

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

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

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

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

WHEREAS, from the time the new Development Code became effective on January 23, 2023, the Community Development Department staff, as well as staff from other County departments who regularly apply the Development Code to inform their job duties, identified technical errors in the use table, errors and inconsistencies within the use-specific standards, and missing definitions within the new Development Code; and

WHEREAS, this Code Ordinance No. 02-370 addresses and corrects the technical errors in the use tables, the errors and inconsistencies within the use-specific standards, and the missing definitions identified in the Development Code, in order to improve its clarity, consistency, and overall effectiveness, thereby furthering the purposes for which it was adopted; and

WHEREAS, on September 10, 2025, County Staff presented these proposed amendments to the Development Code to the Planning and Zoning Commission for review and recommendations to County Council for consideration and adoption; and

WHEREAS, the Planning and Zoning Commission followed a legislative process for these proposed text amendments utilizing the factors described in Section 16-75(d) of the Development Code; and

WHEREAS, on October 7, 2025, Council considered the Planning and Zoning Commission's Recommendation and these proposed amendments to the Development Code at a public hearing where members of the public had further opportunity to make public comment; and

WHEREAS, Council hereby adopts the findings contained in the *Recommendation of the Planning & Zoning Commission to the County Council (Application ZCA-2025-0018)*, as the Council's findings; and

WHEREAS, Council's approval of these proposed amendments is based on its findings that these proposed text amendments are in conformity with review criteria contained in Section 16-75(d) of the County Development Code.

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

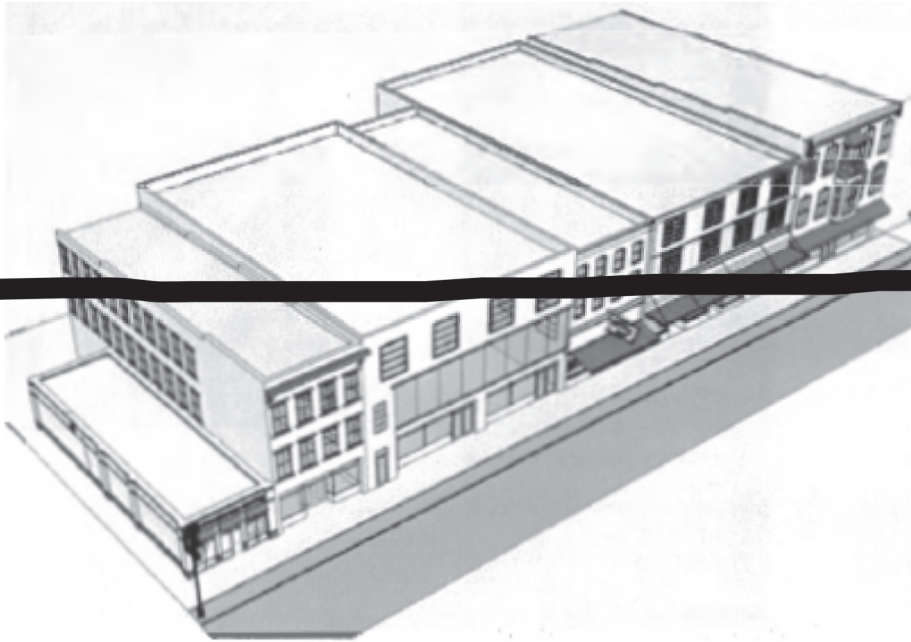
Section 1. Chapter 16, Article II, Division II, Section 16-6 of the Code of the Incorporated County of Los Alamos is hereby amended to read as follows:

Sec. 16-6. - Mixed-use zone districts.

- (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.

[this section intentionally left blank]

TABLE 14: MU DIMENSIONAL STANDARDS		
<i>Lot Standards</i>		
A	Lot area, min	-
	Lot width, min	-
<i>Setbacks</i>		
B	Front, min	0'
C	Interior side, min	0'
D	Street side, min	0'
E	Rear, min	0'
<i>Heights</i>		
F	Primary Building Height, max	54'
	Adjacent to Residential	See section 16-43
<i>Density</i>		
	Lot coverage, max	70%



(1) *MU 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 section 16-43.

b. Required off-street parking shall be allowed a 25 percent reduction of the amount required in Table 27: Minimum Off-Street Parking Requirements of the off-street parking, loading and queuing section.

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 section 16-15 may be reduced by 50 percent.

d. A maximum of one accessory structure per ten dwelling units in addition to carports or garages shall be permitted per lot provided they comply with the standards in section 16-18(b).

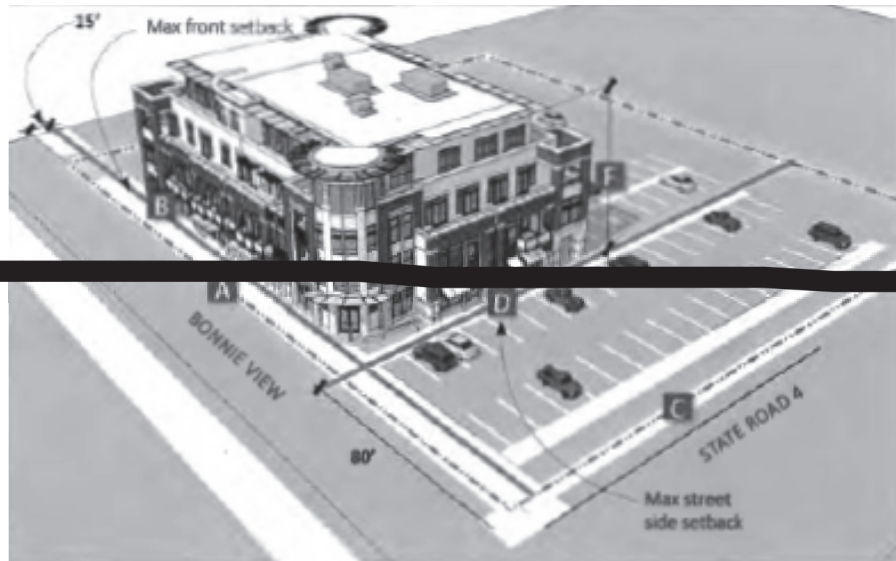
e. Accessory structures are permitted to be located within the required rear setback area, provided that the square footage of the structures shall not exceed 25 percent of the total coverage of the required rear setback area.

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

TABLE 15: WRTC DIMENSIONAL STANDARDS		
	Lot coverage, max	100%

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(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.

(2) *Purpose.* The purpose of this section is to implement the vision established in the White Rock town center master plan by:

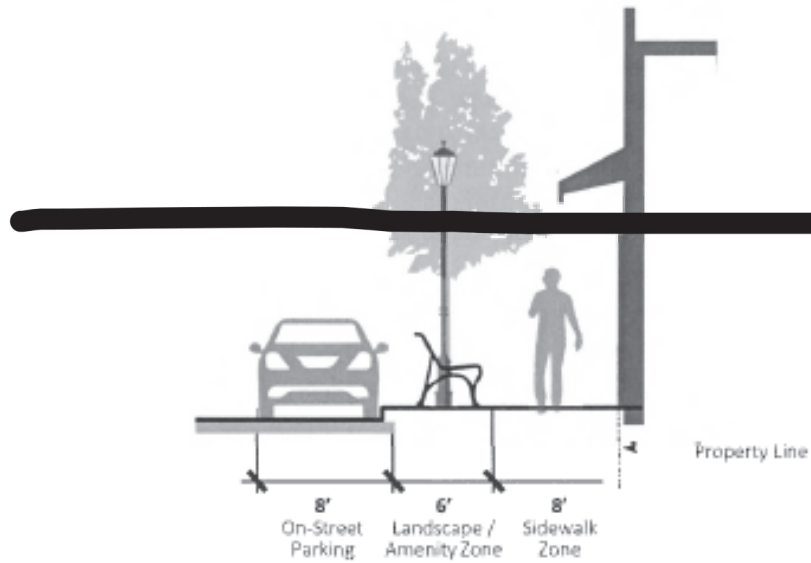
- a. Allowing for the compatible integration of residential, civic, commercial, and office uses on a single project site with active commercial and retail uses along arterial and collector street frontages and residential uses above the ground floor or behind a commercial building that fronts the street;
- 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.

(3) *WRTC zone district standards.*

a. *Streetscape design.*

- 1. Any streetscape improvements within the WRTC zone district shall provide for a minimum six-foot landscape strip and an eight-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]**



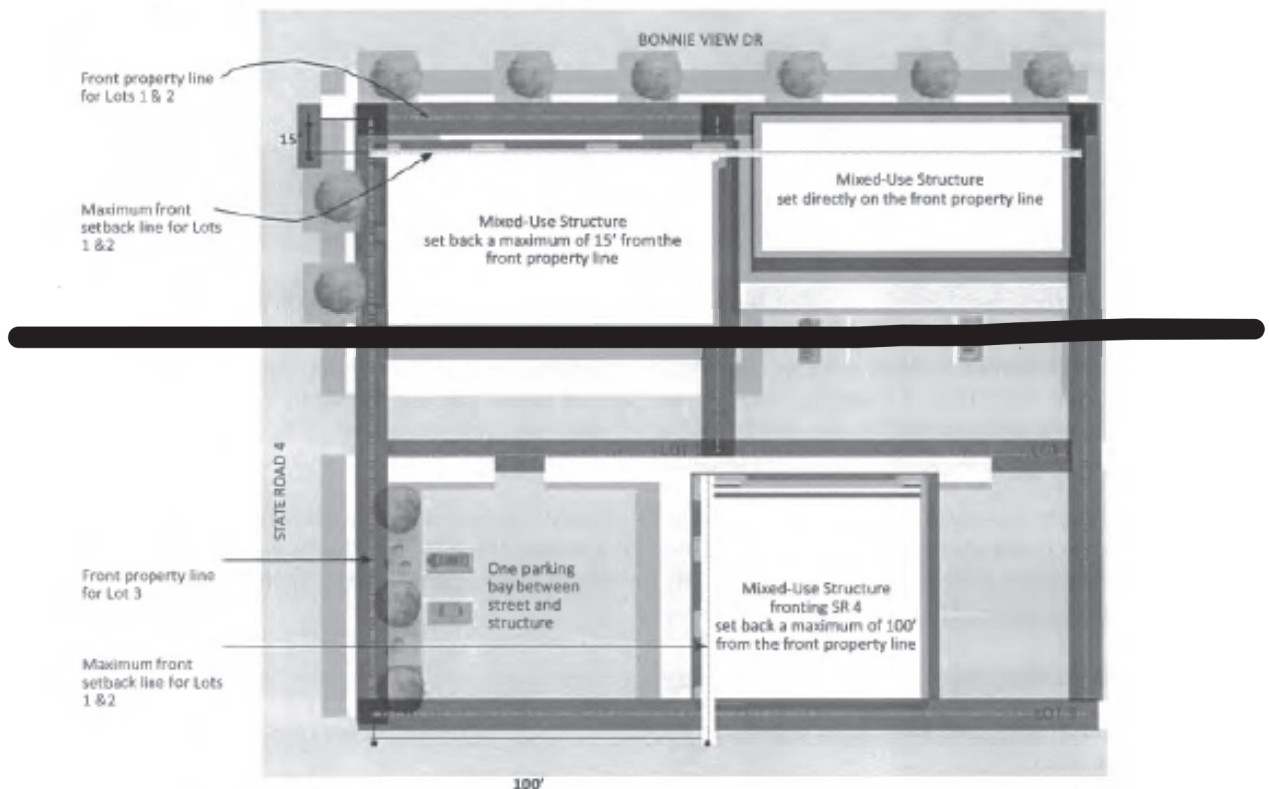
2. On-street parallel parking spaces at a minimum size of eight feet by 20 feet shall be included on all WRTC zone district streets, except State Road 4, to the maximum extent feasible.
3. All street furnishings such as streetlights, benches, trash receptacles, and bike racks shall be consistent in appearance 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 feet on center on average when mature.

b. *Site design.*

1. On-site pedestrian walkways shall be provided in accordance with division 2, Access and Connectivity 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 one 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 section 16-6(b)(3)g.
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 one bay of parking (i.e. one 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]



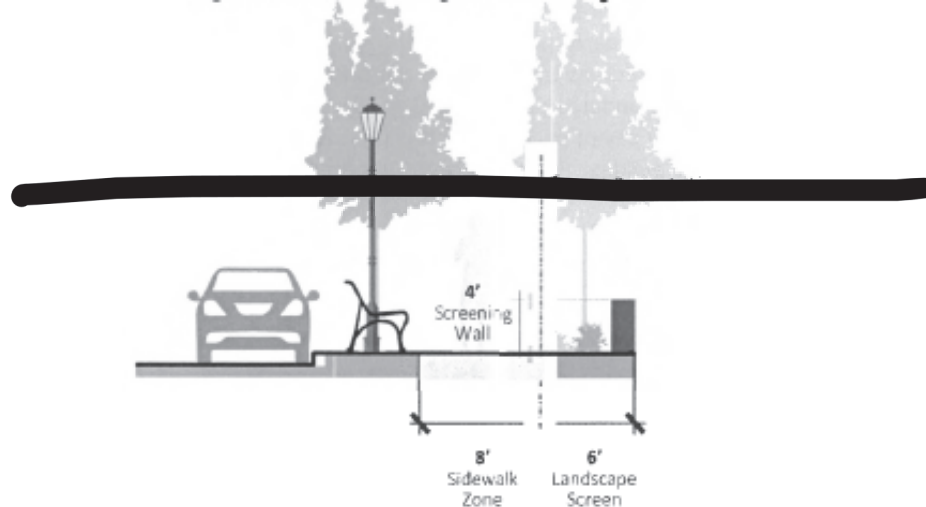
8. All service areas (e.g. loading docks, storage yards and trash compactors/dumpsters) should be located in either the rear of the lot or behind the principal structure and/or visually screened so they are out of sight of a public street.

c. Off-street parking.

