



*Los Alamos County*

# DEVELOPMENT CODE TECHNICAL REVIEW

*January 2021 Draft*  
*August 2021 Revisions (Red Text)*



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## PART 1. INTRODUCTION

### A. PURPOSE OF CODE AND UPDATE

The existing Development Code was adopted in 1965 and has had incremental amendments since its adoption to address issues as they arose. This update is the first comprehensive update of the entire code. The purpose of the Development Code Update is to align existing land development regulations with adopted County goals and policies, while improving clarity and efficiency. The code update will also bring the standards up-to-date by applying measures that reflect contemporary best practices, land use trends, and market demands.

### B. UPDATE PROCESS

The Development Code Update will occur throughout 2021. This technical review is the first step in that process. It is a technical review that is a critical first step that will serve as a roadmap for the Code Update by evaluating the strengths and limitations of the existing code and recommending a proposed path forward. It identifies code sections that should be updated, sections that should be retained, and provides preliminary recommendations on the proposed code structure and regulatory updates.

The actual standards of the Development Code will be updated in a series of three modules- an approach that creates sequential updates of major code sections. A Steering Committee of key stakeholders representing County staff, the development community, design professionals, and neighborhood representatives will provide guidance and direction for drafting each code module through a series of working group sessions. These sessions will follow the structure of the modules, with sessions focused on identifying challenges and recommending changes to each of the three modules. Based on the input received during these three sessions the project team will make modifications to the code content and produce a draft module. Draft versions of each module will be presented to the public through a public meeting and posted to the project website for review and comment.

The modules will focus on the following content:

- **Module 1: Zone District and Use Regulations.** This module focuses on updates to the zone and overlay districts, associated district standards, the use index table, and use specific standards. Module 1 is anticipated to be released to the public for review and comment in May 2021.
- **Module 2: Development Standards.** This module reorganizes and updates any development standards found in the chapter including but not limited to parking and loading, landscaping, and architecture. Module 2 is anticipated to be released for public review and comment in August 2021.
- **Module 3: Administration and Procedures.** This module focuses on the reorganization and streamlining of content related to administration, enforcement, and procedures. Module 3 is anticipated to be released for public review and comment in November 2021.

## C. PURPOSE OF TECHNICAL REVIEW

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As one of the first steps toward revising the code, this report sets out goals and actions for the code update. This report is a technical review to evaluate the strengths and limitations of the current Development Code and makes preliminary recommendations for updating and making the document consistent with overall County policies, including the goals of the Comprehensive Plan. This document provides a review based on discussions with and feedback received from code administrators and code users including the County Staff, design professionals, and the local development community. The Project Team also draws from its planning experience with other communities and knowledge of land use regulatory tools. The review evaluates the suitability of the existing Development Code by determining deficiencies and inadequate elements that may create inconsistent interpretations. The Diagnostic Report also identifies the steps required to make the Development Code consistent with existing practices in the County and as well as national best practices.

The sections of the report following the introduction provide preliminary recommendations for updating the Development Code. Section 2 of this document evaluates the existing Code and articulates the recommended changes to the various articles. The final section of the report contains an outline of the newly proposed structure for the Development Code.

## D. ALIGNMENT WITH REGULATORY DOCUMENTS

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The Development Code translates the goals and policies from broader adopted County plans to regulatory standards that control the function and design of the built environment.

The highest level of County planning takes place through the Comprehensive Plan. Municipalities are mandated by the New Mexico State Statute to create a Comprehensive Plan. Once adopted, these plans provide policy support when making land use decisions; they establish the foundation and rationale for zoning and other legally binding land use decisions. Development regulations, such as the Chapter 16 Development Code, work in concert with the Comprehensive Plan and other adopted plans to govern land uses.

### I. COMPREHENSIVE PLAN

Los Alamos County adopted a new Comprehensive Plan (Comp Plan) in 2016. The Comp Plan articulates a shared community vision along with long-range community goals and objectives to help guide future land use decisions, from site development plans to rezoning requests to capital projects. The Comp Plan emphasizes three core themes:

1. Housing, Neighborhoods and Growth;
2. Development, Redevelopment and Downtown; and
3. Open Space, Trails and Mobility.

The resulting policies and recommendations provide direction for public investments and the preservation of the community's valued resources. Within these core themes, the Comp Plan outlines

areas in which the Development Code could be updated to align with adopted goals and policies including:

- Containing new development within the established County by accommodating and providing flexibility for infill development on underused or blighted sites; thereby reducing sprawl and protecting County-designated open space
- Increase the variety of housing stock throughout the County; focus on increasing residential density in the downtown districts, by providing incentives and flexibility within development regulations
- Protect the character of existing residential neighborhoods through the provision of appropriate buffers from new development
- Coordinate transportation and land use to develop corridors that connect housing and employment centers
- Accommodate mixed use development, both within and outside of the Downtown districts
- Streamline the development review process, especially for projects in conformance with the Future Land Use Map
- Promote sustainable development practices

The Development Code has not yet been updated to reflect the changes of the 2016 Comp Plan. Aligning the Code Update and the Comp Plan will provide the regulatory means to implement the realization of the Comprehensive Plan's vision for Los Alamos by accommodating certain elements of change that could steer development in a streamlined fashion. Aligning the zoning regulations to the goals and policies of the Comprehensive Plan is therefore a major objective of the Code Update. For this purpose, this technical review identifies weak linkages between the existing regulations and the adopted goals and policies of the Los Alamos Comprehensive Plan that are critical to the Code Update to ensure that the upcoming revisions actually implement the vision of the Comp Plan. Weak linkages to the adopted planning goals/ policies that need be addressed by the Development Code Update:

- The lack of flexible Downtown standards for both the Los Alamos and White Rock districts. These standards should strike a balance between promoting good urban design and enabling individual projects to integrate standards that work for the specific site/product.
- Insufficient neighborhood protection standards to help protect the existing character of residential neighborhoods and provide adequate transitions from new developments of a different scale or land use.
- Adequate provisions that facilitate a variety of housing types, sizes, and densities throughout the County, with a focus on increased residential densities within the Downtown districts
- Insufficient coordination between transportation and land use to facilitate and incentivize goals such as mixed use infill development and corridors that connect housing and employment centers

- Inefficient development processes that hinder new development, particularly the middle missing housing and mixed use development, and insufficient public notification and involvement within the development process

## II. 2021 DOWNTOWN MASTER PLANS (DRAFT)

Two Downtown Master plans are being developed for Los Alamos and White Rock. The master plans are anticipated to be adopted on the summer of 2021 as amendments to the Comprehensive Plan. The documents will identify a future development framework and address goals and strategies in the areas of Urban Form & Identify, Housing, Transportation, Public Spaces & Streets, Infrastructure, Sustainability and Economic Vitality. The Code update will take recommendations from the master plans to inform downtown specific standards. At this time, draft goals and strategies have been developed to guide the implementation of the larger vision of the two downtown areas.

The following are the seven draft vision statements identified for the White Rock downtown area:

1. **Urban Form & Identity:** A vibrant, walkable downtown with a mix of uses with a small-town character
2. **Housing:** Quality housing options that are attainable to all residents while protecting existing neighborhoods
3. **Transportation:** A safe and efficient multi-modal system that connects Downtown with adjacent neighborhoods accommodating a variety of transportation options
4. **Economic Vitality:** A vibrant Downtown area with an environment in which local businesses can thrive
5. **Public Space / Streets:** A vibrant, pedestrian-oriented Downtown area that provides variety of pedestrian amenities.
6. **Infrastructure:** Reliable public infrastructure including broadband and streetscape, transportation, recreational trails, and open space that enhance the overall quality of life
7. **Sustainability:** A Downtown area that integrates sustainable practices throughout

The following are the seven draft vision statements identified for the Los Alamos downtown area:

1. **Urban Form & Identity:** A vibrant, walkable downtown with a mix of uses and an vibrant Main Street catering to for all ages, tying together existing assets and honoring the unique culture and history of Los Alamos
2. **Housing:** Quality housing options that are attainable to all residents while protecting existing neighborhoods
3. **Transportation:** A safe and efficient multi-modal system that connects Downtown with adjacent neighborhoods, accommodating a variety of transportation options and connecting downtown to LANL and White Rock
4. **Economic Vitality:** A vibrant Downtown area with an environment in which local businesses can thrive
5. **Public Space / Streets:** A vibrant, pedestrian-oriented Downtown area that provides variety of pedestrian amenities.



6. **Infrastructure:** Reliable public infrastructure including broadband, streetscape, transportation, recreational trails, and open space that enhance the overall quality of life
7. **Sustainability:** A Downtown area that integrates sustainable practices throughout

The overall draft vision statements are supported by a number of strategies. The implementation route of each strategy differs, the list below identifies those that can be implemented through the Code update:

#### a) White Rock:

##### 1) Urban Form & Identity

- a) Create an Overlay Zone for that permit's higher density residential and commercial uses
- b) Create development standards that encourage and incentives a vertical mix of uses
- c) Reduce setbacks along the Main Street corridor
- d) Address prolonged vacancies through ordinance or zoning
- e) Create enforceable landscape standards, specifically along the main corridors
- f) Develop design standards that create a distinct downtown area with a small town feel
- g) Select an architectural style that is supported by the community and creates a unique look and feel for downtown White Rock

##### 2) Housing

- a) Allow apartments/condos, live/work and missing middle housing options within the Downtown Overlay District
- b) Create neighborhood protection standards that required development to scale down at the periphery of downtown

##### 3) Public Space & Streets

- a) Create downtown public space standards within the Development Code
- b) Require new development in Downtown to provide public spaces

##### 4) Sustainability

- a) Create standards that protect natural habitats within downtown, such as La Senda and Pajarito Acres
- b) Create development regulations for outdoor lighting fixtures that mitigate light pollution to maintain dark skies

#### b) Los Alamos:

##### c) Urban Form & Identity

- i) Create development standards and incentives that encourage vertical mixed uses through
- ii) Update development standards to require wide sidewalks in the appropriate areas to provide space for outdoor dining and retail activities
- iii) Develop building standards that create a continuous street wall along appropriate roadways. Integrate design standards that activate ground floor uses
- iv) Address prolonged vacancies through ordinance or zoning
- v) Create enforceable landscape standards, specifically along the main corridors
- vi) Develop design standards that create a distinct downtown area with a small-town feel, honoring the unique culture and history of Los Alamos

- vii) Select an architectural style that is supported by the community and creates a unique look and feel for downtown Los Alamos

**d) Housing**

- i) Allow higher density residential within the Downtown Overlay Zone
- ii) Allow apartments/condos, live/work, micro units and missing middle housing options within the Downtown Overlay District
- iii) Develop incentives within the Code for the provision of quality, attainable housing
- iv) Analyze existing overlay standards to remove barriers for development and consider inclusion of increased density where appropriate, while retaining standards that strengthen the downtown identity
- v) Develop strategies for more short-term and/or temporary housing options
- vi) Integrate architectural standards for housing that will ensure new housing is of high quality and in accordance with unique culture and history of Los Alamos

**e) Transportation**

- i) Create safe pedestrian crossings on arterials, including HAWK and pedestrian/ bike-activated flashing lights specifically along Trinity Dr. and traffic calming measures including medians, pinch point and chicane.
- ii) Include standards in the Zoning code that require the implementation of safe bicycle / pedestrian infrastructure where appropriate.
- iii) Revisit Complete streets checklist and revise to prioritize the appropriate modes within the appropriate context
- iv) Add bicycle parking requirement to the zoning code
- v) Revise parking requirements and reduce overall parking supply standards within downtown, add standards to located parking behind buildings, add incentives to encourage covered parking and electric vehicle parking stations and revise landscape standards to require appropriate landscape in parking lots.

