



Los Alamos County

DEVELOPMENT CODE UPDATE MODULE 1: USE REGULATIONS

JULY 2021



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PART 16-1. GENERAL PROVISIONS

SECTION 16-1-1 TITLE

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

SECTION 16-1-2 AUTHORITY

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

SECTION 16-1-3 APPLICABILITY AND JURISDICTION

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

SECTION 16-1-4 PURPOSE

The purpose of the Development Code is to:

- 1) Implement the adopted goals, policies and strategies of Los Alamos County, including those set forth in the Comprehensive Plan and other adopted plans;
- 2) Protect the health, safety and welfare of the County;
- 3) Provide adequate privacy, light, and air, and otherwise mitigating adverse impacts associated with development that occurs in the County;
- 4) Provide protection from fire, flood, and other dangers;
- 5) Facilitate adequate provision for transportation, utilities, schools, parks and other public requirements;
- 6) Conserve the value of buildings and land pursuant to NMSA 1978, § 3-21-5.B, and to encourage the most appropriate use of land throughout the county;
- 7) Establish land use districts and provide for the appropriate regulation of land use within those districts;
- 8) Divide the county into zoning districts according to the use of land and structures and the intensity of such use;

- 9) Guide the location and use of structures and land for commercial, industrial, public and residential uses where they are, or can be made to be, compatible with neighboring land uses;
- 10) Provide for harmonious development in the county;
- 11) Provide for coordination of street plans;
- 12) Provide for needed school and park lands;
- 13) Preserve the natural beauty, vegetation and topography, and prevent the pollution of air, water and the general environment;
- 14) Ensure adequate drainage and availability of utility resources and facilities;
- 15) Control and abate the unsightly use of buildings or land;
- 16) Provide flexible regulations which encourage compatible, creative and efficient uses of land;
- 17) Provide for the administration and enforcement of this chapter; and
- 18) Provide service to applicants and property owners in understanding and working with the provisions and procedures of this chapter.

SECTION 16-1-5 RELATION TO COMPREHENSIVE PLAN

The Los Alamos County Comprehensive Plan, as amended, establishes the official policy of the County concerning designated future land uses and guide decisions regarding the appropriate manner in which property within the incorporated areas of the County should be zoned. The Development Code is the primary tool used by the County to implement the goals, policies and strategies of the Comprehensive Plan. Any applicant seeking to rezone property to a classification that is inconsistent with the adopted Comprehensive Plan must first obtain approval from Planning and Zoning and the County Council, following the procedures in PART 16-4 of this Development Code.

SECTION 16-1-6 ZONING AND SUBDIVISION PURPOSE AND AUTHORITY

- A. Zoning. The purpose and authority to regulate the use of land shall be as follows:
- 1) Promote the health, safety and welfare of the county;
 - 2) Facilitate orderly growth and development of the county consistent with the goals, concepts, strategies and policies of the comprehensive plan or amendments thereto;
 - 3) Provide adequate light and air; minimize congestion in the streets and public ways; secure safety from fire, panic and other dangers; avoid undue concentration of population; and prevent the overcrowding of lands;
 - 4) Facilitate adequate provision for transportation, utilities, schools, parks and other public requirements;
 - 5) Conserve the value of buildings and land pursuant to NMSA 1978, § 3-21-5.B, and to encourage the most appropriate use of land throughout the county;
 - 6) Establish land use districts and provide for the appropriate regulation of land use within those districts;
 - 7) Divide the county into zoning districts according to the use of land and structures and the intensity of such use;
 - 8) Guide the location and use of structures and land for commercial, industrial, public and residential uses where they are, or can be made to be, compatible with neighboring land uses;
 - 9) Provide for harmonious development in the county;
 - 10) Provide for coordination of street plans;
 - 11) Provide for needed school and park lands;
 - 12) Provide for safety in the community;
 - 13) Preserve the natural beauty, vegetation and topography, and prevent the pollution of air, water and the general environment;
 - 14) Ensure adequate drainage and availability of utility resources and facilities;

- 15) Create conditions preserving the health, safety, order and convenience, and promoting the prospering and general welfare of the community;
 - 16) Control and abate the unsightly use of buildings or land;
 - 17) Provide flexible regulations which encourage compatible, creative and efficient uses of land;
 - 18) Provide for the administration and enforcement of this chapter; and
 - 19) Provide service to applicants and property owners in understanding and working with the provisions and procedures of this chapter.
- B. Subdivisions. The scope and authority to regulate the subdivision of land shall be as follows:
- 1) The regulations governing the subdivision of land shall have been adopted by the county council following consideration of recommendations by the planning and zoning commission.
 - 2) The planning and zoning commission shall be the official body to hear and act upon subdivision requests as set forth in this chapter.
 - 3) The community development director shall be the official person or body to hear and act upon summary plat requests as set forth in this chapter.

SECTION 16-1-7 COMPLIANCE REQUIRED

- A. No permit, certificate, or approval of any use that is subject to this Development Code shall be issued or granted by any department, agency, County official, or County employee without a finding of compliance with this Code having been issued by the appropriate review authority.
- B. Except as otherwise specified in this code, i.e. through Waiver, Variance or Special Exception processes outlined in PART 16-4 Administration and Procedures, land may not be used, divided or subdivided, and buildings may not be constructed, enlarged, altered or occupied except in compliance with the provisions of this Development Code.

SECTION 16-1-8 INTERPRETATIONS AND CONFLICTING REGULATIONS

- A. The standards of this Development Code are minimum requirements.
- B. The Community Development Director has the authority to interpret the provisions of this Development Code per Section X¹.
- C. Adoption of this Development Code is not intended to impair, annul or abrogate any easement, covenants, deed or other agreement between parties, public or private.
- D. Where conflict occurs between the provisions of this Development Code and any other County code or ordinance, resolution, or guideline, the more restrictive provision shall control.
- E. Images in this Development Code are included to aid in the interpretation of the text but are not regulatory. If there is any conflict between an image and text, the text shall govern.

SECTION 16-1-9 EFFECTIVE DATE

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

SECTION 16-1-10 TRANSITIONS FROM PREVIOUS REGULATIONS

- A. Any development approved before the effective date of this Development Code may be carried out in accordance of the terms and conditions of its approval and the development procedures and standards effect at the time of approval, provided the approval has not expired and otherwise remains valid. If the

¹ Appropriate cross-reference to be provided in Module 2.

prior approval expires, is revoked, or otherwise becomes invalid. i.e. for failure to comply with time limits or the terms and conditions of approval, any subsequent development of the site shall be subject to the procedures and standards of this Development Code.

- B. To the extent a prior-approved application proposes development that does not comply with this Development Code, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of Section X² Nonconformities.
- C. If any use, lot, structure, sign, or site feature legally existed on the effective date of this Development Code (See Section 16-1-9), but does not fully comply with the standards of the Development Code as amended, then that use, structure, lot, sign, or site feature shall be considered nonconforming and subject to the provisions of Section X³ Nonconformities.

² Appropriate cross-reference to be provided in Module 3.

³ Appropriate cross-reference to be provided in Module 3.

PART 16-1. ZONE DISTRICTS

SECTION 16-1-1 ZONE DISTRICTS ESTABLISHED

- A. The following zoning districts as shown in Table 16-1-1-1: Zone District Consolidation are hereby established, together with appropriate abbreviations, which may appear on the official zoning map and elsewhere within this Development Code.

<i>Table 16-1-1-1: Proposed Zone District Consolidation</i>		
	Existing Zone Districts	Proposed Zone Districts
Residential Districts	Residential Agricultural (R-A)	Residential Agricultural (RA) – REMAINS
	Residential Estate (R-E)	Residential Estate (RE) – REMAINS
	Planned Development Residential District (PD-2.0)	Single-Family Residential (SFR-1)
	Single-Family Residential District (R-1-12)	Single-Family Residential (SFR-2)
	Planned Development Residential District (PD-3.5)	
	Single-family Residential District (R-1-10)	Single-Family Residential (SFR-3)
	Single-family Residential District (R-1-8)	Single-Family Residential (SFR-4)
	Planned Development Residential District (PD-5.0)	
	Single-family Residential District (R-1-5)	Single-Family Residential (SFR-5)
	Planned Development Residential District (PD-7.0)	
	Planned Development Residential District (PD-12.0)	Single-Family Residential (SFR-6)
	Planned Development Residential District (PD-20)	Eliminated ⁴
	Residential Mixed (R-M)	Residential Mixed (RM) – REMAINS
	Residential Mixed—North Community (R-M-NC)	Residential Mixed—North Community (RM-NC)
	Multiple-family Residential (Low Density) (R-3-L)	Multi-Family Low-residential (MFR-L)
	Multiple-family Residential (Low Density)—North Community (R-3-L-NC)	Multiple-family Residential (Low Density)—North Community (MFR-L-NC) - Remains
	Multiple-family Residential (High Density) R-3-H	Multi-Family Medium-residential (MFR-M)
	Multiple-family Residential (Very High Density) R-3-H-40	Multi-Family High-residential (MFR-H)
	Mobile Home Subdivision (R-4)	Manufactured Home Community (MHC)
	Mobile Home Park (R-5)	

⁴ Eliminated as this PD zone designation was never utilized.

	Mobile Home Development (R-6)	
Mixed-Use Districts	Mixed-use (MU)	Mixed-Use District (MU) – REMAINS
	Downtown Overlays (DT-NG, DT-NCO, DT-TCO, DT-CPO)	Downtown Los Alamos (DTLA)
		White Rock Town Center (WRTC) – NEW
Non-Residential Districts	Professional Office (P-O)	Professional Office (PO)
	Research and Development (R&D)	
	Light Commercial and Professional Business (C-1)	General Commercial (GC)
	Civic Center Business and Professional (C-2)	
	Heavy Commercial (C-3)	
	Light Industrial (M-1)	Industrial (IND)
	Heavy Industrial (M-2)	
	Public Land (P-L)	Public Land (P-L) – Remains
	Federal Lands (F-L)	Eliminated ⁵
Overlay Districts	Historic Overlay	Historic Overlay (H-O)
	Scenic Open Lands (W-1)	Recreational Wilderness Overlay (RW-O)
	Recreation Wilderness (W-2)	
	Any Residential PD districts with undeveloped parcels, including North Community areas	Planned Residential Development Overlay (PRD-O)
	Special Plan (SP)	Planned Development Overlay (PD-O)

- B. Portions of lots within the public right-of-way shall be designated as Unclassified (UNCL) on the Official Zoning Map.

SECTION 16-1-2 OFFICIAL ZONING MAP

1-2(A) ADOPTION OF THE ZONING MAP

1. The official zoning map is an integral part of this article. It is to be entitled the "Official Zoning Map of Los Alamos County," signed by the chair of the County Council and attested to by the County Clerk.
2. The official zoning map and all revisions shall be maintained in the office of the County Clerk. That map, as it may from time to time be revised, or a copy certified by the County Clerk to be a true copy of the map

⁵ Outside of County jurisdiction

or of the map as revised, shall be conclusive on any question of the zoning district in which a particular parcel may be located.

3. The official zoning map may be amended by an ordinance containing only textual material, or by an ordinance containing textual material and a revision of all or part of the official zoning map. If the amending ordinance contains only textual material, then such amending ordinance shall bear the legend "Revision No. _____ in textual form, to the official zoning map of Los Alamos County, effective _____." In addition, such changes shall be made to the official zoning map. This is to be signed by the Community Development Director and attested to by the County Clerk. If the amending ordinance shall include a revision to all or part of the official zoning map, such amending ordinance shall bear the legend "Revision No. _____ to the official zoning map of Los Alamos County, effective _____," and it shall be signed by the chair of the County Council and attested to by the County Clerk. In addition, such changes shall be made to the official zoning map. In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of amendments, the County Council may by resolution adopt a replacement official zoning map which shall supersede the prior official zoning map and shall be identified by the signature of the County Council chair.

1-2(B) INTERPRETATION OF DISTRICT BOUNDARIES

1. Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:
 - a. Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines;
 - b. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
 - c. Boundaries indicated as approximately following county limits shall be construed as following such county limits;
 - d. Boundaries indicated as being an extension of any street, highway, alley line or lot line shall be construed to be of the same course and bearing as that line extended;
 - e. Boundaries indicated as being parallel to features indicated in subsections (a) through (d) of this section shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map; and
2. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections (a) through (e) of this section, the Planning and Zoning Commission shall interpret the district boundaries.

SECTION 16-1-3 BASE DISTRICTS

1-3(A) RESIDENTIAL DISTRICTS

1-3(A)(1) Residential Agricultural District (RA)

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

1-3(A)(1)(i) RA District Standards

Reserved²

Table 1-3-1: RA Dimensional Standards ⁶		
	Lot Standards	
A	Lot area, min.	
B	Lot depth, min.	
C	Lot width, min.	
	Setbacks	
D	Front, min	
E	Side, min	
F	Rear, min	
	Heights	
G	Primary, max	
H	Accessory, max	
	Coverages	
I		

⁶ To be provided in Module 2.

1-3(A)(2) Residential Estate District (RE)

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

1-3(A)(2)(i) RE District Standards

Reserved³

Table 1-3-2: RA Dimensional Standards⁷		
Lot Standards		
	Lot area, min.	
	Lot depth, min.	
	Lot width, min.	
Setbacks		
	Front, min	
	Side, min	
	Rear, min	
Heights		
	Primary Building Height, max	
	Accessory Building Height, max	

⁷ To be provided in Module 2

1-3(A)(3) Single-family Residential Districts (SFR1-6)

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

1-3(A)(3)(i) SFR District Standards

Reserved⁴

Table 1-3-3: SFR Dimensional Standards⁸								
	Subdistricts	1	2	3	4	5	6	7
	Lot Standards							
	Lot area, min.							
	Lot depth, min.							
	Lot width, min.							
	Setbacks							
	Front, min							
	Side, min							
	Rear, min							
	Height							
	Primary Building Height, max							
	Accessory Building Height, max							

⁸ To be provided in Module 2

1-3(A)(4) Residential Mixed District (RM)

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

1-3(A)(4)(i) RM District Standards

Reserved

Table 16- 1-1: RA Dimensional Standards⁹

Lot Standards		
	Lot area, min.	
	Lot depth, min.	
	Lot width, min.	
Setbacks		
	Front, min	
	Side, min	
	Rear, min	
Heights		
	Primary Building Height, max	
	Accessory Building Height, max	

⁹ To be provided in Module 2

1-3(A)(5) Residential Mixed— North Community District (RM-NC)

The Residential Mixed—North Community District is intended to accommodate single-family and two-family dwellings, accessory structures and uses within an area of the subdivisions of North Community No. 1 and No. 2. The district is further intended to maintain and protect a residential character of development.