1. Required off-street parking shall be allowed a 25 percent reduction of the amount required in Table 27 Minimum Off-Street Parking Requirements of the Off-Street Parking, Loading and Queuing Section, with the exception of multi-family dwelling uses which shall be required to provide no less than one parking space per dwelling unit.

2. 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.
3. Surface parking lots located along public streets shall be screened by a minimum six-foot landscaping buffer or a masonry wall that is at least three feet but not more than four feet high.

[Figure 3: WRTC Parking Lot Screening]



4. 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.

d. Neighborhood protection standards.

1. Multi-family, mixed-use, and non-residential developments abutting low-density residential or the HP-O zone district shall comply with the neighborhood protection standards of section 16-43.
2. For the purpose of this subsection, low-density development is considered any lot in the RA, RE, SFR, and RM zone districts.

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. If the proposed lot coverage exceeds 75 percent, the required net lot area requirements of section 16-39(a) may be eliminated, provided required buffering of section 16-43 is met as applicable.

f. *Open space.*

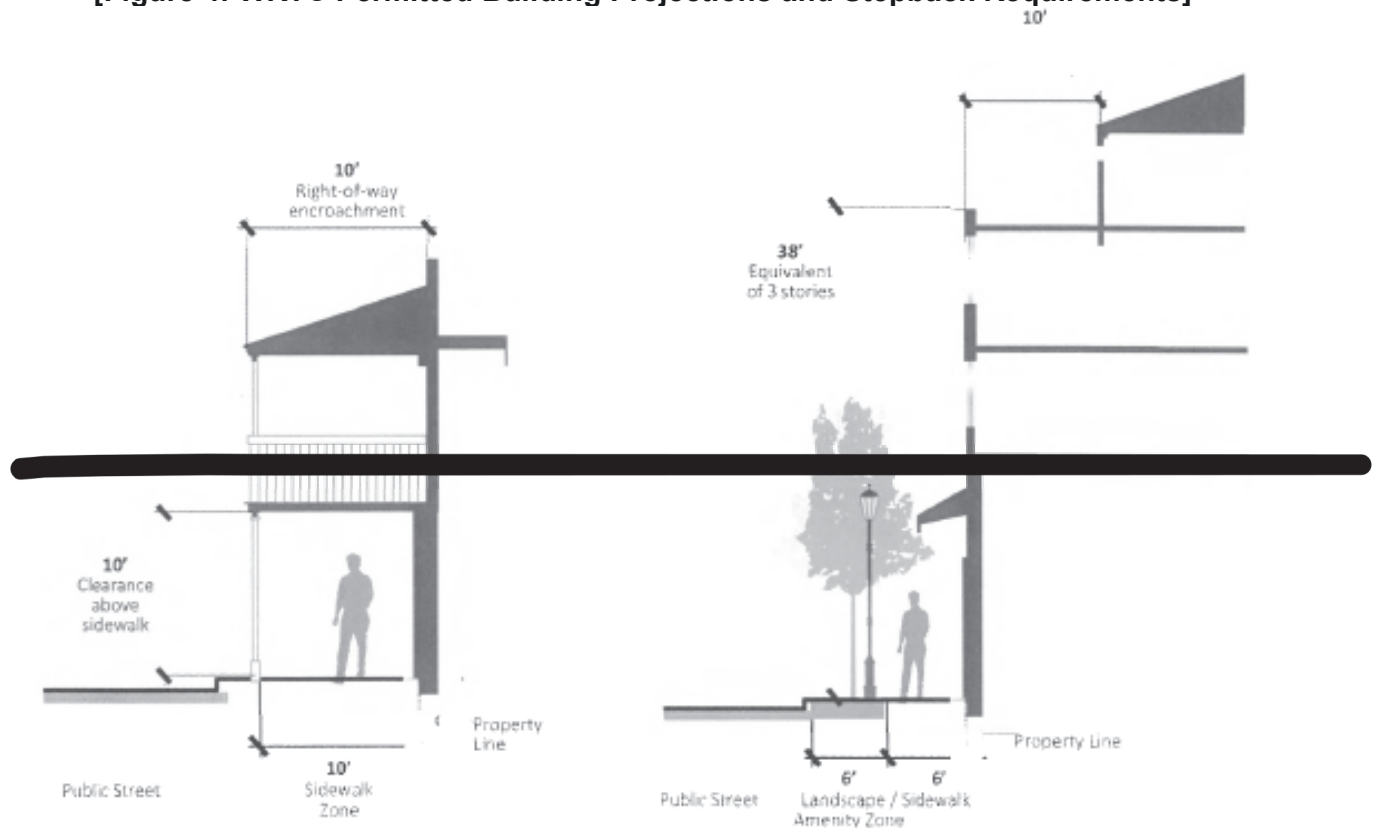
1. Required common residential open spaces for any residential uses as required in section 16-15 may be reduced by 50 percent.
2. Open spaces such as patios or plazas, shall be distinguishable to allow for safe and well-defined areas of seating or gathering outside of designated vehicular traffic flow. 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).

g. *Building design.*

1. The first floor of any street-facing façade shall contain a minimum 20 percent of its surfaces in transparent windows and/or doors.
2. 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 ten feet over the public right-of-way provided they have a clearance of ten feet above the sidewalk.
3. Any portion of a building over 38 feet tall shall incorporate a minimum stepback of ten feet from any front façade facing a public street.

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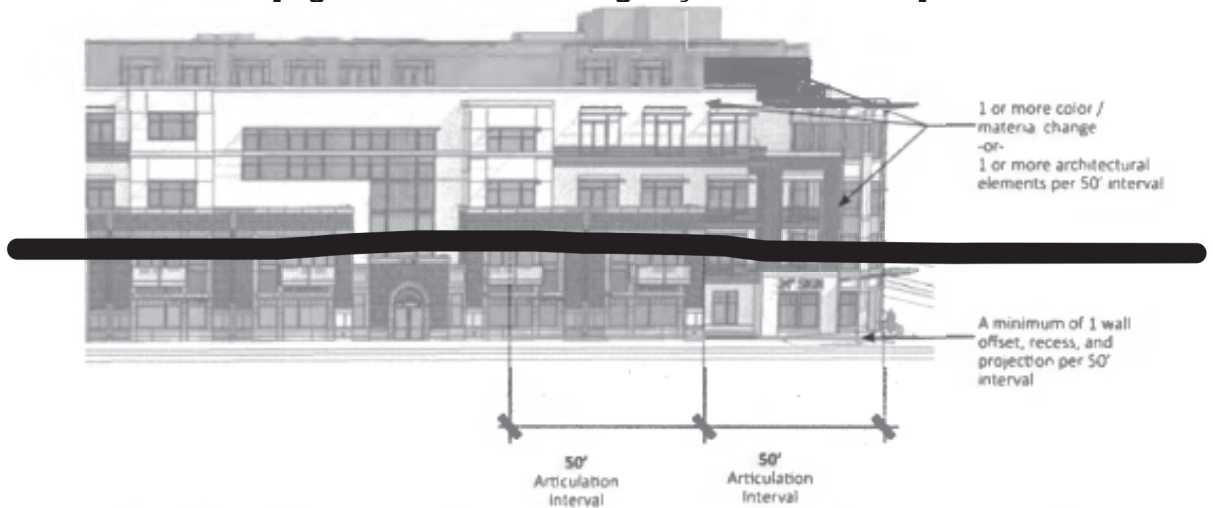
[Figure 4: WRTC Permitted Building Projections and Stepback Requirements]



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 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.

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[Figure 5: WRTC Building Façade Articulation]



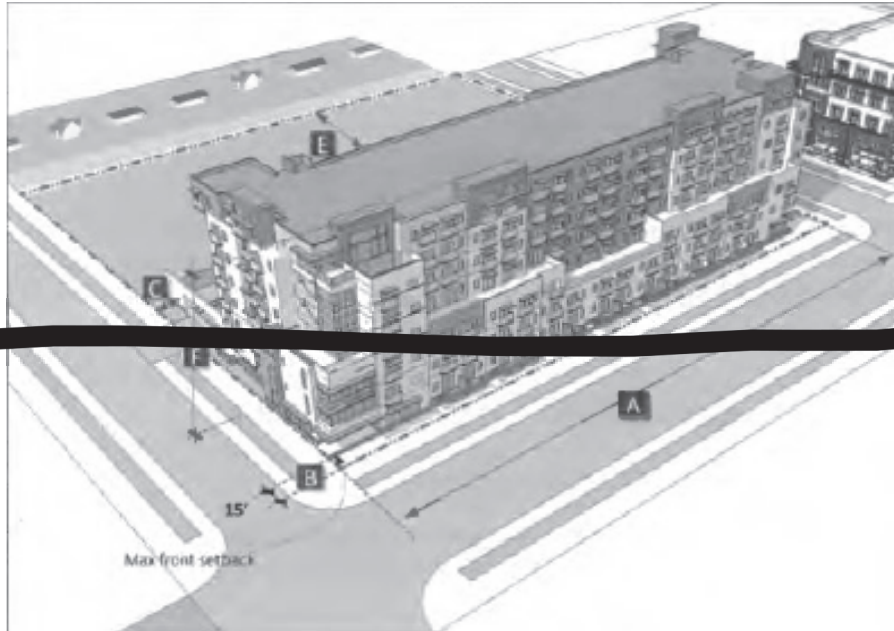
6. All buildings shall use materials that are durable, easily and economically maintained, and of a quality that will retain their appearance over time.
 7. Higher quality building materials and details should be used on building façades facing public streets, internal streets, public spaces, and at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

[this section intentionally left blank]

TABLE 16: DTLA DIMENSIONAL STANDARDS		
Lot Standards		
	Lot area, min	-
	Lot width, min	-
Setbacks		
A	Front, min	0'
B	Front, max Fronting Trinity	15' 100'
C	Side, min	0'
D	Side, max Interior Street-side	0' 15'
E	Rear, min	0'
Heights		
F	Primary Building Height, max south of Trinity Drive within 150' of a property line abutting Los Alamos Canyon Primary Building Height, max, everywhere else	54' 86'
	Adjacent to Residential	See Sec. 16-43

TABLE 16: DTLA DIMENSIONAL STANDARDS		
<i>Density</i>		
	Lot coverage, max	100%

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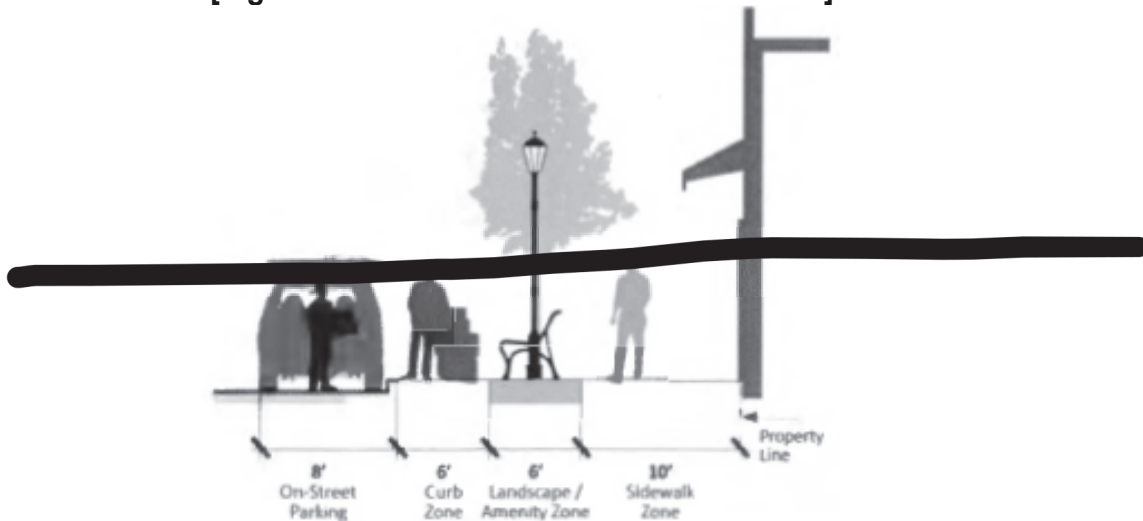


- (1) *Applicability.* The standards contained in this section shall apply to all new construction and expansions of existing structures by 25 percent or more of building floor area on any property within downtown Los Alamos as mapped in the official zoning map.
- (2) *Purpose.* The purpose of this section 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.
- (3) *DTLA zone district standards.*
 - 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

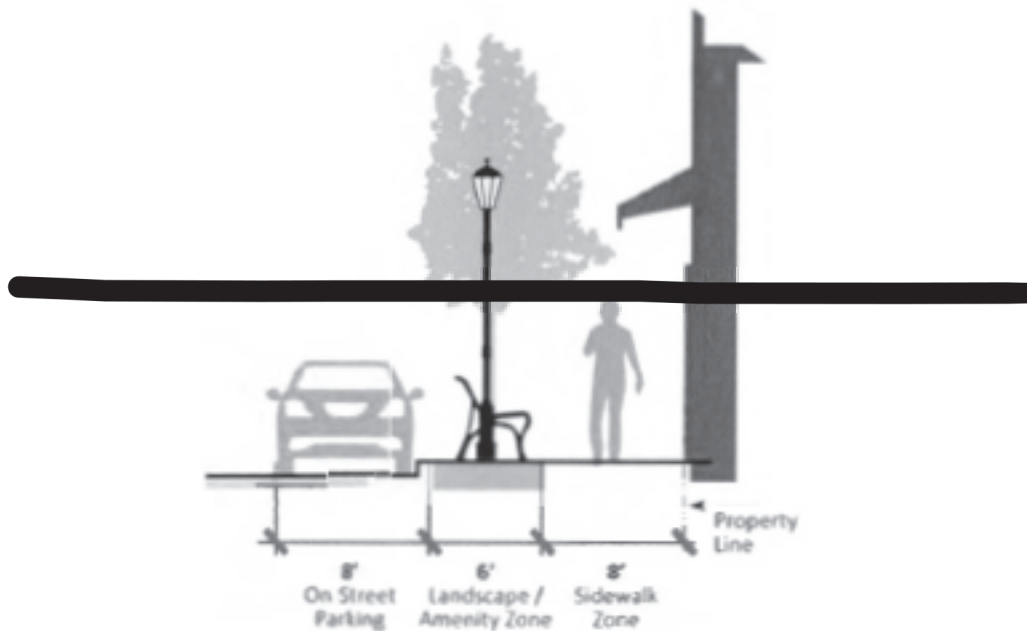
ensure a cohesive Main Street streetscape treatment. This dimension allows for a six-foot curb zone, a six-foot landscape strip, and a ten foot sidewalk.