**f) Public Space & Street**

- i) Develop standards to implement a cohesive streetscape/amenity design scheme throughout downtown with cohesive landscape, street furnishing, shade, lighting, water fountains and public bathrooms where appropriate
- ii) Require new development in Downtown to provide public spaces
- iii) Develop standards to increase tree coverage throughout downtown

**g) Sustainability**

- i) Develop and integrate standards into the zoning code that require and incentives the application of Low Impact Development (LIDs), solar covered parking, electric car charging stations amongst others
- ii) Revise land landscape requirements to prohibit the routine use of pesticides and herbicides that endanger pollinators and wildlife and require native plants for new developments and in the public right-of-way

**h) Economic Development**

- i) Develop strategies to discourage first floor office uses within downtown
- ii) Clarify development procedures to make them user friendly and transparent

### III. 2019 LOS ALAMOS HOUSING MARKET NEEDS ANALYSIS

The 2019 Los Alamos Housing Market Needs Analysis provides recommendations for the improvement of residential development in Los Alamos. The report discusses current housing market conditions, community and housing profile, housing needs assessment, and policy recommendations for future growth. The report recommendations include:

- Provide variety in housing stock and encourage development of affordable housing to densify development in the downtown
- Regulate the quality of housing to maintain and improve the character of residential neighborhoods
- Promote infill development through zoning incentives to focus new growth within established development boundaries
- Maintain and develop vacant or underutilized properties

Development Code updates can aid in permitting the development of higher density, high quality housing, where appropriate. Issues identified within the housing analysis that are directly related to the Code Update include:

- Lack of flexibility in Downtown Zoning that restricts the development of higher density housing and mixed-use developments
- The lack of regulations regarding the maintenance of vacant properties that does not contribute to safe, visually pleasing, and pedestrian-friendly neighborhoods
- Zoning restrictions that deter new residential development due to stringent regulations and lengthy approval processes that include but are not limited to:
  - Density regulations;
  - Height limitations;
  - Restrictive use zoning and large minimum lot sizes;
  - Allowable housing typologies.
- Restrictive parking regulations with high parking ratios that encourage low density development. The lack of shared parking arrangements that could potentially increase development densities
- Lack of consideration for transit and non-motorized modes of transportation

### IV. ECONOMIC VITALITY PLAN

The 2019 Economic Vitality Strategic Plan (Plan) proposes specific measures to bolster the economy of Los Alamos County. The Plan focuses on core themes that include the diversification of the economic base, increased quality of life opportunities, and increased housing availability in Los Alamos County. Goals relevant to the Code Update include:

- Focus on attracting new, infill downtown development to create a vibrant, mixed-use and high-density area

- Encourage and support downtown redevelopment initiatives that promote economic and commercial growth
- Improve public amenities and civic facilities, especially through wayfinding and branding to revitalize the image of downtown, attract new development and promote community pride

The changes to the Development Code should be informed by these goals that support downtown redevelopment initiatives, particularly encouraging infill development, providing a range of housing options, and improving community spaces and facilities in the downtown areas. Specific topics that are relevant to the Code Update include: :

- Elaborate approval processes that hinder developers and new development
- Housing-related land subdivision and density considerations such as:
  - Inflexible lot sizes
  - Insufficient density allowances
  - Restrictive use districts
- Lack of focus in downtown regulations on the development of civic spaces like plazas, trails, and other public amenities that could strengthen the downtown character.

The Code Update will evaluate the existing zoning regulations and processes to ensure that the updates help further the goals of the 2019 Economic Vitality Plan, the 2019 Los Alamos Housing Market Needs Analysis and the 2016 Los Alamos County Comprehensive Plan.

## PART 2. TECHNICAL REVIEW OF EXISTING ZONING REGULATIONS

The following section analyzes the Development Code to evaluate the strengths and limitations of the existing code. Section A covers a more detailed evaluation of major code sections, while Section B outlines key observations for improvements.

### A. CONTENT SPECIFIC FINDINGS

The following section evaluates the content of the existing Development Code. Within this discussion we are highlighting the intent of each element, issues, and potential measures to address our findings.

#### I. ZONE DISTRICTS & DISTRICT SPECIFIC STANDARDS

A total of 27 zoning districts are outlined within Sec. 16-533 - Official zoning districts of the Development Code. But if one includes the possible subzone variations of the base zone districts and the inclusion of the overlay zones, Los Alamos County actually has a total of 39 districts. A large number of these districts are very similar in nature in regards to their permissive uses and dimensional standards, which implies that the existing lineup of districts is excessive for a community of Los Alamos County's size. Such a proliferation of zone districts can create unnecessary complexity within the Code and breed

inconsistencies between district and non-district based controls. Contemporary codes therefore attempt to consolidate the lineup of zoning districts into fewer, more flexible districts.

Based on our initial review, the existing districts are generally grouped into broad land use categories - i.e. residential, mixed-use, non-residential, special district, and overlays - as outlined below:

<b>Table 1: Existing Zone District Lineup</b>		
<b>21 purely residential districts including:</b>	Residential Agricultural District	R-A
	Residential Estate District	R-E
	Single-family Residential Districts	R-1-5, R-1-8, R-1-10, R-1-12
	Residential Mixed District	R-M
	Multiple-family Residential (Low Density) District	R-3-L
	Multiple-family Residential (High Density) District	R-3-H
	Multiple-family Residential (Very High Density) District	R-3-H-40
	Mobile Home Subdivision District	R-4
	Mobile Home Park District	R-5
	Mobile Home Development District	R-6
	Residential Mixed—North Community District	R-M-NC
	Multiple-family Residential (Low Density)—north Community District	R-3-L-NC
	Planned development residential districts	PD-2.0, PD-3.5, PD-5.0, PD-7.0, PD-12.0, PD-20.0.
<b>7 Non-Residential Districts including:</b>	Professional Office District	P-O
	Light Commercial And Professional Business District	C-1
	Civic Center Business And Professional District	C-2
	Heavy Commercial District	C-3
	Research And Development District	R&D
	Light Industrial District	M-1

	Heavy Industrial District	M-2
<b>1 true Mixed-Use district:</b>	Mixed-use	MU
<b>4 specialized districts including:</b>	Public Land District	P-L
	Scenic Open Lands District*	W-1
	Recreation Wilderness District*	W-2
	Federal Lands District	F-L
<b>3 Overlay Districts including:</b>	Historic Overlay District	
	Downtown Districts	DT-NG, DT-NCO, DT-TCO, DT-CPO
	Special Plan District	SP

\* Scenic Open Lands District (W-1) and Recreation Wilderness District (W-2) may be overlay districts or they may be base districts, according to Sect. 16-577(e).

The current division between base zones and overlay districts within the current structure is unclear. The Update therefore needs to provide clearer distinctions between base and overlay districts. In some cases, overlay districts may need to be moved into the base district lineup or vice versa. Overlay zones create a special zoning district which is essentially placed over an existing base zone(s) and identifies special provisions within the overlay district in addition to those in the underlying base zone in order to protect a specific resource or guide development within a special area. While certain districts within the Development Code are labeled as overlay zones they do not function as such. Conversely, certain base zones function more like overlays. The Downtown overlay district, for example, is labeled as an overlay but functions more like a base district with standards tailored to achieve a unique vision for the downtown area. As the Townsite district has been rezoned to the specific downtown zoning districts and no longer contain base zone districts such as C-1, a base district may be more appropriate than an overlay. Then there are districts such as the wilderness districts, W-1 and W-2, which **mostly exist as overlay districts with a P-L base zone**, but may need additional development standards or restrictions and could be converted to **a single base zone district**.

Generally, the basic zoning districts should be consolidated and the relationship between underlying districts and overlays should be clarified. The details of each zoning district will be reviewed and discussed during the Module 1 phase of the Development Code Update process, but Part 3.B.I Large number like zone districts of this document provides some preliminary recommendations based on the findings of our code review and land use analysis. Based on feedback from the Module 1 process, zone districts will be evaluated to determine whether they can be streamlined, either by eliminating or consolidating existing districts or introducing new ones.

## c) Residential Districts

The Development Code currently contains a total of twenty one (21) purely residential districts that are intended to allow for a range of densities, from low-density single-family to high-density multi-family housing types. The existing lineup includes:

- **1 Residential Agricultural District (R-A)** intended to accommodate low density residential uses and protect rural, large lot character, where agricultural, horticultural, and animal husbandry activities may be pursued
- **1 Residential Estate District (R-E)** intended to accommodate and protect a semi-rural residential character of development characterized by large lots
- **4 Single-Family Residential Districts (R-1-5, R-1-8, R-1-10, R-1-12)** intended to accommodate a variety of single-family dwellings development intensities
- **1 Residential Mixed-use District (R-M)** appears to be intended to accommodate a wider variety of housing choices
- **3 Mobile Home Districts (R-4, R-5 and R-6)** accommodate mobile parks under both individual and collective ownership
- **2 Residential Districts (R-M-NC and R-3-L-NC)**, which are tailored specifically for the North Community Subdivision to maintain and protect a residential character of development.
- **6 Planned Development Residential Districts (PD-2.0, PD-3.5, PD-5.0, PD-7.0, PD-12.0, PD-20.0)** intended to accommodate varied residential character with imaginative spatial design such as relatively high dwelling unit densities in portions of the development, compensated by open and recreation areas in other portions of the development. As this zone district is no longer being accepted within the County, there may be opportunities to consolidate existing PD areas into similar base zones based on uses and development intensity.