1-3(A)(5)(i) RM District Standards

Reserved¹⁰

<i>Table 16- 1-2: RA Dimensional Standards¹¹</i>		
Lot Standards		
	Lot area, min.	
	Lot depth, min.	
	Lot width, min.	
Setbacks		
	Front, min	
	Side, min	
	Rear, min	
Heights		
	Primary Building Height, max	
	Accessory Building Height, max	

¹⁰ To be provided in Module 2

¹¹ To be provided in Module 2

1-3(A)(6) Multi-family Low-Residential District (MFR-L)

The Multi-family Low-Residential (MFR-L) district is intended to accommodate a variety of low- to medium-density housing options characterized by single-family, duplex, fourplex and townhouse, and small-scale multiple-family dwellings types. The MFR-L district may include limited civic and institutional uses and incidental or accessory uses that serve the surrounding residences.

1-3(A)(6)(i) MFRL District Standards

Reserved¹²

Table 1-3-4 MFR-L Dimensional Standards¹³		
Lot Standards		
	Lot area, min.	
	Lot depth, min.	
	Lot width, min.	
Setbacks		
	Front, min	
	Side, min	
	Rear, min	
Heights		
	Primary Building Height, max	
	Accessory Building Height, max	

¹² To be provided in Module 2

¹³ To be provided in Module 2

1-3(A)(7) Multiple-family Residential -North Community District (MFRL-NC)

The multiple-family residential (low density)—North Community district is intended to accommodate single-family, two-family and multiple-family dwellings within an area of the subdivisions of North Community.

1-3(A)(7)(i) MFRL-NC District Standards

Reserved¹⁴

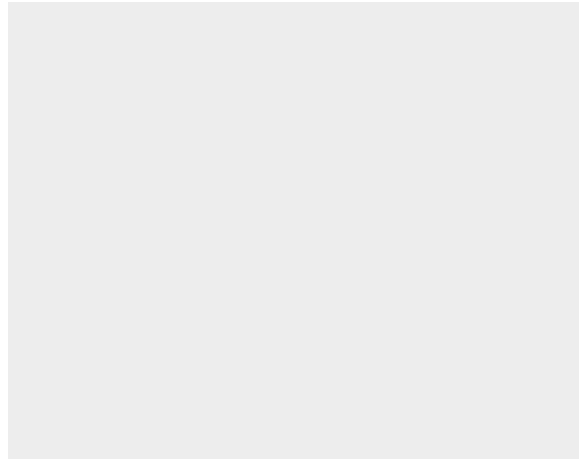


Table 1-3-5 MFRL-NC Dimensional Standards¹⁵

Lot Standards		
	Lot area, min.	
	Lot depth, min.	
	Lot width, min.	
Setbacks		
	Front, min	
	Side, min	
	Rear, min	
Heights		
	Primary Building Height, max	
	Accessory Building Height, max	

¹⁴ To be provided in Module 2

¹⁵ To be provided in Module 2

1-3(A)(8) Multi-family Medium-residential District (MFR-M)

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

1-3(A)(8)(i) MFR-M District Standards

Reserved¹⁶

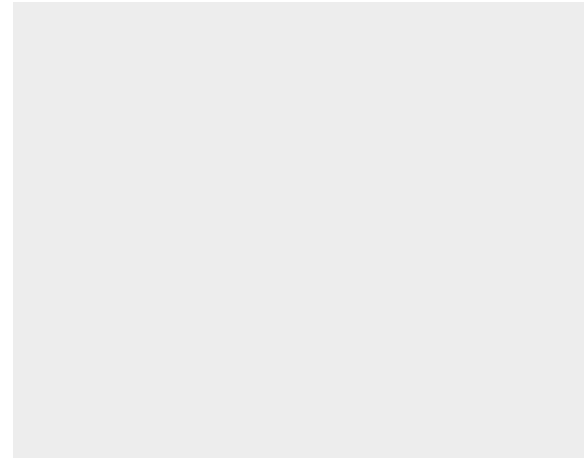


Table 1-3-6 MFR-M Dimensional Standards¹⁷

Lot Standards		
	Lot area, min.	
	Lot depth, min.	
	Lot width, min.	
Setbacks		
	Front, min	
	Side, min	
	Rear, min	
Heights		
	Primary Building Height, max	
	Accessory Building Height, max	

¹⁶ To be provided in Module 2

¹⁷ To be provided in Module 2

1-3(A)(9) Multi-family High-residential District (MFR-H)

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

1-3(A)(9)(i) MFR-H District Standards

Reserved¹⁸

Table 1-3-7 MFR-H Dimensional Standards¹⁹		
Lot Standards		
	Lot area, min.	
	Lot depth, min.	
	Lot width, min.	
Setbacks		
	Front, min	
	Side, min	
	Rear, min	
Heights		
	Primary Building Height, max	
	Accessory Building Height, max	

¹⁸ To be provided in Module 2

¹⁹ To be provided in Module 2

**1-3(A)(10) Manufactured Home Community
District (MHC)**

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

1-3(A)(10)(i) MHC District Standards

Reserved²⁰

Table 1-3-8 MHC Dimensional Standards²¹		
Lot Standards		
	Lot area, min.	
	Lot depth, min.	
	Lot width, min.	
Setbacks		
	Front, min	
	Side, min	
	Rear, min	
Heights		
	Primary Building Height, max	
	Accessory Building Height, max	

²⁰ To be provided in Module 2

²¹ To be provided in Module 2

1-3(B) MIXED-USE DISTRICTS**1-3(B)(1) Mixed-Use District (MU)**

The mixed-use district is intended to accommodate a vertical or horizontal mix of low- to medium-density residential, office and commercial land uses outside of the Downtown and Town Center areas characterized by more walkable development patterns that are compatible in scale and character with surrounding neighborhoods.

1-3(B)(1)(i) MU District Standards

Reserved²²

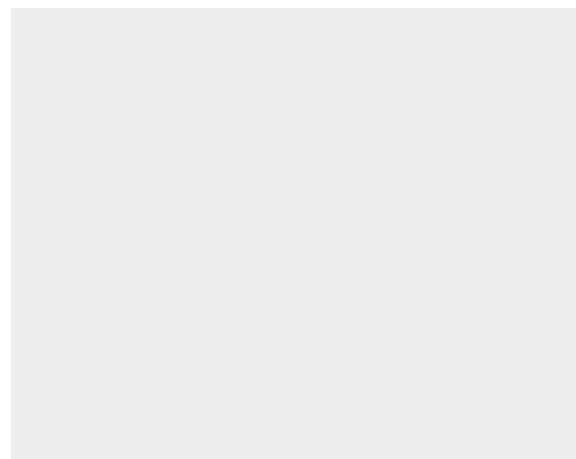
Table 1-3-9 MU Dimensional Standards ²³		
Lot Standards		
	Lot area, min.	
	Lot depth, min.	
	Lot width, min.	
Setbacks		
	Front, min	
	Side, min	
	Rear, min	
Heights		
	Primary Building Height, max	
	Accessory Building Height, max	

²² To be provided in Module 2

²³ To be provided in Module 2

1-3(B)(2) White Rock Town Center (WRTC)Reserved²⁴

1-3(B)(2)(i) WRTC District Standards

Reserved²⁵**Table 1-3-10 WRTC Dimensional Standards²⁶**

Lot Standards		
	Lot area, min.	
	Lot depth, min.	
	Lot width, min.	
Setbacks		
	Front, min	
	Side, min	
	Rear, min	
Heights		
	Primary Building Height, max	
	Accessory Building Height, max	

²⁴ Pending input from Downtown Master Plans²⁵ Pending input from Downtown Master Plans²⁶ To be provided in Module 2

1-3(B)(3) Downtown Los Alamos (DTLA)Reserved²⁷

1-3(B)(3)(i) DTLA District Standards

Reserved²⁸

Table 1-3-11 DTLA Dimensional Standards²⁹		
Lot Standards		
	Lot area, min.	
	Lot depth, min.	
	Lot width, min.	
Setbacks		
	Front, min	
	Side, min	
	Rear, min	
Heights		
	Primary Building Height, max	
	Accessory Building Height, max	

²⁷ Pending input from Downtown Master Plans²⁸ Pending input from Downtown Master Plans²⁹ To be provided in Module 2

1-3(C) NON-RESIDENTIAL DISTRICTS**1-3(C)(1) Professional Office District (PO)**

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

1-3(C)(1)(i) PO District StandardsReserved³⁰

Table 1-3-12 PO Dimensional Standards³¹		
Lot Standards		
	Lot area, min.	
	Lot depth, min.	
	Lot width, min.	
Setbacks		
	Front, min	
	Side, min	
	Rear, min	
Heights		
	Primary Building Height, max	
	Accessory Building Height, max	

³⁰ To be provided in Module 2³¹ To be provided in Module 2

1-3(C)(2) General Commercial District (GC)

The General Commercial (GC) district is intended to accommodate a variety of medium-scale retail, service and professional uses serving both neighborhood and County-wide needs. This district is appropriate to be located along arterials and collectors outside of the Downtown and Town Center areas.

1-3(C)(2)(i) GC District Standards

Reserved³²

Table 1-3-13 GC Dimensional Standards³³

Lot Standards		
	Lot area, min.	
	Lot depth, min.	
	Lot width, min.	
Setbacks		
	Front, min	
	Side, min	
	Rear, min	
Heights		
	Primary Building Height, max	
	Accessory Building Height, max	

³² To be provided in Module 2

³³ To be provided in Module 2

1-3(C)(3) Industrial District (IND)

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

1-3(C)(3)(i) IND District Standards

Reserved³⁴

Table 1-3-14 IND Dimensional Standards³⁵		
Lot Standards		
	Lot area, min.	
	Lot depth, min.	
	Lot width, min.	
Setbacks		
	Front, min	
	Side, min	
	Rear, min	
Heights		
	Primary Building Height, max	
	Accessory Building Height, max	

³⁴ To be provided in Module 2

³⁵ To be provided in Module 2

1-3(C)(4) Public Land District (PL)

The Public Land (PL) district is intended to accommodate local institution or civic uses or publicly owned parks or open space lands, which have a community-wide emphasis that warrant their inclusion under a public designation rather than another District designation.

1-3(C)(4)(i) PL District Standards

Reserved³⁶

Table 1-3-15 IND Dimensional Standards³⁷		
Lot Standards		
	Lot area, min.	
	Lot depth, min.	
	Lot width, min.	
Setbacks		
	Front, min	
	Side, min	
	Rear, min	
Heights		
	Primary Building Height, max	
	Accessory Building Height, max	

³⁶ To be provided in Module 2

³⁷ To be provided in Module 2

SECTION 16-1-4 OVERLAY DISTRICTS

1-4(A) PLANNED RESIDENTIAL DEVELOPMENT OVERLAY ZONE DISTRICT (PRD-O)

The Planned Residential Development (PRD-O) Overlay Zone district is intended to carry over entitlements for subdivisions with undeveloped lots governed by Site Plans approved under the prior Planned Development residential district that was discontinued by the County as of August 28, 2007. Redevelopment of these areas is encouraged to occur under one of the residential base districts outlined in 1-3(A) of this code.

**1-4(B) PLANNED DEVELOPMENT OVERLAY ZONE DISTRICT
(PD-O)**

The Planned Development Overlay Zone district is intended to be used to increase design flexibility in conjunction with a higher-density residential (RM, MFR-L, MFR-M, MFR-H), Professional Office (PO), General Commercial (GC) or Industrial (IND) or mixed-use (MU, DTLA, WRTC) zone districts.

1-4(B)(1)(i) PD-O District Standards

Reserved³⁸

³⁸ To be provided in Module 2

**1-4(C) RECREATIONAL WILDERNESS OVERLAY DISTRICT
(RW-O)**

Recreation Wilderness Overlay district is intended to maintain, protect and preserve the scenic and environmental quality, open character and natural recreational value of undeveloped land; and to accommodate public and private recreational uses of an open nature.

1-4(C)(1)(i) RC-O District Standards

Reserved³⁹

³⁹ To be provided in Module 2

1-4(D) HISTORIC OVERLAY DISTRICT (H-O)

The Historic Overlay district is intended to promote and protect the heritage of the County by preserving sites and structures that have historical significance, in an appropriate setting.

1-4(D)(1)(i) H-O District Standards

Reserved⁴⁰

⁴⁰ To be provided in Module 2

PART 16-2. USE REGULATIONS

SECTION 16-2-1 PERMISSIVE USES

2-1(A) LISTED USES

Table 2-1-1 Permissive Use Table indicates the land uses allowed within each base zoning district, with abbreviations as described in subsection 3-1(B). Use-Specific Standards in Section 16-3-2 establish additional restrictions, requirements, additional allowances, or review procedures.

2-1(B) EXPLANATION OF TABLE ABBREVIATIONS

Table 2-1-1 Permissive Use Table uses the following abbreviations to designate whether and how a principal use is allowed in a particular zone:

P	A "P" in a cell indicates that the use is permitted by right in the respective zoning 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 PART 16-4, Development Standards.
S	A "S" in a cell indicates that the land use is allowed in that zoning district upon approval of a Special Use Permit by the Planning and Zoning Commission as described in PART 16-5 and compliance with any use-specific standards referenced in the right hand column of the table and with all other applicable requirements of the Code.
A	An "A" in a cell indicates that the use is only permitted in the respective zoning district as an accessory use, i.e. allowed as an accessory use compatible with a Permissive use on the lot, and is subject to any Use-Specific Standards referenced in the right-hand column of that line of the table.
T	A "T" in a cell indicates that the land use is allowed in that zoning district upon approval of a Temporary Use Permit as described in PART 16-5 and compliance with any use-specific standards referenced in the right hand column of the table and with all other applicable requirements of the Code.
	A blank cell indicates that the use is prohibited in the respective zoning district.

2-1(C) UNLISTED USES

When a proposed land use is not explicitly listed in Table 2-1-1 Permissive Use Table, the Community Development Director shall determine the appropriate use type for the proposed use. If the proposed use is included in the definition of a listed use or is consistent with the size, scale, operating characteristics, and external impacts of a listed use that it should be treated as the same use. If the proposed use is determined to be a new or unlisted use, the Director may determine that such new or unlisted use requires a text amendment of this Development Code. The Director may also determine that text amendments for additional use-specific standards are necessary to reduce potential impacts to surrounding properties or the community. Development Code text amendments shall follow the procedures in PART 16-4.

