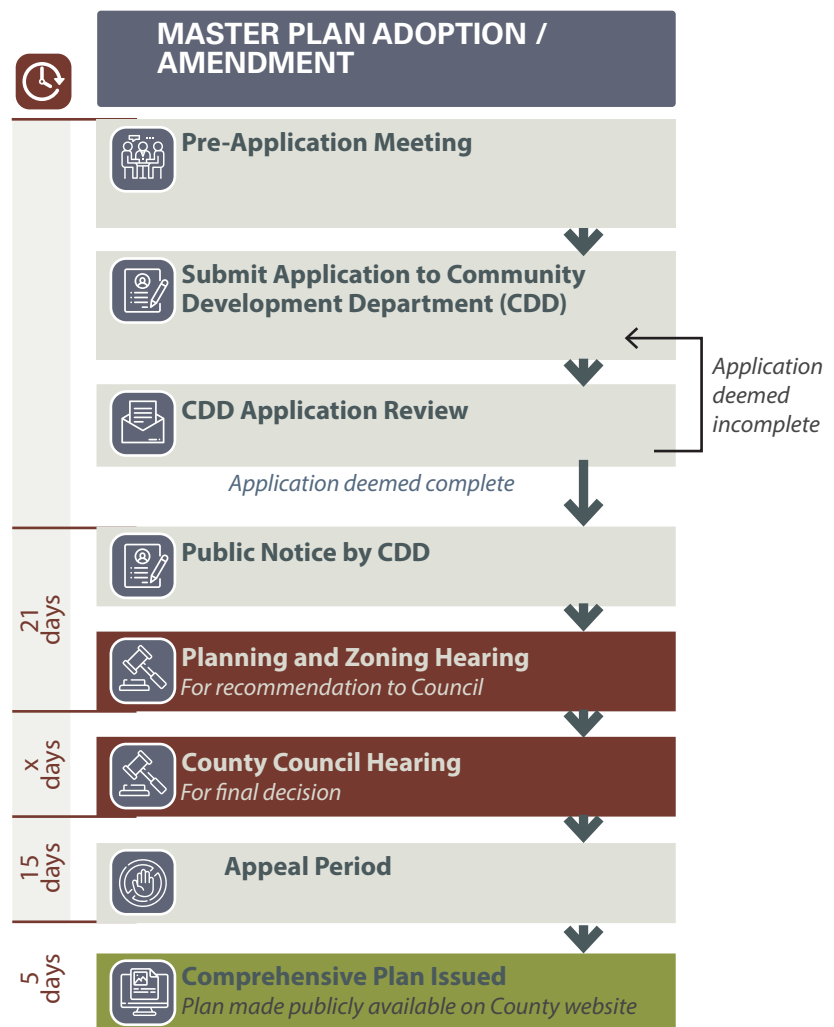
## 16-75(C) ADOPTION OR AMENDMENT OF A MASTER PLAN

### 16-75-(C)(1) APPLICABILITY

This section applies to all applications to adopt or amend a Master Plan.

### 16-75-(C)(2) PROCEDURES

- a. Applications for amendment or adoption of a Master Plan may be made by the County Council, the Planning and Zoning Commission, the County Manager, or the Community Development Director, or their designee
- b. Applications for an amendment to a Master Plan shall explain how it conforms to the Decision Criteria in Section 16-75-(c)(3), why the amendment is necessary, and cite the sections of the Master Plan to be amended. Master Plan amendments may include revisions to specific elements and the addition of new elements.
- c. The Community Development Department shall intake the application pursuant to the requirements of Section 16-72(d).
- d. The Community Development Department shall provide public notice pursuant to the requirements of Section 16-72-(c)(2).
- e. The Community Development Director, or their designee, shall set a date for public hearing before the Planning and Zoning Commission on the Master Plan amendment request within 28 days of receipt of a complete application.
- f. The Community Development Department staff shall review the application, including any specific regulations applicable to a proposed adoption or amendment of a Master Plan, and forward a recommendation to the Planning and Zoning Commission.
- g. The Planning and Zoning Commission shall conduct a public hearing on the application pursuant to the requirements of Section 16-72(f). The Commission shall make a recommendation to the County Council pursuant to the Decision Criteria in Section 16-75-(c)(3).
- h. Following receipt of the Planning and Zoning Commission recommendation, the County Council shall conduct a public hearing pursuant to the requirements of Section 16-72(f). The County Council shall approve, modify, or disapprove the proposed adoption or amendment, or shall vote to refer



the matter back to the Planning and Zoning Commission for further proceedings, in which case the County Council shall specify the time within which the Planning and Zoning Commission shall report back to the County Council its findings and recommendation on the matter(s).

- i. The County Council may adopt a Master Plan submitted by the Planning and Zoning Commission, as a whole, by a single resolution, or may from time to time approve and adopt a part or parts thereof, any such part to correspond generally with one or more of the functional elements of the plan.
- j. The Master Plan shall only become effective upon approval by resolution of the County Council. The resolution shall refer expressly to revisions to specific elements, the addition of elements, maps, descriptive matter, or other revisions intended by the Planning and Zoning Commission to form the whole or part of the Master Plan.

### 16-75-(C)(3) DECISION CRITERIA

An application for adoption or amendment of a Master Plan shall be approved if it meets all of the following criteria:

- a. The proposed Master Plan or amendment thereto is consistent with the health, safety and welfare of the County as shown by conformance with the goals and policies of the Comprehensive Plan and other adopted County plans or policies.
- b. The proposed Master Plan or amendment thereto complies with all applicable provisions of this Code and other adopted County regulations.
- c. The County's existing and proposed infrastructure and public improvements including, but not limited to utilities, streets, sidewalks, or trails have adequate capacity to serve the proposed Master Plan development or amendment thereto.
- d. The establishment, maintenance, or operation of uses made possible by the Master Plan adoption or amendment will not be detrimental to the health, safety, or welfare of persons residing or working adjacent to or within the proximity of the subject property or properties.

### 16-75(D) TEXT AMENDMENT

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#### 16-75-(D)(1) APPLICABILITY

This section applies to all applications to text amendments to this Code.

#### 16-75-(D)(2) PROCEDURES

- a. Applications for amendment to the text, including uses and addition, deletion, or change in uses allowed in the use index of this Code, may be made by the County Council, the Planning and Zoning Commission, the County Manager, the Community Development Director, or their designee.
- b. Text amendment applications shall be submitted to the Community Development Department and include all applicable materials per the County website, including a written explanation of how the request conforms to Decision Criteria in Section 16-75-(d)(3).
- c. A request for amendment to the Comprehensive Plan, if found necessary by the Community Development Director, or their designee, shall be submitted concurrently with the request for amendment to the text of this Code.
- d. The Community Development Department shall intake the application pursuant to the requirements of Section 16-72(d).
- e. The Community Development Department shall provide public notice pursuant to the requirements of Section 16-72-(c)(2).
- f. The Community Development Director, or their designee, shall set a date for public hearing before

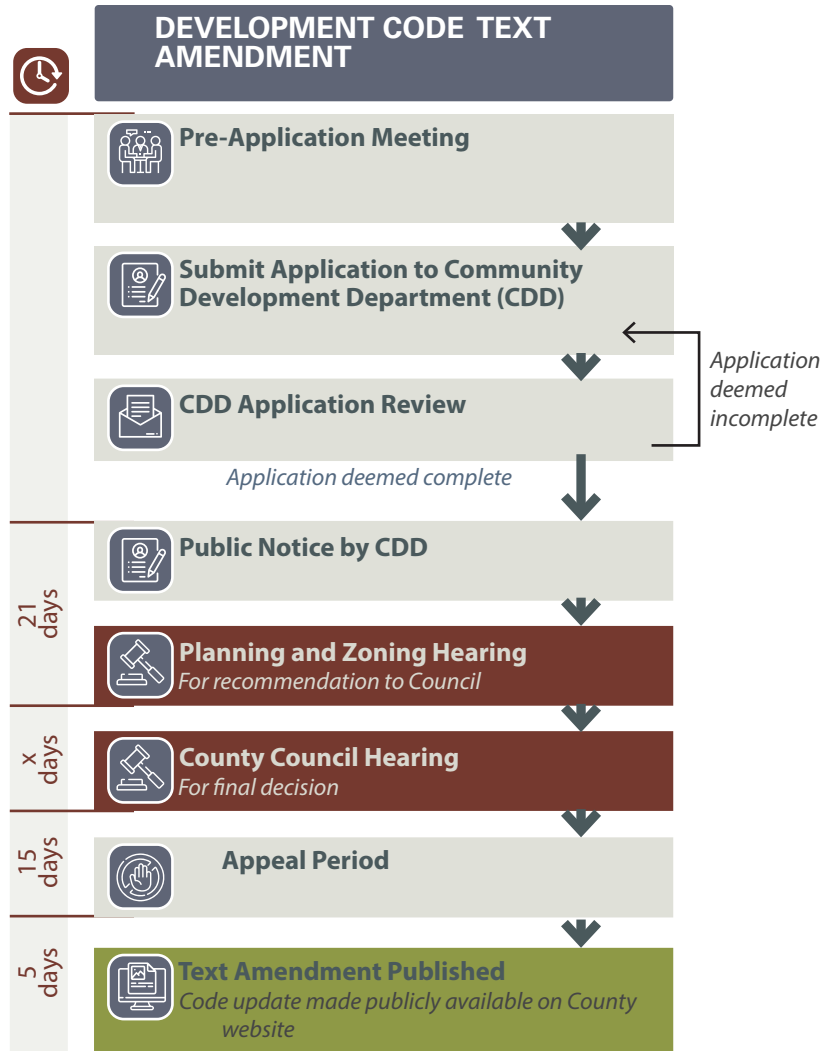
the Planning and Zoning Commission on the text amendment request within 28 days of receipt of a complete application.

g. The Community Development Department staff shall review the application and forward a recommendation to the Planning and Zoning Commission.

h. The Planning and Zoning Commission shall conduct a public hearing on the application pursuant to the requirements of *Section 16-72(f)*. The Planning and Zoning Commission shall make a recommendation to the County Council pursuant to the requirements of *Section 16-69(b)* and the Decision Criteria of *Section 16-75-(d)(3)*.

i. Following receipt of the Planning and Zoning Commission recommendation for the proposed amendment to the Code, the County Council shall conduct a public hearing pursuant to *Section 16-72(f)* to consider the proposed text amendment and the recommendation of the Planning and Zoning Commission. The County Council shall make a decision based on applicable Decision Criteria pursuant to *Section 16-75-(d)(3)* about each application at a public hearing:

1. The County Council shall approve, modify, or disapprove the request, or it may vote to remand the matter back to the Planning and Zoning Commission for further proceedings. If remanded, the County Council shall specify the time within which the Planning and Zoning Commission shall report back to the County Council its findings and recommendation on the matter(s).
2. The County Council shall issue a final decision with findings to the applicant no later than its next scheduled meeting.



### 16-75-(D)(3) DECISION CRITERIA

An application for text amendment to this Code shall be approved if it meets all of the following criteria:

- a. The request substantially conforms to the intent and policies of the Comprehensive Plan and other adopted County policies and plans.
- b. The proposed change will not result in land use inconsistent with the purpose of the district or incompatible with a use allowed in the underlying zone district.
- c. The proposed change will clarify existing language, remove redundant or inconsistent language, or simplify the understanding and implementation of the Code.
- d. The proposed amendment promotes public health, safety, and welfare.