With the exception of slight variations within the allowed residential uses and permissive development densities, a cross-district comparison of the residential districts reveal that many have dimensional standards that are very similar, if not identical. This results in the possibility of similarly appearing buildings across a variety of zones making them essentially obsolete and ripe for consolidation. This is further exemplified by district intent statements that have similarities within the residential district intent statements that don't sufficiently indicate intended differences between the zones. The overall residential district lineup, their intent, allowable uses and dimensional standards will be evaluated within Module 1 to determine how they can be streamlined, either by eliminating or consolidating existing districts. Updated residential districts should have sufficient differences in their allowed residential uses and dimensional standard to create the desired variety of housing options within the County.

## d) Mixed-Use District

The Code establishes one true Mixed-Use district (MU) that allows a combination of office, residential, and commercial development outside of the downtown districts. Many of the uses and standards within this district are similar to those of the downtown overlay. While mixed-use development should be accommodated within other areas of the County, the uses and standards within this district should be

less intense than those allowed within the downtowns and appropriate for the more suburban locations in close proximity to established residential neighborhoods in which it is likely to be implemented. The MU district is commonly requested to allow a vertical or horizontal integration of residential uses within traditional commercial zones (C-1 through C-3) outside of the downtown areas and the Update needs to evaluate and explore options to avoid the occurrence of spot zoning in such instances.

## e) Non-Residential Districts

### i. Office and Professional Districts (P-O & R&D)

The County has two office and professional districts. A general Professional Office district (P-O) intended to accommodate professional uses which are compatible with each other. Additionally, the Code accommodates a separate Research and Development district (R&D) that is intended to accommodate scientific research and development establishments. The uses and dimensional standards within these two zones are fairly similar. The land use analysis in Part 3 indicates the uses of both of these districts are fairly limited and not utilized within the official County Zone Map indicating that they can likely be consolidated into one Office and Professional district and any distinctions that may be necessary for Research and Development uses can be handled through use specific standards.

### ii. Commercial Districts (C-1, C-2 & C-3)

The Code currently contains three (3) commercial districts- Light Commercial and Professional Business district (C-1), Civic Center Business and Professional district (C-2), Heavy Commercial district (C-3). Cross-district comparisons of the commercial districts indicate little variations within these districts. While C-1 and C-2 exhibit slight variations in permissive uses, they are very similar, and while there is a slightly larger variation in permissive uses allowed within the C-3 district, the dimensional standards for all three (C-1, C-2 & C-3) are identical. The Civic Center business and Professional district appears to be a remnant district that was intended to accommodate downtown areas, but wasn't eliminated from the code when the Downtown Overlay district was adopted. The Code should accommodate general commercial outside of the downtown, but which can be accommodated through one, rather than three districts. The County will likely want to create a distinction for more intense commercial centers or bigger box retailers, such as the Smith's, but this could be handled through use specific standards that contain basic façade articulation and site connectivity standards

### iii. Industrial Districts (M-1 & M-2)

The existing Code contains a Light Industrial (M-1) district and a Heavy Industrial (M-2) district. But similar to the commercial districts, there is little variation within the permissive uses of the M-1 and M-2 districts and absolutely no difference between their dimensional standards. Generally, codes create a distinction between light and heavy industrial uses in order to mitigate the probable impacts (particularly truck traffic, noise, odors, and vibration) of heavier manufacturing activities on adjacent properties, but the existing standards do not appear to provide such protections. The Land Use Analysis in Part 3 of this document shows that limited M-1 and M-2 districts are currently mapped within the County. Based on the similarities of these districts and their limited application, these two manufacturing districts can likely be consolidated into one district. Impacts to adjacent properties or prohibitions on heavy industrial uses can be controlled via use specific standards if necessary.



## f) Specialized Districts

### i. Public Land District (P-L).

The Public Land district (P-L) is intended to accommodate local government and school district uses and structures, but the Land Use Analysis in Part 3 reveals that this district also incorporates much of the undeveloped canyons and valleys within the County. It is unclear why these areas are zoned under P-L rather than wilderness areas as they do not contain government and school district uses and structures. Additionally, most contemporary codes are moving away from having dedicated institutional zone districts, rather they allow a range of institutional uses within broader base districts. Such a strategy would eliminate the need for an independent P-L district.

### ii. Wilderness Districts (W-1 & W-2)

The code contains two wilderness districts: the Scenic Open Lands district (W-1) intended to maintain, protect and preserve undeveloped land with scenic qualities and the Recreation Wilderness district (W-2) intended to maintain, protect, and preserve lands for natural recreational value to accommodate public and private recreational uses of an open nature. **The W-1 and W-2 districts may be overlay districts or they may be base zone districts. Pajarito Ski Area has a base zone of W-2, while other areas zoned W-1 and W-2 exist as overlay zones with a base zone of P-L. Areas with the overlay zone designation of W-1 are mostly contained within the canyons. Parcels with the overlay zone designation of W-2 are contained to the North Mesa ball fields, North Mesa Park, the horse stables, and portions of Bayo Canyon.** The Code does not appear to contain any specific standards for properties within these areas, **except to restrict movement of motor vehicles within W-1 and W-2 to designated roads.** The Comp Plan calls for establishment of specific zone districts to protect designated open spaces with standards for minimal disturbance and reclamation of open spaces; these goals and policies could be accomplished with updates to the existing W-2 or through an entirely new open space zone.

### iii. Federal Lands District (F-L).

The Federal Lands district (F-L) is a designation that accommodates land owned by the United States government and the provisions of the Development Code are not applicable. The Land Use Analysis in Part 3 of this document indicates that federally owned land is located at the periphery outside of the County boundaries. Given that federal lands are outside of the County's jurisdiction and lands are outside of the townsite boundaries, it is unusual to create an independent based district that can't legally be regulated by the County and should be considered for elimination.

## g) Overlay Districts

### i. Downtown Overlay District

The downtown overlay district is divided into four downtown sub districts that appear to be intended to allow a variety of mixed-use intensities. The Town Center (DT-TCO) zone accommodates a mix of office, commercial, civic, and certain types of residential uses at the highest density allowed within the downtown district. The Neighborhood Center (DT-NCO) subzone covers a lower to middle range of development intensities of residential, office, commercial, and civic uses at densities lower than the Town Center, but higher than the lowest intensity subzone - Neighborhood General (DT-NGO). The

Neighborhood General subzone allows similar uses as permissive within the Neighborhood Center, but at lower densities. The Civic/Public Open Space (DT-CPO) zone specifically accommodates public uses such as parks, plazas, recreation, and civic buildings.

The existing downtown and mixed use standards that are associated with these subareas appear to be tacked onto the existing Code and are not well integrated through a regulating plan or other organizing framework. While it appears that the sub districts were intended to allow a variety of mixed use intensities and development flavors, the dimensional and design standards themselves don't contain much variation. This lack of differentiation within the standards makes the sub districts essentially obsolete and creates unnecessary code complexity. The direction of the revisions to the standards of the Downtown overlay will be determined by the outcome of the Phase 1 Master Plans, but based on feedback received thus far, we anticipate that the subareas that currently exist are no longer necessary as the community has not identified a desire for the delineation of the downtown districts into sub areas with their own distinct character. Instead there seems to be a larger desire to define various development character based on corridor types - differentiating the character along Central Avenue corridor from Trinity Drive, for example. We therefore anticipate that a revised regulating plan that utilizes corridor types as an organizing feature by which to define building, site, and public realm standards will need to be created for each downtown district based on the guidance of the Master Plans.

At a minimum, Downtown specific standards should accommodate a range of housing choices and increased development intensities within these districts while providing built-in neighborhood protections that address incompatible development directly adjacent to established single-family neighborhoods surrounding the downtown districts. This should also include site and building design standards that ensure the environment of these districts become the premier walkable districts for the County with good pedestrian connectivity and pedestrian-oriented development. Complex and fairly restrictive standards, such as the canyon height and limited architectural material palettes will be revised to provide more flexibility and innovative designs. These revised standards will be more holistically integrated with their associated districts through district-specific standards located directly within Article XIII Zone Districts.

ii. Special Plan District (SP).

The special district designation essentially acts like a planned development district that works in conjunction with a base zone district. This system appears overly complicated and should likely be replaced with a traditional planned development base district to reduce complexity within the Code and on the official Zoning Map. Planned Development Districts or PD's are the traditional method to provide for the development of land as an integral unit for single or mixed-use in accordance with a PD concept plan that may include uses, regulations, and other requirements that vary from the traditional zoning districts contained within the Development Code. The existing special district standards can be carried over as PD district-specific standards and will be evaluated based on national best practices.

iii. Historic Overlay District.

Article XV lays the foundation for a Historic Overlay District intended to promote and protect historically significant areas within the County, yet this district doesn't appear to be applied anywhere within the

official Zoning Map. This overlay zoned should be applied to designated Historic areas, such as Bathtub Row, and the Code Update should apply the historic overlay with specific district protections established in desired County areas.

## II. USE SPECIFIC REGULATIONS

Article VII establishes specific standards for particular uses that are permitted within zone districts, but may need additional standards to mitigate the impacts of the use. Permitting such uses subject to conformance with specific standards, rather than requiring a discretionary review, streamlines the development process and creates a more predictable development environment for developers. The Code already includes standards for a broad range of uses, such as Group Homes, Daycares, and Home Occupations. This material will be carried forward and current standards will be evaluated for potential revisions and/or elimination. Several of the existing “use regulations” contain dimensional and or development standards that aren’t necessarily use specific, but apply more broadly to development and should be pulled from this section and placed into a new development standards section. For example, dimensional standards found in sec. 16-272 yards or 16-274 height or structures, and screening requirements in Sec.16-284 which should be applied more generally across all mixed-use and non-residential districts. New contemporary uses that are added to the Use Index or other uses commonly regulated via use-specific standards, such as craft distilleries, short-term rentals, accessory dwelling units, industrial manufacturing, or cannabis related uses are recommended to be incorporated.

### a) Use Index Table

The Use Index Table in Sec. 16-287 is outdated and does not include all of the zone districts established within Article XIII. It also lacks a clear relationship with the use standards that precede it. The table needs to be revamped to bring it up to contemporary standards and should be organized to more clearly delineate residential, non-residential, and mixed use districts and provide cross-references to any use specific standards that apply directly to a particular use. The uses themselves are currently outdated and need to be evaluated and revamped to include contemporary uses currently demanded by the market and existing uses will be consolidated and/or simplified into fewer, broader categories. For example, rather than listing each individual manufacturing type that is allowed - “Asphalt and concrete batch plants”, “Brick, tile cement or block, products and mfg”, “Electrical appliances and equipment assembly and/or mfg.” etc.- industrial uses can be categorized by their impact and whether or not it is administered within an enclosed building and subsequently their projected impact on adjacent properties.