2-1(D) PERMITTED USE TABLE

Table 2-1-1 Permitted Use Table																			
Proposed Zone Districts		RA	RE	SFR	MHC	MR	MR-NC	MFR-L	MFRL-NC	MFR-M	MFR-H	MU	WRTC	DTLA	PL	PO	GC	IND	
Existing Zone Districts		R-A	R-E	R-1	R4 R5 R6	R-M	R-M-NC	R-3-L	R-3-L-NC	R3H	R3H40	MU	New	DTs	PL	P-0 RD	C1 C2 C3	M1 M2	Use Specific Standards
	RESIDENTIAL USES																		
Household Living	Dwellings, single-family	P	P	P	P	P	P	P	P	P	P								
	Dwelling, mobile home				P														
	Dwelling, co-housing development ⁴¹					P	P	P	P	P		P							2-2(A)(1)
	Dwelling, cottage development ⁴²	P	P	P		P	P	P	P	P		P							2-2(A)(2)
	Dwelling, duplex					P	P	P	P	P	P	P	P						
	Dwelling, triplex					P	P	P	P	P	P	P	P						
	Dwelling, fourplex					P	P	P	P	P	P	P	P						
	Dwelling, townhouse					P	P	P	P	P	P	P	P	P		-			
	Dwelling, live/work					S	S	S	S	P	P	P	P	P	P				2-2(A)(3)
	Dwelling, multiple-family								P	P	P	P	P	P	P				
Congregate Living	Assisted care facility ⁴³							S	S	S	P	P	P	P			S		2-2(A)(6)
	Dormitory									S	P	P	P	P	S		S		
	Group Care Facility ⁴⁴	P	P	P	P	P	P	P	P	P	P	P	P	P					2-2(A)(5)
	Group Residential Facility	P	P	P	P	P	P	P	P	P	P	P	P	P					2-2(A)(4)
	PUBLIC, INSTITUTIONAL, AND CIVIC USES																		
Public, Institutional, and Civic Uses	Art gallery, museum, or library											P	P	P	P	P	P		
	Cemetery														P		P		
	Funeral home or mortuary											P	P	P			P	S	
	Institutional and civic buildings ⁴⁵											P	P	P	P	P	P		
	Hospital												P	P	P		S	S	
	Medical or dental clinic ⁴⁶											P	P	P	P	P	P		
	Private club or lodge											P	P	P		S	P	S	
	Religious Institution ⁴⁷	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P		
	Schools, private	S	S	S	S	S		S	S	S	S	P	P	P	P	P	P	A	
	Schools, public	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	A	
	COMMERCIAL																		

⁴¹ New use⁴² New use⁴³ Includes Assisted Living, Nursing Homes and Continuum Care facilities⁴⁴ Formerly "Group Home"⁴⁵ Formerly "Public buildings"⁴⁶ New use⁴⁷ Formerly "Churches, worship places"

Table 2-1-1 Permitted Use Table

		Proposed Zone Districts																	
		RA	RE	SFR	MHC	MR	MR-NC	MFR-L	MFR-NC	MFR-M	MFR-H	MU	WRTC	DTLA	PL	PO	GC	IND	
		R-A	R-E	R-1	R4 R5 R6	R-M	R-M-NC	R-3-L	R-3-L-NC	R3H	R3H40	MU	New	DTs	PL	P-O RD	C1 C2 C3	M1 M2	Use Specific Standards
Agriculture	Fish hatchery														P			S	
	Community garden ⁴⁸	P	P	P	P	P		P	P	P	P	P	P	P	P				
	Plant Nursery or greenhouse											P	P	P	P		P	P	
Recreation & Entertainment	Adult Entertainment ⁴⁹															S	P	P	2-2(B)(1)
	Golf course or country club ⁵⁰		S	S											P				
	Indoor entertainment facility ⁵¹											P	P	P	P		P	S	
	Outdoor recreation facility ⁵²											S	P	P	P		P	S	
	Park or playground	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	S	
	Sports field ⁵³		S	S							P	P			P	P	P	S	
Lodging	Bed and breakfast ⁵⁴	S	S	S	S	S		S	S	S	S	P	P	P			P		3-2(B)(1)
	Campground or RV park				A			S	S	S	S	P	P	P	P		P		2-2(B)(3)
	Hotel or Motel											P	P	P		P	P		
	Short term rental ⁵⁵	S	S	S	S	S	S	S	S	S	S	P	P	P					2-2(B)(4)
Food and Beverage	Bar, lounge, or tavern											P	P	P		S	P		
	Microbrewery, distillery, or winery ⁵⁶											S	P	P		S	S	P	
	Restaurant											P	P	P		P	P	A	
Office, Business, and Professional Services	Office, business or professional ⁵⁷											P	P	P		P	P	A	
	Laboratory											S	S	S		P	S	P	2-2(B)(5)
	Research and development ⁵⁸											P	P	P		P	P	P	2-2(B)(5)
	Financial Institution ⁵⁹											P	P	P		P	P	A	
	Adult retail ⁶⁰																P	P	2-2(B)(1)

⁴⁸ New use⁴⁹ Includes any sexually orientated entertainment uses⁵⁰ New use⁵¹ Includes "Amusement centers, indoor", "Bowling alleys", "Recreation facilities", "Theaters, (enclosed)", "Swimming pools, commercial or clubs"⁵² Includes "Amusement Parks", "Theaters, drive-in", "Riding academies, arenas and/or stables"⁵³ New use⁵⁴ Change from accessory to special use within all residential districts⁵⁵ New use⁵⁶ New use⁵⁷ Includes "Office, Business, and Professional Services" and "Offices, professional"⁵⁸ Includes "Research and development, offices and laboratories", "Research or professional offices (no laboratories)", and "Animal experimental research institutes"⁵⁹ Formerly "Financial institutions/banks, (drive-in)", and "Financial institutions/banks, (walk-in)"⁶⁰ Includes any sexually orientated retail uses

Table 2-1-1 Permitted Use Table

Proposed Zone Districts		RA	RE	SFR	MHC	MR	MR-NC	MFR-L	MFR-NC	MFR-M	MFR-H	MU	WUTC	DTLA	PL	PO	GC	IND	Use Specific Standards
Existing Zone Districts		R-A	R-E	R-1	R4 R5 R6	R-M	R-M-NC	R-3-L	R-3-L-NC	R3H	R3H40	MU	New	DTs	PL	P-0 RD	C1 C2 C3	M1 M2	
Retail Sales and Service	Retail sales ⁶¹											P	P	P		A	P	A	
	Cannabis retail ⁶²												S	S			P	A	2-2(B)(7)
	Contractor facility or yard																S	P	
	Daycare center ⁶³											P	P	P		P	P	S	2-2(B)(8)
	Fitness Center ⁶⁴											P	P	P		P	P	S	
	Liquor retail ⁶⁵											P	P	P			P	S	
	Nicotine retail ⁶⁶																P	S	2-2(B)(9)
Retail Sales and Service	Meeting, banquet, or event facility											P	P	P	P	P	P	S	
	Mobile home sales																P	P	
	Personal services ⁶⁷	S	S	S		S	S	S	S	S	S	P	P	P		A	P	P	
	Kennel	S										S	S	S			P	P	2-2(B)(10)
	Self-service storage facility																P	P	
	Veterinary hospital											P	P	P		S	P	P	
Vehicle and Equipment-Related	Ambulance services												P	P			P	P	
	Light Vehicle and Equipment sales, rental, and repair ⁶⁸											S	S	S		P	P	P	
	Heavy Vehicle and Equipment sales, rental, and repair ⁶⁹																S	P	2-2(B)(11)
	Vehicle fuel sales																P	P	2-2(B)(13)
	Vehicle storage ⁷⁰											S					S	P	2-2(B)(14)
	Vehicle wash																P	P	
Transportation	Airport																	P	
	Heliport												S	S			S	S	
	Parking facility											P	P	P	P	P	P	P	
	Transit terminal or station											S	P	P	P	P	P	P	

⁶¹ Includes "Building materials, retail", "Building materials, wholesale", "Retail businesses", "Gift and souvenir shops", and "Hardware store"⁶² New use⁶³ Formerly "Day care facilities"⁶⁴ Formerly "Health clubs, gymnasiums"⁶⁵ Formerly "Liquor stores"⁶⁶ New use⁶⁷ Includes "Laundries", "Home and business services", "Newsstands, portable"⁶⁸ Includes "Equipment, small; storage, repair and rental", "Small electrical appliances and equipment repair", and "Equipment, small; storage, repair and rental"⁶⁹ Includes "Automobile and motorcycle, repairing, body work and painting", "Equipment, heavy; storage, repair and rental", "Recreation equipment retail and rentals", and "Truck and trailer rental, sales and service", "Truck repair shops", "Tire stores, sales and service", and "Electrical appliances and equipment repair"

Electrical appliances and equipment assembly and/or mfg.

⁷⁰ Includes "Recreational vehicles, storage", and "Vehicle storage yards"

Table 2-1-1 Permitted Use Table

Proposed Zone Districts		RA	RE	SFR	MHC	MR	MR-NC	MFR-L	MFR-NC	MFR-M	MFR-H	MU	WRTC	DTLA	PL	PO	GC	IND	Use Specific Standards
Existing Zone Districts		R-A	R-E	R-1	R4 R5 R6	R-M	R-M-NC	R-3-L	R-3-L-NC	R3H	R3H40	MU	New	DTs	PL	P-O RD	C1 C2 C3	M1 M2	
	Truck terminal																	P	
	INDUSTRIAL																		
Manufacturing & Warehousing	Above-ground storage of fuels																S	S	
	Artisan manufacturing											P	P	P		P	P	P	2-2(C)(1)
	Light manufacturing ⁷¹											S	S	S		S	S	P	2-2(C)(2)
	Heavy manufacturing ⁷²																	P	2-2(C)(3)
	Cannabis cultivation or manufacturing facility ⁷³																S	P	2-2(B)(7)
	Distribution, warehouse, or wholesale facility ⁷⁴															S	S	P	
	Natural resource extraction																	S	2-2(C)(5)
Utilities & Communications	Public utilities	S	S	S	S	S	S	S	S	S	S	S	S	S	P	S	S	S	
	Radio and TV, studio or station											P	P	P	P	P	P	P	
	Recycling station										S	S	S	S	P	S	S	P	2-2(C)(6)
	Salvage yard																	S	2-2(C)(6)
	Transfer station														P			S	
	Wireless Telecommunications Facility ⁷⁵	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	2-2(C)(8)
	ACCESSORY USES																		
	Accessory dwelling	S	S	S		S	S	S	S										2-2(D)(1)
	Accessory structure	A	A	A	A	A	A	A	A	A	A	A	A	A					2-2(D)(2)
	Caretaker unit											A	A	A	A	A	A	A	2-2(D)(3)
	Daycare home ⁷⁶	S	S	S		S	S	S	S	S	S	S	S	S					2-2(D)(4)
	Greenhouse ⁷⁷	A	A	A	A	A	A	A	A										
	Hay or feed storage	A															P		
	Home business	S	S	S		S		S	S	S	S	A	A	A					2-2(D)(5)
	Home occupations	A	A	A		A		A	A	A	A	A	A	A					2-2(D)(7)
	Livestock husbandry	A																	2-2(D)(8)

⁷¹ Includes "Assembly, miscellaneous", "Food processing facilities", "Blacksmith shop and harness repair", "Cabinet and carpenter shops", "Cesspool services", "Cold storage", "Dry cleaning plants", "Electrical appliances and equipment repair", "Electrical appliances and equipment assembly and/or mfg.", "Electronics assembly", "Furniture and household goods, transfer and storage", "Furniture, repair", "Metallurgical labs" and, "Manufacturing, light"

⁷² Includes "Manufacturing, heavy", "Brick, tile cement or block, products and mfg.", "Asphalt and concrete batch plants", "Acid mfg. and storage", "Machine shops", and "Sheetmetal or welding shops"

⁷³ New use

⁷⁴ Formerly "Warehousing/storage" and "Wholesale, materials/products"

⁷⁵ New use

⁷⁶ Changed from Accessory to Special Use Permit per existing requirements in section 16-277

⁷⁷ New use

Table 2-1-1 Permitted Use Table

Proposed Zone Districts		RA	RE	SFR	MHC	MR	MR-NC	MFR-L	MFR-NC	MFR-M	MFR-H	MU	WRTC	DTLA	PL	PO	GC	IND	Use Specific Standards
Existing Zone Districts		R-A	R-E	R-1	R4 R5 R6	R-M	R-M-NC	R-3-L	R-3-L-NC	R3H	R3H40	MU	New	DTs	PL	P-0 RD	C1 C2 C3	M1 M2	
	Outdoor storage																A	A	2-2(D)(9)
	Recreational vehicle storage	A	A	A		A													2-2(D)(10)
	Residential community amenity	A	A	A	A	A	A	A	A	A	A	A	A	A					2-2(D)(11)
	Microwave dish											S	S	S	S	S	S	S	2-2(D)(12)
	Satellite dish antenna	A	A	A		A		A	A	A	A	S	S	S	S	S	S	S	2-2(D)(12)
	Solar collection system	A	A	A		A		A	A	A	A	A	A	A	S	A	A	P	2-2(D)(13)
TEMPORARY USES																			
	Construction staging area, trailer, or office	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	2-2(E)(1)
	Dwelling, temporary	T	T	T	T	T	T	T	T										2-2(E)(2)
	Fair, carnival, or circus														T				2-2(E)(3)
	Open air market											T	T	T	T		T		
	Mobile vending											T	T	T	T	T	T		2-2(E)(6)
	Seasonal sales											T	T	T	T	T	T		2-2(E)(8)
	Special event	T	T	T	T	T	T	T	T	T	T	T	T	T	T				2-2(E)(9)
	Temporary storage ⁷⁸	T	T	T	T	T	T	T	T	T	T								2-2(E)(10)

SECTION 16-2-2 USE SPECIFIC STANDARDS

2-2(A) RESIDENTIAL USES

2-2(A)(1) Dwelling, Co-housing development

- The minimum lot size for co-housing development is one (1) acre.
- Underlying zoning district lot and setback requirements shall apply to the project site boundaries as a whole, but not to individual co-housing dwellings.
- A shared open space containing a minimum of ten (10) percent of the project area shall be provided.
- The development may contain shared indoor community space for all residents to use for activities, cooking, and/or dining.

2-2(A)(2) Dwelling, Cottage

- If cottage dwelling units are located on one lot, the minimum lot size for the cottage development shall be one (1) acre.