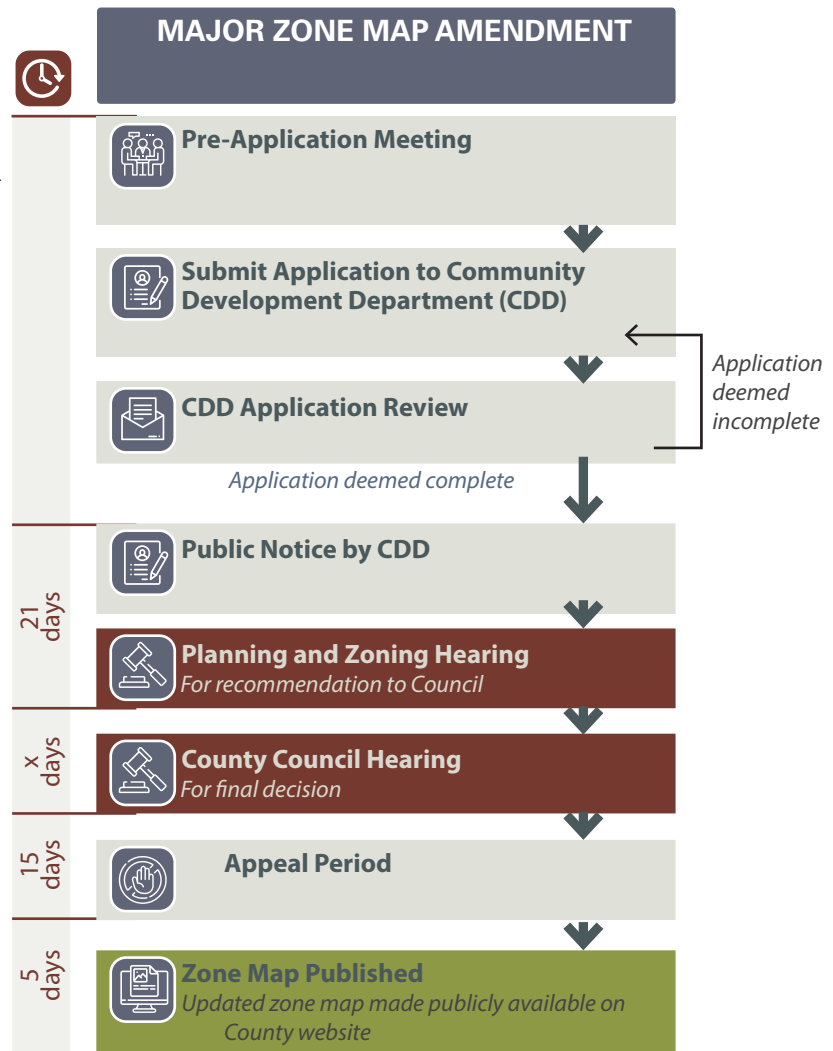
## 16-75(E) MAJOR ZONE MAP AMENDMENT

### 16-75-(E)(1) APPLICABILITY

This section applies to all applications for a Zone Map Amendment where the proposed map amendment does not concern a single tract, parcel or lot under common ownership, or the land affected by the map amendment is not predominantly owned by a single person or entity under common ownership.

### 16-75-(E)(2) PROCEDURES

- a. Prior to the submission of a Zone Map Amendment application, the applicant shall attend a Pre-Application Meeting pursuant to Section 16-72-(b)(1) and conduct a Neighborhood Meeting pursuant to Section 16-72-(b)(2).
- b. Applications for an 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 their designee, or the owner or agent of any parcel of property to be affected.
- c. Zone Map Amendment applications shall be submitted to the Community Development Department. The application shall explain how it conforms to the Decision Criteria in Section 16-75-(e)(3).
- d. A request for amendment to the Comprehensive Plan, if found necessary by the Community Planning Director, shall be submitted, processed, heard, and decided upon concurrently with the request for Zone Map Amendment.
- e. The Community Development Department shall intake the application pursuant to the requirements of Section 16-72(d).
- f. The Community Development Department shall provide public notice pursuant to the requirements of Section 16-72-(c)(2).
- g. The Community Development Director, or their designee, shall set a date for public hearing before the Planning and Zoning Commission on the Zone Map Amendment request within 28 days of receipt of a complete application.
- h. The Planning and Zoning Commission shall conduct a public hearing on the application pursuant to the requirements of Section 16-72(f). The Planning and Zoning Commission shall make a recommendation to the County Council pursuant to the Decision Criteria in Section 16-75-(e)(3).
- i. Following receipt of the Planning and Zoning Commission recommendation for the proposed Zone Map Amendment, the County Council shall conduct a public hearing pursuant to Section 16-72(f) to



consider the proposed Zone Map Amendment and the recommendation of the Planning and Zoning Commission.

- j. The County Council shall approve or deny the proposed Zone Map Amendment pursuant to the Decision Criteria within Section 16-75-(e)(3).
- k. The Council may also vote to remand the matter back to the Planning and Zoning Commission for further proceedings. If the case is remanded, the County Council shall specify the time within which the Planning and Zoning Commission shall report back to the County Council its findings and recommendations on the matter(s) referred to it.
- l. Final approval of the Zone Map Amendment shall be determined by the County Council.
- m. After the County Council has approved a Zone Map Amendment, the Official Zoning Map shall be amended to note the new zone district designation and posted on the County website.

### 16-75-(E)(3) DECISION CRITERIA

An application for a Zone Map Amendment of the Official Zoning Map shall be approved if it meets all of the following criteria:

- a. The proposed Zone Map Amendment is consistent with the health, safety, and welfare of the County as shown by conformance with the goals and policies of the Comprehensive Plan and other adopted County plans or policies.
- b. The existing zone district designation is shown to be inappropriate for one or more of the following reasons:
  - 1. It was established in error;
  - 2. Changed conditions warrant the rezoning; or
  - 3. A different zone is more advantageous to the community as articulated by conformance with each applicable goal and policy in the Comprehensive Plan, including the future land use map.
- c. The proposed zoning will not designate a zone district different from surrounding zone districts to one small area, i.e. create a spot zone, unless one or more of the following criteria are met:
  - 1. Granting such zoning accomplishes the goals and policies of the Comprehensive Plan;
  - 2. Unique characteristics specific to the site exist; or
  - 3. The zoning serves as an appropriate transition between land uses of higher and lower intensity.
- d. The County's existing and proposed infrastructure and public improvements including, but not limited to utilities, streets, sidewalks, or trails have adequate capacity to serve the development made possible by the Zone Map Amendment.
- e. The establishment, maintenance, or operation of uses made possible by the Zone Map Amendment will not be detrimental to the health, safety, or welfare of persons residing or working adjacent to or within the proximity of the subject property.

## DIVISION 4 NONCONFORMITIES

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### SEC. 16-76 PURPOSE

The purpose of this section is to regulate land uses, buildings, structures, lots, site features, or any combination thereof that were lawfully established prior to the effective date of this Code, but that no longer conform to the requirements of this Code. All such situations are collectively referred to in this section as “nonconformities.” While nonconformities may continue, the provisions of this section are designed to reduce or eliminate over time any nonconformity that does not meet the regulatory standards of this Code and/or the County’s adopted goals.

### SEC. 16-77 APPLICABILITY

The provisions of this section apply to land uses, structures, lots, signs, and site features including:

- (a) Those that were legally established prior to the effective date of this Code but that became nonconforming due to the adoption of this Code.
- (b) Those that were legally established after the effective date of this Code but that became nonconforming due to the adoption of a future amendment to this Code.

### SEC. 16-78 AUTHORITY TO CONTINUE

- (a) Nonconformities may continue to be used and occupied, subject to regulations regarding the maintenance of premises and conditions of operations set forth in this Section, or unless such nonconformity is terminated as provided in this section.
- (b) Nonconformities shall not be modified in any way that increases the degree of nonconformity.

### SEC. 16-79 MAINTENANCE AND MINOR REPAIR

Minor repairs and maintenance of nonconformities are permitted and encouraged, provided that the repairs and maintenance do not increase the degree of nonconformity. Minor repairs and maintenance include the following:

- (a) Repairs necessary to maintain and to correct any damage or deterioration to the structural soundness of, or the exterior or interior appearance of, a building or structure without expanding the height or footprint of the building or structure, unless compliant with this Code;
- (b) Maintenance of land to protect against and to mitigate health and environmental hazards;
- (c) Repairs that are required to remedy unsafe conditions; and
- (d) Repairs necessary to comply with current building code requirements.

### SEC. 16-80 NONCONFORMING LOTS

- (a) A nonconforming lot that was made nonconforming by virtue of enactment of this Code may be used for construction of a building allowed in the applicable zoning district, provided that all other zoning district and dimensional standards are met .
- (b) Where a conforming or legal nonconforming dwelling, two-family or multiple-family, existed on a lot in the North Community districts on May 9, 2000, such lot shall be considered a conforming site for dwellings, single-family, attached and may be subdivided into a number of lots less than or equal to the number of dwelling units located on the lot on May 9, 2000. The resulting dwellings, single-family, attached, the site, and the lots shall be considered conforming as to the lot size and maximum density.
- (c) Permitted uses or structures may be established on a preexisting lot of record, the description of which is on record on the date of adoption of this Code, notwithstanding limitations imposed by other provisions of this *Division 4*.

## SEC. 16-81 NONCONFORMING USES

### 16-81(A) LIMITATIONS ON CONTINUATION OF NONCONFORMING USES

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Unless specified otherwise in this Code, the nonconforming use of land, building, or a structure shall be allowed to continue regardless of any change in ownership or occupancy of the use, until that use is discontinued or another provision of this section requires the termination of the use, subject to the following provisions:

- (1) No such nonconforming use shall be enlarged, increased or extended to occupy a greater area of land than was occupied on the date of adoption of this Code.
- (2) No such nonconforming use of land shall be moved in whole or in part to any portion of the lot or parcel other than occupied by such use on the date of adoption of this Code.
- (3) A structure containing a nonconforming use may be maintained, repaired, or altered, with limits on expansion pursuant to Sec. 16-79.
- (4) No additional structure not conforming to the requirements of this Code shall be erected in connection with the nonconforming use of land or structure.

### 16-81(B) DISCONTINUANCE OF NONCONFORMING USE

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- (1) When a nonconforming use of land or structure is discontinued for any reason for a period of more than 180 days and no action is taken to continue the use, any subsequent use shall only be an allowable use as indicated in Table 26 Permitted Use Table for the zone district in which the property is located.
- (2) When a nonconforming use is replaced by a use allowed by this Code, the original or any other nonconforming use may not thereafter be resumed.

## SEC. 16-82 NONCONFORMING STRUCTURES

Unless specified otherwise in this Code, a nonconforming structure shall be allowed to continue to be used, regardless of any change in ownership or occupancy of the structure, until the structure is vacant for a period of 180 days or until another provision of this Section requires the termination of the use, subject to the following provisions:

- (a) No nonconforming structure may be enlarged or altered in a way that increases its nonconformity.
- (b) A nonconforming structure may be maintained, repaired, or altered pursuant to Sec. 16-79, but no maintenance, repair, or alteration may increase the extent of nonconformance. Nothing in this section shall prevent the strengthening or restoring to a safe condition of any nonconforming building declared to be unsafe by any County official charged with protection of public safety upon order of such official .
- (c) A nonconforming structure that has been damaged or destroyed by fire or other causes may be restored to its original condition, provided that such work is commenced within one (1) year of such event and completed within eighteen (18) months of such event. By written request from the property owner, the Community Development Director may grant one (1) extension of either the work commencement and/or the completion of work time period.
- (d) A nonconforming structure may be moved in whole or in part to another location on or off the lot, provided that the moving will make it conform to the regulations for the zone district(s) in which it is located.
- (e) The Community Development Director, or their designee, or the Planning and Zoning Commission may refer to the County Council recommendations on abandoned structures for a Council Resolution requiring repair or demolition in accordance with NMSA 1978 § 3-18-5 .



## SEC. 16-83 NONCONFORMING SITE FEATURES

### 16-83(A) APPLICABILITY

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For purposes of this subsection, the term “nonconforming site feature” includes, but is not limited to, any driveway, off-street parking or loading area, landscaping, screening, or buffering, outdoor lighting, signage, walls and fences or any other element that lawfully existed per regulations in place prior to the effective date of this Code, as well as the lack of any such feature required by subsequently enacted County regulations.