## III. DEVELOPMENT STANDARDS

Technical development standards are currently located in various sections of the Code, including: Article VII. - Use Regulations, Article IX. - Off-street Parking And Loading, Article X. - Signs, Article XIII. - Zoning Districts Established, and Article XIV. - Development Standards. Additionally, many of the subsections in Article XIV speak to administration and procedures. This poor organization makes it difficult to determine which standards apply and particularly to which zones. Content from these various sections should be consolidated into one article that retains only physical development standards and moves

other content such as administrative procedures or requirements into more appropriate sections. Many of the development standards themselves are ambiguous, outdated and poorly communicated through narratives and could benefit from tables and illustrations.

Article XIV Development Standards contains several sections of district-specific standards that only apply to certain areas of the County. For the sake of clarity, these standards should be moved to under Article XIII Zoning Districts Established, within district-specific standards established directly after the zoning district to avoid confusion in their application.

#### a) Off-street Parking and Loading

Parking regulations are contained within an independent Article IX as well as supplemental, district-specific sections of Article XIV. The code needs to provide clearer differentiation between universal parking regulations and those that apply only to certain districts to avoid confusion. The substantive requirements are ambiguous, out-of-date, and not user-friendly and should therefore be reviewed and updated based on federal requirements and national best practices. The parking design and dimension standards in particular are outdated and poorly communicated through narratives rather than tables. These standards could be illustrated to provide clarity. Several off-street parking requirements in Sec. 16-370 are stated per employee or seat counts –which can change over time – making the standards hard to monitor and enforce. Instead, parking requirements should be tied to more concrete elements like square footages. Off-street parking requirements will also need to be updated to correspond to new use categories of the Use Index Table.

Many newer codes also offer more and different credits against minimum parking requirements to promote sustainable development patterns and transit usage, particularly in key locations like downtown districts. The existing shared use table is confusing and needs to be revised to increase clarity and reflect national trends. Shared parking credits should be applied to compatible uses within all mixed-use and non-residential districts. Most new codes also provide a more flexible approach allowing some tradeoffs between auto, bicycle, and other forms of parking to promote flexibility without the need for variances. Revisions to the parking should provide parking incentives for innovative or alternative parking, including vehicle charging stations.

#### b) Signs

The existing signage regulations are cumbersome and need to be overhauled to ensure compliance with recent judicial decisions, and generally make them easier to understand and administer. Unless specific signage related restrictions are necessary in distinct parts of the County, the existing sign zones seem complex and unnecessary. Signage requirements should be regulated by the established zone districts. If area-specific signage requirements are necessary, they can be incorporated into district-specific standards. We recommend that permissive on premise sign regulations are therefore reorganized to present basic requirements by sign type for elements like area, height, and location requirements in a table organized per the underlying zone district rather than unique sign zones. Off-premise and temporary signage will be updated to avoid content-based regulations. The project team has received a draft signage ordinance from County legal. The draft will be evaluated and incorporated as appropriate into the revised signage standards released in Module 2.

### c) Dimensional Standards

All dimensional standards regarding minimum and/or maximum standards for lot areas, lot widths, building setbacks and heights, open space and lot coverage requirements, and lot coverages are distributed throughout the various district-specific standards. Most contemporary codes provide a consolidated dimension table similar to the Permitted Use Table that allows comparisons of dimensional standards across all of the base zone district. We recommend including an updated, cross-district dimensional table that will be informed by the information contained in the various subsections, including Section 16-536, Section 16-537, and Section 16-577. Many of the dimensional standards within base districts are very similar, particularly among the residential districts where changes seem to occur mainly within the permissive dwelling units per acre. As mentioned previously, the zone districts need to be evaluated for potential consolidation. Additionally, many dimensional standards for items like accessory structures are currently contained within footnotes. Hiding standards within footnotes is not good practice as they are often overlooked. We recommend creating an accessory use for accessory structures with use specific standards that can easily be located and cross-referenced in districts in which accessory structures are allowed.

### d) Landscaping

The current landscaping regulations located in Section 16-574 are very simple. Good landscaping is key to enhancing the appearance of a community and to minimize the adverse effects of development. Landscape standards should at a minimum be enhanced to include required buffers between non-residential development and single family neighborhoods and screening on service or other nuisance areas. In addition, the revised standards could integrate more rigorous regulations for public frontages and parking lots as well as stronger tools for water conservation and stormwater management standards.

### e) Hillside Development Standards

The Hillside development standards established in Section 16-576 are quite cumbersome and appear to function like an overlay, which would require additional standards on top of an underlying base district. The standards themselves seem overly complex and should be evaluated by the project team in coordination with the County Engineer and streamlined as appropriate.

### f) Walls and Fences

Section 16-271 of the use regulations currently contains the standards for fences, hedges and gates. Contemporary codes generally categorize walls and fences as general development standards, not a use. Fence and wall standards should therefore become a new sub article of Article XIV Development Standards. The standards themselves need to be revised to deal with the unique development realities of the County. The existing maximums for wall/fence heights don't account for the varying natural topography within the County and often necessitate height variances, which do not currently accommodate enough flexibility to address extreme topography changes. Additionally, the existing permitting structure doesn't differentiate fence/wall permits from more strenuous permitting processes like building permits. As the construction for wall/fences aren't nearly as strenuous as habitable

structure and often requested independent actions, creating a separate wall/fence permit will create more efficiency and remove some complexity from the current development process

#### g) Outdoor lighting

Section 16-276 Outdoor Lighting needs updating to bring it up to standard from the Illuminating Engineering Society and the International Dark-Sky Association in terms of light fixture cutoffs and references to lighting levels. The standards themselves should cover the various lighting types such as building, pedestrian, and parking lot lighting. Outdoor lighting is also considered a development standard, rather than a use specific standard and should therefore be moved to be a new subsection of Article XIV Development Standards. The project team has received a draft ordinance from the dark sky consortium, which will be evaluated and incorporated as appropriate into the revised outdoor lighting standards released in Module 2.

#### IV. DEVELOPMENT PROCESS / PROCEDURES

The roles of different decision-making bodies and the path that applications take to approval are not clear within the current Code. Land use approval procedures need to be clarified to provide clear rules that inform citizens, property owners, and investors about the types of land use actions permitted in the County, how these applications will be processed, who will make the approval decision, what the criteria for approval will be, and how long the process may take.

Contemporary codes provide provisions that allow department staff the ability to adjust development standards up to a stated amount (usually 10%) in order to respond to unusual site or development decisions, based on criteria outlined in the code, and without the need for a variance. Examples of standards that are often permitted to be adjusted include lot sizes and coverage, setbacks, building height, required parking, and fence heights. The allowance for such administrative approvals do not currently exist within the Development Code, but should be considered to provide built-in flexibility within an accepted range to adjust for the inevitable hurdle that emerges throughout the entitlement process.

Review and approval criteria for the various development applications, such as site plans, need to be evaluated and updated to align with adopted County goals and policies in order to remove ambiguity from the development process. Additional updates are anticipated within the procedural components of the subdivision regulations and application processes may be condensed and updated to provide more specific guidelines, including timelines and expectations. The types of public notification required for each development application will be reviewed and clarified / updated as needed. Additionally, the Comp Plan calls for the development process to move towards early public notification and meetings so that developers can respond to neighborhood concerns. An increasing number of cities now require that applicants for larger or significant projects meet with neighborhood residents to discuss a proposed project before filing an application with the city. The theory is that requiring earlier public notice and input for projects that are within thresholds and are identified as larger or different in type from their neighbors provides citizens an opportunity to comment while builders still have a chance to revise development and site plans before significant development costs incur. This process does, however,

lengthen and add complexity to the forefront of the development process, factors which should be considered if streamlining the development process is a major goal of the Code Update.

## V. DEFINITIONS

Definitions are currently contained within various articles and subsections of the Development Code and should be consolidated into one section. Zoning definitions have changed over time, but the text of the definition section doesn't appear to have been updated or amended in some time. All existing definitions will be reviewed for clarity. New terms for contemporary use categories such as Short-Term Rentals, Food Trucks, Mobile Vending, and Cannabis Distribution will be added as necessary, and definitions that are no longer used or are no longer necessary will be removed.

## B. KEY OBSERVATIONS FOR IMPROVEMENTS

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### I. ALIGN DEVELOPMENT STANDARDS WITH COUNTY PLANNING GOALS

As outlined in Part 1, the Development Code in its current form does not align with adopted County goals and policies. The regulations need to be updated to align the code with adopted County goals/policies, including those established in the Comprehensive Plan, the Phase One Downtown Master Plan, the 2019 Housing Needs Assessment, and the Economic Vitality Plan. While many of these documents call for increased housing variety, particularly with the downtown, the code could provide stronger regulatory strategies and/or incentives embedded into the Development Code to implement such goals.

### II. IMPROVE OVERALL ORGANIZATION AND STRUCTURE

We recommend continuing a hybrid code structure that utilizes a combination of Euclidean and performance-based zoning within the majority of the County and strategically applies form-based coding within the Townsite and White Rock Downtown Districts. This approach would retain base zone districts with uses and development standards tailored to their unique needs. Form-Based Coding strategies have proven effective within walkable, mixed use or downtown areas to create a more pedestrian-oriented environment through a focus on placemaking rather than uniform standards for each district and site. We therefore recommend the continued utilization of a form-based approach only within the downtown districts of the Townsite and White Rock.

The downtown development standards themselves however are in need of an overhaul. Downtown standards should be unique from county-wide standards and this differentiation should be obvious within the structure of the Code by employing one of the two strategies; (1) they can continue as an Overlay District and the overlay district would contain pertinent use regulations and development standards or (2) a Mixed-use Form-based Base District could be created which would contain district-specific use regulations and standards. Either the overlay district or the base district standards would need to be revised to include a regulating plan for both the Townsite and White Rock districts that aligns them with the Master Plan visions, public space and building standards.

The overall framework revisions will be accompanied by a reorganization to improve the user friendliness of the Code. Development standards and administrative procedures are currently sprinkled throughout the various articles of Chapter 16. We recommend consolidating the overall structure of the Chapter into six articles:

**Article I. General Provisions.**

All the general provisions located in Article 1 would remain in a general provisions section.

