

INCORPORATED COUNTY OF LOS ALAMOS CODE ORDINANCE NO. 02-370;

A Code Ordinance Amending Chapter 16, Development Code, Article II, Division 2, Section 16-6; Article III, Division 1, Sections 16-12 And 16-14; Article III, Division 2, Sections 16-17, 16-18, 16-19; Article IV, Division 3, Section 16-28; and Article VI, Division 2

Applicant: Los Alamos County
Presented By: Community Development Department

Introduction

The Chapter 16 of the Los Alamos County Code (Development Code) is Los Alamos County's primary tool for implementing the Comprehensive Plan and regulating land use and development.

Adopted in January 2023, Chapter 16 modernized zoning, regulations, and procedures to guide growth and redevelopment.

Since adoption, staff identified technical errors, omissions, and inconsistencies in the Code's use tables, standards, and terms.

Ordinance No. 02-370 primarily focuses on Article III Use Regulations & Article VI Definitions. The Ordinance corrects issues to improve clarity, consistency, and effectiveness for staff, applicants and the public.

Chapter 16 - Explained

Article I – Governing Provisions; Purpose, authority, applicability, interpretation, relationship to other laws, severability, vested rights.

Article II – Zone Districts; Defines zoning districts, intent, permitted/conditional/prohibited uses, zoning maps and boundaries.

Article III – Use Regulations; Regulates land uses, includes Use Table, accessory and temporary uses, standards for specific uses.

Article IV – Development Standards; Lot/building standards, parking, landscaping, signage, lighting, screening, open space, infrastructure.

Article V – Administration & Enforcement; Roles and authority, application procedures, review processes, hearings, variances, appeals, enforcement.

Article VI – Definitions; Technical and land use definitions

Background

January 23, 2023 - The Chapter 16 of the Los Alamos County Code (the Development Code) was repealed and replaced in its entirety.

2024 - Staff initiated the Development Code “Clean-Up” process.

Nov. 12, 2024 – Ordinance No. 02-362

- Amended Chapter 16, Article V (Administration & Enforcement)
- Clarified approval authority for Minor Zone Map Amendments
- Text Amendment covered 5 sections (3 in Division 1, Review & Decision-Making Bodies)
- Purpose: clarify authority and responsibility in Development Applications
- P&Z Commission unanimously recommended approval on Sept. 25, 2024

Nov. 19, 2024 – Ordinance No. 02-363

- Amended Chapter 16, Article I (Governing Provisions) and Article IV (Development Standards)
- Phase I “Clean-Up” Text Amendment
- Purpose: correct typographical errors and non-substantive omissions
- P&Z Commission unanimously recommended approval on Oct. 9, 2024

Code Ordinance 02-370

Explanation of Format

What you see in Code Ordinance 02-370 is a markup of the existing Development Code, and staff's recommended changes.

~~**Strike-through text**~~ represents deletions. These are items currently in the code that will be removed by this amendment.

Underlined text represents additions. These are new provisions that do not currently exist and are being added to the code through this amendment.

Technical Corrections

The amendment includes technical corrections to the Use Table and related code sections to ensure allowable uses and review procedures are consistent throughout Chapter 16. It resolves inconsistencies within the use-specific standards and removes contradictions.

These changes strengthens internal consistency, eliminates confusion for applicants and staff, and makes land use decisions more predictable and transparent.

Example

Sec. 16-14 Permitted use table.

| TABLE 26: PERMITTED USE TABLE | | | | | | | | | | | | | | | | | | | | |
|--|-------|-------|------|-------|----|----|----------------|-----|----|------|------|------|----|-----|------|-----|----|----|-----|-----------------------|
| PROPOSED ZONE DISTRICTS | OS-PP | OS-RO | OS-S | OS-SA | RA | RE | SFR | MHC | RM | MFR- | MFR- | MFR- | MU | WRT | DTLA | INS | PO | GC | IND | USE SPECIFIC STANDARD |
| ACCESSORY USES | | | | | | | | | | | | | | | | | | | | |
| Accessory Dwelling Unit | | | | | A | A | A ¹ | | A | A | | | | | | | | | | section 16-18(a) |
| Accessory Structure | | | | | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | section 16-18(b) |
| TEMPORARY USES | | | | | | | | | | | | | | | | | | | | |
| Construction staging area, storage, trailer, or office | T | T | | | T | T | T | T | T | T | T | T | T | T | T | T | T | T | T | section 16-19(a) |
| Dwelling, temporary | | | | | T | T | T | T | T | T | | | | | | | | | | section 16-19(b) |
| Fair, carnival, or circus | | | | | | | | | | | | | | | | T | | | | section 16-19(c) |
| Film Productions | T | T | T | T | T | T | T | T | T | T | T | T | T | T | T | T | T | T | T | section 16-19(d) |
| Garage or Yard Sale | | | | | T | T | T | T | T | T | | | | | | | | | | section 16-19(e) |
| Open air market | T | T | | | | | | | | | | | T | T | T | T | | T | | |