### 16-83(B) AUTHORITY TO CONTINUE

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- (1) A nonconforming site feature may continue to exist even though it does not conform to the current applicable standards of this Code, subject to the requirements of this Section.
- (2) No legal nonconforming site feature shall be altered, removed, or otherwise modified in a manner that increases the site feature’s nonconformity. Site features may be modified in a manner that maintains or lessens the extent of the nonconformity.
- (3) If building expansions or other changes to the property occur that require corresponding site feature improvements, the affected features shall only be required to be modified to the extent necessary to accommodate the property changes. The required installation of new site features shall not require the entire site to be brought into compliance with this chapter. For example, parking lot landscaping would only be required for new portions of a parking lot that was required to be expanded due to a change in the use of the property, to the extent that the amount of landscaping in the pre-existing parking areas will be unaffected.
- (4) A lot that does not comply with the standards of this Code in ARTICLE III , Division 5 Neighborhood Protection Standards, Division 3 Off-Street Parking, Loading, and Queuing, Division 4 Landscaping AND Screening, Division 7 Walls, Fences and Gates, or Division 8 Signage may continue to be used and occupied, and uses may be changed or expanded as allowed by other provisions of this Section, notwithstanding those nonconformities, unless and until the gross floor area of the primary building on the lot is expanded more than 25% of the existing gross floor area, at which time any portion of the lot affected by the expansion shall be brought into compliance with any relevant standards in the Sections listed above in this provision.

## DIVISION 5 CONSTRUCTION IMPROVEMENTS

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### SEC. 16-84 CONSTRUCTION PHASING PLAN

The following development actions shall require a written statement describing the date for commencement and completion of construction, by phase, and a chart indicating the approximate construction period for each of the utilities, and public and private roadway improvements prior to approval of the utilities plan and public and private roadway improvements:

- (a) Subdivisions submitted at final plat;
- (b) Site plans; and,
- (c) Conditional Use Permits, required only if application is not submitted with site plan review.

### SEC. 16-85 NOTIFICATION

The applicants shall notify the County Engineer and Utilities Manager a minimum of one working day prior to starting the construction of improvements or installation of utility facilities on land designated

for public use.

## SEC. 16-86 BEGINNING OF CONSTRUCTION

Construction shall not commence for the developments listed in this article until the following has occurred:

- (a) Subdivision, and subdivision by summary procedures: recording of the plat with the County Clerk.
- (b) Site plan: findings of fact for approval or conditional approval issued.
- (c) Conditional Use Permit: findings of fact for approval or conditional approval issued.
- (d) Variance: findings of fact for approval or conditional approval filed with the County Clerk.
- (e) County Attorney, County Engineer, and Utilities Manager have signed all construction plans and approved the surety agreement, as appropriate.

## SEC. 16-87 DEVELOPMENTS WITH PUBLIC IMPROVEMENTS

The applicant shall agree to construct all public improvements in accordance with County Engineer and Utilities Manager approved construction drawings and specifications. Such public improvements shall be constructed within the time period specified on the escrow agreement. Except as otherwise provided in *Division 2*, the applicant shall construct all utility and public improvements in conformance with this Code, and “Los Alamos County Utilities Construction Standards” and “Los Alamos County Public Works Design and Construction Standards”, to the extent such standards are not inconsistent with this Code. “Los Alamos County Public Works Design and Construction Standards” shall be those engineering standards adopted by the County Engineer. The County Engineer and Utilities Manager shall have review and approval authority over all public improvements.

## SEC. 16-88 DEVELOPMENTS WITH PRIVATE IMPROVEMENTS

- (a) The applicant shall construct private improvements in accordance with County Engineer and Utilities Manager approved construction drawings and specifications.
- (b) Except as otherwise provided in *Division 2*, private roadways shall be constructed in conformance with “Los Alamos County Public Works Design and Construction Standards”.
- (c) Except as otherwise provided in *Division 2*, the applicant shall construct designated private utility improvements in conformance with the “Los Alamos County Utilities Construction Standards” available from the utilities department and subject to the review and approval of the Utilities Manager.

## SEC. 16-89 ESCROW AGREEMENT

- (a) The applicant or their agent shall have a consulting engineer prepare cost estimates for construction of public and private improvements based on normal construction practices and procedures and shall submit the estimates to the Utilities Manager.
- (b) The public improvements and public utilities shall be ensured by either of the following:
  - (1) An escrow letter of credit agreement approved by the County Attorney in an amount of money sufficient to pay 100 percent of the costs of construction of all public improvements and public utilities. The Utilities Manager and County Engineer shall certify that the amount is adequate;
  - (2) A cash deposit sufficient to cover 100 percent of the cost of gas and electric improvements to be installed by the County shall be reviewed by the Utilities Manager and County Attorney. Upon approval, the Utilities Manager shall arrange for filing of the cash deposit with the County finance department.
- (c) Additional requirements.
  - (1) The escrow agreement shall provide that no funds shall be released until all improvements and utility facilities have been installed and accepted.

- (2) If the applicant intends to have any part of the improvements installed by contractors or subcontractors, copies of the contracts, along with copies of performance and payment bonds naming the subdivider as obligee, shall be submitted to the County Engineer or Utilities Manager, as appropriate, and the County Attorney for approval. Approval shall be limited to the terms of performance.
- (d) The County may use all available escrow funds to complete the required public improvements when the following two conditions are met:
  - (1) If, in the opinion of the County Engineer, no substantial work on the public improvements has been accomplished for a period of 30 days (in the absence of inclement weather conditions, intentional shutdowns, work stoppages, etc.); and
  - (1) If, in the opinion of the County Engineer, it is necessary to complete the required public improvements.
- (e) Prior to use of available escrow funds, the County Engineer shall serve upon the applicant and their agent by certified mail, return receipt requested, a letter requiring the applicant within 30 days to show good cause, in writing, why the work on the required public improvements has ceased. If the applicant fails to respond within 30 days from the date of receipt of the notice by the applicant, the County Engineer shall notify the applicant and their agent of the County Engineer's decision to begin completion in at least three (3) calendar days of the required public improvements. If the applicant resumes work prior to the County beginning the work and makes substantial progress on the required public improvements within 30 days, the County Engineer shall not begin the work using the escrow funds. The County shall use the available escrow funds to complete the required public improvements if the applicant or agent does not respond to the notice to show cause, or if the reasons cited by the applicant or agent for failure to make progress are not deemed by the County Engineer to be sufficient, or if the applicant or agent resumes work but does not make substantial progress on the required public improvements in the opinion of the County Engineer.

## SEC. 16-90 RESPONSIBILITY FOR MAINTENANCE

Any development where public improvements are proposed for dedication to the County must comply with the following requirements:

- (a) To provide for repair of damage resulting from subsequent construction operations of the subdivider or their contractors, the applicant shall be responsible for all maintenance of improvements and utilities for a period of not less than twelve (12) months following acceptance of the development improvements by the County Engineer and Utilities Manager. If the applicant fails to begin maintenance or repair work within three (3) weeks of written notice from the County Engineer and Utilities Manager stating what work needs to be done, the County may complete the necessary work. The applicant shall then be liable for all costs so incurred by the County.
- (b) Upon acceptance by the County Engineer and Utilities Manager of the development, the applicant must furnish either a maintenance bond guaranteeing completion of any maintenance required by the County Engineer and the Utilities Manager for twelve (12) months after acceptance of the development by the County Engineer and Utilities Manager; or, at least ten (10) percent of the original escrow funds, as stipulated in Section Sec. 16-89, shall be retained by the County as a maintenance deposit. The maintenance bond must be satisfactory in form and content to the County Engineer, the Utilities Manager and the County Attorney. The bond will be released or balance of escrow funds returned to the developer at the later date of twelve (12) months after acceptance of the development or completion of maintenance required by the County Engineer and Utilities Manager.

## SEC. 16-91 ACCEPTANCE

- (a) County acceptance of the public improvements and utilities shall be by motion of the County Council only. The County Council shall accept only upon recommendation by the County Engineer and Utilities Manager. The recommendation by the County Engineer and Utilities Manager shall be contingent upon:
  - (1) Fulfillment of the requirements for responsibility for maintenance as outlined under Sec. 16-90;
  - (2) An opinion by the County Attorney that satisfactory and proper conveyances have been made by the applicant to the County;
  - (3) Public improvements that have been completed and are in good repair in accordance with approved plans and specifications;
  - (4) Utilities that have been completed and are in good repair with approved plans and specifications reviewed by the Utilities Department;
  - (5) As-built drawings dated, certified, and stamped by a professional engineer having been submitted to and accepted by the County Engineer and Utilities Manager;
  - (6) All monuments that have been placed.
- (b) Except when a development is approved by the Planning and Zoning Commission or County Council as a phased development, a development shall not be recommended for acceptance by the County Engineer or Utilities Manager or accepted by the County Council in part; it shall be accepted only as a whole as indicated in the final plat or site plan, or conditional use permit and approved engineering drawings.
- (c) The developer will be charged an additional fee for reinspection when as-built plans do not conform to field inspection.

## SEC. 16-92 MONUMENTS

The County Surveyor may require replacement of survey monuments or placement of new monuments for any development according to the following standards:

- (a) Two corners of the development boundary shall be marked with permanent survey monuments and tied by course and distance to separate permanent survey monuments approved by the County surveyor. Boundary monuments shall be placed in accordance with specifications of the County surveyor. The location of the boundary monuments and their respective ties shall be approved by the County surveyor and shall be shown on the final plat or site plan.
- (b) Internal control monuments shall be placed at strategic locations within the interior of the development and shall be placed in accordance with specifications of the County surveyor. Each monument shall be intervisible with at least one other monument and shall be placed as required by the County surveyor. The purpose of these monuments is to provide for the establishment or reestablishment of lot corners and improvements within the development. Such monuments may be placed after improvements have been completed, but prior to County acceptance of the public improvements or the issuance of a certificate of completion.
- (c) Boundary monuments and internal control monuments shall be benchmarks. The elevation of benchmarks shall be based on mean sea level datum as established by the National Geodetic Survey and such elevation shall be accurately shown and noted on as-built construction drawings. Benchmarks shall be approved by the County surveyor as required by the standards for land surveys in the State as adopted by the State Board of Registration for professional engineers and professional surveyors.
- (d) All lot or tract corners, angle points, points of curves and intermediate points shall be monumented as required by the Standards for Land Surveys in New Mexico, as adopted by the State Board of Registration for professional engineers and professional surveyors.
- (e) Prior to the acceptance of any public improvement in any development or the issuance of a certificate of completion, the developer shall submit to the County surveyor a control diagram of the

required monumentation. The diagram shall be prepared by the professional surveyor who placed the monumentation in the development. The control diagram shall show all required monuments and show courses and distances between monuments to link them into a single network. Elevations shall be given for each benchmark.

## SEC. 16-93 GENERAL CONSTRUCTION STANDARDS

The following construction practices are required:

- (a) All sanitary sewer, gas, electric, telephone, CATV and water mains, including service lines to the property line of each lot, shall be installed before streets are surfaced. Installation shall be in conformance with construction standards adopted by the County Utilities Board.
- (b) All utilities as shown in the engineering plans shall be installed and approved before occupation of any building within the development or that phase of a development. All work shall be coordinated by the applicant to avoid damaging improvements already installed.
- (c) Drainage structures, such as pipe culverts, box culverts, and storm sewers, as required by the County Engineer, shall be installed before street surfacing is begun.
- (d) The width of the street at the portion of the right-of-way to be developed shall be graded, including the subgrade of the areas to be paved.
- (e) The drop curb for driveway aprons on all cul-de-sacs for each residential lot shall be constructed as part of the construction of the curb and gutter, unless otherwise approved by the County Engineer.
- (f) Fire hydrants shall be provided as required by the Utilities Manager and the Fire Marshal.
- (g) All streets within a subdivision shall be paved up to and including the frontage of all dwelling and/or structures prior to the issuance of any certification of occupancy, temporary or otherwise.
- (h) Sidewalks shall be provided in locations and at dimensions indicated in the public works construction manual.