**Article II. Zone Districts and Overlays.**

We recommend creating an entire article that outlines the differences between base district zones and overlay zones. Base zone districts will be established through a more graphic format that contains the purpose statement, summaries of key dimensional standards, diagrams that illustrate key lot and building dimensions, and cross-references to applicable development standards. Content pertaining to stand alone overlay zones, such as downtown or new wildfire protection areas, will appear under this article. For each overlay zone, the section will provide a description of the zone's purpose, a map of the area of applicability, and any pertinent standards that apply within the boundary of the overlay district. The existing structure and standards of the Downtown overlay zones appear overly cumbersome and will be particularly scrutinized to ensure they align and implement the vision identified in Phase One.

**Article III. Use Regulations.**

The overall structure of the land regulations of the existing Code is solid. We recommend retaining the article dedicated to use regulations but recommend moving the Use Index Table to the beginning of the section and follow it with any standards that are specific to a particular use. Any uses that have independent standards should be called out as independent line items within the use index and contain a cross-reference to the standards within the table.

**Article IV. Development Standards.**

Our approach would retain a separate article for development standards, but we recommend several key changes. All development standards specific to an overlay zone such as downtown will be moved into the district standards for that overlay in the new Article II. Development standards that apply to the entire County, such as architecture, off-street parking, landscaping and signage will be moved into new subsections under a new Article IV.

D/P/S will leverage its in-house architectural expertise to review development standards to ascertain that the standards are reasonable and contribute to the desired built form. We have seen too many examples of well-intended design standards that were either overly prescriptive or not aligned with how buildings are constructed. The development standards will be accompanied by graphics to clarify the requirements and provide context.

**Article V. Administration and Enforcement.**



We recommend relocating all of the various administrative and development procedures located in Articles II, III, IV, V, XI, XIII, and XV into one section. This will provide clear direction on the administrative process and help people understand how their application will be processed, who will make the approval decision, what the criteria for approval will be, and how long the process may take. We recommend that this section include a development summary table that will outline critical steps within the process (as shown below). We propose to add flow charts for each procedure to improve the navigation and transparency of processes.

**Article VI. Definitions.**

We recommend creating a new Article VI and pulling all the definitions found in section 16-9 into an independent section that provides definitions to any uses, measurements or concepts that may need additional clarification.

This reorganization allows the standards and procedures to be easily located; a user looking for any use-related standards will refer to Article III, while a user looking for information regarding administration, enforcement or procedures will go to Article V.

**III. ADD ILLUSTRATIONS, TABLES, AND FLOWCHARTS**

Graphics of the standards are largely missing from Chapter 16 and could be utilized more frequently to illustrate the development standards and enhance the clarity of the written content to help users better understand the Code. While tables are currently used to summarize use regulations and dimensional standards, the use of illustration and tables should be expanded to make complex procedures easier to digest and facilitate quicker comparison of different standards. We also recommend the addition of flowcharts to supplement complex procedures and processes and illustrate a simplified development process in the updated Administration and Enforcement section. We have found that visual codes allows all users, i.e. anyone from property owners, developers, land use attorneys, staff planners, and local governing bodies, to understand highly complex regulations with a high degree of comprehensibility and reduces the need for zoning interpretations thereby creating more predictable development outcomes for everyone.

**IV. CONSOLIDATE THE COMPLEX LINEUP OF ZONE DISTRICTS**

The current lineup of base and overlay districts is excessive for a community of Los Alamos County's size. Many of these districts are very similar in terms of their permissive uses and dimensional standards. This proliferation of zone districts can create unnecessary complexity within the Code and breed inconsistencies between district and non-district based controls, such as development standards. We therefore recommend consolidating the lineup of zoning districts into fewer, more flexible districts.

## V. CONSOLIDATE AND MODERNIZE THE LAND USE CLASSIFICATION SYSTEM

The current list of uses within Article VII should be consolidated into fewer, broader categories to create a more flexible structure that can accommodate new uses. Major areas for potential simplification are personal services and industrial uses. For example, rather than listing each individual manufacturing type that is allowed - “Asphalt and concrete batch plants”, “Brick, tile cement or block, products and mfg”, “Electrical appliances and equipment assembly and/or mfg.” etc.- industrial uses can be categorized by their potential impacts on adjacent uses. As shown below, the industrial uses could be grouped into Light, Heavy and Special Manufacturing. Each manufacturing use will be classified by its impact and whether or not it impacts adjacent uses and is administered within an enclosed building.

Existing Use	New Use	Use Definition
Assembly, miscellaneous Food processing facilities Electrical appliances and equipment repair	Light Manufacturing	The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place, where such processes are housed primarily <b><u>within the fully enclosed portions of a building.</u></b>
Asphalt and concrete batch plants Brick, tile cement or block, products and mfg	Heavy Manufacturing	The assembly, fabrication, or processing of goods and materials using processes <b><u>that ordinarily have greater than average impacts on the environment or that ordinarily have significant impacts on the use and enjoyment of other properties in terms of noise,</u></b> smoke, fumes, odors, glare, or health or safety hazards.
	Special Manufacturing	An establishment or business that uses hazardous inputs or creates hazardous by-products, as defined by federal regulation, in the course of manufacturing, assembly, fabrication, or materials treatment, or that uses manufacturing, assembly, fabrication, or treatment processes that create potentially hazardous impacts, including but not limited to explosions or leakage of nuclear or electromagnetic radiation into the environment or surrounding areas.
Resource extraction and distribution, sand and gravel, etc.	Natural Resource Extraction	The extraction and/or refining of dirt, minerals, sand, gravel, and ores, from their natural occurrences on affected land and transportation of extracted materials to locations off-site.

## VI. ALLOW MORE DENSITY & HOUSING IN DOWNTOWN CENTERS

Given that the County has very limited land resources and is experiencing a severe shortage of housing, the downtown districts are the prime location to encourage the absorption of multi-unit, multi-story apartments and mixed-use residential buildings. Absorbing housing within the downtown areas will not only alleviate the housing shortage, but aid in achieving the mix of uses and activity levels needed to improve the downtown districts.

## VII. BUILD IN NEIGHBORHOOD PROTECTIONS

All stable residential neighborhoods want zoning to protect their neighborhoods from out-of-scale / out-of-context development. This is also true in Los Alamos as demonstrated by various Comp Plan goals/policies that aim to protect the character and stability of existing residential neighborhoods. One of the best ways to protect the stability of established neighborhoods is to make it easier for the market

to absorb higher density housing/development within areas deemed appropriate, such as the downtown districts. Another national best practice is to protect them by providing standards such as height step downs or landscape buffers that automatically apply when non-residential and/or mixed use development occurs adjacent to low density residential development.

#### VIII. INCREASE PROVISION OF AFFORDABLE HOUSING

The County has identified an immediate need for additional housing stock distributed among all income ranges but is particularly acute for middle- and lower-income households (p. 6 Los Alamos Housing Market Needs Analysis, 2019). The Development Code currently lacks appropriate zoning tools to increase housing choices, particularly what has been deemed the “Missing Middle Housing” or the range of small multifamily buildings such as townhouses, duplexes, triplexes that were historically often located near or among single family. The Code Update should consider a range of zoning strategies to increase housing opportunities including provisions that allow a greater variety of dwelling types across all zone districts, allowing higher densities in downtown districts and reduced requirements for residential lot sizes and setbacks in certain residential districts.

#### IX. STREAMLINE THE DEVELOPMENT PROCESS

The zoning provisions that outline and govern the development review and other administrative matters are critical for creating an efficient procedural framework through which the County can achieve the goals and policies laid out in its Comp Plan and other adopted policies. If clear, the development standards and review provisions can promote the type of development a community wants by providing a clear, predictable path to project approval; conversely, ambiguous standards and review processes with unclear requirements and approval criteria can create frustrations and inefficiencies that hinder or stall the development process. Many of the existing Code standards are written in a way that creates ambiguities or even inconsistencies; the procedures outlined often don't contain the needed level of detail for each process needed by the development community and the review and approval criteria need to be strengthened to execute adopted goals and policies. The Code Update should streamline the development process by clarifying standards and process, consolidating and simplifying processes for approvals where possible, strengthening review and approval criteria, and eliminating redundant or unnecessary steps to reduce the process length.

#### X. BUILD IN FLEXIBILITY

Integrating a measure of flexibility will allow the Code to adapt to unexpected conditions and future challenges. Broader use categories that are more generic in nature will allow the addition of new uses under the umbrella of existing categories. Consolidating districts that are similar in nature will simplify the Code and provide flexibility within the various zones. Lastly, the addition of contextual standards will facilitate development on odd lots with the intention to mimic existing setbacks, allowing flexibility with the dimensional standards while maintaining existing neighborhood character.

## XI. BUILD IN RESILIENCY

With the update, resiliency measures can be integrated to adapt to current and projected climate change impacts. Development strategies and incentives added to the Code can help to make the community more able to respond to climate-related stressors. Strategies can be added to better integrate wildfire protection, prepare for drought and mitigate heat island impacts. Protection of sensitive areas through overlay protection zones, reduction of impermeable surfaces and requirements for Low Impact Development (LID) strategies can be integrated into the Code Update. Encouraging denser development patterns such as walkable block sizes, transit-supportive density, and high intersection connectivity, can also contribute to a more resilient community with a reduced carbon footprint.

## PART 3. LAND USE ANALYSIS

### A. EXISTING LAND USE & ZONING DISTRIBUTION

#### I. RESIDENTIAL DISTRICTS

Much of the residential zones are in outlying parts of the communities, away from other zone districts and commercial districts. Many neighborhoods have their own distinct zoning district that allows for their neighborhood-specific standards. For example, the residential estate zone district (R-E) encompasses just ten parcels located on the North Mesa, west of Los Alamos Middle School. Otherwise, there are no other parcels designated residential estate zone district in the County. Two residential districts are used solely for the North Community, located in the northwest section of the Townsite. These two districts, Residential Mixed - North Community district (R-M-NC) and Multiple-Family Residential (Low Density) - North Community district (R-3-L-NC), seem very similar to other residential districts with minute distinctions. The single-family residential district encompasses R-1-5, R-1-8, R-1-10, and R-1-12 zone districts. These are distinguished by their minimum area per dwelling unit and maximum dwelling units per acre. The mobile home districts are three-fold: the Mobile Home Subdivision district (R-4), the Mobile Home Park district (R-5), and the Mobile Home Development district (R-6). All three allow for single-family detached mobile homes with the type of ownership/rental model differentiated the three. The Mobile Home Park district and the Mobile Home Development district each have only one parcel zoned R-4 and R-5. The Planned Development districts include PD-2, PD-3.5, PD-5, PD-7, PD-12, and PD-20. While the other PD districts are used throughout the County, there are currently no parcels zoned PD-20. Since the County no longer accepts and approves applications for Planned Development districts as of August 28, 2007, it is unnecessary to keep the PD-20 zone district within the County's repertoire.