⁷⁸ New use

- ii. Underlying zoning district lot and setback requirements shall apply to the project site boundaries as a whole, not to individual cottage dwellings.
- iii. A cottage development shall have no more than the total residential gross floor area that would be allowed on an equal size property in the same zone district for single-family detached development.
- iv. The development may contain a shared indoor community space for all residents in the development to use for activities, cooking, and/or dining. If a such a space is provided, the building area is not included in the maximum total residential gross floor area.

2-2(A)(3) Dwelling, live/work

- i. Live-work dwelling units shall contain distinct areas for working and living.
- ii. The nonresidential work area shall not occupy more than fifty (50) percent of the total floor area of each live-work unit.
- iii. The nonresidential use shall be operated by a resident of the live/work dwelling.

2-2(A)(4) Assisted Care Facility

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

2-2(A)(5) Group Care Facility

- ii. This use must comply with all applicable local, State and Federal regulations and licensing.
- iii. Prior to occupancy, required licensing or exemption thereof must be filed with the Community Development Director.
- iv. Underlying zoning district requirements applicable to other residential uses permitted in the district shall apply.
- v. In any Residential Zone District, a Group Care Facilities shall appear outwardly to be compatible with other dwellings in the neighborhood.

2-2(A)(6) Group Residential Facility

- i. This use must comply with all applicable local, State and Federal regulations and licensing.
- ii. Prior to occupancy, required licensing or exemption thereof must be filed with the Community Development Director.
- iii. Underlying zoning district requirements applicable to other residential uses permitted in the district shall apply.
- iv. This use shall require a Special Use Permit pursuant to section X⁷⁹ if located within 500 feet of another Group Residential Facility.
- v. In any Residential Zone District, a Group Residential Facilities shall appear outwardly to be compatible with other dwellings in the neighborhood.

2-2(B) COMMERCIAL USES

2-2(B)(1) Adult Entertainment or Adult Retail

- i. This use is prohibited within 300 feet of any Residential Zone District, a School or Daycare Center.
- ii. This use shall require a Special Use Permit if within 500 feet of another Adult Entertainment or Retail establishment.

⁷⁹ Appropriate cross-reference to be provided in Module 3.

2-2(B)(2) Bed and Breakfast

- i. This use shall outwardly appear to be a residential dwelling which is compatible with other dwellings in the neighborhood, with no evidence of a business use other than allowed signs.
- ii. The establishment shall be owner-occupied or shall be occupied by a resident manager.
- iii. The total number of persons that may occupy the Bed and Breakfast is twice the number of bedrooms for the dwelling units as a whole.
- iv. This use is limited to a maximum of eight (8) guestrooms.
- v. Lodging accommodation for each guest is limited to a maximum of 30 consecutive days.
- vi. Off-street parking shall be provided in the amount of one (1) space per bedroom.
- vii. All required parking shall occur in designated parking areas, such as parking lots, driveways and/or garages. No parking shall occur on lawns or sidewalks. On-street parking is prohibited.
- viii. One (1) non-illuminated sign, not exceeding two (2) square feet in sign display area shall be permitted. Signs shall be mounted flat against the wall of the dwelling. Also see Section 16-404⁸⁰ for sign requirements.

2-2(B)(3) Campground or Recreational Vehicle Park

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

2-2(B)(4) Short-Term Rental

- i. The owner shall pay all applicable local, state, and federal taxes including sales and lodging taxes.
- ii. This use shall outwardly appear to be a residential dwelling which is compatible with other dwellings in the neighborhood.
- iii. The total number of persons that may occupy the short-term rental unit is twice the number of bedrooms for the dwelling units as a whole.
- iv. Lodging accommodation for each guest is limited to a maximum of 30 consecutive days⁸¹.
- v. Off-street parking shall be provided in the amount of one (1) space per bedroom.
- vi. All required parking shall occur in designated parking areas, such as parking lots, driveways and/or garages. No parking shall occur on lawns or sidewalks. On-street parking is prohibited.

2-2(B)(5) Laboratories

- i. In the Downtown districts (DTLA, WRTC), laboratories as a primary use or incidental to Research and Development facilities shall require a Special Use Permit approval pursuant to Section X⁸².

2-2(B)(6) Research and Development

- i. Any facility using hazardous materials or procedures subject to additional review, licensing, or approval by State or federal law, or emitting electromagnetic radiation or other radiation, shall comply with all State

⁸⁰ Appropriate cross-reference to be provided in Module 2.

⁸¹ Lodging period to accommodate guests including LANL temporary employees and traveling nurses.

⁸² Appropriate cross-reference to be provided in Module 3.

and federal requirements regarding the storage, handling, transfer, use, and safety of those materials, procedures, or radiation, and shall require a Special Use Approval pursuant to Section X⁸³.

- ii. Any facility conducting incidental animal experimental research shall require a Special Use Permit approval pursuant to Section X⁹.

2-2(B)(7) Cannabis Retail

- i. This use must comply with all applicable local and state regulations and licensing.
- ii. No Cannabis Retail establishment shall be licensed if located within 300 feet of any Residential Zone District, a School or Daycare Center.
- iii. This use shall require a Special Use Permit if within 300 feet of another Cannabis Retail establishment.
- iv. It shall be unlawful for any Cannabis Retail establishment licensed pursuant to this Development Code to remain open to the public at any time other than between the hours of 8:00 a.m. and 10:00 p.m. daily.

2-2(B)(8) Daycare Center⁸⁴

- i. This use shall obtain a Special Use Permit pursuant to Section X⁹ as required by Table X, Permissive Use Table.
- ii. This use must comply with all applicable local, state, and federal regulations and licensing.
- iii. Prior to operation, the license must be filled with the Community Development Director.
- iv. This use shall provide off-street parking per Section X Parking and Loading⁸⁵ and a procedure for pickup and delivery of children according to a site plan filed with the application. See Section X⁸⁶ for additional site plan requirements.
- v. Any outdoor play area(s) shall be enclosed with a wall or fence of at least four (4) feet high and provide at least one (1) latched gate for an emergency exit⁸⁷. When adjacent to any Residential and Mixed-Use zone districts, the required wall or fence shall be increased to six (6) feet in height.
- vi. No outdoor activities for children shall be allowed before 7:30 a.m. or after 6:00 p.m.
- vii. Noise levels shall be governed by the provisions of article III, chapter 18 of this Code.

2-2(B)(9) Nicotine Retail

- i. This use must comply with all applicable local and State regulations.
- ii. No Nicotine Retail establishment shall be allowed if located within 300 feet of any Residential Zone District, a School or Daycare Center.
- iii. This use shall require a Special Use Permit if within 500 feet of another Nicotine Retail establishment.
- iv. It shall be unlawful for any Cannabis Retail establishment licensed pursuant to this Development Code to remain open to the public at any time other than between the hours of 8:00 a.m. and 10:00 p.m. daily

2-2(B)(10) Kennel⁸⁸

- i. Outdoor facilities associated with this use, including outdoor kennels or runs, shall not be located within 300 feet of any Single-family residential zoning district (SFR).

2-2(B)(11) Light Vehicle and Equipment Sales, Rental, and Repair

- i. Vehicle fueling stations abutting a Single-family residential zoning district (SFR) shall require a Special Use Permit pursuant to Subsection X¹⁴.

⁸³ Appropriate cross-reference to be provided in Module 3.

⁸⁴ Standards based on content in existing Sec. 16-282, updated based on State regulations and National Best Practice

⁸⁵ Appropriate cross-reference to be provided in Module 2.

⁸⁶ Appropriate cross-reference to be provided in Module 3.

⁸⁷ New to comply with the state requirements for Child Care Center, 8.16.2 NMAC "Outdoor Play Areas".

⁸⁸ New neighborhood protection standard based on National Best Practice

- ii. In any Mixed-use zone district, vehicle service and maintenance shall be conducted within fully enclosed portions of a building and any incidental outdoor vehicle or equipment display or storage is prohibited.
- iii. Any incidental outdoor vehicle or equipment display, storage, or service and maintenance areas must be screened from any abutting Residential or Mixed-use zoning district as required by Section X¹⁶ Screening and Buffering.
- iv. Open storage of inoperable, wrecked or discarded machinery or equipment is prohibited.

2-2(B)(12) Heavy Vehicle and Equipment Sales, Rental, and Repair

- i. This use is prohibited within 300 feet of a single-family residential zoning district (SFR).
- ii. Any incidental outdoor vehicle or equipment display, storage, or service and maintenance areas must be screened from any abutting Residential or Mixed-use zoning district as required by Section X¹⁶ Screening and Buffering.
- iii. Open storage of inoperable, wrecked or discarded machinery or equipment is prohibited.

2-2(B)(13) Vehicle Fuel Sales

- i. This use is prohibited within 300 feet of a single-family residential zoning district (SFR).

2-2(B)(14) Outdoor Vehicle Storage

- i. All outdoor vehicle storage areas shall be screened from any adjacent Residential or Mixed-use zoning district as required by Section X¹⁶ Screening and Buffering.

2-2(C) INDUSTRIAL USES

2-2(C)(1) Artisan Manufacturing

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

2-2(C)(2) Light Manufacturing

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

2-2(C)(3) Heavy Manufacturing

- i. This use may be conducted outside of a building, provided it complies with the standard of Section X¹⁶ Screening and Buffering.
- ii. This use is prohibited within 500 feet of any Residential Zone District, School or Daycare Center.
- iii. The incidental outdoor storage is allowed, provided it is compliant with the standards of Section 3-2(D)(7) Outdoor Storage Accessory.

2-2(C)(4) Cannabis Cultivation & Manufacturing

- i. Cannabis cultivation is allowed, provided that the establishment complies with all applicable local and State requirements and licensing.
- ii. No Cannabis cultivation facility shall be licensed if located within 300 feet of a School or Daycare Facility or any Residential Zone District.

- iii. This use shall require a Special Use Permit pursuant to Section X⁸⁹ when within 300 feet of another Cannabis Cultivation or Manufacturing establishment.
- iv. All activities associated with this use must be conducted within the fully enclosed portions of a building unless a Special Use Permit is obtained pursuant to Section X¹⁴.
- v. The incidental Retail Sales of goods produced on the property is allowed, provided it complies with Section 2-2(B)(7) and the Cannabis Regulation Act.
- vi. The incidental outdoor storage is allowed, provided it is compliant with the standards of Section 3-2(D)(7) Outdoor Storage Accessory.

2-2(C)(5) Natural Resource Extraction

- i. 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.
- ii. This use is prohibited within 500 feet of any Residential Zone District, School or Daycare Center.
- iii. This use shall be screen from adjacent properties by the standards of Section X⁹⁰ Screening and Buffering.

2-2(C)(6) Recycling Station

- i. This use shall not occupy an area not greater than 1,000 square feet.
- ii. 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.
- iii. 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.

2-2(C)(7) Salvage Yard

- i. This use is prohibited within 300 feet of any Residential Zone District, School or Daycare Center.
- ii. This use shall be screen from adjacent properties by the standards of Section X¹⁵ Screening and Buffering.

2-2(C)(8) Wireless Telecommunications Facility

Reserved

2-2(D) ACCESSORY USES

2-2(D)(1) Accessory Dwelling

- i. The erection of any Accessory dwelling unit requires a permit pursuant to Section 16-51(3)b⁹¹ prior to commencing construction.
- ii. No more than one (1) Accessory dwelling unit either attached or detached is permitted per lot.
- iii. The underlying zoning district requirements including lot, setback and coverage standards shall apply to an Accessory Dwelling unit.

⁸⁹ Appropriate cross-reference to be provided in Module 3.

⁹⁰ Appropriate cross-reference to be provided in Module 2. Recommended screening is to include a solid fence or wall at least six (6) feet in height. The fence or wall shall incorporate at least one (1) of the predominant materials and one (1) of the predominant colors used in the primary building. The perimeter of the fence or wall must be landscaped.

⁹¹ Appropriate cross-reference to be provided in Module 3.

- iv. The lot coverage of accessory dwelling units located in the required rear yard shall not exceed 25 percent of the required rear yard area.
- v. The square footage of the accessory dwelling unit shall not be more than 75 percent of the total living area of the house or 800 square feet, whichever is less. The lot coverage of the detached accessory dwelling unit cannot exceed the lot coverage of the primary dwelling.
- vi. The Accessory dwelling unit shall not be located in the required front or side setback areas.
- vii. The Accessory dwelling units shall be at least ten (10) feet from the primary dwelling on the lot.
- viii. The Accessory dwelling unit shall outwardly be compatible with the primary dwelling unit on the lot in terms of color, material, and architectural design.
- ix. Off-street parking shall be provided in the amount of one (1) space per unit or per bedroom.
- x. All required parking shall occur in designated parking areas, such as driveways and/or garages. No parking shall occur on lawns or sidewalks.

2-2(D)(2) Accessory Structures⁹²

- i. The erection of any accessory structures requires a permit pursuant to section 16-51(3)b⁹³ prior to commencing construction.
- ii. No Accessory structure, except as modified below, may be located closer to the front property line than the main structure on any lot.
 - (1) Garages and carports may be located in the front yard behind the minimum front setback in any Residential zoning district.
 - (2) No other Accessory structure may be located in the front yard within 40 feet of the front property line in any zoning district.
- iii. No Accessory structures shall be located in required side yards in any zoning district.
- iv. In any Residential zoning district, no Accessory structure shall be located within three (3) feet of any rear lot line.
- v. The maximum number of Accessory structures shall be permitted per lot as follows:
In the RA and RE district, a maximum of four (4) accessory structures in addition to a carport or garage are permitted per lot.
 - (1) In the SFR, RM, and MRF-L districts, a maximum of two (2) accessory structures in addition to a carport or garage are permitted per lot.
 - (2) In the MHC district, a maximum of two (2) accessory structures in addition to a carport or garage are permitted per lot.
 - (3) In the MFR-M and MFR-H districts, one (1) accessory structure per ten dwelling units is permitted in addition to carports or garages.
 - (4) In all Mixed-use and Non-residential districts, the area of accessory structures is subject to site plan review, provided it shall not exceed 20 percent of the primary building square footage.
- vi. In the SFR, MHC, RM, and MRF-L districts, the lot coverage of all types of accessory structures located in the required rear yard shall not exceed **25 percent of the required rear yard area**.
- vii. In the MHC district, the following standards apply:
 - (1) Accessory structures shall not be located within 20 feet of the front property line; and
 - (2) Accessory structures shall not be located within 20 feet of a community roadway or three (3) feet of a mobile home community boundary.