## DIVISION 6 VIOLATIONS, ENFORCEMENT, AND PENALTIES

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### SEC. 16-94 PURPOSE

This Section establishes a County official responsible for executing those duties associated with the administration and enforcement of this Code, and to establish a procedure for taking remedial action on complaints and code violations.

### SEC. 16-95 AUTHORITY TO ENFORCE

The Community Development Director, or their designee, shall be responsible for enforcing the provisions of this Code except where the provisions of this Code clearly designate enforcement authority to the County Engineer, Code Compliance Officer(s), or other designated official. The Community Development Director, or their designee, shall be authorized to order discontinuance of illegal uses of lands, buildings or structures, removal of illegal buildings or structures or the additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take other actions authorized by this Code to ensure compliance with or to prevent violation of its provisions.

### SEC. 16-96 REVIEW OF ZONING COMPLIANCE

No department official or employee of the County shall issue any building permit or otherwise authorize any type of construction or improvement to land or buildings or a combination thereof until there has been an endorsement of compliance in writing with the applicable regulations of this Code by the Community Development Director, or their designee.

## SEC. 16-97 ENFORCEMENT PROCEDURES

- (a) Whenever an alleged violation of this Code occurs, any person may file a written complaint stating the provisions of the Code being violated to the Community Development Department.
- (b) Upon receiving a complaint, the Community Development Department shall promptly investigate and take action as provided in this Section.
- (c) If, in response to a complaint or upon the Code Compliance Officer's own initiative, the Community Development Department finds that any of the provisions of Code have been violated, the department shall issue a written notice of violation that:
  - (1) Describes the specific violation;
  - (2) Orders the action necessary to correct the violation;
  - (3) Establishes a specific and reasonable period for the correction of the violation; and
  - (4) States that failure to comply with the notice may result in one or more of the penalties provided in Section Sec. 16-98.
- (d) If the violation is not remedied in the time frame provided in the notice, the County may proceed with penalties per Section Sec. 16-98 below.

## SEC. 16-98 PENALTY FOR VIOLATION OF CODE

- (a) Violators of the provisions of this Code or persons failing to comply with any of its requirements shall, upon conviction, be punishable as set forth in Section 1-8 of this Code. Each calendar day of violation shall constitute a separate offense.
- (b) The owner or tenant of any building, structure, premises or its part or any architect, builder, contractor, agent or any person who commits, participates in, assists in, or maintains a violation may each be found guilty of a separate offense and suffer the penalties provided in this section.
- (c) Nothing contained in this section shall prevent the County from taking other such lawful action as may be necessary to prevent or remedy any violation or to bring an action to enjoin any violation of this Code.

# ARTICLE VI. DEFINITIONS

## DIVISION 1 RULES

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The following rules apply to definitions listed in this chapter:

- (a) 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.
- (b) 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.
- (c) 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.
- (d) 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.
- (e) Measurements involving restricted uses identified in ARTICLE III shall be measured from the nearest point of the exterior wall of the restricted use to the nearest point of the exterior wall of any protected use, i.e. an Adult Entertainment use shall be measured from the nearest point of the exterior wall of the proposed Adult Entertainment use to the nearest point of the exterior wall of any protected use (School or Daycare Center) or to the nearest edge of the Residential zone district boundary.

## DIVISION 2 DEFINED TERMS

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The following words, terms and phrases, when used in this Code, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

### A

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**Abandoned Sign.** Any sign which, for a period of at least 60 consecutive days or longer, no longer advertises or identifies a legal business establishment, product, or activity. See Division 2.

**Abut.** To touch or share a common property line.

**Accessory Dwelling Unit.** A dwelling unit that is accessory to a primary single-family or two-family detached dwelling or non-residential use. Accessory dwelling units may be attached to the primary dwelling, contained within the primary dwelling, or built as a detached accessory structure and contain a separate kitchen.

**Access.** A way or means of approach to provide vehicular or pedestrian physical ingress and egress to a property or use.

**Accessory Structure.** A structure detached from and located on the same lot as a primary building, clearly incidental and subordinate to the primary building or use. Accessory structures include but are not limited to shade structures such as covered patios, gazebos, pergolas, ramadas, or similar roofed structures. A structure attached by wall or roof to the main building is not an accessory structure but is a part of the main building. See also Building and Structure.

**Accessory Use.** A use incidental and subordinate in use, area, or purpose to the primary use of the premises or lot.

**Addition.** An extension or increase in floor area or height of an existing building or structure.

**Adjacent.** Those properties that are abutting or separated only by a street, alley, or trail. For example, an Industrial zone district across the street from a Residential zone district is adjacent to that zone district.

**Adult Entertainment.** An establishment such as an auditorium, bar, cabaret, concert hall, nightclub, restaurant, theater, or other commercial establishment, other than an adult retail establishment, that provides amusement or entertainment featuring live entertainment, audio and/or video displays or other graphic representations that are intended to provide sexual stimulation or sexual gratification and is distinguished or characterized by an emphasis on specified anatomical areas or specified sexual activities.

**Adult Retail.** An establishment where 50 percent or more of its gross area is devoted to sell or rent the following adult material that include, but are not limited to, books, magazines, newspapers, films (video tapes and/or DVDs), slides, photographic or written material, and other items or devices that are distinguished or characterized by an emphasis on the depiction, description, exposure, or representation of specified anatomical areas or the conduct or simulation of specified sexual activities. Adult retail is a primary use and is not accessory to any other use.

**Agent.** A person authorized to submit the application on behalf of the owner, contract purchaser, or other person having a recognized property interest in the land, as evidenced by a letter or document signed by the owner, contract purchaser, or other person. Also see "Owner."

**Alley.** A public right-of-way or private way providing secondary access to abutting property or primary vehicular access to residential properties, minimizing or eliminating the need for driveway access to the street.

**Alteration.** Any construction or renovation to an existing structure other than a repair or addition.

**Antenna.** Means the same as defined by the FCC in 47 C.F.R. § 1.6002(b).

**Applicant.** Any person who submits a development application requesting a development permit or approval authorized by this Code.

**Application.** 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.

**Architectural Lighting.** Lighting designed to reveal architectural beauty, shape, or form and for which lighting for any other purpose is incidental.

**Area, Floor.** 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.** 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.** 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.

**Art Gallery.** A building, room, or series of rooms where works of art are exhibited for display or sale.



**Artisan Manufacturing.** An establishment or business where an artist, artisan, or craftsperson teaches, makes, or fabricates crafts or products by hand or with minimal automation and may include direct sales to consumers. This definition includes uses such as small-scale fabrication, manufacturing, and other industrial uses and processes such as welding and sculpting, as well as incidental storage, wholesaling of products manufactured at the facility, and direct sales to consumers. Also see Light Manufacturing and Heavy Manufacturing.

**Assisted Care Facility.** A facility that provides living and sleeping facilities and care to 5 or more individuals unrelated by marriage, birth, or legal adoption who, because of advanced age or physical or mental disability, require intermittent assistance in performing the activities of daily living, which may include the supervision and/or administration of medication, in a protective environment. Such care includes, but is not be limited to, meal preparation, laundry services, housekeeping, personal observation and direction in the activities of daily living, transportation for routine social and medical appointments, and the availability of a responsible adult for companionship or non-clinical counseling. The use does not include a “Hospital” or a “Group Residential Facility”.

## B

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**Backlight.** Light emitted in the quarter-sphere below horizontal and in the opposite direction from the intended orientation of the luminaire. For example, light visible from a property behind a curb-mounted streetlight is backlight. See illustration under BUG.

**Balcony.** An unenclosed platform projected from a wall of a building or structure above the first floor level and gaining sole access from said building or structure.

**Banner.** Any sign of lightweight fabric or similar material with no enclosing framework. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

**Bar.** An establishment having as its primary or predominant uses the serving of beer, wine, or liquor for consumption on the premises, but that does not meet the definition for Tap Room or Tasting Room.

**Bed and Breakfast.** A low-density residential development with a permanent resident and up to 5 guestrooms which may be rented for short term overnight lodging with breakfast served to overnight guests only. See also Hotel or Motel.

**Bedroom.** Any room in a dwelling that is partitioned by walls and doors, other than the following: kitchens, living rooms, dining rooms, family rooms, baths, foyers, corridors and closets (All as defined in Articles 14-1 and 14-3 of ROA 1994 (Uniform Administrative Code and Technical Codes and Uniform Housing Code)).

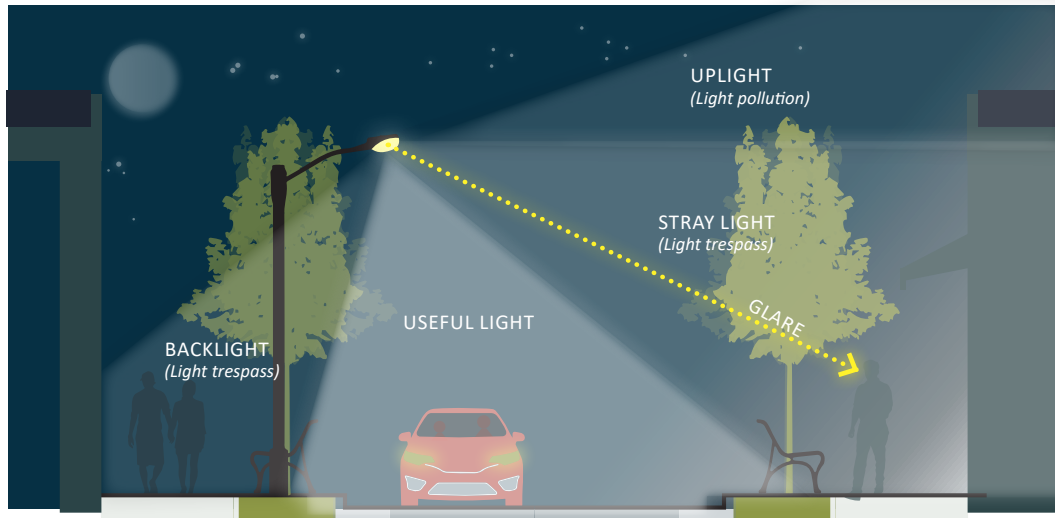
**Billboard.** An off-premise, freestanding sign which advertises or directs attention to a business, product, service, or event. None of the products or services may be conducted, sold, or offered on the premises where the billboard is located.

**Block.** 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”.

**Breezeway.** A roofed, open-sided passageway which provides direct access between buildings.

**Buffer.** Open spaces, strips of land, landscaped areas, fences, walls or any combination of the same, used to physically separate and screen one use or property from another to visually shield or block noise or lights.

**BUG.** The IES TM-15 luminaire classification system describing the amount and location of light being emitted from a luminaire.



**Building.** An independent, fully-enclosed structure built and maintained for the support, shelter or enclosure of persons, animals, or property of any kind.

**Building Height.** The vertical distance above finished grade measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the midpoint of the highest gable of a pitched or hipped roof.

**Building, Main.** A building within which is conducted one or more permitted or conditional uses. There may be more than one main building on a lot depending on the zone district designation.

**Business.** A legal entity operating an enterprise in a space separate from any other enterprise.

## C

**Caliper.** The diameter of the main stem of a tree or shrub measured 8 inches above the ground.

**Campground or RV park.** A lot developed or used for the temporary occupancy of recreational vehicles (RV) or shelters such as motor homes, travel trailers, camper vehicles, tent shelters and the like.

**Caretaker Unit.** A dwelling unit for a person residing on the premises of an employer and who is receiving meaningful compensation to assume the primary responsibility for the necessary repair, maintenance, supervision, or security of the real or personal property of the employer which is located on the same lot.

**Cannabis.** All parts of the plant genus Cannabis as defined by the Cannabis Regulation Act ("Act").

**Cannabis Cultivation and Manufacturing Facility.** A facility in which cannabis is grown, harvested, dried, cured, or trimmed for consumption by smoking or inhalation, or cannabis is processed into products intended for use or consumption other than by smoking or inhalation, including but not limited to, edible products, ointments, and tinctures.