## II. NON-RESIDENTIAL DISTRICTS

The Professional Office district (P-O) includes four parcels throughout the County. The limited amount of uses in this zone district may contribute to the low number of parcels. Within these four parcels, one is a church, one is a single-family house, and two are medical offices with the total acreage of these parcels just below three acres.

Commercial zoning includes a Light Commercial and Professional Business district (C-1), a Civic Center Business and Professional District (C-2), and a Heavy Commercial district (C-3). The Light Commercial and Professional Business district is the only purely commercial district that exists beyond the Los Alamos Mesa in the Townsite. These are spread along Diamond Dr. reaching north to the North Community. Parcels zoned C-2 and C-3 within the Townsite are located surrounding the downtown district. Downtown White Rock is a mixture of C-1, C-2, and C-3 zone districts with a large section of C-3 abutting State Route 4 to the south. Much of the parcels zoned C-2 in downtown White Rock are now vacant.

There are three parcels that are zoned Research and Development district (R&D). One is located on the North Mesa at just under an acre in size. The other two parcels are located north of W Jemez Rd., directly across from Los Alamos National Laboratory (LANL) and is owned by the LANL.

All parcels zoned with the two industrial districts-the Light Industrial district (M-1) and the Heavy Industrial district (M-2)-are located along E Rd. and DP Rd., east of downtown Los Alamos. Only the parcels to the north of E Rd. and east of Los Alamos Airport are occupied. These parcels have a mixture of commercial uses.

## III. MIXED-USE DISTRICT

The Mixed-Use district (MU) is distributed mostly on the canyon rim of Los Alamos Mesa, with undeveloped, vacant parcels making up these parcels. A cluster of MU parcels along E Rd to the east of Los Alamos Airport has some mixture of commercial and professional office uses, distributed horizontally. An area northwest of the intersection of Diamond Dr. and Arkansas Ave has been designated MU. There are a few derelict buildings and storage containers that currently occupy these parcels.

## IV. SPECIALIZED DISTRICTS

The Public Land district incorporates much of the land area of Los Alamos townsite and White Rock that is undevelopable, sloping canyon walls and valleys. Other parcels zoned Public Land district include public schools, public facilities, parks and stables, and the Los Alamos Airport.

The Scenic Open Lands district (W-1) and the Recreation Wilderness district (W-2) are used **mostly as overlay zone districts that exist with P-L base zone districts. There are 19 parcels that have a W-1 overlay zone district designation, mostly contained within the canyons and total 2,166.7 acres.** The three parcels with a base zone W-2, totaling 503.9 acres, are located on the western edge of the County to accommodate Pajarito Mountain Ski Area. **There are 100 parcels that have a W-2 overlay zone district**

designation. These parcels contain the North Mesa ball fields, North Mesa Park, the stables, and portions of Bayo Canyon and total 2,278.7 acres. Zoning in the County outside of the Townsite and White Rock is zoned Federal Lands district (F-L) which is owned by the US government with restricted access.

## V. OVERLAY DISTRICTS

The Downtown districts include Neighborhood General Overlay Zone (DT-NGO), Neighborhood Center Overlay Zone (DT-NCO), Town Center Overlay Zone (DT-TCO) and Civic/Public Open Space Overlay Zone (DT-CPO). All four downtown district overlay zones are found in the Townsite and only DT-NCO is found in White Rock.

The Town Center (DT-TCO) zone accommodates a mix of office, commercial, civic and certain types of residential uses at the highest density allowed within the downtown district. This zone applies to most of the central downtown Los Alamos development blocks which are generally adjacent to the main street, Central Avenue. The Neighborhood Center (DT-NCO) subzone covers a lower intensity of residential, office, commercial and civic uses. The Neighborhood Center (DT-NCO) designation applies mostly to the downtown properties south of Trinity Drive. The Neighborhood General (DT-NGO) subzone allows similar uses as permissive within the Neighborhood Center (DT-NCO), but at lower densities and applies to established residential areas to the north of Central Avenue. The Civic / Public Open Space (DT-CPO) zone encompasses Ashley Pond, Fuller Lodge, the public library and the Los Alamos History Museum with the intent of accommodating public uses such as parks, plazas, recreation, and civic buildings.

Within White Rock, the large tract to the north of State Road 4 considered part of the Mirador development and two parcels along Rover Blvd are zoned with the Neighborhood Center (DT-NCO). The Mirador development parcels were recently built with single-family houses on individual lots. The large parcel at the intersection of Mirador Blvd and State Road 4 will be occupied by a single mixed-use building that incorporates multi-family apartments and commercial storefronts. The two parcels along Rover Blvd are occupied by a newly-built credit union while the adjacent parcel is vacant.

The Special Plan district has been used in two instances with Multiple Family Residential (High Density) district (R-3-H) and Planned Development Residential (PD-3.5). The North Mesa contains a neighborhood along Mendius Ln. of 21 single-family houses that are zoned R-3-H/SP. The Quemazon neighborhood on the western edge of the Townsite has 61.6 acres zoned PD-3.5/SP that includes a mixture of single-family detached and single-family attached housing.

The Historic Overlay District does not have an associated zone district.

## B. ISSUES AND FINDINGS

### I. LARGE NUMBER LIKE ZONE DISTRICTS

The Development Code consists of over 39 different zone districts. As discussed in section X, many of these district have similar use and dimensional standards. Section X above further shows that several of these districts aren't really utilized within the county. These factors indicated that there are likely opportunities within Module 1 to reduce the overall number of districts through a combination of consolidating and removing like districts. If district consolidation occurs, properties with base zones were converted to the closest match under the newly proposed lineup, in terms of permissive uses and intensities. Preliminary findings on the evaluation of districts are outlined in the table below.

Table 3: Existing Zone District Evaluation				
Existing Zone Districts			Zoned Acreage	Preliminary Findings
Residential districts	Residential Agricultural District	R-A	949.6	<ul style="list-style-type: none"> <li>All parcels zoned R-A are located in one section of White Rock</li> </ul>
	Residential Estate District	R-E	25.8	<ul style="list-style-type: none"> <li>All parcels zoned R-E are located in one neighborhood of the North Mesa</li> <li>As there are very few areas actually zoned R-E this zone could be consolidated with the R-A zone.</li> </ul>
	Single-family Residential Districts	R-1-5, R-1-8, R-1-10, R-1-12	1,006.9	<ul style="list-style-type: none"> <li>Contains the highest number of parcels within residential districts</li> </ul>
	Residential Mixed District	R-M	266.9	<ul style="list-style-type: none"> <li>Older neighborhoods in the Townsite</li> </ul>
	Multiple-family Residential (Low Density) District	R-3-L	33.2	<ul style="list-style-type: none"> <li>R-3-H contains the most acreage within residential districts</li> </ul>
	Multiple-family Residential (High Density) District	R-3-H	1,507.1	
	Multiple-family Residential (Very High Density) District	R-3-H-40	11.3	
	Mobile Home Subdivision District	R-4	36.5	<ul style="list-style-type: none"> <li>Districts are intended to accommodate mobile parks under both individual and collective ownership- there may be opportunities to consolidate these into fewer districts.</li> <li>Only one parcel is zoned R-5 and only one parcel is zoned R-6</li> </ul>
	Mobile Home Park District	R-5	25	
	Mobile Home Development District	R-6	13.2	

	Residential Mixed—North Community District .	R-M-NC	143.7	<ul style="list-style-type: none"> <li>The North Community districts function like a planned residential zone with specific standards created for one area.</li> <li>Unless use standards and development regulations are different</li> <li>All parcels zoned R-M-NC and R-3-L-NC are located in the North Community</li> </ul>
	Multiple-family Residential (Low Density)—north Community District	R-3-L-NC	136.5	
	Planned development residential districts	PD-2.0, PD-3.5, PD-5.0, PD-7.0, PD-12.0, PD-20.0.	369.9	<ul style="list-style-type: none"> <li>Uses and dimensional standards usually defined within a site specific development plan. It is unclear why there was a need to create specific subzones based on density type - generally such zoning is just indicated as PD on zoning maps</li> <li>As this zone district is no longer being accepted within the County, there may be opportunities to consolidate existing PD areas into similar base zones based on uses and development intensity.</li> <li>There are no parcels zoned PD-20.0</li> </ul>
Non-Residential Districts	Professional Office District	P-O	2.9	<ul style="list-style-type: none"> <li>The uses and dimensional standards are fairly similar</li> <li>Districts not utilized often on zone map</li> <li>Can likely be consolidated into 1 district. If specific R/D standards area needed they can be handled through use specific design standards</li> </ul>
	Research And Development District	R&D	111.4	
	Light Commercial And Professional Business District	C-1	16.5	<ul style="list-style-type: none"> <li>C-1 and C-2 exhibit slight variations in permissive uses, but are very similar. Slight larger variation in permissive uses allowed within the C-3 district</li> <li>Dimensional standards for all three (C-1, C-2 &amp; C-3) are identical</li> <li>Very few (16) parcels zoned C-1.</li> <li>Can like be consolidated into 2 districts- 1) Light commercial for neighborhood service commercial uses on smaller infill lots and 2) Heavy commercial for more intense commercial development on larger lots</li> </ul>
	Civic Center Business And Professional District	C-2	25.8	
	Heavy Commercial District	C-3	54.3	
	Light Industrial District	M-1	82.9	<ul style="list-style-type: none"> <li>Little variation within the permissive uses of the M-1 and M-2 districts and absolutely no difference between their dimensional standards</li> <li>Minimal application of M-2 district within County</li> <li>Can likely consolidate into 1 industrial district. Differences between industrial intensities could be handled by light vs heavy industrial use categories and use specific standards could be created for heavy manufacturing uses that mitigates impacts to adjacent properties or prohibits the use entirely within a certain distance of residential uses.</li> </ul>
	Heavy Industrial District	M-2	15.6	
Mixed-Use district	Mixed-use	MU	80.3	<ul style="list-style-type: none"> <li>The use and dimensional standards within this zone are very similar to those of the Downtown Overlay. The uses and standards within this district should be less intense than those allowed within the downtowns to better integrate with surrounding areas.</li> <li>Limited development on MU parcels that takes full advantage of mixing uses vertically.</li> </ul>
Specialized Districts	Public Land District	P-L	6,284.1	<ul style="list-style-type: none"> <li>A large amount of land zoned P-L that is not being utilized for local government and school district uses and structures. Mostly functioning as a recreational district.</li> <li>Contemporary zoning codes don't generally include separate zoning districts allocated exclusively to public lands, rather they provide institutional uses that are allowed within more flexible base zones.</li> <li>This district could be eliminated in favor of allowing institutional uses in other base zone districts.</li> </ul>