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 six-foot landscape strip and eight 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]



[Figure 7: ~~Alternative Downtown Los Alamos~~]



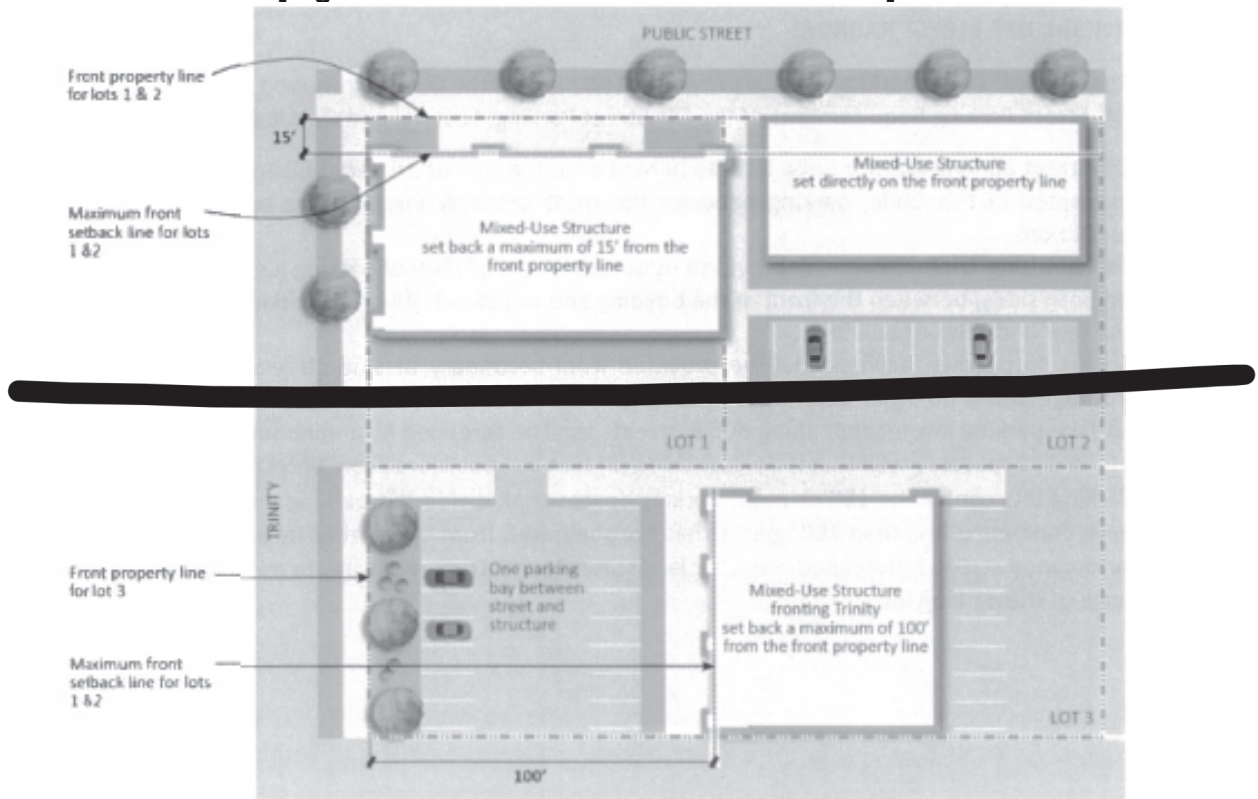
3. All street furnishings such as streetlights, benches, trash receptacles, and bike racks shall be consistent in appearance to ensure the establishment of a cohesive downtown Los Alamos identity.
4. On-street parallel parking spaces at minimum size of eight feet by 20 feet shall be included on all DTLA 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 feet on center on average when mature.

b. *Site design.*

1. On-site pedestrian walkways shall be provided in accordance with section 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 façade 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 one bay of parking (i.e. one 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.

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[Figure 8: DTLA Site Orientation Standards]

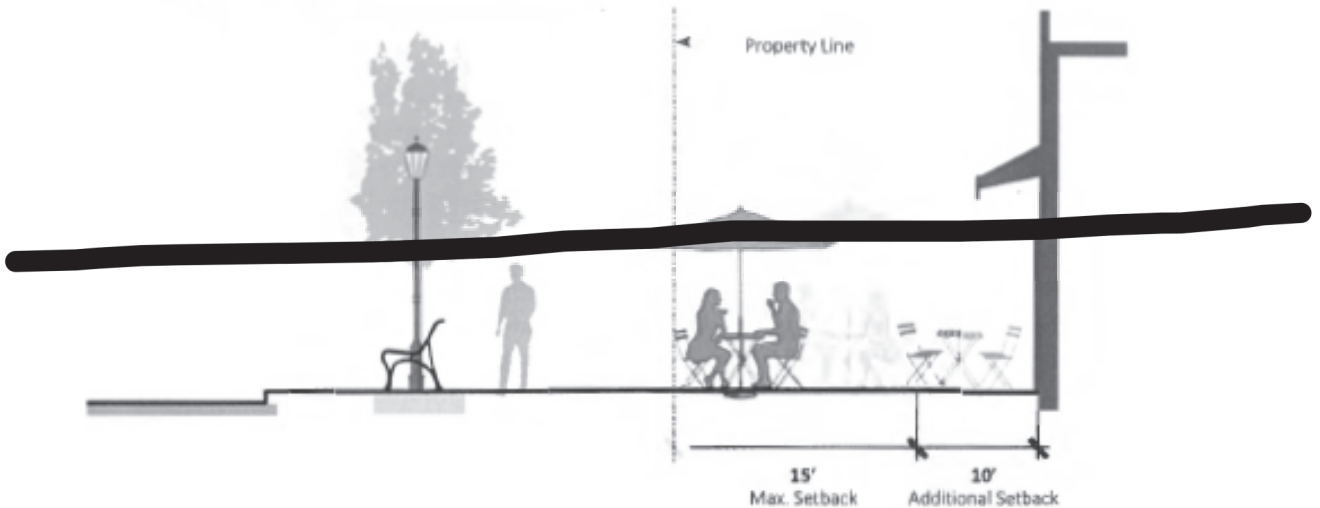


c. DTLA site orientation standards.

1. 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.
2. The maximum front setback may be increased by ten feet if open spaces, such as a courtyard, plaza, or outdoor dining area is provided within the front setback area.

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[Figure 9: Open Space Frontage Bonus]



3. Interior side setbacks on all lots may be reduced to zero feet provided fire walls per the building code are provided between adjoining buildings on separate lots.

d. *Off-street parking.*

1. Required off-street parking shall be provided at 50 percent the amount required in Table 27 Minimum Off-street parking Requirements of the Off-street parking, Loading and Queuing Section, with the exception of multi-family dwelling uses which shall be required to provide no less than one parking space per dwelling unit.
2. 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.
3. Lots abutting Trinity Drive may provide a maximum of one bay of parking (i.e. one 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.
4. Access to parking facilities shall be provided from secondary or side streets versus the primary frontage unless no other alternative is feasible.
5. Surface parking lots located along public streets shall be screened by a minimum six-foot landscaping buffer or a masonry wall that is at least three feet but not more than four feet high.
6. 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]



7. All street-facing parking structure façades 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.

e. *Neighborhood protection standards.*

1. Multi-family, mixed-use, and non-residential developments abutting low-density residential or the HP-O zone district shall comply with the neighborhood protection standards of section 16-43.
2. For the purpose of this subsection, low-density development is considered any lot in the RA, RE, SFR, and RM zone districts.

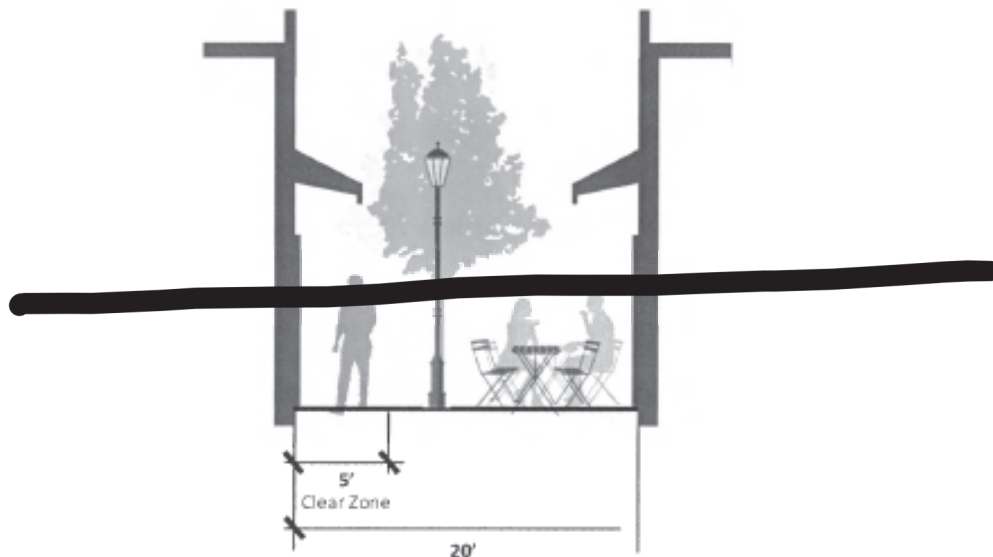
f. *Landscaping, screening and buffering.*

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 section 16-39(a) provided the required buffering of section 16-43 is met.
3. Rooftop-mounted equipment and ground-mounted utilities shall be screened from view from public streets and adjacent properties per section 16-40.

g. *Open space.*

1. Required common residential open spaces for any residential uses as required in section 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]~~ temporary use permit pursuant to the requirements of section 16-~~73(o)~~ 74(b) and must comply with the standards of section 16-~~19(k)~~ 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).]~~
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 a 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:

[Figure 11: Paseo Design Standards]



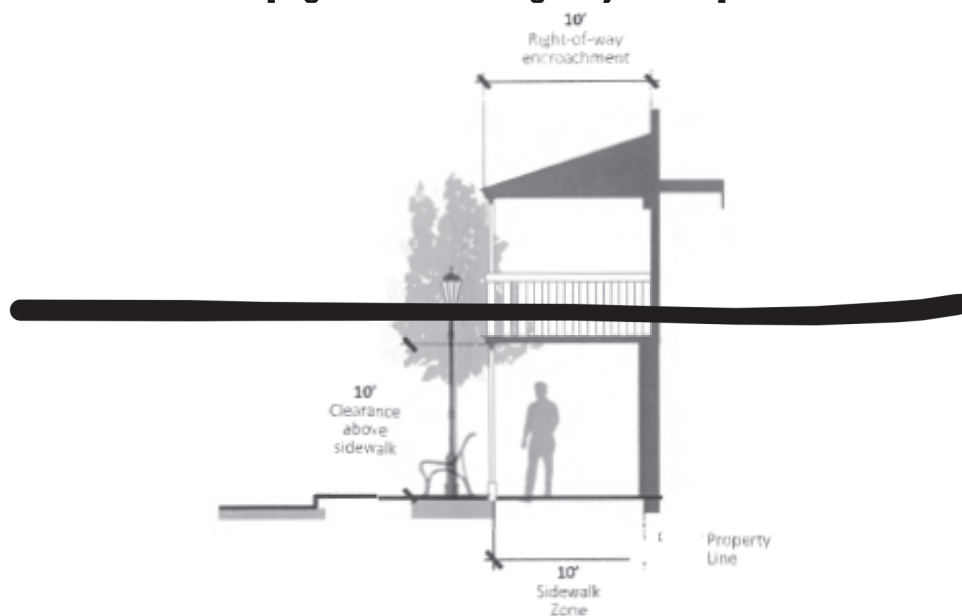
- i. A paseo shall be at least 20 feet in width and maintain an unobstructed circulation path at least five feet in width.
- ii. Paseos that form a continuous pedestrian network over multiple blocks should have continuity of street furnishing and paving type/texture.