Definitions

Definitions were not included in the initial Errors & Omissions amendment because adding or revising definitions is considered a substantive change. Definitions establish meaning within the Development Code, and even small amendments can affect interpretation and application across multiple sections.

The proposed additional definitions provide clarity for Planning staff, applicants, and the public. Their inclusion strengthens consistency, reduces misinterpretation, and improves transparency in how the Code is applied.

Examples

Administrative deviation means a minor modification to zoning or development standards that may be approved administratively without requiring a variance, provided it meets specific criteria outlined in the development code.

Common open space means outdoor area that is accessible to all residents within a development, which may be owned in undivided interest by all the residents of the development, and it may remain in its natural state, landscaped or improved for passive or active recreational activities. ~~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 two 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.~~

Next Steps

Now – Fall 2025

Article III - Use Regulations

Article VI - Definitions

(Use Table, Procedures, Definitions)

Next – Spring 2026

Article I - Governing Provisions

Article V - Administration & Enforcement

Final – Winter 2026

Article II - Zone Districts

Article IV - Development Standards

*Concurrent with Comprehensive Plan update;
ensures zoning & standards alignment*

Decision Criteria

Pursuant to Section **16-75(d)(3)** of the Los Alamos County Development Code, a Text Amendment shall be approved if it meets the specified criteria:

- a. **The request substantially conforms to the intent and policies of the comprehensive plan and other adopted county policies and plans.**

The Comprehensive Plan designates the Development Code as a key implementation tool; this amendment addresses errors identified through daily application of the 2023 Code.

- 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.**

The proposed amendment does not alter permitted, conditional, or prohibited uses, and therefore does not create land uses inconsistent with the purpose of the underlying districts or incompatible with existing regulations.

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

The amendment improves clarity, consistency, and usability of the Development Code by correcting errors and clarifying language. It enhances readability and supports more efficient application by staff, applicants, and the public.

- d. **The proposed amendment promotes public health, safety, and welfare.**

The amendment supports public health, safety, and welfare by correcting errors and clarifying language in the Development Code, reducing misinterpretation, and improving the effectiveness and transparency of land use administration.

Pre-Application & Public Notice

In accordance with Chapter 16, Section 16-72(b)(2) of the Los Alamos County Development Code, Pre-Application Meeting requirements have been satisfied.

- *Prior to the submission of a Conditional Use Permit, the applicant shall attend a pre-application meeting pursuant to section 16-72(b)(1). **Conducted July 9, 2025.***

In accordance with Chapter 16, Section 16-72(c) of the Los Alamos County Development Code, all public notice requirements for the public hearing have been satisfied.

- **Published [16-72(c)(4)]:**
 - *Notice published in a newspaper of general circulation within the County at least 14-calendar days before the meeting or hearing. **Published August 21, 2025***

Purpose of the Amendment

This amendment corrects technical errors in the use table, resolves inconsistencies within the use-specific standards, and adds missing definitions in the Development Code. Its purpose is to improve clarity, remove contradictions, and strengthen consistency, making the Code more effective and aligned with its adopted intent.

Next steps include revising Articles I and V in Spring 2026 and finalizing Articles II and IV in Winter 2026, with those efforts coordinated alongside the Comprehensive Plan update to ensure zoning and development standards remain aligned.

The goal is to keep the Code accurate, transparent, and effective in guiding responsible growth while supporting the County's adopted plans and policies.

Recommendation

The Community Development Department and the Planning and Zoning Commission (unanimously) recommend approval of Ordinance No. 02-370.

This recommendation is based on:

- The Findings of Fact entered into the record, and
- The determination that the application meets the decision criteria for a Text Amendment under Section 16-75(d)(3) of the Los Alamos County Development Code.