	Scenic Open Lands District	W-1	0 base 2,166.7 overlay	<ul style="list-style-type: none"> <li>These two districts are nearly identical and can likely be combined into one.</li> <li>District is intended to maintain and protect natural, recreational or scenic resources, but the districts don't actually contain any standards to achieve this.</li> </ul>
	Recreation Wilderness District	W-2	503.9 base 2,278.7 overlay	<ul style="list-style-type: none"> <li>There are no base district parcels zoned W-1 and only three parcels with base zone W-2. These parcels contain the Pajarito Mountain Ski Area.</li> <li>These two districts also function as overlay districts with a P-L base district. W-1 overlay is mostly contained to canyons within the Townsite and W-2 overlay consists of North Mesa ballfields, North Mesa Park, the stables, and portions of Bayo Canyon.</li> </ul>
	Federal Lands District	F-L	60,775.9	<ul style="list-style-type: none"> <li>This district contains no special standards other than to create a placeholder designation for land under federal ownership. As the land is outside of the County's legal zoning jurisdiction, this district can likely be eliminated and indicated on County maps as federal lands.</li> <li>Most of the land in the County outside of Townsite and White Rock areas is zoned F-L</li> </ul>
Overlay Districts including	Historic Overlay District		0	<ul style="list-style-type: none"> <li>There are no parcels zoned with the Historic Overlay District, designated historic areas should be incorporated under this district.</li> </ul>
	Downtown Districts	DT-NG, DT-NCO, DT-TCO, DT-CPO	226.5	<ul style="list-style-type: none"> <li>There is little differentiation between the uses and dimensional standards within the existing downtown subzones. Feedback from the Master Plans doesn't indicate a desire for various districts within the Downtown area- if anything there is a more of a desire for development variety along certain road types like Central, i.e. designated Main Street corridors.</li> <li>Downtown districts are not producing the desired development pattern in downtown Los Alamos.</li> <li>Downtown districts in White Rock are limited to a newly developing area northwest of the current commercial core where there is single-family houses and east of Rover Blvd where there is a new bank brand and a vacant lot.</li> </ul>
	Special Plan District	SP	64.7	<ul style="list-style-type: none"> <li>The special plan district has been used for the Quemazon neighborhood in the Townsite and a small 21-parcel neighborhood on the North Mesa.</li> </ul>

## II. DOWNTOWN ZONING DISTRICTS

Currently the zoning districts within the Downtown White Rock District include C-1, C-2, C-3, DT-NCO, R-3-H, and P-L. While this combination of base zones allows for a variety of high density residential, commercial/retail, office, public and governmental uses, these districts do not allow for the vertical integration of uses, nor do they provide development incentives to encourage a more compact, walkable mix of uses as envisioned in the Comprehensive Plan. Without the use of the full spectrum of downtown district overlays, the downtown has developed with the commercial dimensional standards that include large parking areas and buildings set far back from the street. This leads to a largely disconnected built environment along the existing roads of Longview Dr, Bonnie View Dr, Sherwood Blvd, and Rover Blvd that is not welcoming to pedestrians and cyclists. Multi-family uses are largely cut off to the surrounding commercial areas by fencing and parking areas and interact very little with the streetscape.

Much of Downtown Los Alamos includes commercial, office, and civic uses separated from residential uses. This does not currently reflect the intent of the downtown districts to integrate uses either

vertically or horizontally at a high density. No mixed use buildings that include both residential and commercial are present within the downtown limits.

This leads to the conclusion that the downtown districts are an ineffective organizational framework that does not encourage the desired urban fabric as envisioned in the Comprehensive Plan. The allowed uses within the downtown districts as well as the development standards do not vary significantly between the districts. A zoning framework that supports the Comprehensive Plan's vision for downtown would be a form-based code that is organized by street type. This would protect the existing streetscape along Central Avenue and encourage development of appropriate scales along other downtown streets.

### III. AREAS WITH HIGH CONCENTRATIONS OF NON-CONFORMITIES

Because of the way Los Alamos County was developed, zoning was applied after many residential neighborhoods were built. This has caused many lots within these neighborhoods to be legal nonconforming lots in which structures exist within setbacks or on easements, for example.

Nonconformities can be handled in multiple ways that release the pressure on administrative staff and allow the community some flexibility. These approaches can help reduce inadvertent nonconformities and decrease the likelihood of hardships for property owners. Firstly, the cleanest way this can be accomplished is by remapping these nonconforming neighborhoods to a more appropriate zoning district by adjusting the dimensional standards of the current district to better match existing conditions. Secondly, legal nonconformities can be assigned different categories that reflect how impactful they are to others. Nonconformities can be considered 'benign' or 'significant.' If benign, the property does not pose a significant potential threat to public health or safety. Examples include legal nonconformities with small deviations from required setbacks or lot area requirements or unlisted uses that are similar to permitted uses. This categorical determination acknowledges that these nonconformities can continue or expand without threatening public health or safety. If the legal nonconformity is significant, the property has a high probability of eventually harming public health or safety. If the nonconformity is benign, any expansions or changes are reviewed by administrative staff for whether it creates or increases a material risk to public health or safety in the surrounding area. Significant nonconformities should be phased out because of potential harm to the public health or safety. Building expansions and site modifications that do not reduce or eliminate the nonconformity would not be allowed.

### IV. DISCREPANCIES BETWEEN ZONING AND LAND USE

Within the Townsite, there are several areas where the zoning does not match the land use. For instance, some areas that are zoned Mixed-Use have a mix of uses that could be accommodated within C-1, C-2, or C-3, not fully utilizing the potential to build to 45 feet and vertically mix residential uses with other uses which follows the intent of the Comprehensive Plan. While the Professional Office district allows churches with a special use permit, single-family detached houses are not permitted within the Professional Office district.

Within White Rock, the Mirador development is partially zoned DT-NCO, a zone that allows that a mix of uses including commercial, civic, office, and residential but the majority of the land zoned DT-NCO has been developed as single family detached homes. One notable exception however is for a mixed-use development that has been approved by the Planning and Zoning Commission near the intersection of Mirador Blvd. and State Route 4. This development will mix multi-family residential with commercial uses in one building, introducing the first vertical mixed-use development to White Rock.

Because of the extreme topography of Los Alamos County, large areas of undevelopable land exist throughout the townsite and White Rock. These are mostly currently zoned Public Lands district (P-L) with a W-1 or W-2 overlay district. The purpose of the P-L zone district is to accommodate local government and school district uses and structures, designed to support community needs and the public health, safety, and welfare. It is recognized that the undevelopable areas of canyon walls and valleys zoned P-L with a W-1 or W-2 overlay district are used for recreational use by residents and visitors, with an extensive trail system that accommodates hikers and mountain bikers.

#### V. CONVERSION COMMERCIAL TO MIXED-USE SPOTS ZONES.

Conversions from commercial zoning districts to mixed-use districts have caused many of these areas to have spot zoning in which just one commercial parcel exists among other zoning districts. Part of the original commercial zoning is left unchanged, causing the commercial zone district to become an island in the midst of a newly-created mixed-use zone district.

## PART 4. ZONING APPROACH

### A. ZONING ALTERNATIVES

#### I. EUCLIDEAN

Euclidean zoning is the most prevalent type of code utilized by the vast majority of American cities. Euclidean zoning segregates communities into specified geographic districts and outlines use, dimensional and development standards that control the development activity within each district. Due to its segregation-based approach, Euclidean zoning has been criticized for furthering socioeconomic inequalities, limiting housing supply, and encouraging urban sprawl. This approach is also based on the assumption that most of the impacts that need to be controlled by zoning are caused by the types of use permitted on a property, and that controlling, separating, or spacing those uses can address most of those impacts. Often the impacts that concern citizens are not related to permitted uses, but rather to the form and scale of the buildings allowed on different sites, which are not always thoroughly covered under the Euclidean construct. The shortcomings of Euclidean zoning have led to the emergence of alternative approaches - most notably performance zoning and form-based zoning discussed below.

## II. PERFORMANCE ZONING

Performance zoning attempts to regulate two categories; the anticipated adverse impacts of activity (i.e. nuisance standards such as daily vehicle trips, glare, or noise etc.) on adjacent properties or regulating the site to try to encourage and maintain community character or appearance (i.e sustainable design, consistent architecture, open space preservation etc.) instead of the uses that are anticipated to create those impacts. The result can be an increase in the range of uses that may be permitted and additional control over the effects of the land use. Performance-based zoning is often applied to industrial areas. Unlike Euclidean zoning, which would regulate industrial impacts on adjacent uses through location standards or large setback requirements, performance zoning quantifies how much noise and heat are considered tolerable and then prohibits anything above this threshold. Developers can implement whatever setback allows their land use and building to meet those standards.

Most large cities did not entirely replace Euclidean zoning with performance zoning, but rather utilize it in targeted applications like use-specific standards. This is because the performance-based approach requires additional technical expertise and cost to implement and administer than required under conventional zoning. The standards and calculations themselves can be burdensome and may require specialized instruments to ensure that standards are met.

## III. INCENTIVE ZONING

Incentive zoning involves a trade-off between a community and a developer. Under this structure, a developer is allowed to deviate from specific standards in exchange for providing something that is in the community's interest – often something that the city would not otherwise require of the developer. Usually, the trade-off involves the community allowing the developer to build a larger, higher-density project by increasing the allowable floor areas or modifying setback, height, and bulk standards to accommodate the added density. Additional incentives could include waivers of specific requirements or fees such as parking standards or impact fees. Common types of public benefit include public space or open space amenities, affordable or senior housing, access to public transit, sustainable or energy efficient construction, or infrastructure improvements.

## IV. FORM-BASED ZONING

Form-based zoning focuses more on the form and scale of buildings and less on the uses permitted within them, with the purpose of achieving a particular type of place or built environment based on a community vision. Unlike Euclidean zoning, Form-Based Codes (FBC's) attempt to address not only the individual development site, but its relationship to its context, i.e. the development block, adjacent buildings, streets, sidewalk, and public spaces. FBC's are touted as a means to creating a predictable, high-quality public realm by using physical form as the organizing principle, with a lesser focus on land use. In order to achieve such a relationship, form-based codes utilize three critical elements:

- **A Regulating Plan** or map of the regulated area, similar to an official zone map, which designates the locations where different building and public form standards apply

- **Site / Building Standards** that control the features, configurations, and functions of buildings that define and shape the public realm and
- **Public Standards** for elements like streets and open space

Additionally, codes can contain supplemental sections that provide more substantial controls for architecture, landscaping, signage, or environmental/sustainable resources.