- iii. Façades 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.

h. *Building design.*

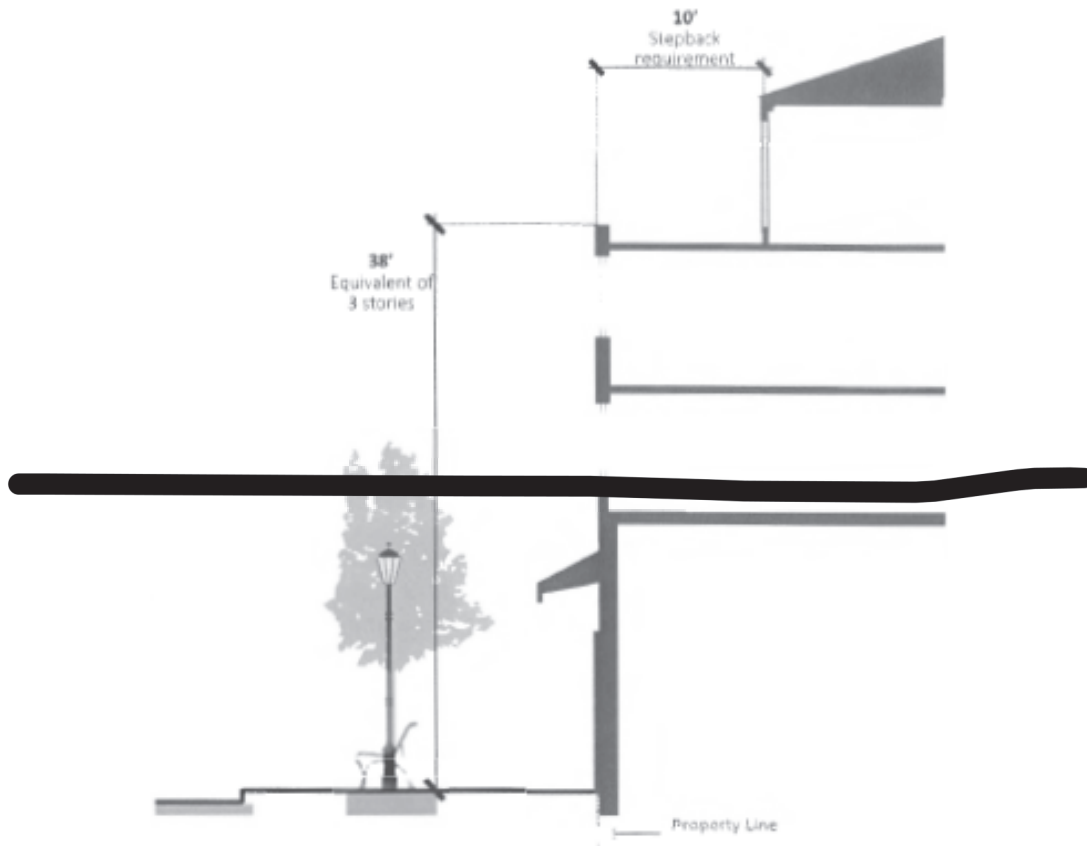
1. The first floor of any front street-facing façade shall contain a minimum 30 percent of its surfaces in transparent windows and/or doors.
2. Building projections such as balconies, bay windows and cornice features, open porches, canvas-type awnings, and projecting signs may encroach up to ten feet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

[Figure 12: Building Projections]



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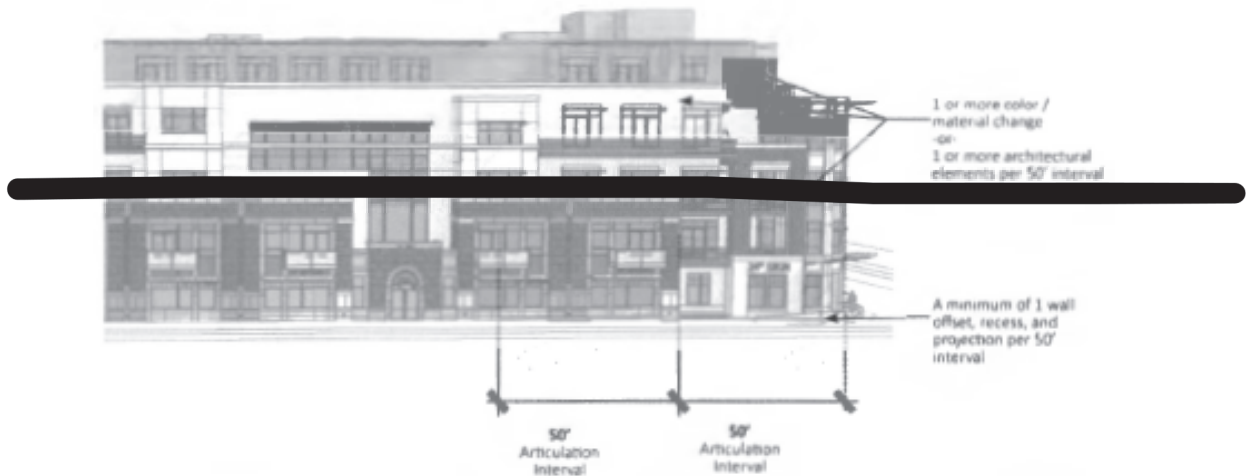
[Figure 13: DTLA Stepback Requirements]



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.

[this section intentionally left blank]

[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.

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

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 article IV, Development Standards.
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 section 16-74(b) and compliance with any Use-Specific Standards referenced in the right-hand column of Table 26: Permitted Use Table 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 Table 26: Permitted Use Table.
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 section 16-73(o) and compliance with any use-specific standards referenced in the right-hand column of Table 26: Permitted Use Table 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 section 16-74(b) and compliance with any Use-Specific Standards referenced in the right-hand column of Table 26: Permitted Use Table and with all other applicable requirements of the Code.
<u>S</u>	An "S" indicates that the land use is permitted in the respective zone district upon <u>approval of a Special Event Permit by the Community Development Department as described in section 16-73(m).</u>
	A blank cell indicates that the use is prohibited in the respective zone district.

[this section intentionally left blank]

Section 3. Chapter 16, Article III, Division I, Section 16-14 of the Code of the Incorporated County of Los Alamos is hereby amended to read as follows:

Sec. 16-14 Permitted use table.

TABLE 26: PERMITTED USE TABLE																					
	[PROPOSED] ZONE DISTRICTS	OS P	OS RO	OS S	OS S	RA	RE	SFR	MHC	RM	MFR- S	MFR- S	MFR- S	MU	WRT C	DTLA	INS	PO	GC	IND	USE SPECIFIC STANDARD
RESIDENTIAL USES																					
Household Living	Dwellings, Single-family		B			P	P	P	P	P	P	P	P	P	P						
	Dwellings, Cottage development					C	C	C		P	P	P	P	P							section 16-15(a)
	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					section 16-15(b)
	Dwelling, Live/Work									C	C	P	P	P	P	P	P				section 16-15(c)
	Dwelling, Co-Housing Development										P	P	P	P	P	P	P				section 16-15(d)
Congregational	Dwelling, Multiple-Family										P	P	P	P	P	P					section 16-15(e)
	Assisted Care Facility					C	C	C	C		C	C	P	P	P	P			C		section 16-15(f)

	Dormitory									C	C	P	P	P	P	P	C		
	Group Care Facility								P	P	P	P	P	P	P	P			section 16-15(g)
	Group Residential Facility								P	P	P	P	P	P	P	P			section 16-15(h)
INSTITUTIONAL USES																			
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	P	
	Hospital													P	P	P		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	
	School, Private							C	C	C	C	C	C	P	P	P	P	A	
	School, Public							P	P	P	P	P	P	P	P	P	P	A	
COMMERCIAL USES																			
	Fish Hatchery															P			C
	Community Garden							P	P	P	P	P	P	P	P	P			
	Plant Nursery or Greenhouse												P	P	P	P		P	
	Greenhouse For Cannabis Cultivation												P						P
	Adult Entertainment																C	P	
																			section 16-17(e) section 16-16(a)

[illegible]

Transfer Station	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	P	C	section 16-17(i)
Small Wireless Telecommunication Facility	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	section 16-17(i)
Wireless Telecommunication Facility	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	section 16-17 [(+) (i)]
ACCESSORY USES																				
Accessory Dwelling Unit																				section 16-18(a)
Accessory Structure																				section 16-18(b)
Caretaker Unit	P	P																		section 16-18(c)
Daycare Facility																				section 16-18(d)
Daycare Home																				section 16-18(e)
Greenhouse																				section 16-18(f)
Hay Or Feed Storage																			P	
Home Business																				section 16-18(g)
Home Occupation																				section 16-18(h)
Livestock Husbandry																				section 16-18(i)
[Outdoor Dining]																				[section 16-18(a)]
Outdoor Storage																				section 16-18(j)

[illegible]

Section 4. Chapter 16, Article III, Division II, Section 16-17 of the Code of the Incorporated County of Los Alamos is hereby amended to read as follows:

Sec. 16-17. Industrial uses.

(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.

(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.

(c) *Heavy manufacturing.*

- (1) This use may be conducted outside of a building, provided it complies with all applicable standards of section 16-40.
- (2) This use shall provide a Type C buffer, as required by section 16-43, 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).

(d) *Special manufacturing.*

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

(e) *Cannabis cultivation and manufacturing facility.*

- (1) A cannabis cultivation and 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 section 16-43, when adjacent to any non-industrial zone district.
- (3) No cannabis cultivation and 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).

(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 section 16-40.
 - (4) This use shall provide a Type C buffer, as required by section 16-43, when adjacent to any non-industrial zone district.
- (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.
- (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 section 16-40.
 - (3) This use shall provide a Type C buffer, as required by section 16-43, when adjacent to any non-industrial zone district.
- (i) *Small wireless telecommunication facility.*
 - (1) This use requires a small wireless telecommunication facility permit pursuant to procedures outlined in section 16-73(l).
 - (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.
 - (4) *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.
 - (5) *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.
 - (6) *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.

(7) *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]~~ allowed. 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.

(8) *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.
- (j) *Wireless telecommunication facility.* Wireless telecommunication facilities require a wireless telecommunication facility (WTF) permit pursuant to procedures outlined in section 16-74(c).
 - (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.
 - (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.
 - (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.

- (4) *Height.* WTFs shall not exceed 15 feet 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.
- (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.
- (6) *Landscaping and screening.*
 - a. Freestanding WTFs shall be surrounded by an opaque wall or fence design acceptable to the county of at least six feet high or higher if any equipment within the surrounded area exceeds six feet in height.
 - b. Freestanding WTF screening shall include a Type A vegetative buffer as outlined in section 16-43.
- (7) *Lighting.* WTFs shall only include signage required by state or federal law.
- (8) *Abandonment.* No abandonment of a [small] wireless facility shall be [permitted] allowed. All [small] wireless facilities not in service shall be physically maintained as if in service for the protection and safety of the public.

Section 5. Chapter 16, Article III, Division II, Section 16-18 of the Code of the Incorporated County of Los Alamos is hereby amended to read as follows:

Sec. 16-18. Accessory uses.

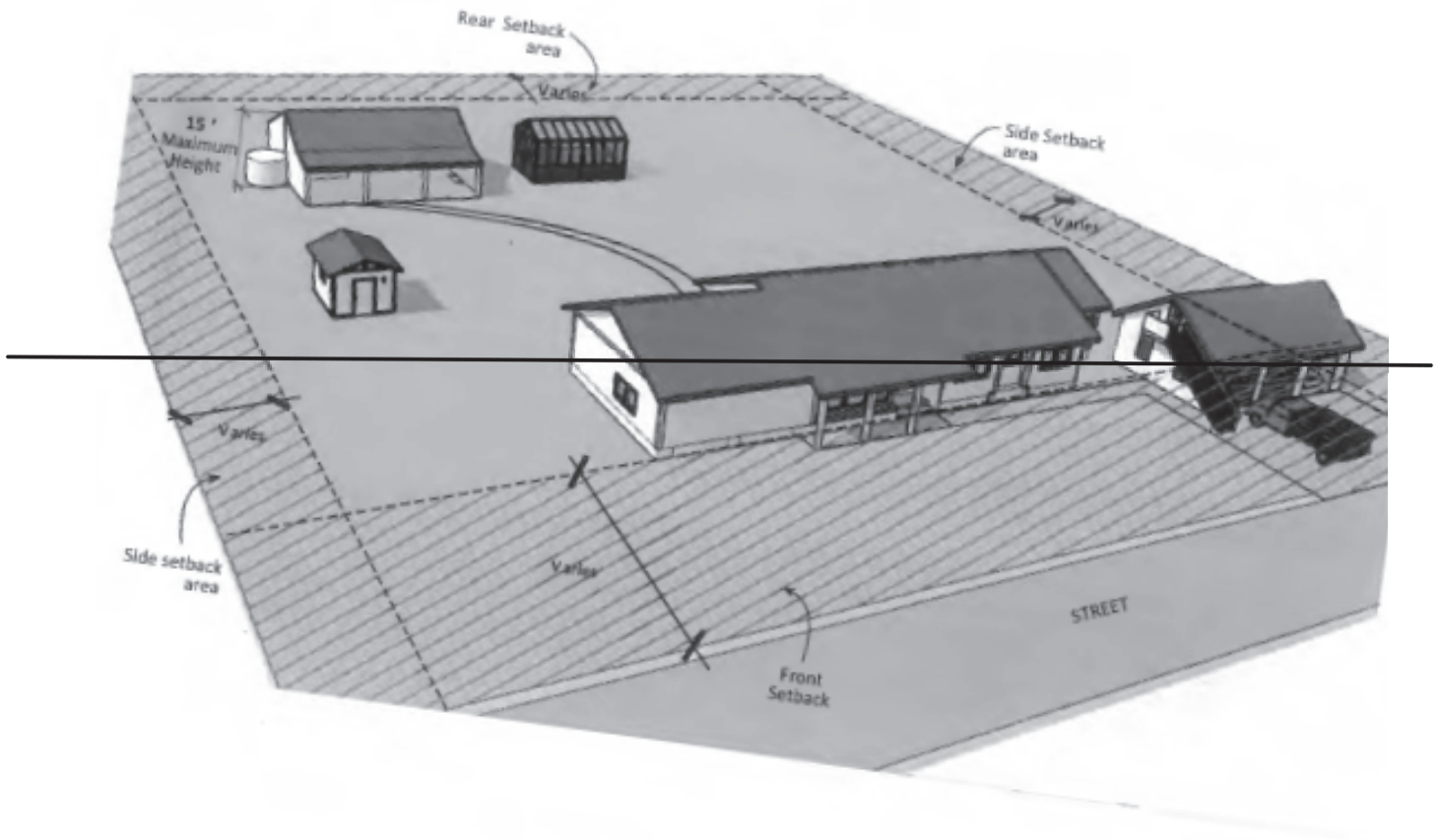
- (a) *Accessory dwelling unit.*
 - (1) The erection of any accessory dwelling unit requires a building permit prior to commencing construction.
 - (2) No more than one accessory dwelling unit either attached or detached is permitted per lot.
 - (3) The underlying base zone district requirements including 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 less than 250 square feet or more than 800 square feet. The accessory dwelling unit square footage shall not exceed the gross floor area of the primary dwelling. All accessory dwelling units shall

comply with applicable building code requirements, including minimum room sizes and ceiling height standards.