**Cannabis Retail.** A retail sales establishment licensed by the State to sell cannabis products to qualified patients, primary caregivers, and reciprocal participants as defined by the Act, or directly to consumers.

**Canopy.** A covered structure with at least 1 side open for pedestrian or vehicular access for automobile service stations or similar uses.

**Carport.** A permanent roofed structure with not more than 2 enclosed sides used or intended to be used for automobile storage.

**Cemetery.** A place dedicated to the interment of human or animal remains or cremated remains, including a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination thereof.

**Character.** Those attributes, qualities, and features that make up and distinguish a development or neighborhood and give such development or neighborhood a sense of purpose, function, definition, and uniqueness.

**Club.** 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.

**Collocate.** The same as defined by the FCC in 47 C.F.R. § 1.6002(g).

**Color Rendering Index (CRI):** A quantitative measure, on a scale of 0 to 100, of artificial light's ability to render an object's natural color, with 100 being a good match for natural light.

**Compact Parking Space.** A parking space designed by reducing the depth of the stall to 18 feet meeting the requirements of Section Sec. 16-33.

**Commercial.** Any activity involving the provision of services carried out for profit, including but not limited to 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 Message.** A message related by language, logo, or pictorial depiction to the advertisement of any product or service or the identification of any business.

**Community Development Director.** The Director of the County of Los Alamos Community Development Department or their designee.

**Community Garden.** A private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by individuals or collectively by members of a group or organization.

**Common Open Space.** Outdoor space to be preserved on-site and managed privately to help ensure livable conditions on each site by providing light and air and meeting visual, psychological, and recreational needs. These areas can be used for a variety of purposes and are not required to be at ground level. Usable open space may include, but is not limited to, lawns; community gardens; decorative and native plantings; open balconies; rooftop decks; plazas; courtyards; covered patios open on at least 2 sides; walkways; landscaped buffers or setbacks; active and passive recreational areas; fountains; swimming pools; wooded areas; canyon areas; and water courses. Such space shall be available for entry and use by users of the development. Required drainage facilities or land within an easement for overhead utilities that are not landscaped shall not count toward required usable open space. Usable open space does not include public right-of-way, private ways, parking lots, off-street parking, driveways, drive aisles other private vehicular surfaces, or buildings other than swimming pool rooms.

**Comprehensive Plan.** The plan adopted by the County to guide overall growth and development and capital improvement planning in the County including amendments to that plan.

**Condominium.** 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.

**Conforming Sign.** A sign that is in compliance with all prevailing jurisdictional laws and ordinances.

**Contiguous.** In contact with or sharing a common border, boundary, or property line.

**Continuous Lighting:** A street lighting system made up of regularly spaced luminaires along the street. Criteria typically defines minimum and maximum illuminance values and overall uniformity along the lighted area.

**Contractor Facility or Yard.** A building and related outdoor area used to store and maintain construction equipment and materials including but not limited to plumbing, electrical, carpentry, roofing, and landscaping, and facilities customarily required in the building trade by a construction contractor.

**County.** The incorporated County of Los Alamos, New Mexico.

**County Attorney.** The attorney for the County of Los Alamos.

**County Clerk.** The elected clerk of the County of Los Alamos or his agent.

**County Council.** The elected County Council for the County of Los Alamos.

**County Engineer.** The engineer for the County of Los Alamos or their designee.

**County Manager.** The manager for the County of Los Alamos or their designee.

**County Public Works Director.** The public works director for the County or their designee.

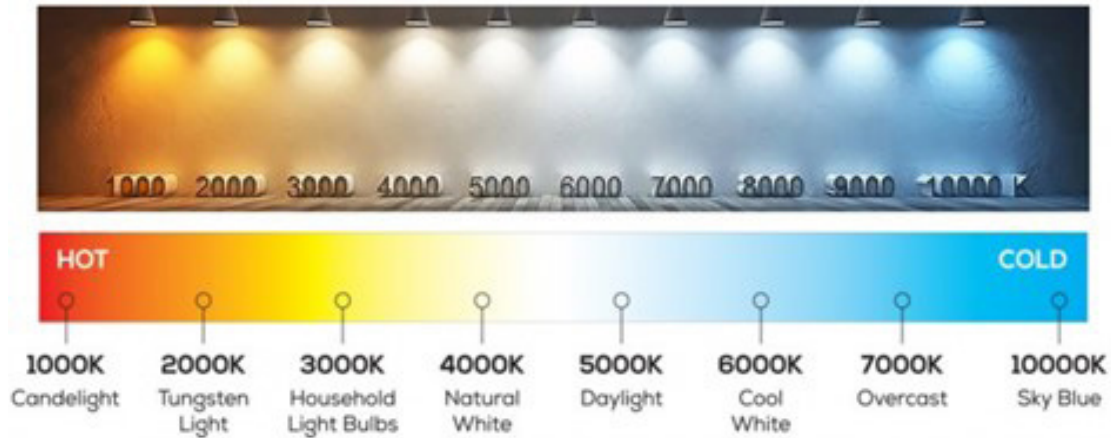
**County Surveyor.** The surveyor of the County or their agent.

**County Utilities Manager.** The utilities manager for the County or their agent.

**Court and Courtyard.** 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.

**Corner Lot.** A lot located at the intersection of and having frontage on two or more streets.

**Correlated Color Temperature (CCT):** Measured in degrees Kelvin (K). A specification for the color appearance of the light emitted by a lamp.



**Cottage Development.** See Dwelling, Cottage Development.

**Crosswalk.** The portion of a pedestrian walkway which intersects and crosses a street.

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

## D

**Daycare Center.** A business in a non-residential setting that is licensed by the County and State to provide care, service, and supervision for less than 24 hours per day to children or adults, and meetings the applicable state and local building and safety codes.

**Daycare Facility.** A private dwelling that provides care, services and supervision for a period of less than 24 hours of any day for at least 5 but no more than 7 children at 1 time who do not normally reside in the home, provided that such center is licensed by the County and State and conducted in accordance with County requirements.

**Daycare Home.** A business in a private residence which provides care, services, and supervision for not more than 4 children at 1 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.

**Deck.** A roofless outdoor space built as an above-ground platform, freestanding or attached, projecting from the wall of a structure and supported by posts or pillars.

**Decision-making Authority.** The Community Development Director, 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.

**Density.** The ratio of dwelling units permitted to gross land area.

**Developer.** Any individual, corporation, company, firm, partnership, joint venture, or other entity responsible for land platting or construction or placement of any structures or infrastructure on a lot.

**Development.** 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, subdivision of land, or activities to prepare land for construction or installation, such as grading.

**Development Code.** This Chapter 16 of the Los Alamos County Code of Ordinances.

**Development Plan.** The master schematic layout prepared as part of a Planned Development Overlay (PD-O) zone 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.

**Diffusion.** The scattering of light by reflection or transmission when light strikes an irregular surface, such as a frosted lens.

**Direct Light.** The portion of light from a luminaire that arrives without being reflected.

**Dissolve or Fade.** A mode of message transition on an electronic message center sign in which the first message gradually appears to dissipate and lose legibility with the gradual appearance and legibility of the second message.

**Dormitory.** A residential building providing rooms for individuals or groups, with common spaces for living and cooking, related to an educational or research institution.

**Drainage Facility.** A system of structures for collecting, conveying, and storing surface and stormwater runoff. These include but are not limited to streams, natural swales, pipelines, channels, ditches, arroyos, acequias, wetlands, infiltration facilities, retention/detention facilities, erosion/sedimentation control facilities, and other drainage structures and appurtenances, both natural and manmade.

**Drive-in or Drive-through Facility.** The portion of a commercial establishment which is designed and operated for the purpose of serving a motorist in a vehicle.

**Driveway.** An unobstructed area with a stabilized surface which provides access along a public street for the purpose of vehicular ingress and egress between the public right-of-way and an adjoining property. Also referred to as accessways, curb cuts, and turnouts.

**Dwelling.** A building or portion of a building designed and intended to be used by a person or family for private residential occupancy. A dwelling has its own separate entrance, permanent plumbing, and is equipped with facilities for sleeping, bathing, and cooking.

**Dwelling, Co-housing Development.** A medium to high-density residential development in which multi-family dwellings may share access, parking, common spaces, kitchens, and dining rooms.

**Dwelling, Cottage Development.** A low-density residential development in which multiple attached or detached single-family dwellings share access, parking, and common spaces, and sometimes community buildings including a larger community kitchen and dining room. Cottage development can include homes on individual lots, homes owned as condominiums, or leased homes.

**Dwelling, Duplex.** A single residential building containing 2 dwelling units, each of which is designed for or occupied by 1 family only, with kitchens for each. Each unit in a duplex is completely separated from the other.

**Dwelling, Fourplex.** A single residential building on a single lot containing 4 dwelling units, each of which is designed for or occupied by 1 family only, with kitchens for each. Each unit in a two-family dwelling is completely separated from the other.

**Dwelling, Live/Work.** A residential dwelling unit containing a dedicated working space reserved for and regularly used by 1 or more residents of the dwelling unit, and in which the type or size of the

work performed is larger or more extensive than that allowed as a home occupation. See also Home Occupation.

**Dwelling, Mobile Home.** A transportable structure that does not meet the construction safety standards of the federal Manufactured Housing Act of 1974.

**Dwelling, Multiple-family.** A residential building, multiple buildings, or a portion of a building located on a single lot, containing 5 or more dwelling units, each of which is designed for or occupied by 1 family only, with separate housekeeping and cooking facilities for each.

**Dwelling, Single-family.** A residential building used for occupancy by 1 household that is not attached to any other dwelling unit through shared side or rear walls, floors or ceilings, or corner points.

**Dwelling, Townhouse.** An individually owned, single-family dwelling constructed as a group of 3 or more attached single-family dwellings, each of which is situated on an individually owned, subdivided lot.

**Dwelling, Triplex.** A single residential building located on a single lot containing 3 dwelling units, each of which is designed for or occupied by 1 family only, with kitchens for each. Each unit in a triplex is completely separated from the other.

**Dwelling Unit.** 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.

**Dynamic Frame Effect.** A visual effect on a frame in which the illusion of motion and/or animation is used on an electronic message center sign or a digital multiple message sign.

## E

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**Easement.** A legal right to use another's land for a specific purpose. The purpose may include, but is not limited to, installing and maintaining stormwater drainage, water and sanitary sewer lines, fire hydrants, landscaping, and other infrastructure improvements. Easements may also be granted for access, open space, view protection, or other specific uses.

**Efficacy.** Measured in lumens per watt (lm/w), luminous efficacy is a measure of how well a light source produces visible light for the amount of energy consumed.

**Electronic Message Center Sign (EMC).** An on-premises permanent sign on which the message is changed by electronic process. Messages displayed include, but are not limited to, copy, art, graphics, time and temperature, public service announcements, and advertising of products or services.

**Electric Vehicle Charging Station.** A facility or area where electric-powered or hybrid-powered motor vehicles can obtain electrical current to recharge batteries and that is accessory to a primary use of the property.

**Equestrian Trail.** A trail or pathway intended for use by persons on horseback or pedestrians.

**Establishment.** A place of business, industry, institutional, or philanthropic activity, with its furnishings and staff.

## F

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**FAA.** The Federal Aviation Administration, or its duly designated and authorized successor agency.

**Façade.** That portion of any exterior elevation of a building extending vertically from normal grade to the top of a parapet wall or eaves, and horizontally across the entire width of the building elevation.

**Façade, Front.** The street-facing principal façade that is parallel to and closest to the front lot line and that typically contains the front door or primary pedestrian entrance. Also see Lot Line, Front and Yard, Front.

**Façade, Side.** Any façade that faces a side lot line that abuts another lot. A façade that faces a side lot line that abuts a street is considered a street-facing façade for the purposes of this Code.

**Façade, Street-facing.** Any façade that faces and is within 20 feet of a property line abutting a street, not including alleys. A building may have more than 1 street-facing façade.