2-2(D)(3) Caretaker's unit.

⁹² Standards based on existing content of Sec. 16-273.

⁹³ Update to appropriate reference when available.

- i. No more than one (1) caretaker dwelling unit is permitted per lot.

2-2(D)(4) Daycare home⁹⁴

- i. This use shall be an accessory use and home occupation in all zoning districts.
- ii. This use must comply with all applicable local, State and Federal regulations and licensing.
- iii. Prior to operation, required licensing or exemption thereof must be filed with the Community Development Department.
- iv. This use shall be limited to a maximum of six (6) children.⁹⁵
- v. This use shall outwardly appear to be a residential dwelling which is compatible with other dwellings in the neighborhood
- vi. No major alterations to the dwelling are allowed that prevent the continuing use or the structure as a residence.
- vii. This use shall provide a minimum of one (1) off-street parking per employee.
- viii. 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.
- ix. Outside recreation areas shall be fenced from adjoining Residential properties.
- x. No outdoor activities for children shall be allowed before 7:30 a.m. or after 6:00 p.m.
- xi. Noise levels shall be governed by the provisions of article III, chapter 18 of this Code.

2-2(D)(5) Greenhouse

- i. This use must comply with all provisions for Accessory Structures in section 2-2(D)(2).

2-2(D)(6) Home business

- ii. This use shall obtain a Special Use Permit per the requirements of Section X⁹⁶ prior to conducting businesses.
- iii. This use shall acquire a business permit.
- iv. This use shall provide a minimum of one (1) off-street parking per employee.
- v. 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.
- vi. Other than restrictions on employment, this use shall comply with all regulations of the Home Occupations in section 2-2(D)(5).

2-2(D)(7) Home occupations⁹⁷

- i. This use shall acquire a business permit as required.
- ii. The conductor of this use shall be the permanent resident of the structure in which this use is conducted.
- iii. No one other than a resident of the dwelling shall be employed in the use or activities of a home occupation.
- iv. This use shall outwardly appear to be a residential dwelling which is compatible with other dwellings in the neighborhood.
- v. No major alterations to the dwelling are allowed that prevent the continuing use or the structure as a residence.
- vi. The following uses from Table X are prohibited as home occupations:
 - a. Any use in the Food and Beverage category.
 - b. Any use in the Vehicle and Equipment-related category.

⁹⁴ Standards based on existing content of Sec. 16-282

⁹⁵ Number based on State Legislation.

⁹⁶ Appropriate cross-reference to be provided in Module 3.

⁹⁷ Content based on the existing standards of Sec. 16-277 updated per National Best Practice.

- c. Any use in the Industrial category, with the exception of Artisan Manufacturing.
 - d. Commercial services.
 - e. Construction contractor facility and yard.
 - f. Crematorium.
 - g. Mortuary.
- vii. All business activities shall be conducted in the primary building or an allowed accessory structure, except in the RA district where agricultural, horticultural or animal husbandry uses may be carried on the outside of a building.
- viii. No more than twenty-five (25) percent of the total floor area of the dwelling unit where the operator of the home occupation resides shall be designated to the home occupation use.
- ix. The Incidental Retail Sales of good and services created on the premises may be sold on the premises, provided the retail component is not more than ten (10) percent of the total floor area of the dwelling unit.
- x. 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.
- xi. The occupation shall not generate vehicular traffic and parking greater than that that which would be generated by a residential use of the underlying base zone district.
- xii. One (1) non-illuminated sign, not exceeding two (2) square feet in sign display area shall be permitted. Signs shall be mounted flat against the wall of the dwelling. Also see section 16-40498 for sign requirements.
- xiii. 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 title or by law.

2-2(D)(8) Livestock husbandry

- i. This use shall comply with Chapter 6 – Animals of the Los Alamos County code of ordinances.

2-2(D)(9) Outdoor Storage, Accessory⁹⁹

- ii. Incidental outside storage shall be limited to goods or materials sold or used on the premises as part of the principal use of the property.
- iii. No outdoor storage shall be allowed in required off-street parking, landscape areas or public rights-of-ways and pedestrian pathways. Outside storage of such material shall create no hazard or visual obstructions as set forth in section 16-271(c)(1)¹⁰⁰, or create a fire, safety or health hazard.
- iv. All outdoor vehicle storage areas abutting any Residential or Mixed-use zoning district is prohibited.
- v. Each outdoor storage area shall be screened from view from all property lines and adjacent rights-of-way pursuant to the standards in Section X¹⁰¹ Screening and buffering.
- vi. 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.
- vii. Where the outside storage is necessary during construction, it must comply with Section 2-2(E)(1).

2-2(D)(10) Recreational Vehicle Storage¹⁰²

- i. Parking of Recreational Vehicle, Boat, and/or Recreational Trailer shall occur in one of the following areas:
 - a. Inside an enclosed accessory structure.
 - b. Outside in a side or rear yard.

⁹⁸ Appropriate cross-reference to be provided in Module 2.

⁹⁹ Updated based on National Best Practice

¹⁰⁰ Update cross-reference in Module 2.

¹⁰¹ Appropriate cross-reference to be provided in Module 2.

¹⁰² Content based on content in existing Sec. 16-280 updates based on National Best Practice.

- ii. 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 (10) days at a time; except if the lot, because of topography or shape, and the structures located on the lot, cannot reasonably accommodate the location of recreation equipment in areas other than the front yard. In those instances, the recreational vehicle shall be kept in reasonable, operable condition and repair and parked at least 11 feet from the face of the curb.
- iii. No part of any recreational vehicle or equipment may extend over any public sidewalk or into any required clear sight triangle.
- iv. 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 residents of the premises, provided that no money is received by the residents of the site for this privilege or as a temporary dwelling during the construction of a single-family or two-family dwelling, through the issuance of a temporary use permit.
- v. In an MHC district, recreational vehicles may be used as a permanent dwelling through the issuance of a special use permit.

2-2(D)(11) Residential community amenity ¹⁰³

- i. Outdoor recreational areas, including but not limited to swimming pools, tennis courts, basketball courts etc., are permitted as an accessory use to townhouse, multi-family or mixed-use developments. Swimming pools subject to the standards set forth in 2-2(D)(13).
- ii. Any structures required for this use, such as clubhouses, must comply with the dimensional regulations of the underlying zone district shall appear outwardly to be compatible with other dwellings in the development or neighborhood.

2-2(D)(12) Microwave & Satellite dish antennas

- i. A maximum of one (1) satellite dish antenna per residential lot is permissive as an accessory use.
- ii. Installation will be in accordance with manufacturer's specifications. In the absence thereof, installation will be in accordance with specifications established by the city engineer.

2-2(D)(13) Solar Collection Systems ¹⁰⁴

- iii. 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.
- iv. 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.
- v. A statement that a solar energy collection system has been installed on a lot, and a right to solar access is claimed, shall be filed and recorded with the county clerk on the day the building permit for the improvement is issued. A copy of the recorded statement shall be provided to the community development department by the person owning the solar energy collection system. The solar energy collection system must be completed and have a final inspection by the county building inspector within one year from the statement's recorded date.

¹⁰³ New standards

¹⁰⁴ Content based on existing regulations in Sec. 16-279.

2-2(D)(14) Swimming pools¹⁰⁵

- i. Swimming pools, public or private, shall not be located in any required front or side setback area.
- ii. Swimming pools shall maintain a minimum distance of ten (10) feet from all property lines. Associated equipment such as pool coping, walks or apron is not restricted by this ten-foot setback requirement.
- iii. A structure designed to enclose a pool shall meet the applicable accessory or main structure setback, height and coverage requirements of the underlying base zone district.
- iv. Swimming pools and associated equipment shall comply with building code requirements.
- v. 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.
- vi. No private swimming pool shall be operated as a business or as a private club, unless in accordance with other provisions of this Code.

2-2(E) TEMPORARY USES**2-2(E)(1) Construction staging area, trailer, or office**

- i. This use requires a Temporary Use Permit pursuant to procedures outlined per Section X¹⁰⁶.
- ii. 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.
- iii. Security fences not exceeding eight (8) feet in height may be erected on the construction site, with the location and material of the fence to be approved by the community development director as part of the temporary use permit for the contractor's office and/or equipment shed. Barbed wire may be utilized for added security, but only at the top of the fence above six feet. Such fences shall be removed on or before the expiration of the temporary use permit.

2-2(E)(2) Dwelling Unit, Temporary

- i. This use requires a Temporary Use Permit pursuant to procedures outlined per Section X¹⁰⁷.
- ii. Temporary dwelling units shall only be permissive during construction of a permanent single-family or two-family dwelling unit and shall be located in a structure, mobile home or recreational vehicle on the same premises as the activity or construction that it serves.
- iii. The applicant shall arrange for appropriate utility services to the temporary dwelling unit.
- iv. The temporary dwelling unit's location on the site conforms to the site development standards of the residential district in which it is to be located.
- v. The temporary dwelling unit shall be removed from the site on or before occupancy of the permanent dwelling unit.

2-2(E)(3) Fair, carnival, circus

- i. This use requires a Temporary Use Permit pursuant to procedures outlined per Section X¹⁰⁸.
- ii. This use shall only operate for a maximum period of fifteen (15) days in any six-month period at the same site.

¹⁰⁵ Content based on regulations in existing Sec. 16-275

¹⁰⁶ Appropriate cross-reference to be provided in Module 3.

¹⁰⁷ Appropriate cross-reference to be provided in Module 3.

¹⁰⁸ Appropriate cross-reference to be provided in Module 3.

2-2(E)(4) Garage or Yard Sale

- i. The duration of any sale shall not exceed three (3) calendar days.

2-2(E)(5) Outdoor Sales

- i. This use requires a Temporary Use Permit pursuant to procedures outlined per Section X¹⁰⁹.
- ii. The display or sales of merchandise is permitted in the DT, MU, GC, P-O, and the IND districts may for a maximum period of thirty (30) calendar days cumulative in any twelve (12) month calendar year period.
- iii. Outdoor sales on sidewalks, shall maintain a minimum four (4) foot pedestrian clear path and shall not block any point of access or egress from any property or any individual unit within any property.

2-2(E)(6) Mobile Vending

- i. This use may include any activity involved with food preparation or sales, provided all applicable Environmental Health and other state and County regulations shall apply.
- ii. This use may be operated outside an enclosed structure.
- iii. 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.
- iv. In the PL zoning 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 article II, chapter 12 of this Code.
 - b. Student vendor sales of food products shall comply with state law.
 - c. Temporary use permits for student vendor sales shall be valid from, and including, Memorial Day weekend to Labor Day weekend.
 - d. Student vendor sales are limited to persons currently enrolled in high school or college. Proof of such enrollment shall be required at the time the application for a permit is submitted to the county.
 - e. student vendor sales on the public rights-of-way is prohibited.
- v. Mobile vending operating on private property shall obtain written consent from the private property owner(s) of properties on which they intend to operate.
- vi. Mobile food vendors must comply/ address gray water and grease waste per state regulations
- vii. 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.
- viii. Mobile vending operators shall obey all parking and traffic laws. No part of the mobile vending operation shall obstruct required parking stalls.
- ix. Mobile vending operations shall not obstruct pedestrian or bicycle access or passage, or parking lot circulation.

2-2(E)(7) Real Estate Office

- i. This use requires a Temporary Use Permit pursuant to procedures outlined per Section X¹¹⁰.
- ii. Real estate office and model homes may be located within a residential district as part of an on-going residential development.

2-2(E)(8) Seasonal Outdoor Sales

- i. This use requires a Temporary Use Permit pursuant to procedures outlined per Section X¹¹¹.

¹⁰⁹ Appropriate cross-reference to be provided in Module 3.

¹¹⁰ Appropriate cross-reference to be provided in Module 3.

¹¹¹ Appropriate cross-reference to be provided in Module 3.

- ii. This use shall only operate for a maximum period of forty-five (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.
- iii. In any P-L zoning district, seasonal sales are permitted only with the consent of the owner of such property for a period of no longer than 45 days. The county council shall designate those county lands where lot sales are to be permitted.
- iv. Seasonal Outdoor Sales shall not obstruct nor encroach upon any required side yard setback, pedestrian or bicycle access or passage, or parking lot circulation.

2-2(E)(9) Special Event

- i. This use requires a Temporary Use Permit pursuant to procedures outlined per Section X¹¹².
- ii. This use shall only operate for a maximum period of 15 days in any 90-day period.

2-2(E)(10) Temporary Storage

- i. This use requires a Temporary Use Permit pursuant to procedures outlined per Section X¹¹³.
- ii. This use shall only operate for a maximum period of 60 days in any calendar year.
- iii. Temporary storage containers shall not be placed within public-rights-of way or interfere with required clear sight triangles.

¹¹² Appropriate cross-reference to be provided in Module 3.

¹¹³ Appropriate cross-reference to be provided in Module 3.

PART 16-3. DEVELOPMENT STANDARDS¹¹⁴

¹¹⁴ To be provided in Module 2.

PART 16-4. ADMINISTRATION AND PROCEDURES¹¹⁵

¹¹⁵ To be provided in Module 3.

PART 16-5. DEFINITIONS¹¹⁶

SECTION 16-5-1 RULES

The following rules apply to definitions listed in this chapter:

- a. Any numbers, abbreviations, terms or words defined in this section shall be used and interpreted, only as defined in this chapter. All other numbers, abbreviations, terms and words shall have their generally accepted meaning.
- b. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and words used in the future tense include the present tense; words used in the plural number include the singular and words used in the singular include the plural.
- c. The words "shall" and "will" are mandatory. The word "may" is permissive. The word "structure" includes a "building"; the word "building" or "structure" includes any part thereof. The word "person" includes an individual, a partnership, a corporation, an incorporated association of persons such as a club, and a public entity.
- d. Words not defined in this chapter but which are defined in the New Mexico Building Code as adopted by the county are to be construed as defined therein.
- e. Measurements involving a restricted uses identified in SECTION 16-2-2, shall be measured from the nearest point of the exterior wall of the restricted use to the nearest point of the exterior wall of any protected use, i.e. an Adult use shall be measured from the nearest point of the exterior wall of the proposed adult use to the nearest point of the exterior wall of any protected use (school or daycare) or to the nearest edge of the Residential zoning district boundary.

SECTION 16-5-2 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:

A

Abandoned structure means a structure that has not been used for a use authorized by this chapter for a period of three consecutive months and for which the owner has received, by registered mail, a notice of violation of the building code.

Abut means next to, touching; to share a common property line.

