

## Council Meeting Staff Report

October 29, 2019

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<b>Agenda No.:</b>	C.
<b>Indexes (Council Goals):</b>	* 2019 Council Goal - Enhancing Support and Opportunities for the Local Business Environment
<b>Presenters:</b>	Paul Andrus; Ryan Foster
<b>Legislative File:</b>	CO0569-19

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### Title

Incorporated County of Los Alamos Code Ordinance No. 02-297 An Ordinance Amending Chapter 16, Articles I And VII Of The County Code Of Ordinances To Add New Uses Gift And Souvenir Shops And Recreation Equipment Retail And Rental As An Accessory Use In The W-2 And P-O Zones And Permitted In All Down Town And M-U Zoned Areas; And Restaurants And Restaurants With Alcohol As Being Permitted By Special Use Permit In The W-2 Zoned Areas; And Lounges Or Bars Use Was Expanded To Include Tap Or Tasting Rooms And In W-2 Districts With A Special Use Permit.

### Recommended Action

**I introduce, without prejudice, Incorporated County of Los Alamos Code Ordinance No. 02-297 and ask the staff to assure that it is published as provided in the County Charter.**

### County Manager's Recommendation

The County Manager recommends that Council introduce this Code Ordinance No. 02-297.

### Board, Commission or Committee Recommendation

The Planning and Zoning Commission recommends that the Los Alamos County Council approve Case No. ZCA-2019-0006, a text amendment to the Los Alamos County Code of Ordinances, Chapter 16 - The Development Code, Sec. 16-287 Use Index Table, Sec. 16-9 Definitions and Rules, and amending other provisions of the code to be consistent therewith.

### Body

The Community Development staff are initiating the proposed code changes to the Use Index Table and Definitions. The added changes to the table are necessary due to the community needs and values that have changed over time due to market conditions, as well as the needs of those who wish to do business in Los Alamos. Some uses were unanticipated when the table was created in the 1960's, but the proposed uses are consistent with the Comprehensive Plan and accommodate current market demands.

The proposed text changes to Chapter 16 were brought about by an inquiry to add a tap room to the Ski Lodge at Pajarito Mountain. Staff's research determined some currently existing uses at the Pajarito Mountain are not referenced in the Chapter 16 Use Index Table in its zone district, W-2, but were approved by site plan in 1987. Those uses are currently non-conforming per the Development Code. These include a ski rental business and a restaurant. Staff determined that in order to allow relevant uses in the W-2, and to fix the nonconformities at Pajarito Mountain, it was necessary to amend the text of the table to include consideration of a Special Use Permit (SUP) for "Restaurants" and "Restaurants, with alcoholic beverages". Staff is proposing to add consideration of Special Use Permit, indicated as "S" in the Use Index Table for the uses described above.

This changed would address the changing community needs, market demands, and evolution of the W-2 District. Ultimately, these text amendments fall under final approval of the County Council. Once approved, as in the case of the Pajarito Ski Area, the owners would be allowed to apply for a Special Use Permit for a tap room, requiring a Planning and Zoning Commission hearing process. For this, and all other similar cases, staff and the Planning and Zoning Commission will have the ability to

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review any SUP on a case by case basis to address any noise, health, and safety concerns of neighbors.

Additionally, the Use Index Table in Sec 16-287 does not include the use of “gift and souvenir shops”, “recreation equipment retail and rental use” anywhere within the County. This ordinance will amend Chapter 16, Articles I and VII, of the County Code of Ordinances, to add these new uses as accessory uses in existing businesses in the W-2 and P-O (Professional Office) zones and it will permit those types of businesses in all Downtown and Mixed-Use zoning districts.

This code change also proposes to expand the Use of "Lounges and Bars" to include "Tap or Tasting Rooms " and also adding this usage as a SUP to the W-2 zones so that they will also be reviewed on a case by case basis.

#### **Alternatives**

Council denies the recommendation and asks staff to return with more information.

#### **Attachments**

A - Incorporated County of Los Alamos Code Ordinance No. 02-297

B - The Planning and Zoning Staff report for September 25, 2019.