**Façade Variation.** Shifts in the plane of walls, setbacks, reveals, overhangs, in order to create variations within a building's façade.

**Fair.** An organized event or set of events, including but not limited to musical performances and plays, usually happening in one place for a designated period of time with its own social activities, food, or ceremonies, and accessory sales of retail goods.

**FCC.** Means the "Federal Communications Commission", as constituted by the Communications Act of 1934, Pub. L: 73-416, 48 Stat. 1064, codified as 47 U.S.C. §§ 151 et seq. or its duly appointed successor agency.

**Fence.** Any man-made structural device forming a physical barrier to enclose, screen, or separate areas.

**Financial Institution.** An establishment that provides retail banking, mortgage lending, and financial services or administration by a commercial enterprise or offices or the conduct of professional or business service to individuals and businesses, including check-cashing facilities chartered under Federal or State law.

**Finished Grade.** The final elevation of the ground surface after completion of authorized development and associated man-made alterations of the ground surface such as grading, grubbing, fillings, or excavating.

**Fitness Center.** A non-medical service establishment intended to maintain or improve the physical condition of persons that contains exercise and game equipment and facilities, steam baths and saunas, or similar equipment and facilities.

**Fixture height.** Height of the fixture shall be the vertical distance from the ground directly below the centerline of the fixture to the lowest direct light emitting part of the fixture.

**Flag.** 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.** 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 6 feet 6 inches or more, penthouses, attic space whether or not a floor has actually been laid that provides structural headroom of 6 feet 6 inches or more, interior balconies, and mezzanines are all included.

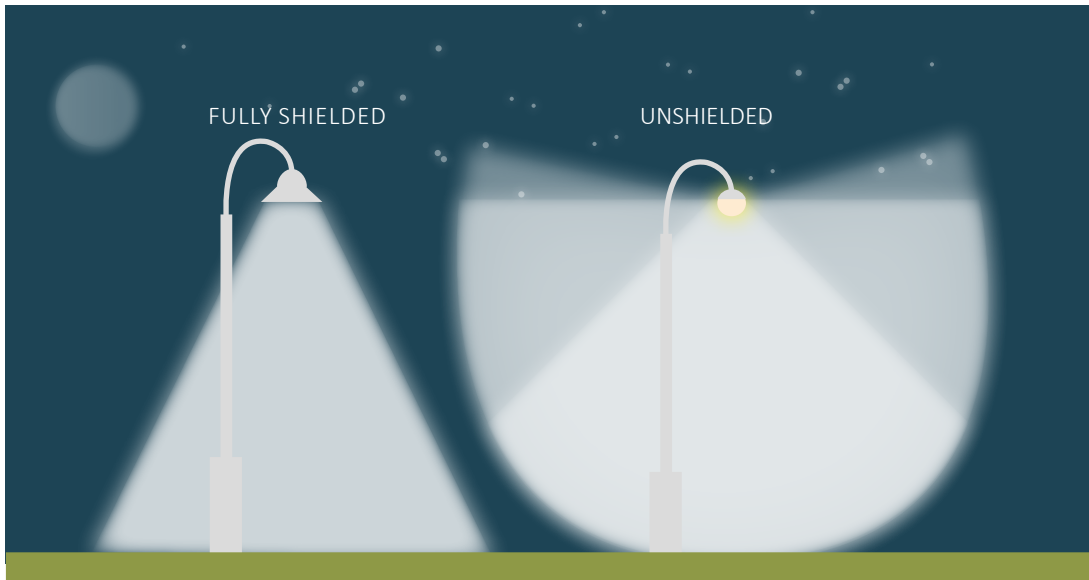
**Frame.** A complete, static display screen on an electronic message center sign.

**Footcandles.** A unit of illumination equal to one (1) lumen per square foot.



**Frontage.** The side of a lot abutting a public right-of-way.

**Fully shielded:** Light fixtures shielded or constructed so that no light rays are directly emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report. The fixture must also be properly installed to effectively down direct light in order to conform with the definition. Examples of fully shielded light fixtures:



**Funeral Home or Mortuary.** A building or part thereof used for human funeral services. Services may include embalming and the performance of other services used in the preparation of the dead for burial, the performance of autopsies and other surgical procedures, the storage of caskets, funeral urns, and other related funeral supplies, the storage of funeral vehicles, and facilities for cremation. A funeral chapel is permitted as an accessory use.

## G

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**Garage.** A portion of a main building or a detached accessory building, having a roof and enclosed by walls on not less than 3 sides, and designed or used for the housing of vehicles, but not including a parking structure.

**Garage or Yard Sale.** The occasional sale of household goods from a residential premise to the public, but not including the sale of new or used commercial goods not previously used as household goods by the individuals conducting the sale or goods purchased by the household specifically for resale.

**Gate.** An opening of part of a wall or fence that permits ingress and egress.

**Glare.** The visual sensation created by luminance (or brightness) that is significantly higher than the surrounding luminance that the eyes are adapted to, causing annoyance, discomfort, or loss in visual performance and visibility (disability glare).

**Golf Course.** A tract of land laid out with a course for playing the game of golf, including any fairways, accessory clubhouses, driving range, office, restaurant, concession stand, pro shop, maintenance

building, or similar accessory uses or structure.

**Grade.** The average elevation of the finished ground surfaces immediately adjacent to each façade of a building. When applying to a street or other area, the term “grade” means the slope in percentage terms.

**Greenhouse.** 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.

**Ground Cover.** 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 non-living materials (rock outcroppings).

**Ground-Mounted Mechanical Equipment.** Any mechanical equipment, appliance, device, ducting, or similar features located at finished grade.

**Group Care Facility.** Any congregate residence or facility which provides room and board, programmatic services, care, or assistance for up to 8 persons that meet the definition of a handicapped person or another person protected against housing discrimination under the federal Fair Housing Act Amendments of 1988 (as amended). This use does not include halfway houses for persons in the criminal justice system or residential facilities to divert persons from the criminal justice system, nor does it include facilities for persons who require such services by reason of the effects of current alcohol or drug abuse.

**Group Residential Facility.** Any congregate residence or facility which provides room and board, programmatic services, care, or assistance for up to 8 persons in the criminal justice system or residential facilities to divert persons from the criminal justice system or persons who require such services by reason of the effects of current alcohol or drug abuse.

## H

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**Heavy Vehicle and Equipment Sales, Rental, and Repair.** An establishment primarily engaged in the sale, rental, repair or maintenance of motor vehicles, trailers, and similar mechanical equipment, including paint, upholstery, muffler, transmission work and major engine and engine part overhaul.

**Heavy Manufacturing.** Industrial operations relying on the assembly, fabrication, or processing of goods and materials using processes that may include outdoor activities and ordinarily have greater impacts on the environment on the use and enjoyment of adjacent property in terms of truck traffic, railroad activities, noise, smoke, fumes, visual impact, odors, glare, or health and safety hazards, or that otherwise do not meet the definition of Light Manufacturing. Examples of this use include beverage bottling plants, tool and die shops, motor vehicle or heavy machinery assembly, carpet or furniture manufacturing, dairy works, ice works, metal fabrication, stonecutting, and food processing. Also see Artisan Manufacturing and Light Manufacturing.

**Hedge.** A plant or series of plants or other landscape material arranged to form a physical barrier or enclosure.

**Height, Structure.** 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.

**High intensity discharge light source (HID):** Light sources characterized by an arc tube or discharge

capsule that produces light, with typical sources being metal halide, high pressure sodium and other similar types which are developed in accordance with accepted industry standards .

**High Mesopic.** A combination of photopic and scotopic vision under low-light (but not necessarily dark) conditions measuring between .1 and .3 footcandles.

**Historic Preservation Advisory Board (HPAB).** The board established by Chapter 8 of the County Code and authorized by this article to make recommendations to the Planning and Zoning Commission and to County Council on proposed historic designations and projects affecting historic properties within the County.

**Historic District.** An area within Los Alamos County that has been so designated by ordinance pursuant to the procedures outlined in this article and Sec. 16-9 Historic Protection Overlay Zone District (HP-O) and mapped as an overlay zone district on the County's Official Zoning Map.

**Historic Landmark.** An individual building, structure, or site within Los Alamos County that has been so designated by ordinance pursuant to this article and mapped as an overlay zone district on the County's Official Zoning Map.

**Historic Property.** A Historic landmark or any property located within a Historic District, including all structures or improvements thereon.

**Historic Property Alteration Certificate.** The official form issued under this article stating that proposed work on a historic property is compatible with the historic character of the property and therefore: (1) has been recommended for approval as appropriate and may be completed as specified in the certificate subject to compliance with all local, State and Federal laws, as applicable; and (2) any building permits or other construction-related permits regarding work specified in the certificate may be issued by the Community Development Department or other regulatory department upon satisfaction of all requirements for such permits.

**Holiday Lighting.** Temporary seasonal lighting installed and operated in connection with holidays or traditions.

**Home Business.** A home occupation that employs more than one non-family member. Also see Home Occupation.

**Home Occupation.** An activity that is carried on for commercial or philanthropic purposes in a residential dwelling unit by the resident, that employs no more than one person outside of the residents of the dwelling, and that is clearly secondary to the use of the structure as a residential dwelling. See also Dwelling, Live-work and Home Business.

**Hospital.** An institution providing health services and medical or surgical care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, outpatient departments, training facilities, central service facilities, and staff offices.

**Hotel or Motel.** A premises in which sleeping accommodations are offered to the public and intended primarily for rental for temporary occupancy by persons on an overnight basis, not including "Bed and Breakfast."

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**IDA.** International Dark-Sky Association.

**IES.** Illuminating Engineering Society.

**Illuminance.** Measured in Footcandle (Fc). The density of light falling onto a surface. Commonly measured in the horizontal and vertical planes.

**Illuminated Sign.** A sign characterized by the use of artificial light, including:

**Externally or indirectly illuminated sign.** A sign that emits light from a source(s) located outside of the actual sign.

**Internally or directly illuminated sign.** A sign that emits artificial light directly through any transparent or translucent material from a source located within or on the sign. This includes electronic message center signs.

**Improvement.** Any construction made on property and intended to enhance its value, utility, or beauty, or to adapt it to new or further uses.

**Institutional and Civic Buildings.** A building or structure owned, operated, or occupied by a governmental agency to provide a governmental service to the public.

**Indoor Entertainment Facility.** A commercial recreational use conducted entirely within a building, including amusement arcades, bowling alleys, billiard halls, skating rinks, theaters, art galleries and studios, art centers, assembly halls, athletic and health clubs, auditoriums, community centers, conference centers, exhibit halls, gymnasiums, swimming pools, and tennis courts. Accessory uses may include limited retail, concessions, and maintenance facilities.

**Inoperable Vehicle.** Any vehicle meeting at least three (3) of the following conditions existing for more than 30 consecutive days: (a) does not have current state registration; (b) is extensively damaged (such damage including but not limited to any of the following: a broken window or windshield or missing wheels, tires, motor, or transmission); (c) is not capable of travel under its own power in its existing mechanical condition; (d) is on blocks or similar devices; (e) is partially or wholly dismantled; or (f) has an approximate fair market value equal only to the approximate value of the scrap in it. Also see Chapter 18 .

**Interdepartmental Review Committee.** 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 Interdepartmental Review Committee is to review development applications and to advise the Planning and Zoning Commission, other boards and commissions, and the County Council.

## J

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Reserved

## K

**Kennel.** A premises on which 5 or more domesticated house pets over 6 months of age are kept, maintained, or boarded for profit, personal use or institutional keeping, except guard dog sites, state inspected veterinary hospitals, pet shops, refuges, and shelters.

**Kitchen.** An area where there is a sink of adequate size and shape for washing dishes and good items (as opposed to washing hands) and a cooking stove, range, or oven. The presence of a sink and a hot plate or microwave does not constitute a kitchen.