Accessory dwelling. A dwelling unit that is accessory to a primary single-family or two-family detached dwelling. Accessory dwelling units may be attached to the primary dwelling, contained within the primary dwelling, or built as a detached building and contain a separate kitchen.

Access and accessway means the place, means of or ingress and egress to a property or use.

¹¹⁶ Updates to definition only include those related to uses, others will be updated as appropriate/necessary in Modules 2 & 3.

Accessory structure means a building, the use of which is incidental to the use of the main building on a lot. A building attached by wall or roof to the main building is not an accessory building, but is a part of the main building.

Accessory use means a use incidental and subordinate to the permitted or special use of the premises.

Adjacent means those properties that are abutting or separated only by a street, alley or trail. . For example, an industrial district across the street from a residential district is adjacent to that district.

Adult entertainment. An establishment such as an auditorium, bar, cabaret, concert hall, nightclub, restaurant, theater, or other commercial establishment, other than an adult retail establishment, that provides amusement or entertainment.

Adult retail. An establishment where 50 percent or more of its gross area is devoted to sell or rent the following adult material that include, but 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 an accessory to any other use.

Agent means legally authorized designee of an owner or applicant. Also see "Owner."

Aggrieved party means any person who:

1. Is required to be served with notice by mail under this chapter; or
2. Has an immediate, pecuniary and substantial interest, with respect to any final action taken pursuant to this chapter.

Alley means a public way which is owned by the public and is a secondary means of vehicular access to abutting properties. Alleys shall not be permitted in any district.

Apartment, hotel or motel means a building or group of buildings operated as one enterprise, containing rooms or suites of rooms (with or without a kitchen) to be occupied by transient or permanent tenants.

Applicant means any person or his legally authorized agent authorized by this chapter to make application to initiate any action provided in this chapter.

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.

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 site, 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, museum, or library. Public facilities in which literary, artistic, or reference materials such as but not limited to books, manuscripts, computers, recordings, films, art and sculptures are kept for use, loaning or viewing to patrons of the facility, but are not normally offered for sale.

Artisan manufacturing. An establishment or business where an artist, artisan, or craftsperson teaches, makes, or fabricates crafts or products by hand or with minimal automation and may include direct sales to consumers. This definition includes uses such as small-scale fabrication, manufacturing, and other industrial uses and processes such as welding and sculpting. *Also see Light Manufacturing and Heavy Manufacturing.*

Assisted Care Facility. A facility that provides living and sleeping facilities and care to five (5) or more individuals unrelated by marriage, birth or legal adoption who, because of advanced age or physical or mental disability, require intermittent assistance in performing the activities of daily living, which may include the supervision and/or administration of medication, in a protective environment. Such care includes, but is not be limited to, meal preparation, laundry services, housekeeping, personal observation and direction in the activities of daily living, transportation for routine social and medical appointments, and the availability of a responsible adult for companionship or non-clinical counseling. The use does not include a "Hospital" or a "Group Residential Facility".

B

Balcony means an open platform projected from a wall of a building or structure above the first floor level, and totally unsupported by any additional means by or to the ground.

Banner means any sign of lightweight fabric or similar material that is temporarily or permanently mounted to a pole, structure or a building. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Bar. An establishment having as its primary or predominant uses the serving of beer, wine, or liquor for consumption on the premises, but that does not meet the definition for Tap Room or Tasting Room.

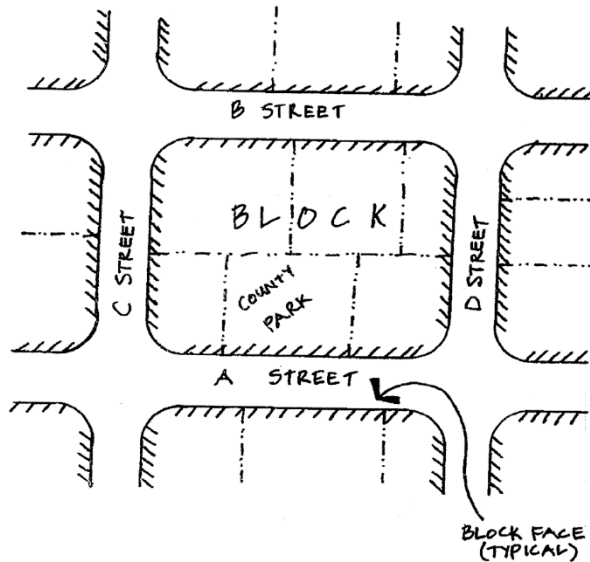
Baseline data means information on the current usage of a public facility compared with its capacity including, but not limited to, streets, sewers, water lines, drainageways, etc.

Bed and breakfast. A house with a permanent resident and up to five (5) guestrooms which may be rented for short term overnight lodging with breakfast served to overnight guests only. See also Hotel or Motel.

Benchmark means a mark on a permanent monument indicating elevation and serving as a reference in topographical surveys.

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".

Block-face means abutting properties on one side of a street and lying between the two nearest intersecting streets or an intersecting street and unsubdivided land or county owned property. See figure "block and block-face."



Board of adjustment means the board appointed by the county council to hear applications for waivers as specified in this chapter.

Bond means any form of security including a cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the county attorney and the county council. All bonds shall be approved by the county engineer wherever a bond is required by this chapter.

Boundary monument means a permanent object indicating a corner in the boundary of a lot.

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

Buffer area means a strip of land designed to separate portions of a subdivision or development from adjacent arterial or collector streets or from uses located on adjacent properties.

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

Building, main, means a building within which is conducted one or more permitted or special uses. There may be more than one main building on a lot depending on the district designation.

Building marker means any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

Business park means a building or assembly of buildings on a single lot adaptable to a combination of office, light storage, distribution, and showroom uses, where a minimum of 25 percent of the floor area is used for office space and where common parking, access and maneuvering is provided.

C

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

Campground or RV park. A lot developed or used for the temporary occupancy of recreational vehicles or shelters such as motor homes, travel trailers, camper vehicles, tent shelters and the like.

Cannabis retail. A retail sales establishment licensed by the State to sell cannabis for recreational or medical consumption. See also General Retail.

Cannabis cultivation or manufacturing facility. A facility in which cannabis is grown, harvested, dried, cured, or trimmed or processed into products intended for use or consumption other than by smoking, including but not limited to, edible products, ointments, and tinctures.

Caretaker unit. A dwelling unit for a person residing on the premises of an employer and who is receiving meaningful compensation to assume the primary responsibility for the necessary repair, maintenance, supervision, or security of the real or personal property of the employer which is located on the same lot.

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

Cemetery. A place dedicated to the interment of human or animal remains or cremated remains, including a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination thereof.

Club. An association of persons, whether or not incorporated, for social or recreational purposes and for purposes and activities generally not for personal gain and not elsewhere defined as a commercial or professional purpose or activity; it does not mean a group organized solely or primarily to render a service as a business for profit.

Lounge. A premises where alcoholic beverages are sold to the public for consumption on the premises. *Also see "Bar".*

Commerce or commercial means 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 center means a building or assembly of buildings on one lot that may contain retail, offices, restaurants, lodging, theaters, automobile services, or other uses permitted by the zoning district, and that provide common parking and access.

Communication transmission tower means a self-supporting and freestanding elevated structure designed to provide a place used for transmitting information by radio, television, microwave or other electromagnetic energy signals.

Community garden. A private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by individuals or collectively by members of a group or organization.

Complex means a combination of two or more uses located on the same lot and sharing common facilities. Included in this definition are multiple building complexes.

Comprehensive plan means the plan adopted by the county to guide overall growth and development and capital improvement planning in the county, and includes amendments to that plan, which may be made from time to time.

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.

Consolidation plat means a plat showing the combining of two recorded lots into one lot.

Contractor facility or yard. A building and related outdoor area used to store and maintain construction equipment and materials including but not limited to plumbing, electrical, carpentry, roofing, and landscaping, and facilities customarily required in the building trade by a construction contractor.

Construction plans means the maps or drawings submitted prior to a final subdivision plat showing the specific location and design of improvements to be installed in a subdivision including, but not limited to, streets, sidewalks, utilities and drainage facilities.

Cooperative means a development that is collectively owned by members and operated for their mutual benefit. Each member is an owner and has an individual interest in the entire development. Each member in a residential cooperative has a lease for his own apartment, space or site but does not own the apartment, space or site. A cooperative is not a condominium.

Correction plat means the correction of an error, other than a lot line adjustment, after approval and recording of a plat.

County means the incorporated county of Los Alamos, New Mexico.

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

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

County community development director or community development director means the director of the county of Los Alamos Community Development Department or its successor, or the community development director's designee.

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

County engineer means the county engineer for the County of Los Alamos or his agent.

County manager means the county manager for the County of Los Alamos.

County public works director means the public works director for the county or his agent.

County surveyor means the surveyor of the county or his agent.

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

Court and courtyard mean 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 that 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.

D

Daycare center. A business that is licensed by the county and state to provide care, service and supervision for 12 or more children for less than 24 hours per day.

Daycare home. A 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.

Debris means the remains of past construction, hobbies and other activities, which have not been removed for over a year.

Decision-making authority means the community development director, the board of adjustment, 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.

Dedicated land means land transferred by a subdivider to the county, in fee simple ownership, for public use.

Density means the total number of dwelling units permitted on an acre of land.

Developer means the legal or beneficial owners of a lot or parcel of any land proposed for inclusion in a development, including an agent and/or the holder of an option or contract to purchase.

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, for which permission is required pursuant to this chapter.

Development code means this chapter.

Development plan means the master schematic layout prepared as part of a special plan (SP) 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.

Dormitory. A residential building providing rooms for individuals or groups, with common spaces for living and cooking, related to an educational or research institution.

Drainage means:

1. Surface water runoff;
2. The removal of surface water or groundwater from land by drains, grading or other means which include runoff controls to minimize erosion, flooding and sedimentation during and after construction or development.

Drainage system means natural swales and/or manmade improvements designed to accommodate drainage on a parcel.

Drive-in or drive-through facility means that portion of a commercial establishment which is designed and operated for the purpose of serving a motorist in a vehicle.

Driveway means a vehicular accessway to an off-street parking facility.

Dry-cleaning, coin-operated, means the use of single-batch, automatic cleaning machines, activated by the insertion of a coin.

Dwelling means a building containing one or more dwelling units.

Dwelling, co-housing development.

Dwelling, cottage development. A low-density residential development in which multiple attached or detached single-family dwellings share access, parking, and common spaces, and sometimes community buildings including a larger community kitchen and dining room. Cottage development can include homes on individual lots, homes owned as condominiums, or leased homes.

Dwelling, duplex. A single residential building containing two (2) dwelling units, each of which is designed for or occupied by 1 family only, with kitchens for each. Each unit in a duplex is completely separated from the other.

Dwelling, fourplex. A single residential building on a single lot containing four (4) dwelling units, each of which is designed for or occupied by 1 family only, with kitchens for each. Each unit in a two-family dwelling is completely separated from the other.

Dwelling, live/work. A residential dwelling unit containing a dedicated working space reserved for and regularly used by 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, loft. A residential dwelling located in a building that has no dwellings on the ground floor.

Dwelling, mobile home. A transportable structure that does not meet the construction safety standards of the federal Manufactured Housing Act of 1974.

Dwelling, multiple-family. A residential building, multiple buildings, or a portion of a building located on a single lot, containing 5 or more dwelling units, each of which is designed for or occupied by one family only, with separate housekeeping and cooking facilities for each.

Dwelling, single-family. A residential building used for occupancy by 1 household that is not attached to any other dwelling unit through shared side or rear walls, floors or ceilings, or corner points.

Dwelling, townhouse. An Individually owned, single-family dwelling constructed as a group of three (3) or more attached single-family dwellings, each of which is situated on an individually owned, subdivided lot.

Dwelling, triplex. A single residential building located on a single lot containing 3 dwelling units, each of which is designed for or occupied by 1 family only, with kitchens for each. Each unit in a triplex is completely separated from the other.

Dwelling unit 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.

E

Easement means a grant of use of land for a specific purpose, by the owner of the property to another person.

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

Escrow means a sum of money deposited with the county to ensure completion of subdivision improvements to county standards.

Escrow agreement means a signed contract approved by the county attorney between a developer and the county that ensures completion of subdivision improvements in compliance with the standards of this chapter.

Excavation means removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances or organic substance other than vegetation, from water or land on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged.

F

Fence means any structural device forming a physical barrier between two open areas. It may be made of wire mesh, steel mesh, chainlink, louver, stake, masonry, lumber or other similar materials or any combination thereof.

Fence height means the vertical distance measured from the ground level to the highest adjacent board, rail, post, or wire, including retaining walls. See section 16-271, for the use and location of barbed wire.

Findings means a written statement of the reasons supporting a decision made by any reviewing body in the land development review process.

Financial Institution. Establishment that provides retail banking, mortgage lending, and financial services or administration by a commercial enterprise, or offices or the conduct of professional or business service to individuals and businesses, including check-cashing facilities chartered under federal or state law.

Fitness Center. A non-medical service establishment intended to maintain or improve the physical condition of persons that contains exercise and game equipment and facilities, steam baths and saunas, or similar equipment and facilities.

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.

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 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.

Floor area, net usable, means the sum of the total horizontal areas of all floors in a building, including basement, that are designed for tenant occupancy and exclusive use and measured to the inside faces of exterior walls. Garages, carports, unoccupied exterior courts, enclosed porches, mezzanines, hallways, mechanical rooms, closets, service areas and similar areas, as measured from the inside faces of exterior walls, are all excluded.

Front means that side of a building or property serving as the principal entrance.

Frontage means that side of a lot abutting on a public right-of-way; regarded as the front of the lot.

Funeral home or mortuary. A building or part thereof used for human funeral services. Services may include embalming and the performance of other services used in the preparation of the dead for burial, the performance of autopsies and other surgical procedures, the storage of caskets, funeral urns, and other related funeral supplies, the storage of funeral vehicles; and facilities for cremation. A funeral chapel is permitted as an accessory use.

G

Garage, private, 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 of the occupants of the main building.

Garage, public, means a building used for the care, repair, equipping, hire, sale or storage of motor vehicles.

Gate means an opening of sufficient size as part of a wall or fence that permits ingress and egress.

Golf course. A tract of land laid out with a course for playing the game of golf, including any fairways, accessory clubhouses, driving range, office, restaurant, concession stand, pro shop, maintenance building, or similar accessory uses or structure.

Government uses means those uses that result from the exercise of local, state or federal government powers and duties.