- (5) Detached accessory dwelling units shall be at least ten feet from the primary dwelling on the lot.
 - (6) This accessory use shall provide one dedicated off-street parking space. All required parking shall be provided in a designated parking area, such as driveways or garages, with no more than one tandem parking space allowed. No parking shall occur on lawns or sidewalks.
 - (7) 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.
 - (8) No variances or administrative deviations shall be granted for the standards outlined in this section.
- (b) *Accessory structures.*
- (1) The erection of any accessory structure requires an accessory structure [building] 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 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, except those provided in section 16-18(b)(5).
 - (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, except those provided in section 16-18(b)(5).
 - (7) No accessory structures shall be located in required side setbacks in any zone district.
 - (8) Small accessory structures, not exceeding [420] 200 square feet, shall be at least ten feet from the primary dwelling and other accessory structures on the lot.
 - (9) In any zone district, no accessory structure shall be located within five feet of any lot line.

[this section intentionally left blank]

[Figure 15: Accessory Structure Standards]



(c) *Caretaker unit.*

- (1) No more than one caretaker dwelling unit is permitted per lot as allowed per Table 26: Permitted Use Table.

(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 five and maximum of seven 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.
- (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 four 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 one 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.
- (f) *Greenhouse.*
- (1) Within residential zone districts, this use must comply with all provisions for accessory structures in section 16-18(b).
- (g) *Home business.*
- (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]~~ obtain a business license, registration, or permit, pursuant to chapter 12, ~~[Business]~~ of the Los Alamos County Code of Ordinances.
 - (3) This use shall provide a minimum of one 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).
- (h) *Home occupation.*
- (1) This use shall ~~[acquire]~~ obtain a business license, registration, or permit, pursuant to chapter 12, ~~[Business]~~ of the Los Alamos County Code of Ordinances.
 - (2) The ~~[conductor]~~ administrator 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 and 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 ten 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 ten 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.

(i) *Livestock husbandry.*

- (1) The keeping and maintenance of livestock shall comply with the regulations and provisions of chapter 6, ~~[Animals.]~~ of the Los Alamos County Code of Ordinances.

(j) *Outdoor storage, accessory.*

- (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 section 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).

(k) *Recreational vehicle storage.*

- (1) ~~[Parking of r]Recreational vehicles, and boats, may be parked: [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; or:-
 - c. Designated parking areas, such as parking lots, driveways, and/or garages.
- (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 ten 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 recreational vehicle or boat storage or parking shall occur on lawns or public 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. A recreational vehicle may be used ~~[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).

(l) *Residential community amenity.*

- (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.

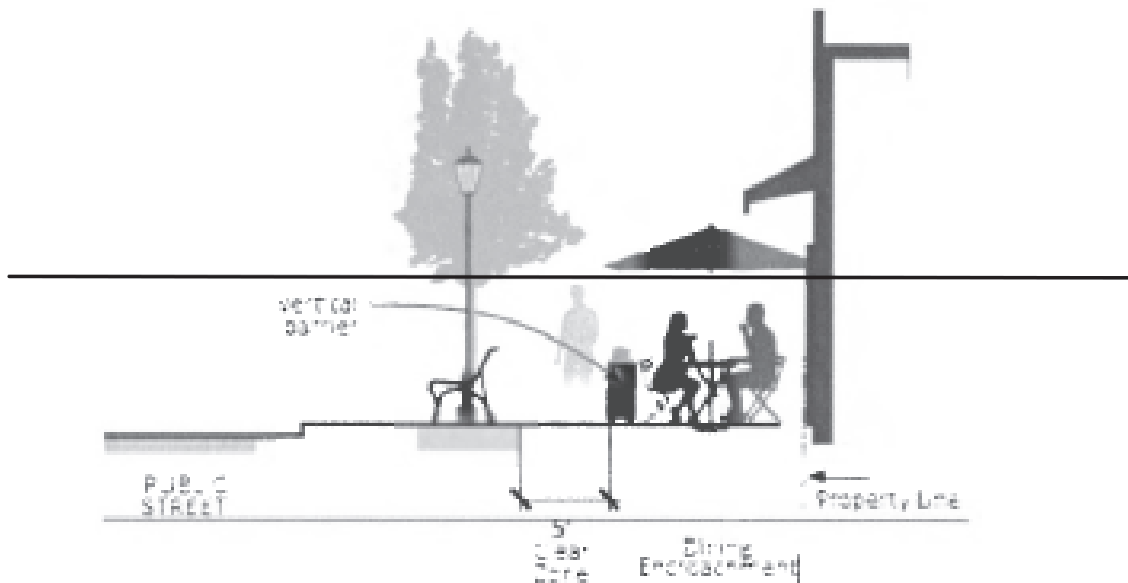
(m) *Microwave and satellite dish antennas.*

- (1) A maximum of one 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.

~~[(n) *Outdoor dining.*~~

- ~~(1) Outdoor dining areas located in the public right of way shall require a conditional temporary use permit, pursuant to the requirements of section 16-74(b) 16-73(o), 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 five feet of unobstructed sidewalk clear zone along the public sidewalk at any time.~~
- ~~(6) Outdoor dining areas that have more than four tables or other furnishings shall provide a maximum four 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 five feet 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.]~~

[Figure 16: Outdoor Dining Standards]



(n) ~~(e)~~ *Solar collection systems.*

- (1) Solar energy collection systems shall comply with all applicable zoning district standards, including but not limited to setbacks, height limitations, permitted locations, and other relevant land use regulations. Solar energy collection systems are also subject to any applicable supplemental requirements, such as screening and building design standards. Permitted zoning locations for solar energy collection systems are identified in Section 16-14, Table 26, Permitted Use Table.
- (2) Solar energy collection systems must be mounted on non-reflective or black matte frames to reduce glare to neighboring properties.
- ~~[(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.]~~

(o) ~~(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 ten feet from all property lines. Associated ~~[equipment]~~ features such as pool coping, walks, or apron ~~[is]~~ are not restricted by this ten-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]~~ features 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.

Section 6. Chapter 16, Article III, Division II, Section 16-19 of the Code of the Incorporated County of Los Alamos is hereby amended to read as follows:

Sec. 16-19. Temporary and Special uses.

(a) *Construction staging area, storage, trailer, or office.*

- (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 eight 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 six feet. Such fences shall be removed on or before the expiration of the temporary use permit.

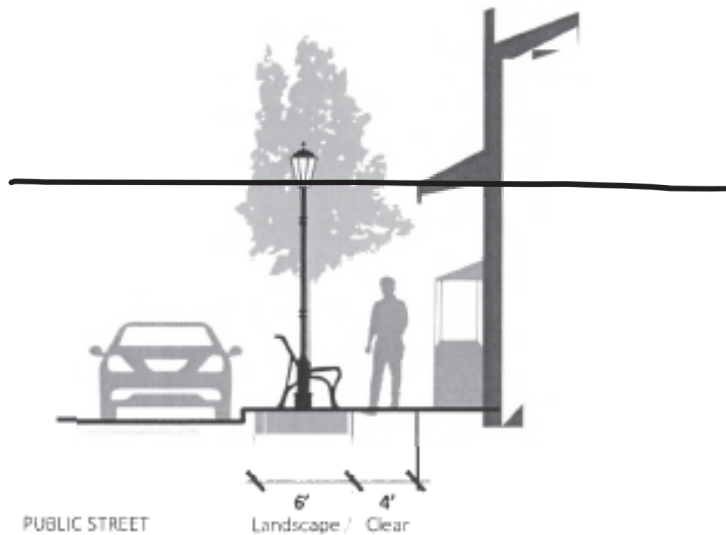
(b) *Dwelling unit, temporary.*

- (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 or renovation 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.
- (c) *Fair, carnival, circus.*
 - (1) This use requires a ~~[temporary use]~~ special event permit pursuant to the procedures set forth in section 16-73(m). ~~[pursuant to procedures outlined per section 16-73(o).]~~
 - (2) This use shall only operate for a maximum period of 15 days in any six-month period at the same site.
- (d) *Film productions.*
 - (1) This use requires a temporary use permit pursuant to procedures outlined per section 16-73(o).
- ~~[(e) *Garage or yard sale.*~~
 - ~~(1) This use shall be permitted multiple times per year, provided the duration of any sale shall not exceed three consecutive calendar days.]~~
- (e)~~[(f)]~~ *Mobile vending.*
 - (1) This use requires a temporary use permit pursuant to procedures outlined per section 16-73(o).
 - ~~[(1)]~~(2) This use may be operated outside an enclosed structure.
 - ~~[(2)]~~(3) 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)]~~(4) 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)]~~(5) Mobile vending operators shall obey all parking and traffic laws. No part of the mobile vending operation shall obstruct required parking stalls.
 - ~~[(5)]~~(6) 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 four feet of unobstructed sidewalk clear zone along the public sidewalk at any time.
 - ~~[(6)]~~(7) 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.

[this section intentionally left blank]

[Figure 17: Mobile Vending]



~~[(7)]~~(8) 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)]~~(9) 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 Los Alamos County Code of Ordinances.
- b. Student vendor sales of food products shall comply with all applicable [state] food safety and licensing regulations~~[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 are prohibited.

(f) ~~[(9)]~~ *Mobile food vending.*

(1) This use requires a temporary use permit pursuant to procedures outlined in section 16-73(o).

~~[(4)]~~(2) Mobile vending is not allowed within 20 feet of the entry to an existing drive-in, takeout, or enclosed restaurant.

- ~~[(2)]~~(3) Mobile food vending is not allowed within 300 feet of a special event sponsored by Los Alamos County unless the vendor is participating in the scheduled special event.
- ~~[(3)]~~(4) 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)]~~(5) 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)]~~(6) 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)]~~(7) 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), and institutional (INS) 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.

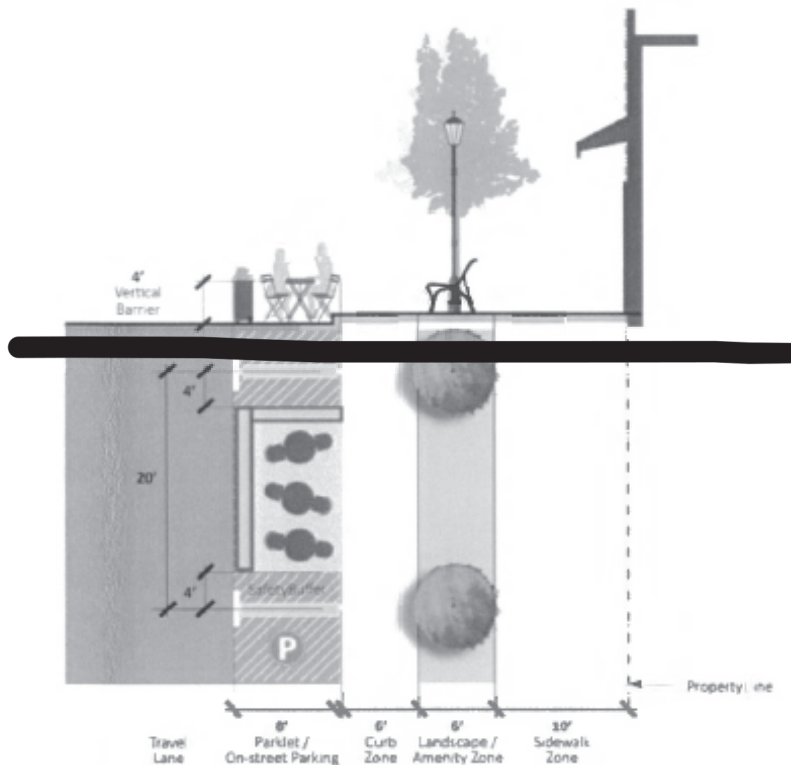
- i. Each vehicle used for vending shall be individually permitted and shall clearly display the corresponding permit on the outside of the vehicle at all times.
 - j. Mobile food vendors participating in a special event shall follow all special events sponsored by Los Alamos County and temporary use-permit requirements.
- [(7)](8) 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.

[(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 four 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 six 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.]~~

[this section intentionally left blank]

[Figure 18: Parklet Standards]



~~[(+)]~~(g) *Real estate office.*

- (1) This use requires a temporary use permit pursuant to procedures outlined per section 16-73(o).
- (2) Real estate offices and model homes may be located within a residential zone district as part of an on-going residential development.

~~[(+)]~~(h) *Seasonal outdoor sales.*

- (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 property owner's consent ~~[of the owner of such property]~~ for a ~~[period of no longer than]~~ maximum of 45 days. The county council shall designate ~~[these]~~ county lands where ~~[lot]~~ sales are ~~[to be permitted]~~ allowed.
- (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 four feet of unobstructed sidewalk clear zone along the public sidewalk at any time.

~~[(k)]~~(i) *Special event.*

- (1) This use requires a ~~[temporary use]~~ special event permit pursuant to procedures outlined per section 16-73(~~[e]~~ m).
- (2) This use shall only operate for a maximum period of 15 days in any 90-day period.

~~[(4)]~~(j) *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).

(k) *Outdoor dining.*

- (1) Outdoor dining areas located in the public right-of-way shall require a temporary use permit, pursuant to the requirements of section 16-73(o), 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 five feet of unobstructed sidewalk clear zone along the public sidewalk at any time.
- (6) Outdoor dining areas that have more than four tables or other furnishings shall provide a maximum four-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 five feet 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.
- (8) Outdoor dining areas whether as part of a new business or an expansion of an existing business, require review and approval through a site plan or site plan amendment.