## L

**Laboratory.** 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.

**Lamp.** The generic term for a source of optical radiation (light), sometimes called “bulb” or “tube.” Examples include incandescent, fluorescent, high-intensity discharge (HID), high-pressure sodium (HPS) lamps, and light-emitting diode (LED) modules and arrays.

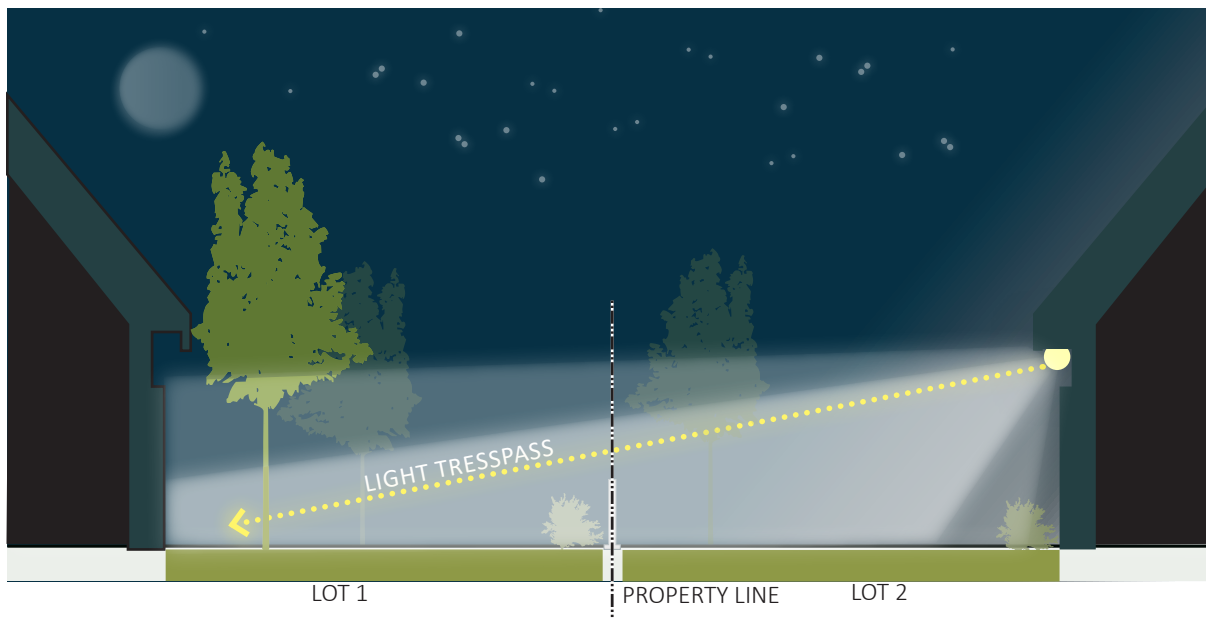
**Landscape Lighting.** Lighting of trees, shrubs, or other plant material as well as ponds and other landscape features.

**Landscaping.** The planting and maintenance of various forms of vegetation and/or the use of non-vegetative materials as ornamental features to enhance aesthetically and complement structures and the sites on which they are located.

**Library.** A public facility for the use and loan, but not sale, of literary, musical, artistic, or reference material.

**Light Pollution.** Stray and uncontrolled light, directly from a luminaire or reflected from a surface, that missed its target. Light emitted upward increasing skyglow is a popular example.

**Light Trespass:** Measurable light extending beyond the boundary of its intended use without permission.



**Light Shielding.** A method of directing the light emitted from a luminaire with a solid barrier. See illustration for examples of shielded luminaires.

**Light Vehicle and Equipment Sales, Rental, and Repair.** An establishment primarily engaged in the sale, rental, repair, or maintenance of motor vehicles, trailers, and similar mechanical equipment, including brake, muffler, tire repair and change, lubrication, and tune ups, provided it is conducted within a completely enclosed building. Major repairs such as vehicle bodywork or painting or repair of engines or drive trains is prohibited. See also Heavy Vehicle and Equipment sales, rental, and repair.

**Light Manufacturing.** Industrial operations relying on the assembly, fabricating, processing, repairing,

servicing, storing, or wholesaling of goods or products, using parts previously developed from raw material primarily conducted within an enclosed building. This definition includes uses that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building where such assembly, fabrication, or processing takes place. This use does not include any use that meets the definition of Heavy Manufacturing. Also see Artisan Manufacturing and Heavy Manufacturing.

**Liquor Retail.** Establishment that is licensed by the state for the sale of beer, wine, or other alcoholic beverages for off-premise consumption. Establishments that operate under a Small Brewer's, Winegrower's, or Craft Distiller's license are not considered Liquor Retail.

**Livestock Husbandry.** The raising, practice of breeding, farming, and care of farm animals including, but not limited to, cattle, horses, sheep, and chickens for non-commercial purposes and as a secondary land use.

**Lounge.** A premises where alcoholic beverages are sold to the public for consumption on the premises. Also see "Bar".

**Lot.** A parcel or tract of land as established by a survey, plat, or deed.

**Lot Area.** The area of a horizontal plane bounded by a vertical projection of the property lines of a lot.

**Lot, Corner.** A lot located at the intersection or interception of two or more streets.

**Lot Coverage.** 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 above-ground structures that exceed 30 inches above grade.

**Lot, Double Frontage.** Any lot having frontage on two parallel or approximately parallel streets.

**Lot Line.** The boundary of a deeded or platted lot.

**Lot Line, Front.** The legal boundary of a lot that abuts a street. On a corner lot or a double frontage lot, the side with the street number address is the front lot line.

**Lot Line, Rear.** The legal boundary of a lot which is opposite and most distant from the front lot line, or in the case of an irregular lot, a line a minimum of 10 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.** The legal boundary of a lot which are not the front or rear lot lines.

**Lot, Nonconforming.** A lot which does not conform to the provisions of this chapter.

**Low-Density Residential Development.** Low-density development is considered any lot in the RA, RE, SFR, or RM zone districts.

**Low-Photopic.** Illuminance values of .4 to 4 footcandles, enough to activate color perception and higher visual acuity than scotopic vision.

**Lumen.** The measure of visible light (luminous flux) emitted from a light source.

**Luminance.** Luminance means the light that is emitted by or reflected from a surface, measured in units of luminous intensity (candelas) per unit area. Expressed in English units as foot lamberts and in SI units as cd/m<sup>2</sup>. Also referred to as "nits." Measured from 0.5 feet above grade on another premises or public right-of-way, but no closer than 20 horizontal feet from the object measured.

**Luminaire.** The SI measurement of illuminance. One lux is equal to one lumen per square meter (lm/m<sup>2</sup>)

**Lux.** The international unit of illuminance, measuring luminous flux per unit area. One lux is 1 lumen per square meter. Full moonlight averages about 0.1 lux and public outdoor areas in large cities have illuminances between 20 and 50 lux at night. 100,000 lumens per net acre is approximately 25 lux if the light is uniformly distributed.

## M

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**Maximum Extent Possible.** No feasible or prudent alternative exists, as determined by the relevant decision-making body, after the applicant has taken all possible steps to comply with the standards or regulations and to minimize potential harmful or adverse impacts. Constraints to compliance that are self-imposed, such as through a particular platting proposal when other options are feasible, shall not be considered sufficient justification. Economic considerations may be taken into account but shall not be the overriding factor.

**Medical or Dental Clinic.** An establishment where patients who are not lodged overnight are admitted for examination and treatment by a group of licensed health care practitioners, dentists, or licensed health care practitioners and dentists in practice together.

**Meeting, Banquet, or Event Facility.** A building and related facilities catering exclusively to guests for social, intellectual, recreational, or athletic purposes that are not conducted for profit.

**Mesopic Vision.** Vision with fully adapted eyes at luminance conditions between those of photopic and scotopic vision; i.e., between 5 cd/m<sup>2</sup> and .001 cd/m<sup>2</sup>.

**Microbrewery, Distillery, or Winery.** A small brewery, winery, or distillery operated separately or in conjunction with a drinking establishment or restaurant. The beer, wine, or liquor may be sold for consumption on-site or off-premises to other drinking establishments, restaurants, or wholesalers.

**Mixed-use Zone District.** Any zone district categorized as Mixed-use in PART 16-1 Zone Districts of this Code.

**Mobile Home.** A portable housing structure larger than 40 feet in body length, 8 feet in width or 11 feet overall height, designed for and occupied by no more than 1 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 Vending.** The sale, lease, or rent of new or used goods or food and beverages out of any portable vehicle, including trucks, carts, trailers, kiosks, and stands.

**Motel.** See Hotel, Motel.

**Museum.** A facility open to the public, with or without charge, for the collection and display of paintings, sculptures, textiles, antiquities, other works of art, or similar items.

**Mural.** A picture or work of art on an exterior surface of a structure and which covers all or a major portion of a wall, building, or structure. A mural is a sign if it is related by language, logo, or pictorial depiction to the advertisement of any product or service or the identification of any business.

## N

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**Native or Regionally Adapted Plant Materials.** Plants which are appropriate to the ecological setting,

have noninvasive growth habits, are tolerant of the hydrological conditions of the site, and require little maintenance upon maturity.

**Natural Resource Extraction.** On-site extraction of surface or subsurface mineral products or natural resources, including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. Uses may include quarries, borrow pits, sand and gravel operation, mining, soil mining, rock crushing, screening, and the accessory storage of explosives.

**Nicotine Retail.** Any establishment licensed to sell any tobacco product or electronic nicotine delivery system as defined in NM 2020 Senate Bill 131 (Tobacco Products Act). This use does not include the sale of cannabis. See also Cannabis Retail and General Retail.

**Nonconforming Sign.** A sign that was legally installed under all County sign regulations and ordinances in effect at that time, but which may no longer comply with subsequently enacted regulations and ordinances having jurisdiction over the sign.

**Nonconforming Use.** A use existing on the date of adoption of this chapter which does not conform to the uses permitted in the zone district in which it is located.

**Non-Continuous Lighting.** A non-continuous street lighting system, lighting only conflict areas such as intersections, crosswalks, and other hazards.

**Non-residential Zone District.** Any zone district categorized as Non-residential in PART 16-1 Zone Districts of this Code.

**Non-Shielded Luminaires.** Examples of non-shielded light fixtures

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**Obtrusive.** Noticeable or prominent in an unwelcome or intrusive way.

**Office, Business or Professional.** A premises where professional, clerical, business management or public administration work is carried on and where the sale of merchandise on the premises is totally absent or a very limited activity in support of the work being carried on.

**Official Zoning Map.** The map adopted by the County Council in conjunction with this Code showing the location of the various zone districts within the County and may be amended from time to time.

**Off-premises.** 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.

**Off-premises Sign.** Any sign used to direct attention to a specific business, product, service, event, or activity, or other commercial or non-commercial activity on the premises upon which the sign is not located.

**One-hundred Year Flood or 100-year Frequency Rainstorm.** The flood having a 1 percent chance of being equaled or exceeded in any given year and as defined elsewhere in this chapter; a 100-year frequency rainstorm means total accumulation of 5.24 inches of rain at the end of a 1-hour period.

**Open-Air Vending.** Any commercial activity which is conducted without the shelter of a building.

**Ornamental Lighting.** Lighting that does not affect the function and safety of an area but is purely decorated and included for aesthetic effect or for holiday celebration.



**Outdoor Recreation Facility.** Recreation and entertainment activities operated by a commercial enterprise that are mostly outdoors or partially within a building, including picnic areas, outdoor swimming pools, skateboard parks, tennis courts, basketball courts, baseball diamonds, soccer and football fields, amphitheaters, outdoor arenas and/or stables, and drive-in theaters. Accessory uses may include limited retail, concessions, and maintenance facilities.

**Outdoor Storage.** The keeping of any goods, material, or merchandise outside of a building in the same place for more than 24 hours, but not including any storage activity or use of land listed separately in Table 2-1 1 Permitted Use Table.