Grade means the average elevation of the finished ground surfaces surrounding a building. When applying to a street or other area, the term "grade" means the slope in percentage terms.

Grading permit means a permit issued by the county as required by this chapter and chapter 70, U.B.C. 1985 edition, or the latest adopted edition of the New Mexico Building Code.

Grading plan means the plan that describes existing contours and the finish grade for the site upon completion of all construction operations.

Greenhouse. A building or structure constructed chiefly of glass, plastic or translucent material, cloth or lath which is devoted to the protection or cultivation of flowers or other tender plants.

Gross acre means an area measurement of a total site or parcel in units of 43,560 square feet prior to dedication of streets, easements, open space, utility and institutional sites or other reservations of nondevelopable land.

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 nonliving materials (rock outcroppings).

Group Care Facility. Any congregate residence or facility which provides room and board, programmatic services, care or assistance for up to eight (8) persons that meet the definition of a handicapped person or another person protected against housing discrimination under the federal Fair Housing Act Amendments of 1988 (as amended). This use does not include halfway houses for persons in the criminal justice system or residential facilities to divert persons from the criminal justice system, nor does it include facilities for persons who require such services by reason of the effects of current alcohol or drug abuse.

Group Residential Facility. Any congregate residence or facility which provides room and board, programmatic services, care or assistance for up to eight (8) persons in the criminal justice system or residential facilities to divert persons from the criminal justice system or persons who require such services by reason of the effects of current alcohol or drug abuse.

H

Heavy vehicle and equipment sales, rental, and repair. An establishment primarily engaged in the sale rental, repair or maintenance of motor vehicles, trailers and similar mechanical equipment, including paint, upholstery, muffler, transmission work and major engine and engine part overhaul.

Heavy manufacturing. Industrial operations relying on the assembly, fabrication, or processing of goods and materials using processes that may include outdoor activities and ordinarily have greater impacts on the environment on the use and enjoyment of adjacent property in terms of truck traffic, railroad activities, noise, smoke, fumes, visual impact, odors, glare, or health and safety hazards, or that otherwise do not meet the definition of Light Manufacturing. Examples of this use include beverage bottling plants, tool and die shops, motor vehicle or heavy machinery assembly, carpet or furniture manufacturing, dairy works, ice works, metal fabrication, stonecutting, and food processing. *Also see Artisan Manufacturing and Light Manufacturing.*

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

Height of 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.

Home business. A home occupation that employs more than one nonfamily member. *Also see Home Occupation.*

Home occupation. An activity that is carried on for commercial or philanthropic purposes in a residential dwelling unit by the resident and that is clearly secondary to the use of the structure as a residential dwelling. See also Dwelling, Live-work and Home Business.

Hospital. An institution providing health services and medical or surgical care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, outpatient departments, training facilities, central service facilities, and staff offices.

Hotel or Motel. A premises in which sleeping accommodations are offered to the public and intended primarily for rental for temporary occupancy by persons on an overnight basis, not including "Bed and Breakfast".

Housing means residences of any kind as further described in this chapter.

I

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

Impact reports means studies to identify the potential adverse effects of the proposed development on public infrastructure and land as well as adjoining private properties. Reports required, see section 16-571, may include: traffic generation report; stormwater drainage report; utility capacity analysis report; and soils report.

Improvement means an addition made on property and intended to enhance its value, utility or beauty, or to adapt it to new or further uses.

Indoor entertainment facility. A commercial recreational use conducted entirely within a building, including amusement arcades, bowling alleys, billiard halls, skating rinks, theaters, art galleries and studios, art centers, assembly halls, athletic and health clubs, auditoriums, community centers, conference centers, exhibit halls, gymnasiums, swimming pools, and tennis courts. Accessory uses may include limited retail, concessions, and maintenance facilities.

Industrial use means the manufacture, fabrication, processing, reduction or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form, character or appearance thereof, and including storage, warehousing and wholesaling.

Inn means an owner-occupied building that contains up to 15 units, plus the owner's dwelling unit. Any or all of the units may contain a kitchen. Meal service by the owner is limited to breakfast.

Inoperable vehicle means any motor vehicle or vital component parts thereof which are either:

1. Unusable or inoperable because of lack of, or defects in vital component parts;
2. Unusable or inoperable because of damage from collision, deterioration, alteration or other factors;
3. Beyond repair; or
4. Without a current vehicle registration.

For the purposes of this definition, the term "vital component parts" shall mean those parts of a motor vehicle that are essential to the mechanical functioning of the vehicle including, but not limited to, the motor, drive train and wheels. Also see section 16-281.

Institution means a facility for the treatment of alcoholism, drug addiction, or mental or emotional problems.

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 committee is to review development applications and to advise the planning and zoning commission, other boards and commissions and the county council.

J

Junk means used machinery, electronic/electrical components, scrap iron, steel or other ferrous and nonferrous metals, tools, implements or portions thereof, glass, plastic, cordage, building materials, or other waste that has been discontinued from its original use and may be used again in its present form or in a new form.

Junkyard and salvage yard mean an open area where junk, including dismantled or wrecked automobiles, is bought, sold, exchanged, stored, baled, packed, disassembled or handled. A junkyard includes an automobile wrecking yard.

K

Kennel. A premises on which five (5) or more domesticated house pets over six (6) months of age are kept, maintained, or boarded for profit, personal use or institutional keeping, except guard dog sites, state inspected veterinary hospitals, pet shops, refuges and shelters.

L

Laboratory. A facility for scientific laboratory research in technology-intensive fields. Examples include biotechnology, pharmaceuticals, genetics, plastics, polymers, resins, coatings, fibers, fabrics, films, heat transfer, and radiation research facilities.

Landscape plan, conceptual means a plan graphically showing the landscaping of property and including the areas to be landscaped and types of landscaping materials.

Landscape plan, final means a plan graphically showing the landscaping of property, including the areas to be landscaped, types of landscaping materials, irrigation, the final design of all landscaping areas, and long-term maintenance.

Landscaping means the planting and maintenance of various forms of vegetation and/or the use of architectural materials to enhance aesthetically and complement structures and the sites on which they are located.

Legal holiday means a holiday granted to regular employees of the county pursuant to the personnel rules and regulations of the county.

Library or museum. Public, not for profit facility in which literary, musical, artistic, or reference materials such as but not limited to books, manuscripts, computers, recordings, films, art and sculptures are kept for use, loaning or viewing to patrons of the facility, but are not normally offered for sale.

Light vehicle and equipment sales, rental, and repair. An establishment primarily engaged in the sale rental, repair or maintenance of motor vehicles, trailers and similar mechanical equipment, including brake, muffler, tire repair and change, lubrication and tune ups, provided it is conducted within a completely enclosed building. Major repairs such as vehicle bodywork or painting or repair of engines or drive trains is prohibited. *See also Heavy Vehicle and Equipment sales, rental, and repair.*

Light manufacturing. Industrial operations relying on the assembly, fabricating, processing, repairing, servicing, storing, or wholesaling of goods or products, using parts previously developed from raw material primarily conducted within an enclosed building. This definition includes uses that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards out-side of the building where such assembly, fabrication, or processing takes place. This use does not include any use that meets the definition of Heavy Manufacturing. *Also see Artisan Manufacturing and Heavy Manufacturing.*

Liquor retail. Establishment that is licensed by the state for the sale of beer, wine, or other alcoholic beverages for off-premise consumption. Establishments that operate under a Small Brewer's, Winegrower's, or Craft Distiller's license are not considered Liquor Retail.

Loft. See "dwelling, loft."

Lot means a parcel of land, the description of which is of record.

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 at an angle of not more than 135 degrees. If the included angle is greater than 135 degrees, the lot is an interior lot.

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 aboveground structures.

Lot, double frontage or through, means any lot having frontage on two parallel or approximately parallel streets.

Lot, front, means that part of the lot which abuts the street, or that part which is designated the front of a corner lot, reverse corner lot, double frontage lot, or a lot with three or more sides abutting a street.

Lot, interior, means any lot other than a corner lot, a reverse corner lot or a double frontage lot.

Lot line means any line bounding a lot.

Lot line adjustment means a replat of the recorded lot lines of two adjacent lots with no additional lots created.

Lot line, front, means the property line in the front yard.

Lot line, rear, means the lot line 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 those lot lines 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.

Lot, rear, means that part of a lot opposite the front of the lot.

Lot, reverse corner, means a corner lot, the rear yard of which abuts a side yard of another lot.

Lot split means the subdivision of one recorded lot into two lots.

Luminance means the brightness of an object expressed in terms of foot lamberts, determined from a point five feet above grade on another premises or the public right-of-way, but no closer than 20 horizontal feet from the object measured.

M

Medical or Dental Clinic. An establishment where patients who are not lodged over-night are admitted for examination and treatment by a group of licensed health care practitioners, dentists, or licensed health care practitioners and dentists in practice together.

Meeting, banquet, or event facility. A building and related facilities catering exclusively to guests for social, intellectual, recreational, or athletic purposes that are not conducted for profit.

Microbrewery, distillery, or winery. A small brewery, winery, or distillery operated separately or in conjunction with a drinking establishment or restaurant. The beer, wine, or liquor may be sold for consumption on site, or off the premises to other drinking establishments, restaurants, or wholesalers.

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 home community.

Mobile Vending. The sale, lease, or rent of new or used goods or food and beverages out of any portable vehicle, including trucks, carts, trailers, kiosks, and stands.

Motel. *See Hotel, Motel.*

Motor freight terminal means a building or area in which freight brought by motor truck is assembled or stored for local delivery or intrastate and interstate shipment by motor truck.

Multiple tenant building means a single structure housing two or more retail, office, commercial or industrial uses.

N

Natural resource extraction. On-site extraction of surface or subsurface mineral products or natural resources, including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. Uses may include quarries, borrow pits, sand and gravel operation, mining, soil mining, rock crushing, screening, and the accessory storage of explosives.

Nicotine retail. Any establishment licensed to sell any tobacco product or electronic nicotine delivery system as defined in NM 2020 Senate Bill 131 (Tobacco Products Act). This use does not include the sale of cannabis. See also Cannabis Retail and General Retail.

Nonconforming use means a use of a building or land, existing on the date of adoption of this chapter which does not conform to the uses permitted in the district in which it is located.

Noxious matter means material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of individuals.

O

Office, business or professional. A premises where professional, clerical, business management or public administration work is carried on and where the sale of merchandise on the premises is totally absent or a very limited activity in support of the work being carried on.

Official zoning map means the map adopted by the county council in conjunction with this chapter showing the location of the various zoning districts within the county, and may be amended from time to time.

Off-site 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.

One-hundred year flood or 100-year frequency rainstorm means:

1. One-hundred year flood means the flood having a one percent chance of being equaled or exceeded in any given year and as defined elsewhere in this chapter; and
2. One-hundred year frequency rainstorm means that total accumulation of 5.24 inches of rain at the end of a one-hour period.

Open space, private, means that part of a lot, including courts or yards, which is open and unobstructed from its lower level to the sky and is accessible to and usable by all persons occupying a dwelling unit on the lot.

Open-air vending. Any commercial activity which is conducted without the shelter of a building.

Open sun screen means a latticed or louvered assemblage, open on at least two sides, used for partial shade, providing no weather protection and not influencing ventilation or the amount of impervious cover of a lot.

Outdoor recreation facility. Recreation and entertainment activities operated by a commercial enterprise that are mostly outdoors or partially within a building, including picnic areas, outdoor swimming pools, skateboard parks, tennis courts, basketball courts, baseball diamonds, soccer and football fields, amphitheaters, outdoor arenas and/or stables, and drive-in theaters. Accessory uses may include limited retail, concessions, and maintenance facilities.

Outdoor Vehicle Storage. The keeping, in an unroofed area, of motor vehicles or equipment not used for transportation purposes on an active, regular, or continuing basis, generally for a period of 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 district means a set of zoning requirements that are described in the text of this chapter that are mapped, and are imposed in addition to those of the underlying district. Development within the overlay districts must conform to the requirements of both zoning districts or to the more restrictive of the two. The wilderness (W-1 and W-2), special plan (SP), and the historic (H) districts are overlay districts. Also see sections 16-533, 16-534 and 16-577.

Owner means any person, group of persons, firms, corporations, public agency or any other legal entity having legal chapter or equitable interest to the land sought to be subdivided or otherwise subject to this chapter. Also see "Agent."

P

Parking area, private, means an open area, other than a street, used for the parking of motor vehicles and restricted from general public use.

Parking area, public, means an area other than a private parking area or street used for the parking of motor vehicles and available for public use either free or for remuneration.

Parking facility means any space on the streets or off the streets used for the purpose of parking motor vehicles, including buildings erected above or below the surface of the ground.

Parking, off-street, means the area used for public or private parking required by this chapter for temporary vehicular parking.

Parking space, automobile, means space exclusive of driveways, ramps, columns, loading areas, office or work areas within a building, or an open parking area, for the parking of one automobile.

Park or playground. Public open space that is designed to serve public needs for recreation, and areas that serve to satisfy public needs for visual and/or psychologically pleasing spaces.

Park roadway means a private road within a mobile home park, providing access to the mobile home sites from the street.

Parkways means the public right-of-way of a dedicated street located on either side of the actual street roadway improvements (curb, gutter and pavement). Parkway areas may or may not contain sidewalks and/or utilities.

Patio means roofed or unroofed space on a lot; if roofed, with at least 50 percent of the side surface unscreened or unenclosed with a solid material.

Pedestrian walkway means an accessway generally located between lots for pedestrian use and either publicly or privately owned, which may or may not be improved.

Percent of slope means the relation of the vertical rise from or to the contour line at horizontal intervals of not more than 50 feet and calculated as follows:

EXPAND

S	=	$H - L / D \times 100$
H	=	The highest elevation of the portion of the tract measured.
L	=	The lowest elevation on the portion of the tract measured.
D	=	The horizontal distance between H and L.

Percent of slope is used to measure grade.

Personal services. Establishments that provides repair, care, maintenance or customizing of wearing apparel or other personal articles or human grooming services and includes such uses as beau-ty/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.

Permitted use means the specific, primary use of a lot. A lot may be put to more than one use at a time.

Pet training or breeding or kennels, commercial means the boarding, breeding, raising, grooming or training of two or more dogs, cats, or other household pets of any age whether or not owned by the owner or occupant of the premises.

Planning and zoning commission means the planning and zoning commission of the county and as further described in this chapter and in article IX of chapter 8.

Plant Nursery. A primary use of land for the growth, display, and/or sale of plants, shrubs, trees, and materials used in indoor or outdoor planting, conducted within or without an enclosed structure or greenhouse. Also see Greenhouse.