Section 7. Chapter 16, Article IV, Division III, Section 16-28 of the Code of the Incorporated County of Los Alamos is hereby amended to read as follows:

Sec. 16-28. - Off-street parking standards.

(a) *Calculation of off-street parking and loading.*

- (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.

(b) *Unlisted uses.* 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.

(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.

[this section intentionally left blank]

Table 27: MINIMUM OFF-STREET PARKING REQUIREMENTS		
LAND USE	REQUIRED PARKING	
Household Living	RESIDENTIAL	
	Dwellings, single-family	2 spaces per unit
	Dwelling, co-housing development	1 space per unit Plus 0.25 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.

Table 27: MINIMUM OFF-STREET PARKING REQUIREMENTS	
LAND USE	REQUIRED PARKING
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
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
Congregate Living	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
INSTITUTIONAL	

Table 27: MINIMUM OFF-STREET PARKING REQUIREMENTS		
LAND USE		REQUIRED PARKING
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	5 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

Table 27: MINIMUM OFF-STREET PARKING REQUIREMENTS		
LAND USE		REQUIRED PARKING
	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 1,000 sf
	Fish hatchery	1 space per 1,000 sf
	Community garden	No Requirement
	Plant nursery or greenhouse	4 spaces per 1,000 sf
	Adult entertainment	1 space per 4 persons design capacity
Recreation facilities and entertainment	Golf course or country club	1 space per 4 persons design capacity, plus 5 spaces per hole

Table 27: MINIMUM OFF-STREET PARKING REQUIREMENTS

LAND USE	REQUIRED PARKING	
	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.
	Bed and breakfast	1 space per room, plus 2 staff spaces
Lodging	Campground or RV park.	1 space per RV or campsite
	Hotel or motel	1 space per room
Bar, lounge, or tavern	6 spaces per 1,000 sf	

Table 27: MINIMUM OFF-STREET PARKING REQUIREMENTS		
LAND USE		REQUIRED PARKING
	Microbrewery, distillery, or winery	7 spaces per 1,000 sf
	Restaurant	6 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	4 spaces per 1,000 sf
	Cannabis retail	4 spaces per 1,000 sf

Table 27: MINIMUM OFF-STREET PARKING REQUIREMENTS		
LAND USE		REQUIRED PARKING
	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
	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

Table 27: MINIMUM OFF-STREET PARKING REQUIREMENTS		
LAND USE		REQUIRED PARKING
	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
	Ambulance services	5 spaces per 1,000 sf
Vehicle and Equipment-Related	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

Table 27: MINIMUM OFF-STREET PARKING REQUIREMENTS		
LAND USE		REQUIRED PARKING
Transportation	Airport	7 spaces per 1,000 sf waiting room area 2 spaces per 1,000 sf maintenance floor area 5 spaces per 1,000 sf office area
	Heliport	No requirements
	Parking facility	No requirements
	Transit terminal or station	Determined by transportation authority
	Truck terminal	7 spaces per 1,000 sf waiting room area 2 spaces per 1,000 sf maintenance floor area 5 spaces per 1,000 sf office area
INDUSTRIAL		
Manufacturing and Warehouse	Above-ground storage of fuels	1 space per 1,000 sf
	Artisan manufacturing	3 spaces per 1,000 sf

Table 27: MINIMUM OFF-STREET PARKING REQUIREMENTS

LAND USE	REQUIRED PARKING
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
Public utilities	No Requirement
Radio and TV, studio or station	4 spaces per 1,000 sf
Recycling station	1 space per 5,000 sf

Table 27: MINIMUM OFF-STREET PARKING REQUIREMENTS	
LAND USE	REQUIRED PARKING
Salvage yard	1 space per 5,000 sf
Transfer station	1 space per 5,000 sf
Wireless Telecommunications Facility (WTF)	No Requirement
ACCESSORY USES	
Accessory dwelling	1 space per unit
Caretaker unit	1 space per unit
Daycare home	1 space per employee
Home business	1 space per employee
TEMPORARY AND <u>SPECIAL</u> USES	

Table 27: MINIMUM OFF-STREET PARKING REQUIREMENTS		
LAND USE	REQUIRED PARKING	
	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

Section 8. Chapter 16, Article VI, Division II, Defined Terms of the Code of the Incorporated County of Los Alamos is hereby amended to read as follows:

DIVISION 2. DEFINED TERMS

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:

Abandoned sign means 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 8, Signage.

Abut means to touch or share a common property line.

Access means a way or means of approach to provide vehicular or pedestrian physical ingress and egress to a property or use.

Accessory dwelling unit means a dwelling unit that is accessory to a primary single-family or two-family detached dwelling [~~or non-residential use~~]. Accessory dwelling units are located on the same lot, may be attached to the primary dwelling, contained within the primary dwelling, or built as a detached accessory structure and must contain a separate kitchen.

Accessory structure means 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 means a use incidental and subordinate in use, area, or purpose to the primary use of the premises or lot.

Addition means an extension or increase in floor area or height of an existing building or structure.

Adjacent means 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.

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.

Adult entertainment means 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 means an establishment where 50 percent or more of its gross area is devoted to sell or rent the following adult materials 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 means 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 means 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 means 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) as may be amended.

Applicant means any person who submits a development application requesting a development permit or approval authorized by this Code.

Application means 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 means lighting designed to reveal architectural beauty, shape, or form and for which lighting for any other purpose is incidental.

Area, floor means 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 means 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 means 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 means a building, room, or series of rooms where works of art are exhibited for display or sale.

Artisan manufacturing means 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 means a facility that provides a combination of housing, supportive services, personalized assistance, and health care services designed to respond to the individual needs of those who need help with activities of daily living. Such facilities may include separate bedrooms or living quarters, a central or private kitchen, dining, recreational, and other residential accessory uses. The use does not include a "hospital" or a "group residential facility".

Backlight means 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 means 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 means 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 means 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, microbrewery, or tasting room.

Bed and breakfast means a low-density residential development with a permanent resident and up to five guestrooms which may be rented for short term overnight lodging with breakfast served to overnight guests only. [~~See also "hotel or motel".~~]

Bedroom means 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)).

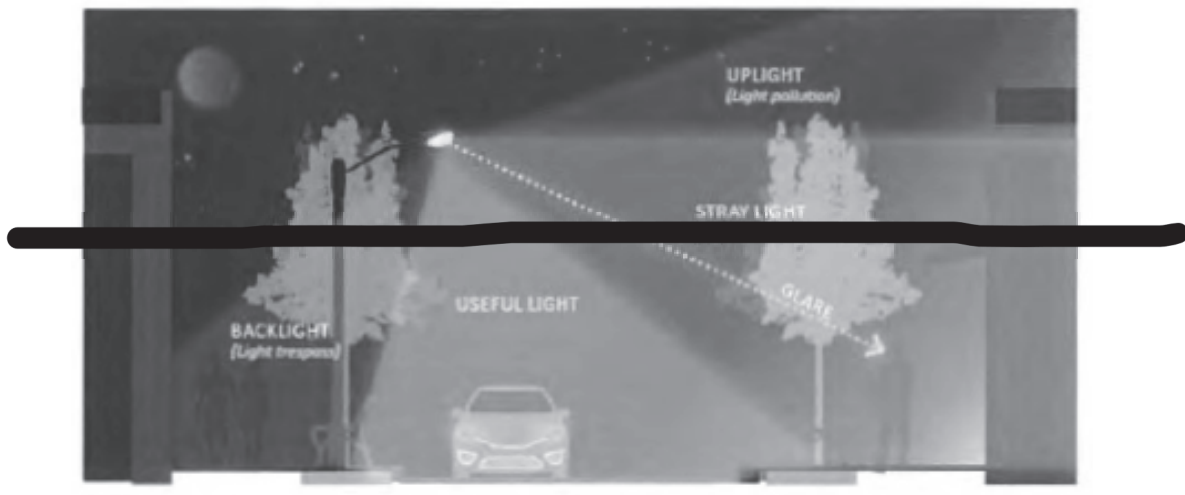
Billboard means an off-premise, freestanding sign which advertises or directs attention to a business, product, service, or event. None of the products or services may be conducted, sold, or offered on the premises where the billboard is located.

Block means 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 means a roofed, open-sided passageway which provides direct access between buildings.

Buffer means 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 means the IES TM-15 luminaire classification system describing the amount and location of light being emitted from a luminaire.



Building means an independent, fully enclosed structure built and maintained for the support, shelter or enclosure of persons, animals, or property of any kind.

Building height means 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 or primary means a building ~~[within which is conducted]~~ where one or more permitted or conditional uses are conducted. There may be more than one main building on a lot depending on the zone district designation.

Business means a legal entity operating an enterprise in a space separate from any other enterprise.

Caliper means the diameter of the main stem of a tree or shrub measured eight inches above the ground.

Campground or RV park means 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.

Cannabis means all parts of the plant genus Cannabis as defined by the Cannabis Regulation Act ("Act"), as may be amended.

Cannabis cultivation and manufacturing facility means 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 means 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 means a covered structure with at least one side open for pedestrian or vehicular access for motor vehicle ~~[automobile]~~ service stations or similar uses.

Caretaker unit means 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.

Car wash. See "vehicle wash".

Carport means a permanent roofed structure with not more than two enclosed sides used or intended to be used for motor vehicle ~~[automobile]~~ storage.

Cemetery means 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 means 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 means 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 means the same as defined by the FCC in 47 C.F.R. § 1.6002(g), as may be amended.

Color rendering index (CRI) means 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.

Commercial means 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 means 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 means the director of the County of Los Alamos Community Development Department or their designee.

Community garden means 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 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.]~~

Compact parking space means a parking space designed by reducing the depth of the stall to 18 feet meeting the requirements of section 16-33.

Comprehensive plan means the plan adopted by the county to guide overall growth and development and capital improvement planning in the county including amendments to that plan.

Conditional use means 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. Conditional 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.

Conditional use permit means a permit for a use classified as a conditional use, as detailed elsewhere in this chapter.

Condominium means 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 means a sign that is in compliance with all prevailing jurisdictional laws and ordinances.]~~

Contiguous means in contact with or sharing a common border, boundary, or property line.

Continuous lighting means 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 means 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.

Corner lot means a lot located at the intersection of and having frontage on two or more streets.

Correlated color temperature (CCT) means measured in degrees Kelvin (K). A specification for the color appearance of the light emitted by a lamp.



Cottage development means see "dwelling, cottage development".

County means the Incorporated County of Los Alamos (also "Los Alamos County," "County of Los Alamos", or "County"), New Mexico.

County attorney means the attorney for the County of Los Alamos.

County clerk means the elected clerk of the County of Los Alamos or his agent.

County council means the elected county council for the County of Los Alamos.

County engineer means the engineer for the County of Los Alamos or their designee.

County manager means the manager for the County of Los Alamos or their designee.

County public works director means the public works director for the county or their designee.

County surveyor means the surveyor of the county or their agent

County utilities manager means the utilities manager for the county or their agent.

Court and courtyard means 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.

Crosswalk means the portion of a pedestrian walkway which intersects and crosses a street.

Cul-de-sac means a street with one end open for vehicular and pedestrian access and the other end terminating in a vehicular turnaround.

Daycare center means 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 meeting the applicable state and local building and safety codes.

Daycare facility means a private dwelling that provides care, services and supervision for a period of less than 24 hours of any day for at least five but no more than seven children at one 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 means a business in a private residence which provides care, services, and supervision for not more than four children at one 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 means 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 means 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 means the ratio of dwelling units permitted to gross land area.

Developer means 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 means 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 means this chapter 16 of the Los Alamos County Code of Ordinances.

Development plan means 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 means the scattering of light by reflection or transmission when light strikes an irregular surface, such as a frosted lens.

Direct light means the portion of light from a luminaire that arrives without being reflected.

Discretionary means that the proposed land use is allowed under the applicable zoning regulations. Conditions may be imposed to ensure compatibility with the surrounding area and consistency with the goals of the applicable zoning ordinance or comprehensive plan.

Dissolve or fade means 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 means a ~~[residential]~~ building affiliated [providing rooms for individuals or groups] with an educational, research, civic, or non-profit institution that is divided into individual or small group living spaces for institution members, typically ~~[with]~~ reserving common spaces for living and cooking. ~~[related to an educational or research institution]~~

Drainage facility means 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 means the portion of a commercial establishment which is designed and operated for the purpose of serving a motorist in a vehicle.

Driveway means 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 means 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. (Also known as a 'residence')

Dwelling, co-housing development means 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 means 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 means a single residential building containing two dwelling units, each of which is designed for or occupied by one family only, with kitchens for each. Each unit in a duplex is completely separated from the other.

Dwelling, fourplex means a single residential building on a single lot ~~[containing]~~ comprised of four separate and self-contained dwelling units, each of which is designed for or occupied by one family only, ~~[, with kitchens for each. Each unit in a two-family dwelling is completely separated from the other.]~~

Dwelling, live/work means a residential dwelling unit containing a dedicated working space reserved for and regularly used by one 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, manufactured home means a single-family dwelling unit with a heated area of at least thirty-six by twenty-four feet and at least eight hundred sixty-four square feet that has been constructed in a factory to the standards of the United States Department of Housing and Urban Development, the National Manufactured Housing Construction and Safety Standards Act of 1974 and the Housing and Urban Development Zone Code 2, as may be amended, or the International Building Code as amended to the date of the unit's construction, and installed consistent with the Manufactured Housing Act.

Dwelling, mobile home ("mobile home") means a transportable structure that does not meet the construction safety standards of the federal Manufactured Housing Act of 1974.

Dwelling, ~~[multiple family]~~ multiple family means a residential building, multiple buildings, or a portion of a building located on a single lot, containing five or more dwelling units, each of which is designed for or occupied by one family only, with separate housekeeping and cooking facilities for each.