**Outdoor Vehicle Storage.** The keeping, in an unroofed area, of motor vehicles or equipment not used for transportation purposes on an active, regular, or continuing basis, generally for a period of 1 week or more, whether or not the motor vehicle is titled, licensed, or operable, either as a primary use or accessory use, but not including a salvage yard.

**Overlay Zone District.** A set of zoning requirements that are mapped and are imposed in addition to those of the underlying base zone district. Development within the overlay zone districts must conform to the requirements of both zone districts or to the more restrictive of the 2. The Planned Residential Development Overlay (PRD-O) zone district, the Planned Development Overlay (PD-O) zone district, and the Historic Protection Overlay (HP-O) zone district are overlay zone districts. Also see Sec. 16-9 Historic Protection Overlay Zone District (HP-O).

**Owner.** The person, corporation, or other legal entity listed as owner on the records of the County Clerk and Recorder. Also see "Agent."

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## P

**Park or Playground.** 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.

**Parking, Off-street.** A storage area for the parking of motor vehicles located on a lot.

**Parking, On-street.** A storage area for the parking of motor vehicles located on a public or private roadway.

**Parking Space.** An on-street or off-street storage area for the parking of 1 motor vehicle.

**Parking Structure.** A structure or part of a building designed to accommodate motor vehicle parking spaces that are partially or completely enclosed.

**Partly Shielded Luminaire.** A luminaire with opaque top and translucent or perforated sides, designed to emit most light downward, but unlike fully shielded luminaires, emits part of the light above the horizontal plane.

**Patio.** A roofed or unroofed outdoor space at finished grade on a lot; if patio is roofed, at least 50 percent of the side surface is unscreened or unenclosed with a solid material.

**Pedestrian Walkway.** An accessway intended for pedestrian use and either publicly or privately owned.

**Permanent Sign.** A sign attached or affixed to a building, window, or structure, or to the ground in a manner that enables the sign to resist environmental loads, such as wind and snow as required in Chapter 10 of the County Code or other regulations, and that precludes ready removal or movement of the sign and whose intended use appears to be indefinite.

**Permitted Use.** A land use that is allowed by-right in a particular zone district, either as a primary or accessory use.

**Personal Services.** Establishment that provides repair, care, maintenance, or customizing of wearing apparel or other personal articles or human grooming services and includes such uses as beauty/barber shops, shoe repair, laundry or dry cleaning services, alterations, spas, tanning salons, photography studios, house cleaning services, small appliance repair, locksmiths, bicycle sales and repair, florist, pet grooming shops, massage, or yoga.

**Photopic Vision.** Vision mediated essentially or exclusively by the cone receptors. Generally associated with adaptation to a luminance of at least 5 cd/m<sup>2</sup>.

**Planning and Zoning Commission.** The Planning and Zoning Commission of the County and as further described in this Chapter and in *Section Sec. 16-69 Planning and Zoning Commission* of this Chapter.

**Plant Nursery.** A primary use of land for the growth, display, and/or sale of plants, shrubs, trees, and materials used in indoor or outdoor planting, conducted within or without an enclosed structure or greenhouse. Also see Greenhouse.

**Plat.** A graphic and written description of a lot or lots with survey reference ties to permanent survey monuments related to the subdivision, resubdivision (sometimes called a replat), or consolidation of land.

**Point light source.** The exact place from which illumination is produced (e.g. a light bulb filament or LED package) even when behind a clear lens.

**Porch.** 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.

**Private Club or Lodge.** An organization and its premises operating on a membership basis for the promotion of interests of the members including facilities for business organizations, facilities or spaces for physical exercise and recreational activities, civic, social, and fraternal organizations, and other similar organizations.

**Professional Engineer.** An engineer registered by the state board of registered engineers and surveyors.

**Projecting Sign.** An attached sign that projects more than 18 inches from the facade of a wall or building.

**Public Right-of-way.** 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 or the conveyance of public utility services and drainage. Public right-of-way may be used for other public purposes pursuant to this chapter.

## Q

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Reserved.

## R

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**Real Property.** Land and generally whatever is erected, growing upon, or affixed to land.

**Recreation Equipment.** 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 dismantled 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 (RV).** A motor vehicle or trailer equipped with living space and amenities, including but not limited to bus campers, camper trailers, pickup campers, travel trailers, motor homes, park model trailers, and tiny houses.

**Recreational Vehicle (RV) Park or Campground.** A lot developed or used for occupancy by recreational vehicles or tents for transient dwelling purposes. A campground/recreational vehicle park may include recreational services, facilities, and activities for use by the public and residents to provide extended livability options. See also Recreational Vehicle (RV).

**Recycling Station.** A premise where recyclable solid waste materials, including aluminum, glass, paper, metal, and similar materials are purchased or procured and temporarily stored.

**Religious Institution.** A structure or place where worship, ceremonies, rituals, and education pertaining to a particular system of beliefs are held, together with its accessory buildings and uses (including buildings used for educational, recreational, philanthropic, or humanitarian activities), operated, maintained, and controlled under the direction of a religious group. Accessory uses may include school facilities, daycare, parking, caretaker housing, religious leader's housing, and group living facilities such as convents or monasteries.

**Research and Development.** 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. A research and development use may include pilot plant operations.

**Residential Community Amenity.** A use provided for the comfort and convenience of residents of more than 1 unit in a low-density or multi-family residential development, including but not limited to a clubhouse, exercise room, swimming pool, tennis court, community room, or laundry facility.

**Residential Zone District.** Any zone district classified as residential in Sec. 16-5 Residential Zone Districts in which residential uses are allowed.

**Restaurant.** A business establishment that serves prepared food or beverages primarily for the consumption by customers within the principal building, in an outdoor seating area on the premises, or off the premises as carry-out orders.

**Retail Sales.** Uses involving the sale, lease, or rent of new or used goods directly to the final consumer for direct use but not for the purpose of resale; including but not limited to the sale of general merchandise, clothing and other apparel, building materials, hardware and similar consumer goods, or other retail sales not listed as a separate use in Table 26 Permitted Use Table.

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

**Roof-Mounted Sign.** An attached sign mounted on or extending above the uppermost edge of a wall or parapet of a building.

**Rooftop Appurtenances.** The visible, functional, or ornamental objects accessory to and part of a building's roof-top including, but not limited to, chimneys; parapets or other ornamental features; and elevator equipment and mechanical utility equipment, enclosed rooftop access and any associated screening or enclosures.

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

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**Salvage Yard.** A premise, whether inside or outside a building, which is used for the storage, keeping, dismantling, demolition, or sale of used or scrap materials, mechanical parts, equipment, vehicles and the like.

**Satellite Dish Antenna.** 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.** A school, academy, or institution, which conducts academic instruction at kindergarten, elementary, secondary, or collegiate levels. This use may include trade, technical, or vocational schools.

**Schools, Public.** 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.

**Scotopic Vision.** Vision mediated essentially or exclusively by the rod receptors. Generally associated with adaptation to a luminance below .001 cd/m<sup>2</sup>.

**Scroll.** A mode of message transition on an electronic message center sign in which the message appears to move vertically across the display surface.

**Seasonal Outdoor Sales.** The temporary outdoor display and sale of goods or products associated with a season or a cultural event and typically occurring at a location not devoted to such sales for the remainder of the year, such as the sale of Christmas trees, fireworks, pumpkins, or seasonal produce.

**Self-Service Storage Facility.** 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.

**Setback.** The least horizontal distance between a lot line and a building or structure exclusive of projections. Front setbacks are measured from the front lot line. Rear setbacks are measured from the rear lot line. Side setbacks are measured from side lot lines. See also Setback Area, Yard and Lot Definitions for Front Lot Line, Rear Lot Line, and Side Lot Line.

**Setback Area.** Required setback areas are the portions of a lot lying between the lot lines and the minimum required structural setback lines.

**Short Term Rental.** A residential dwelling rented by the owner or party responsible for the property for the purpose of transient lodging for a period of time not to exceed 30 consecutive days.

**Sidewalk.** A pedestrian way with permanent hard-surfacing, generally paralleling the side of streets.

**Sign.** Any device, structure, fixture, painting, emblem, or visual that uses words, graphics, colors, illumination, symbols, numbers, or letters for the purpose of communicating a message. A sign includes the sign faces as well as any sign supporting structure.

**Sign Area.** The total dimensions of a sign surface used to display information, messages, advertising,

logos, or symbols. See Section 3-1(F)(1) for standards for measuring sign area.

**Sign Face.** The surface of a sign upon or through which the copy of the sign is displayed exclusive of the supporting structure.

**Sign Height.** A measure of the vertical distance from normal grade to the highest attached component of the sign structure using the standards in Section 3-1(F)(1).

**Sign Structure.** The area of all sign faces, structural supports, decorative trim, and architectural features of the complete sign.

**Site Plan.** A graphic depiction showing the development of commercial property on an individual lot with or without a Planned Development Overlay (PD-O) zone 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 off-street parking and traffic circulation, method of exterior lighting, landscape treatment, location and size of signs, easements, drainage, utilities, and other improvements. In addition, the Planned Development Overlay (PD-O) zone district site plan defines land uses, gross floor area, site development standards, and such other factors as may address the site plan approval criteria in *Section 16-74-(i)(4)*.

**Sky Glow.** The brightening of the nighttime sky that results from artificial light emitted upwards or sideways, or scattered and reflected upwards by the ground, dust, water, or other particles suspended in the atmosphere. Sky glow reduces one's ability to view the night sky and is frequently visible as a dome of light above a distant city.

**Solar Energy Collection System, Active.** A mechanical or electrical system for heating or cooling a structure by collecting, storing and transporting solar energy.

**Solar Energy Collection System, Passive.** A system that employs siting and orientation, structural materials, and landscaping to take advantage of solar energy for structural heating.

**Special Use.** A use which has been determined to be compatible with the purposes of the zone district, but which has one or more characteristics that could make it incompatible with other uses in the zone district; and as further described by this chapter. Special uses are allowable in a particular zone district subject to conditional approval by the Planning and Zoning Commission based on a review of potential adverse impacts of the use and any appropriate mitigations to minimize those impacts on nearby properties.

**Special Use Permit.** A permit for a use classified as a special use, as detailed elsewhere in this chapter.

**Spectrum.** A range of electromagnetic radiation that includes visible wavelengths between 380 and 700 nanometers (Violet to Red). Research indicates wavelengths between 460 and 480nm can be harmful to humans at night if the dosage is too high for too long.

**Sports Field.** A facility designed for youth, amateur or professional sporting events, exhibitions, or shows.

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

**Storage, Contractor's Yard.** An area where heavy equipment, materials, machinery, aggregates, and other objects used for the development of land or structures are stored.

**Story.** 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 6 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.

**Street.** A portion of the public or private right-of-way, from curb to curb ( or from edge of paving to edge of paving if there is no curb, or from edge of visible travel way edge to edge of visible travel way, if there is no paving), that is primarily devoted to vehicular use.

**Street, Arterial.** 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.** 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.** 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.

**Structure.** 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, Non-conforming.** 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.

**Subdivision.** The division of any tract of land into 2 or more lots as provided in this chapter.

**Summary Plat.** A plat which subdivides a lot into no more than 2 lots in any zone district or for adjustment of a lot line, consolidation of no more than 2 lots, or a technical surveying correction.

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**Temporary Use.** 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 16-72(i) Permit and Approval Expirations, that does not involve the construction or alteration of any permanent structure.

**Temporary, Construction Activities.** Construction activities, such as asphalt batching and cement making operations, that occur on a temporary basis for a specific construction project.

**Temporary, Dwelling.** A portable dwelling, not attached to a permanent foundation, for use during temporary events or construction periods.

**Temporary Sign.** A type of non-permanent sign that can be displayed for no more than 60 consecutive days at 1 time and is installed in a way that is easy to remove.

**Temporary, Storage.** Non-permanent storage structures, such as moving PODS, or temporary storage activities that occur on a temporary basis for no more than 60 consecutive days at 1 time and is easy to remove.

**Temporary, Structure.** Temporary use of a structure, including a mobile office, as a construction site