Plat means a map, drawing or chart on which the subdivider's plan of the subdivision is presented and which he submits for approval, and intends in final form to record. The county requires the submittal of three types of plats in any subdivision proposal. These are defined as follows:

1. Sketch plan: a conceptual plat showing the initial concept of the proposed subdivision including a layout of lots, streets, open areas, etc.
2. Preliminary plat: a much more detailed plat than the sketch plan, representing the final design of the subdivision. Detailed construction plans for all improvements associated with the subdivision are submitted subsequent to approval of the preliminary plat.
3. Final plat: a plat representing the final design which incorporates all improvement and legal requirements required by the planning and zoning commission at the preliminary plat stage. Once approved, this plat is the plat which will be filed and recorded in the county clerk's office.

Porch or deck 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.

Private Clubs or Lodges. xx

Professional engineer means an engineer registered by the state board of registered engineers and surveyors.

Public improvement means any drainage ditch, roadway, parkway, sidewalk, street, pedestrian way, tree, lawn, off-street parking area, lot improvement or other facility for which the county may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which county responsibility is established.

Public right-of-way means the total area of 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. Public right-of-way may be used for other public purposes pursuant to this chapter.

Q

Reserved

R

Radio and TV towers and antennae means a structure situated on a non-residential site that is intended for transmitting or receiving television, radio or telephone communications, excluding those used exclusively for dispatch communications.

Ramp means a sloping roadway or passage used to join two different levels of streets, structures or buildings, or a driveway leading to parking aisles.

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

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.

Recreational vehicle means a vehicle which is composed of a chassis, or a frame with wheels, which either has its own motive power or is drawn by another vehicle, and a camping body primarily designed or converted for use as temporary living quarters for recreational, camping or travel activities.

Recreational Vehicle Park or Campground. A lot developed or used for occupancy by recreational vehicles or tents for transient dwelling purposes. A campground/recreational vehicle park may include recreational services, facilities, and activities for use by the public and residents to provide extended livability options. See also Recreational Vehicle.

Recycling station. An premise where recyclable solid waste materials, including aluminum, glass, paper, metal and similar materials are purchased or procured and temporarily stored.

Religious Institution. A structure or place where worship, ceremonies, rituals, and education pertaining to a particular system of beliefs are held, together with its accessory buildings and uses (including buildings used for educational, recreational, philanthropic, or humanitarian activities), operated, maintained, and controlled under the direction of a religious group. Accessory uses may include school facilities, daycare, parking, caretaker's housing, religious leader's housing, and group living facilities such as convents or monasteries.

Replat means the relocation or realignment of lot lines in a recorded subdivision where two or more original lots are involved, and where no additional lots are created.

Research and development. Uses for carrying on investigation in the natural, physical or social sciences, or engineering and development as an extension of the investigations with the objective of creating end products; and a research and development use may include pilot plant operations.

Residence means a building used, designed or intended to be used as a home or dwelling, by one or more families or lodgers. When located in a mobile home park, mobile home subdivision or mobile home development, a mobile home is a residence.

Residential community amenity. A use provided for the comfort and convenience of residents of more than 1 unit in a low-density or multi-family residential development, including but not limited to a clubhouse, exercise room, swimming pool, tennis court, community room, or laundry facility.

Residential Zone District means any zoning district in which residential uses are allowed, except that the Downtown District-Neighborhood Center and Downtown District—Town Center overlay zones and the mixed-use zone are not residential zone districts.

Restaurant. A business establishment that serves prepared food or beverages primarily for the consumption by customers within the principal building, in an outdoor seating area on the premises, or off the premises as carry-out orders.

Retail sales. Uses involving the sale, lease, or rent of new or used goods directly to the final consumer for direct use but not for the purpose of resale; including but not limited to the sale of general merchandise, clothing and

other apparel, building materials, hardware and similar consumer goods, or other retail sales not listed as a separate use in Table 2-1-1 Permissive Use Table.

Reversion to acreage means the vacation of all or a portion of an originally recorded subdivision, so that the vacated area becomes a single parcel of land.

Right-of-way. See "public right-of-way."

Room means an unsubdivided portion of the interior of a building; it does not mean a bathroom, closet, hallway or service porch.

Rubbish means waste or rejected material: anything worthless or valueless in its present form; trash.

Ruins means building material which has already been used, or buildings in a state of disrepair and falling down.

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

S

Salvage yard. A premise, whether inside or outside a building, which is used for the storage, keeping, dismantling, demolition or sale of used or scrap materials, mechanical parts, equipment, vehicles and the like.

Sanitariums. See "institution."

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.

Seasonal Outdoor Sales. The temporary outdoor display and sale of goods or products associated with the 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.

Schools, private. A school, academy or institution, which conducts academic instruction at kindergarten, elementary, secondary or collegiate levels. This use may include trade, technical or vocational schools.

Schools, public. Schools under the jurisdiction of the county school board or, in the case of a post high school institution, under the jurisdiction of a board of regents established by the state.

Self-service storage facility. Any real property designed and used for the purpose of renting or leasing individual storage spaces to tenants who are to have access to such spaces for the purpose of storing and removing personal property.

Senior citizen multiple-family residential development means a residential development providing dwelling units specifically designed for the need of ambulatory elderly persons, with residents of such development being a minimum of 60 years of age (except that in the case of married couples only one person needs to be 60 years of age) and with such developments consisting of apartments or condominiums, or a combination of both dwelling types, but consisting of a minimum of 30 dwelling units within the project.

Setback means the least horizontal distance between a lot line and a building or structure exclusive of projections.

Setback line means a line parallel to or concentric with the lot line at the setback.

Setback, minimum structural, means the distance from the lot line to any setback or the main building setback, as required by this chapter.

Short term rental. A residential dwelling rented by the owner or party responsible for the property for the purpose of transient lodging for a period of time not to exceed 30 consecutive days.

Sidewalk means a publicly owned pedestrian way with permanent surfacing.

Sign means:

1. Any written, printed or symbolic device capable of visual communication or attraction, including any announcement, declaration, demonstration, display, illustration, insignia, structure or symbol, or architectural feature which serves no other purpose than communication, used to advertise or promote the interest of any person; or
2. Any official notice issued by any court or public body or officer, or directional, warning or information signs or structures required by or authorized by law or by federal, state or county authority.

Sign area means the square foot area of all the sign facing on which the advertising message is located, including only that portion of the supporting structure or trim which carries any wording, symbols or pictures. In the case of wall signs, the sign area is the area of the sign structure containing the advertising message; in the case of cutout or painted signs, the area of a simple geometric figure completely enclosing the letters, message or symbols is the sign area.

Sign, canopy, means any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window or outdoor service area. A marquee is not a canopy.

Sign, electric, means an advertising structure lighted by electricity.

Sign, flashing, means any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use.

Sign, freestanding, means a permanent sign supported on a pole, poles or similar structure, placed into the ground and detached from a building, and with air space between the sign structure and the ground.

Sign, ground-based, means any sign supported by a solid structure of stone, metal, masonry, wood, or other such material, anchored in the ground and not attached to any building, and with no air space between the sign structure and the ground.

Sign, hanging, means a sign which is located under a portal. Also see "Sign, wall."

Sign, incidental, means a sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking," "entrance," "loading only," "telephone" and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

Sign, information, means a non-advertising sign designed and worded to inform about a specific facility on a site.

Sign, marquee, means a sign designed for changeable advertising copy. Also see "Sign, wall."

Sign, multiface, means a sign having more than one advertising surface, including spheres or pyramids.

Sign, portable, means a ground-based sign designed to be moved from place to place, and having no permanent attachment to the ground on which it stands.

Sign, portal, means a sign affixed to a portal and which does not extend above the roofline. Also see "Sign, wall."

Sign, projecting, means any sign affixed or attached to, and supported solely by a building, wall or other structure attached to the building and extending more than 12 inches beyond the building wall or structure.

Sign, residential, means any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such services at such location conforms with all requirements of the zoning ordinance.

Sign, roof, means any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extended vertically above the highest portion of the roof.

Sign, roof integral, means any sign erected or constructed as an integral or essentially integral part of normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

Sign structure means a structure supporting a sign except for those signs which are official notices issued by any court or public body or officer, notices posted by any public officer in performance of a public duty, or by any person in giving legal notice, or directional, warning or information required by or authorized by law or by federal, state or county authority.

Sign, suspended, means a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Sign, temporary, means any sign, banner, pennant, valence or advertising displayed for a limited period of time.

Sign, wall, means a sign attached, hanging or painted on the wall, canopy, portal or marquee of a structure.

Site plan means a graphic depiction showing the development of commercial property on an individual lot with or without a special plan (SP) district. The site plan includes, but is not limited to, the location and footprint of structures, building height and exterior facades, architectural design standards, location and dimension of off-street parking and traffic circulation, method of exterior lighting, landscape treatment, location and size of signs, easements, drainage, utilities, and other improvements. In addition, the special plan (SP) district site plan defines land uses, gross floor area, and site development standards and such other factors as may address the site plan approval criteria in section 16-152A.

Slope, building site, means the difference between the highest natural elevation on the building footprint and the lowest natural elevation of the building footprint divided by 100.

Slope, parcel, means that for any and all 100-foot horizontal distances on a parcel that can be legally subdivided, the maximum difference between the natural elevations at each end of the 100-foot horizontal difference are divided by 100.

Solar energy collection system, active, means a mechanical 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.

Souvenir shop means a store that primarily sells souvenirs, memorabilia, and other items relating to a particular topic or theme. Such as coffee mugs, stuffed animals, t-shirts, postcards, and handmade collections.

Special use means a use which has been determined to be compatible with the purposes of the district, but which has one or more characteristics that could make it incompatible with other uses in the district; and as further described by this chapter.

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

Sports field. A facility designed for youth, amateur or professional sporting events.

Spot zoning means rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses and not for the purpose or effect of furthering the comprehensive plan.

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.

Storm drainage plan means a detailed plan showing the location and proposed topography of streets, lots and other areas within a development, along with any proposed storm sewer facilities and easements for surface drainage, intended to satisfy the storm drainage performance standards of this chapter. It is further meant to include any drainage calculations requested by the county engineer.

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.

Stream means a low point on the natural topography where runoff collects and stormwaters flow on a periodic basis or a continuously running waterway.

Street means a strip of land or way subject to vehicular traffic (as well as pedestrian traffic) that provides direct or indirect access to property.

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.

Street, private, means a street as defined elsewhere in this chapter but differing in that it is not accepted by the county as a public improvement.

Street, public, means a street as defined elsewhere in this chapter.

Strip zoning means the rezoning of a parcel of land along a street to allow uses different from those along the same street.

Structural alterations means a change in the location of the outside walls or roof of a structure.

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, nonconforming, 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.

Structure, original, means a structure as it existed at the date of adoption of this chapter.

Subdivider means an owner, or an owner's authorized agent, who undertakes the subdivision of land as set forth in this chapter.

Subdivision means the division of any tract of land into two or more lots as provided in this chapter. This also includes any two-lot subdivision in the P-L (public lands) zoning district.

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

Summary procedure means the process whereby the community development director may review and act upon a summary plat.

T

Temporary use means a use established for a fixed period of time, with the intent to discontinue such use upon the expiration of a period of time as defined in Section 16-278, that does not involve the construction or alteration of any permanent structure.

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

Temporary, Dwelling . Temporary use of a mobile home as a residence while building a single-family dwelling on the same lot.

Temporary, Storage. x

Temporary, Structure. Temporary use of a structure, including a mobile office, as a construction site office by a building contractor while a specific project is under construction, or as a real estate office during the construction and initial marketing phase of a new development.

Temporary/Seasonal Sales or Event. 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; sidewalk or parking lot sales; incidental sales of food and beverages is allowed.

Tenant means any person who occupies any land or building who is not the owner but is granted the right of use by the owner.

Traffic engineer means the county employee responsible for the administration and enforcement of county traffic-control regulations as set forth in this chapter.

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

Trailer sales lot means an automobile and trailer sales lot.

U

Use means the purpose to which land is put, a building or structure is put, designed or intended, or for which land and a building or structure is or may be occupied or maintained.

Use index means the use index included in this County of Los Alamos Development Code, setting out for each zoning district permitted uses, uses for which a special use permit is required, accessory uses, and uses that are not permitted.

Vacation means:

1. Reversion of all or a portion of a recorded subdivision to a single lot; or
2. The elimination of an easement or right-of-way in a part of a recorded subdivision.

V

Vehicle fuel sales. 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 permissive.

Vehicle storage. The keeping of motor vehicles or equipment not used for transportation purposes on an active, regular, or continuing basis outside of a building, but not including a salvage yard. *See also Salvage Yard.*

Vehicle wash means:

1. An "automatic carwash" means a building or portion thereof containing facilities for washing automobiles using production line methods with a chain conveyer, blower, steam cleaning device or other mechanical devices.

2. A "self-service carwash" means a building or portion thereof containing facilities for washing automobiles wherein the customer parks the vehicle in a bay and washes the vehicle using equipment provided.

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

W

Waiver means an adjustment of the application of one or more dimensional requirements, parking regulations, or design standards contained in this chapter for a particular piece of property. Waivers shall not apply to regulations controlling density or land use.

Walkway means a cleared way 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.

Warehousing means the use of a building with more than 500 square feet of storage space for the storage of goods of any type.

Wholesaling means the selling of any type of goods for purpose of resale.

Wireless Telecommunications Facility. 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.

Wreckage means broken, disrupted, disordered mechanical or automotive parts, machinery or vehicles.

X

Reserved

Y

Yard means any open space, other than a court, on the same lot with a building, which space is open from the ground to the sky, except for projections and accessory buildings.

Yard, front, means an open area extending across the full width of the lot, the depth of which is measured in the least horizontal distance from the front lot line to the main building setback.

Yard, rear, means an open area extending across the full width of the lot, the depth of which is measured in the least horizontal distance from the rear lot line to the main building setback.

Yard, required, means the portions of a lot lying between the lot lines and the minimum structural setback lines.

Yard, side, means an open area extending along the length of the lot between the front and rear yard setback, the width of which is measured in the least horizontal distance from the side lot line to the main building setback. On a reverse corner lot, the side yard abutting the street extends to the rear lot line.

Z

Zoning means the laws and regulations governing the use of specific real estate for a specific purpose, including the types of activities that can be accommodated on a given piece of land, the amount of space devoted to those activities and the ways that buildings may be placed and shaped in conformance with section 16-6.