Dwelling, single-family means a residential building used for occupancy by one household that is not attached to any other dwelling unit through shared side or rear walls, floors or ceilings, or corner points.

Dwelling, temporary means a portable dwelling, not attached to a permanent foundation, for use during temporary events or construction periods.

Dwelling, townhouse means an individually owned, single-family dwelling constructed as a group of three or more attached single-family dwellings, each of which is situated on an individually owned, subdivided lot.

Dwelling, triplex means a single residential building located on a single lot containing three separate and self-contained dwelling units, each of which is designed for or occupied by one family only. ~~[, with kitchens for each. Each unit in a triplex is completely separated from the other.]~~

Dwelling unit means 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 means 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.

Easement means 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 means 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.

Electric vehicle charging station means 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.

Electronic message center sign (EMC) means 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.

Equestrian trail means a trail or pathway intended for use by persons on horseback or pedestrians.

Establishment means a place of business, industry, institutional, or philanthropic activity, with its furnishings and staff.

FAA means the Federal Aviation Administration, or its duly designated and authorized successor agency.

Façade means 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 means 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 means 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 means 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 one street-facing façade.

Façade variation means shifts in the plane of walls, setbacks, reveals, overhangs, in order to create variations within a building's façade.

Fair means 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.

Family. [~~"See household".~~] means one or more persons living together as a single household in a dwelling unit, whether or not they are related by blood, marriage, or legal adoption. This does not include occupants of a hotel, motel, group care facility, assisted care facility, dormitory, or similar arrangements.

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 means any man-made structural device forming a physical barrier to enclose, screen, or separate areas.

Final Plat means a final graphic and written representation of a subdivision, prepared for recording with the County Clerk, that shows the lot or lots with survey reference ties to permanent survey monuments, streets, alleys, easements, blocks, building envelopes, public and/or private infrastructure improvements, utilities, and other elements of the subdivision, as applicable.

Financial institution means an establishment chartered under federal or state law that provides [retail banking, mortgage lending, and] financial services or administration, such as retail banking, mortgage lending, or check-cashing services. [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 means 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 means 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 means 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 means any fabric, banner, or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government, political subdivision, or other entity.

Flag Lot means a lot not fronting on or abutting a public roadway where access to the public roadway is limited to a narrow private right-of-way.

Floor area, gross means 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 six feet six inches (6'6") or more, penthouses, attic space whether or not a floor has

actually been laid that provides structural headroom of six feet six inches or more, interior balconies, and mezzanines are all included.

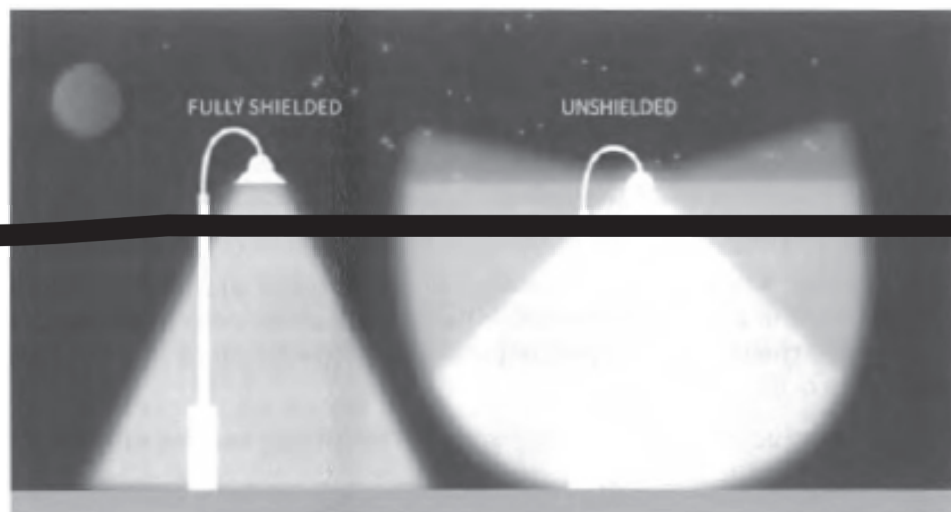
Footcandles means a unit of illumination equal to one lumen per square foot.

Frame means a complete, static display screen on an electronic message center sign.

Frontage means the side of a lot abutting a public right-of-way.

Fully shielded means a luminaire that is ~~[light fixtures shielded or]~~ constructed and installed so that all light is directed downward below the ~~[no light rays are directly emitted by the installed fixture at angles above the]~~ horizontal plane, with no light emitted above the fixture's lowest light-emitting part. The shielding must be integral to the fixture and effective at all angles. ~~[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.]~~

~~[See figure below of fully shielded and unshielded light fixtures:]~~



Funeral home or mortuary means a building or part thereof that is used for human funeral and/or burial services. Services may include, such as embalming, cremation, and ~~[the performance of other services used in the]~~ other preparations of the ~~[dead]~~ deceased for burial. ~~[the performance of autopsies and other surgical procedures,]~~ Other uses consistent with these services include 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.

Garage means a portion of a main building or a detached accessory building, having a roof and enclosed by walls on not less than three sides, and designed or used for the housing of vehicles, but not including a *parking structure*.

Garage or yard sale means 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 means an opening of part of a wall or fence that permits ingress and egress.

Glare means 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 means 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 means 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 means 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 means 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 means any mechanical equipment, appliance, device, ducting, or similar features located at finished grade.

Group care facility means any congregate residence or facility which provides room and board, programmatic services, care, or assistance for 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 means any congregate residence or facility which provides room and board, programmatic services, care, or assistance for 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.

Guest means a social visitor or any person hiring or occupying a room for living or sleeping purposes.

Guest house means a separate, independent accessory structure located on the same lot as a primary single-family residential dwelling that does not contain a kitchen as defined by this Code.

Guestroom means a room in a residential dwelling, having no kitchen, for the occupation by one or more guests.

Heavy manufacturing means 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.

Heavy vehicle and equipment sales, rental, and repair means 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.

Hedge means a plant or series of plants or other landscape material arranged to form a physical barrier or enclosure.

Height, structure means 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) means 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.

Historic district means an area within Los Alamos County that has been so designated by ordinance pursuant to the procedures outlined in this article and section 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 means 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 preservation advisory board (HPAB) means 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 property means a historic landmark or any property located within a historic district, including all structures or improvements thereon.

Historic property alteration certificate means 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 means temporary seasonal lighting installed and operated in connection with holidays or traditions.

Home business means a home occupation that employs more than one non-family member. Also see "home occupation".

Home occupation means 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 means 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 means 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.

Household means one or more persons occupying the premises and living as a single housekeeping unit, as distinguished from a group occupying a hotel or motel, assisted care facility, dormitory, group care facility or group residential facility house.

IDA means the International Dark-Sky Association.

IES means the Illuminating Engineering Society.

Illuminance is measured in footcandle (Fc). The density of light falling onto a surface. Commonly measured in the horizontal and vertical planes.

Illuminated sign means a sign characterized by the use of artificial light, including:

Externally or indirectly illuminated sign means a sign that emits light from a source(s) located outside of the actual sign.

Internally or directly illuminated sign means 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 means any construction made on a property and intended to enhance its value, utility, or beauty, or to adapt it to new or further uses.

~~[Indoor entertainment facility means 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.]~~

Indoor recreational facility means a designated space for recreation and entertainment activities that are conducted entirely within a building.

~~[Inoperable vehicle means any vehicle meeting at least three 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.]~~

Institutional and civic buildings means a building or structure owned, operated, or occupied by a governmental agency to provide a governmental service to the public.

Interdepartmental review committee means 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.

Kennel means a premises on which five or more domesticated house pets over six 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 means 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.

Laboratory means 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 means 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.

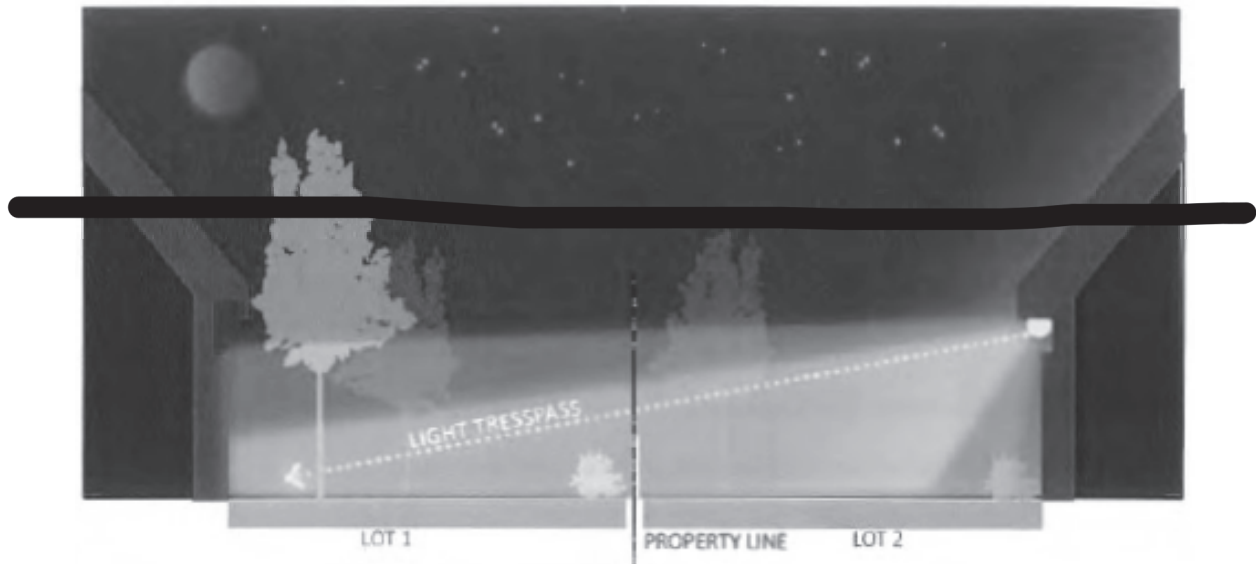
Landscape lighting means lighting of trees, shrubs, or other plant material as well as ponds and other landscape features.

Landscaping means 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 means public facility for the use and loan, but not sale, of literary, musical, artistic, or reference material.

Light manufacturing means 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".

Light pollution means 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 shielding means a method of directing the light emitted from a luminaire with a solid barrier. [See illustration for examples of shielded luminaires.]

Light trespass means measurable light extending beyond the boundary of its intended use without permission.

Light vehicle and equipment sales, rental, and repair means 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.

Liquor retail means an 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.

Live/Work means a mixed-use residential unit that integrates workspace within a dwelling, allowing residents to conduct business or commercial activities in a designated portion of their home. See also dwelling, live/work.

Livestock husbandry means 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.

Lodging means sleeping accommodations that are available to the public for rental or temporary occupancy on an overnight basis.

Lot means a parcel or tract of land as established by a survey, plat, or deed.

Lot area means the area of a horizontal plane bounded by a vertical projection of the property lines of a lot.

Lot, corner means a lot located at the intersection or interception of two or more streets.

Lot coverage means 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 means any lot having frontage on two parallel or approximately parallel streets.

Lot line means the boundary of a deeded or platted lot.

Lot line, front means 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 means 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 ten 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 means the legal boundary of a lot which are not the front or rear lot lines.

Lot, nonconforming means a lot which does not conform to the provisions of this chapter.

Lounge means a premises where alcoholic beverages are sold to the public for consumption on the premises. Also see "bar".

Low-density residential development means low-density development is considered any lot in the RA, RE, SFR, or RM zone districts.

Lumen means the measure of visible light (luminous flux) emitted from a light source.

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/m². 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 means the SI measurement of illuminance. One lux is equal to one lumen per square meter (lm/m²).

Lux means the international unit of illuminance, measuring luminous flux per unit area. One lux is one 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. One hundred thousand lumens per net acre is approximately 25 lux if the light is uniformly distributed.

Maximum extent possible means 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 means 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 means a building and related facilities catering exclusively to guests for social, intellectual, recreational, or athletic purposes that are not conducted for profit.

Microbrewery, distillery, or winery means 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 means any zone district categorized as mixed-use in part 16-1 Zoning[e] [Districts] of this Code.

~~[Mobile home. means a portable housing structure larger than 40 feet in body length, eight feet in width or 11 feet overall height, designed for and occupied by no more than one 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 Food Vending means the authorized sale of food and beverages out of any portable vehicle, including trucks, carts, trailers, kiosks, and stands.

Mobile vending means 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.

Mural means 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.

Museum means 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.

Native or regionally adapted plant materials means 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 means 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 means 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 means 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 means 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 means a non-continuous street lighting system, lighting only conflict areas such as intersections, crosswalks, and other hazards.

Non-residential zone district means any zone district categorized as non-residential in ~~[section 16-4]~~ Article II Division I ~~[zone districts]~~ of this ~~[Code-]~~ chapter.

Non-shielded luminaires means ~~[examples of non-shielded light fixtures-]~~ a luminaire that does not incorporate any shielding, housing, or design element that limits or blocks the emission of light above the horizontal plane.

Obtrusive means noticeable or prominent in an unwelcome or intrusive way.

Office, business or professional means 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 means 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 means 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 means any sign used to direct attention to a specific business, product, service, event, or activity, or other commercial or non-commercial activity not occurring on the premises ~~[upon which]~~ where the sign is ~~not~~ located.

One-hundred year flood or 100-year frequency rainstorm means the flood having a one 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 means any commercial activity which is conducted without the shelter of a building.]~~

Open space means land and water areas retained for use as active or passive recreation areas or for resource protection in an essentially undeveloped state.

Open space, active means open space that may be improved and set aside, dedicated, designated, or reserved for active recreational uses and limited development.

Open space, passive means open space that is essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or for the use and enjoyment of owners or occupants intended for passive recreational uses.

Ornamental lighting means 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 means a designated facility for recreation and entertainment activities operated by a commercial enterprise or institutional entity 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 means 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 2-11: Permitted Use Table.

Outdoor vehicle storage means 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 one 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 means 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 two. 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 section 16-9, historic protection overlay zone district (HP-O).]~~

Owner, for the purposes of this chapter only, means the person, corporation, or other legal entity ~~[listed]~~ recorded as the owner [or] of a given property on the records ~~[of the county clerk and recorder]~~ maintained by the County Clerk. ~~[Also see "agent."]~~

Parcel means a quantity of land in possession of, owned by, or recorded as the property of the same person or persons. See also "lot".

Park or playground means ~~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 means a storage area for the parking of motor vehicles located on a lot.

Parking, on-street means a storage area for the parking of motor vehicles located on a public or private roadway.

Parking space means an on-street or off-street storage area for the parking of one motor vehicle.

Parking structure means a structure or part of a building designed to accommodate motor vehicle parking spaces that are partially or completely enclosed.

Partly shielded luminaire means 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.]~~ that incorporates some shielding or directional control to limit, but does not entirely eliminate, light emission above the horizontal plane. These fixtures reduce upward light but may still emit a portion of light above horizontal.

Patio means 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 means an accessway intended for pedestrian use and either publicly or privately owned.

Permanent sign means 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.

Permit means a document issued by the county that authorizes a person to commence an activity as allowed under applicable county regulations.

Permitted use means a land use that is allowed ~~[by right]~~ by right in a particular zone district, either as a primary or accessory use.

Personal services means 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 means vision mediated essentially or exclusively by the cone receptors. Generally associated adaptation to luminance of at least five cd/m².]~~

Planning and zoning commission means the planning and zoning commission of the county and as further described in this chapter and in section 16-69, Planning and Zoning Commission of this chapter.

Plant nursery means 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 means a graphic and written description of a lot or lots with survey reference ties to permanent survey monuments related to the subdivision, re-subdivision (sometimes called a replat), or consolidation of land.

Point light source means the exact place from which illumination is produced (e.g. a light bulb filament or LED package) even when behind a clear lens.

Porch means 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.

Preliminary plat means a plat of a proposed subdivision showing the lot or lots with survey reference ties to permanent survey monuments, streets, alleys, easements, blocks, building envelopes, public/private improvements, utilities, and other elements of the subdivision as applicable. The preliminary plat furnishes a basis for review of the general layout of a proposed subdivision.

Primary means, for the purpose of this chapter only, main or predominant, as applied to a use or structure, as distinguished from secondary or accessory.

Primary use means the principal activity or purpose for which a property is occupied or utilized as permitted by the applicable zoning district regulations.

Private club or lodge means 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 means an engineer registered by the state board of registered engineers and surveyors.

Projecting sign means an attached sign that projects more than 18 inches from the façade of a wall or building.

Public right-of-way means 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.

Real property means land and generally whatever is erected, growing upon, or affixed to land.

Recreation, active means recreational activities that are of a more structured nature often requiring equipment and taking place at prescribed places, sites or fields.

Recreation equipment means 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 dismounted from a truck bed or chassis, horse trailer, houseboats, house trailers, rafts, tent trailers, travel trailers, and utility trailers when converted to recreational purposes.

Recreation, passive means recreational activities that are commonly unorganized and noncompetitive, including, but not limited to, hiking, running, mountain biking, dog walking, equestrian uses, rock climbing, off-trail exploring on foot, orienteering, geocaching, flood control, nature study, wildlife habitat improvements, picnicking, bird watching, kite flying, bicycling, and walking. Site amenities for such activities include, but are not limited to, picnic tables, photo stands, open play areas where substantial clearing is not required, rest rooms, paved paths, pathways, benches, and pedestrian bridges and appurtenant structures.

Recreational vehicle (RV) means a motor vehicle or trailer equipped with living space and amenities, including but not limited to bus campers, camper trailers, pickup campers, travel trailers, and motor homes. ~~[park model trailers, and tiny houses.]~~

Recreational vehicle (RV) park or campground means 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 means a premise where recyclable solid waste materials, including aluminum, glass, paper, metal, and similar materials are purchased or procured and temporarily stored.

Religious institution means 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 means 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 means a use provided for the comfort and convenience of residents of more than one 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 means any zone district classified as residential in section 16-5, Residential Zone Districts in which residential uses are allowed.

Restaurant means 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 means 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 means an attached sign mounted on or extending above the uppermost edge of a wall or parapet of a building.

Rooftop appurtenances means 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 means the water from natural precipitation which flows over the surface of the land and does not percolate into the soil.

Salvage yard means 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 means 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 means 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 means 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.

Scroll means 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 means 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 means 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 means 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 means required setback areas are the portions of a lot lying between the lot lines and the minimum required structural setback lines.

Short term rental means 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 means a pedestrian way with permanent ~~[hard surfacing]~~ hard surfacing, generally paralleling the side of streets.

Sign means 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 means the total dimensions of a sign surface used to display information, messages, advertising, logos, or symbols. See section 3-l(F)(l) for standards for measuring sign area.

Sign face means the surface of a sign upon or through which the copy of the sign is displayed exclusive of the supporting structure.

Sign height means a measure of the vertical distance from normal grade to the highest attached component of the sign structure using the standards in section 16-65(a)(4). ~~[3-l(F)(l)]~~

Sign structure means the area of all sign faces, structural supports, decorative trim, and architectural features of the complete sign.

Site plan means 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 façades, 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).

Sketch plat or sketch plan means a plat showing the initial concept of a proposed subdivision which includes lot configurations, street layouts, open areas, etc. It is non-binding and serves to identify potential issues and receive feedback, acting as the foundation for more detailed planning in subsequent planning phases.

Sky glow means 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 means a mechanical or electrical system for heating or cooling a structure by collecting, storing and transporting solar energy.

Solar energy collection system, passive means a system that employs siting and orientation, structural materials, and landscaping to take advantage of solar energy for structural heating.

~~[Special use means 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 means a permit for a use classified as a special use, as detailed elsewhere in this chapter.]~~

Special event means a temporary gathering or activity, whether private or open to the public, held for purposes such as entertainment, celebration, cultural expression, competition, or community engagement. A special event typically occurs on a one-time or infrequent basis and may require additional coordination due to its anticipated attendance, use of public property, or potential impact on public infrastructure or services.

Special event permit means a permit for a special event on private or public property that includes 100 participants or more and may include elements such as placement of tents or shade structures, alcohol, aircraft, animals, amplified music, races, public road or parking lot closure, barricades, tournaments and competitions, motorized power supported tools/equipment, porta-potties, security and crowd control, large commercial or non-standard vehicles, or fireworks. For example: open-air markets, fairs, carnivals, circuses, organized races, outdoor concerts.

Spectrum means a range of electromagnetic radiation that includes visible wavelengths between 380 and 700 nanometers (violet to red). Research indicates wavelengths between 460 and 480 nm can be harmful to humans at night if the dosage is too high for too long.

Sports field means a facility designed for youth, amateur or professional sporting events, exhibitions, or shows.

Storage means an area or space, either indoors or outdoors, where something is kept, housed or located for future use.

Storage, contractor's yard means an area where heavy equipment, materials, machinery, aggregates, and other objects used for the development of land or structures are stored.

Story means 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 six 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 means 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 means 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 means 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 means 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 means 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 means 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 plat means the division of any tract of land into two or more lots as provided in this chapter.

Summary plat means a plat which subdivides a lot into no more than two lots in any zone district or for adjustment of a lot line, consolidation of no more than two lots, or a technical surveying correction.

Tap room or tasting room means an establishment associated with a local brewery, winery, or distillery operating under an approved Small Brewer's License as governed by section 60-6A-26.1 NMSA 1978, an approved Winegrower's License as governed by section 60-6A-11 NMSA 1978, or an approved Craft Distiller's License as governed by Section 60-6A-6.1 NMSA 1978 where beer, wine, or spirits are available for consumption on-site. Any production of alcohol as regulated by state law under one of these licenses is considered artisan manufacturing. Any sale of alcohol for off-premises consumption as regulated by state law under these licenses is not considered liquor retail. See also Bar, Liquor Retail, and Tavern.

Tavern means premises where alcoholic beverages are sold to the public for consumption.

Temporary, construction activities means construction activities, such as asphalt batching and cement making operations, that occur on a temporary basis for a specific construction project.

Temporary, dwelling means a portable dwelling, not attached to a permanent foundation, for use during temporary events or construction periods.

Temporary sign means a type of non-permanent sign that can be displayed for no more than 60 consecutive days ~~[at one time]~~ and is installed in a way that is easy to remove.

Temporary, seasonal sales or event means a temporary outdoor or indoor retail display and sales of new or used goods, produce, and/or handcrafts or services associated with the season or a cultural event such as sales of fireworks, pumpkins, Christmas Trees, or other seasonal items; semi-annual sales of art or handcrafted items in conjunction with community festivals or art shows; and sidewalk or parking lot sales. Incidental sales of food and beverages is allowed where not specifically prohibited elsewhere in this Code or any other applicable law.

Temporary, storage means 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 one time and ~~[is]~~ are easy to remove.

Temporary, structure means ~~[temporary use of a structure, including a mobile office, as a construction site.]~~ a structure intended to be used temporarily as a facility for conducting

necessary activities that may be displaced by or must support an ongoing development project, such as a mobile office on a construction site.

Temporary use means a use intended only [established] for a fixed period of time [with the intent to discontinue such use] upon the expiration of which the use will be discontinued, in accordance with section [of a period of time as defined in section] 16-72(i), Permit and Approval Expirations. Temporary use may also be defined as continuing for a duration not to exceed 180 days unless extension of the use period is approved. [that does not involve the construction or alteration of any permanent structure.]

Tenant means a person or party who occupies real property, or structures owned by another through a right of use granted by the owner.

Tot lot means a recreational play area designated for use by children.

Tract means a parcel of land, regardless of size, that is owned by a person or entity, and may include one or more lots or portions thereof.

Trailer means any vehicle without motive power, designed for carrying persons or property and for being drawn by a motor vehicle.

Trail means a designated route or pathway, typically intended for non-motorized use such as walking, hiking, biking, or horseback riding, often located within open space, parks, easements, or along natural features.

Underlying base zone district means the primary zoning classification assigned to a zone district, as depicted on the official zoning map, which governs the fundamental land use, density, and development standards applicable to that district, regardless of any overlay zones that may also apply.

Uplight means a luminous flux emitted in the hemisphere above the horizontal plane through the luminaire's lowest light-emitting part.

Use means the purpose for which land, a building, or structure is, or is intended to be, used, occupied, or maintained.

Vehicle fuel sales means an establishment where flammable or combustible liquids or gases used as fuel are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. The incidental sale of retail or other convenience items and freestanding, automatic car wash are also permitted.

Vehicle storage means the keeping of motor vehicles, or equipment not actively, regularly, or continuously used for transportation purposes outside of a building.

Vehicle wash means a building or portion thereof containing facilities for washing motor vehicles using production line methods and/or mechanical devices, such as a chain conveyer, blower, or steam cleaning device, or where the customer parks the vehicle in a bay and washes the vehicle using equipment provided by the facility.

Vending, open-air means any commercial activity which is conducted without the shelter of a building.

Veterinary hospital means an establishment of licensed practitioners primarily rendering dentistry, surgical, and/or medical treatment for animals that may also provide overnight accommodation to pets for a limited period before or after medical procedures.

Waiver 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 this chapter. See also Administrative Deviation.

Walkway means a clear passage or path for pedestrians which may or may not be paved.

Wall means a vertical structure that separates properties, portions of properties, or portions of a building.

Warehouse means the use of a building primarily for the holding or storage of goods, including cold storage and storage of merchandise for onward transportation or distribution to retailers, but not for sale to the general public. Does not include self-storage.

Wholesale facility means a facility for the storage of products, supplies, and equipment offered for wholesale distribution, and not for direct sale to the general public.

Wireless telecommunications facility means any facility used for wireless communications, usually consisting of a support structure for antennas, an equipment shelter or cabinet, and/or other transmission and reception devices used for business or commercial purposes.

Wireless telecommunications facility, small means small cell wireless units that are mounted on structures fifty (50') feet or less in height including their antennas in accordance with federal law; or are mounted on structures no more than ten (10%) percent taller than other adjacent structures; or do not extend existing structures on which they are located to a height of more than fifty (50') feet or by more than ten (10%) percent, whichever is greater.

Yard means any open space on the same lot with a building, which is open from the ground to the sky, except for projections and accessory buildings, but not including any portion of any street, alley or private road right-of-way.

Yard, front means the yard 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 open space part of a lot within the minimum setback in the zone district on the side of the lot where the property will be addressed.

Yard, rear means the yard part of a lot from the rear lot line to any rear façade of the primary building, extended to both side lot lines.

Yard, side means the yard part of a lot from a side lot line to the side façade of the primary building.

Zero lot means one side of the structure is built directly on or very close to the property line, with no setback on that side.

Zoning means the laws and regulations governing the use of real property, including the types of uses that may be accommodated on a given piece of real property, the amount of space devoted to those uses and the ways in which buildings may be placed.

Section 9. Severability. If any section, paragraph, clause or provision of this Code Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or enforceability of that section, paragraph, clause or provision shall not affect any of the remaining provisions of this Code Ordinance.

Section 10. Effective Date. This Code Ordinance shall become effective thirty (30) days after publication of notice of its adoption.

Section 11. Repealer. All other ordinances or resolutions, or parts thereof, inconsistent herewith are hereby repealed only to the extent of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed.

ADOPTED this 7th day of October 2025.

INCORPORATED COUNTY OF LOS ALAMOS

**Theresa Cull,
Council Chair**

ATTEST:

**Michael D. Redondo,
Los Alamos County Clerk**