FBC's have been implemented on a variety of scales. Several large American cities such as Miami, Florida have entirely replaced their zoning code with a form-based code that employs a transect-based structure, under which the city is divided into six "transects." Transects refer to idealized models of good design that start with the most dense neighborhoods and taper off to the least dense at the edge of a typical city. Development and use standards are dependent upon the transect in which the property is located. Alternative and more common implementations of FBCs apply them only in targeted areas of the city. Most often, the targeted areas are within walkable, mixed use or downtown districts as FBC's are proven to create a more pedestrian-oriented environment through a focus on placemaking rather than uniform standards for each district and site. The latter strategy is similar to that of the current Development Code. Similarly to performance-based zoning, Form-Based Codes have been criticized for their ability to become overly prescriptive and can therefore be viewed as burdensome from a user's perspective and potentially difficult to administer.

## V. HYBRID

The term "hybrid code" generally refers to zoning regulations that combine various aspects of all the zoning models discussed above in ways that work best for the community for which they are drafted. There are hundreds of approaches to combining different types of zoning codes.

The Chapter 16 Development Code is a modified form of a Euclidean zoning approach – with elements from performance and form-based zoning grafted on. That is, it defines a series of base zone districts based primarily on the uses permitted (or conditionally permitted) in each district. As mentioned above, the downtown overlay district grafted on is a somewhat flawed version of the Moules and Polyzoïdes form-based code that is in need of substantial revisions. While the current downtown Master Plan created by Moules and Polyzoïdes boasts a "form-based" approach, its integration of that into the actual Development Code is somewhat flawed. The code adopted the downtown overlays without a proper regulating plan and the visual components of that plan were essentially stapled onto the back of Chapter 16, with less than optimal consideration for the form and content of the graphics. If a form-based approach is continued within the Code Update, the new standards will need to be integrated more holistically into the larger Code.

## B. RECOMMENDED ZONING APPROACH

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We recommend two possible zoning approaches either as stand-alone or hybrid. Option 1 would utilize a Euclidean approach throughout the entire county, including the Downtown districts, but provide more flexible development standards for downtown and mixed use areas. Option 2 would continue a hybrid code structure, similar to that of the current Development Code that utilizes both use-based and form-based controls, with the balance of those tools depending on the area of the County where the zoning is

to apply. Under this approach, Euclidean use-based controls would be applied within the majority of the County, while form-based coding would be strategically applied only within the Downtown districts.

The existing Euclidean use-based controls would be updated as outlined in the Content Specific Findings earlier in this technical review. The existing downtown development standards will need a complete overhaul to ensure they implement the vision of the Phase 1 Master Plans. The feedback received thus far from the Phase 1 Downtown Master Plans doesn't require the need for subarea districts, but towards a desire to create distinctions in the development character along specific street types, i.e. differentiating the development along Main Streets or pedestrian alleyways/ paseos from other downtown streets, for example. If such a strategy is indeed adopted by the final Master Plan vision, we anticipate that the existing downtown sub districts would be eliminated and replaced with a new Mixed-Use Form-based Zone that would apply only within the Downtown district. This district-specific standards of this new form-based zone would contain a street-based regulating plan tailored specifically for the unique visions identified for the Townsite and White Rock downtown districts. The building, site and public realm standards would then be tailored based on the adjacent corridor type; the uses and development standards along a Main Street corridor would be different than those along other downtown streets, for example. This approach will require the existing use regulations, dimensional and design standards for the downtown districts to be revised to ensure they implement the updated Master Plan visions as well as Comp Plan policies.

Both strategies will continue to be evaluated and the final determination will be based on input received from the Steering Committee, County staff and the general public.

## PART 5. PROPOSAL FOR UPDATED CODE STRUCTURE

This section of the Diagnostic Report provides an annotated outline of the proposed update to the Chapter 16, Development Code. It is intended to give an overview of the updates to the zoning regulations, how they will be reorganized, where changes occur, and how the updated documents will be presented graphically. The proposed update to the Development Code will be structured as follows:

- Article I: General Provisions
- Article II: Zone Districts and District Specific Standards
- Article III: Use Regulations
- Article IV: Development Standards
- Article V: Administration and Enforcement
- Article VI: Definitions

### A. ARTICLE I: GENERAL PROVISIONS (ARTICLE I)

This section will carry forward the general provisions currently found in Article I General Provisions with targeted updates to remove redundancies and ensure the accuracy of existing references.

**B. ARTICLE II: ZONE DISTRICTS AND DISTRICT SPECIFIC STANDARDS** (ARTICLE XIII ZONING DISTRICTS ESTABLISHED, SEC. 16-577, SEC. 16-578, SEC. 16-578-T1, SEC. 16-582, ARTICLE XV HISTORIC PRESERVATION)

**I. ZONE DISTRICTS**

This section will establish the lineup of zone districts within the update Development Code and clearly outline the differences between base district zones and overlay zones. Base zone districts will be organized into residential, mixed use, and non-residential buckets. Each zone district or overlay zone will be established through a more graphic format that contains the purpose statement, summaries of key dimensional standards, any district-specific standards that only apply within that particular zone, and cross-references to applicable development standards. Content pertaining to overlay zones will also appear in this section. For each overlay zone, the section will provide a description of the zone's purpose, a map of the area of applicability, and any pertinent standards that apply within the boundary of the overlay district. An example of the more graphic representation of a base zone district similar to what we are proposing is shown below.

GALLUP LAND DEVELOPMENT STANDARDS UPDATE - Zone District

**10-2-B-a-ii Single-Family Residential, Detached (SFR)**

The purpose of the Single-Family Residential (SFR) district is to promote and preserve safe, attractive single-family residential neighborhoods. The principal land use consists of single-family dwelling units on individual lots of varying size and dimensions correlating to historical development patterns represented by Types "A", "B", and "C" in Table 10-2-4. Limited uses that support single-family development, such as recreational and civic/institutional uses, religious/educational facilities, and uses incidental or accessory to dwellings, are shown in [Table 10-3-1: Use Table](#).

**10-2-B-a-ii-A District Specific Standards**

1. A maximum of one (1) principal dwelling structure shall be allowed per lot.
2. A maximum of three (3) accessory structures may be provided if it meets the standards for accessory structures as shown in [Section 10-3-C](#).<sup>5</sup>

Figure 10-2-2: Single-Family Residential, Detached District



Table 10-2-4: SFR District Dimensional Standards				Table 10-2-5: Other Applicable Standards	
Development Type	Single-Family Residential			Overlay Districts	10-2-B-d
	A	B	C	Permitted Use Table	10-3-B
<b>Lot Standards</b>					
<b>a</b>	Lot area, min.	3,000 sq. ft. <sup>6</sup>	6,000 sq. ft.	Use Specific Standards	10-3-C
<b>b</b>	Lot frontage, min.	25 ft.	25 ft.	Parking and Loading	10-4-A
<b>c</b>	Lot width, min.	50 ft.	60 ft.	Access and Connectivity	10-4-B
<b>Setbacks</b>					
<b>d</b>	Front, min.	10 ft.	20 ft. <sup>7</sup>	Landscaping and Screening	10-4-C
<b>e</b>	Side, min.	5 ft.	5 ft.	Walls and Fences	10-4-D
<b>f</b>	Interior	10 ft.	10 ft.	Architectural Design	10-4-E
<b>g</b>	Rear, min.	15 ft. <sup>10</sup>	20 ft. <sup>11</sup>	Signage	10-4-F
<b>Building Standard</b>					
<b>h</b>	Height <sup>12</sup> , max.	26 ft.	26 ft.	Environmental Performance	10-4-G
				Terrain Management	10-4-H

<sup>7</sup> The front setback may be reduced to a minimum of fifteen (15) feet from the minimum requirements in Table 10-2-4 (current standards) where the garage is setback twenty-five (25) feet from the front property line.

<sup>8</sup> The front setback may be reduced to twenty (20) feet where garage or side entry is setback an additional five (5) feet from the minimum requirements in Table 10-2-4 (current standards).

<sup>10</sup> The rear setback may be reduced to ten (10) feet from the minimum requirements in Table 10-2-4 (current standards) where an open back porch exists. (Current standard reduced from twenty (20) feet to fifteen (15) feet to accommodate smaller lots and residential developments.)

<sup>11</sup> The rear setback may be reduced to fifteen (15) feet where an open back porch exists.

II. USE REGULATIONS (ARTICLE VII)

a) Use Index Table

This section will carry forward the Use Index Table in Sec.16-287 to outline the Permitted, Special, and Accessory uses for each zone district. The updated table will reorganize zone districts into larger residential, mixed-use, and non-residential buckets and provide cross-reference any use specific standards that apply to a particular use within a distinct use-specific standards column on the right side of the table. The uses themselves will be updated to include contemporary uses currently demanded by the market and existing uses will be consolidated and/or simplified into fewer, broader categories. An example of a portion of a Use Table from another community is shown below.

Table 10-3-1: Use Table												
P = Permissive; C = Conditional; A = Accessory; AC = Accessory Conditional (requires permit)												
Districts >	Residential							Mixed Use		Non-Residential		
	RR	SFR	MFRL	MFRM	MFRH	MHP	MXN	MXC	GC	HC	I	
Use Categories v	Use Types v											Supplemental Use Standards v
Household Living	Dwelling, Single-Family, Detached	P	P	P			P					10-3-C-a-i
	Dwelling, Two-Family, Attached (duplex)			P	P	P	P					10-3-C-a-iv
	Dwelling, Cluster Development	P	P	P	P		P					10-3-C-a-ii
	Dwelling, Co-housing Development	P	P	P	P		P					10-3-C-a-iii
	Dwelling, Townhouse			P	P	P	P					10-3-C-a-v
	Dwelling, Live-Work					P	P	P				10-3-C-a-vi
	Dwelling, Multi-family				P	P	P	P				
	Dwelling, Mobile Home Park					P						
Group Living	Elderly Housing, Assisted Living Facility			C	P	P	P	P	P	P		
	Convent or Monastery	P				P	P	P				
	Fraternity or Sorority				P	P	P	P				
	Community Residential Facility	P	P	P	P	P	P	P	P	P		10-3-C-a-vii
	Emergency and Protective Shelter			C	C	C	P	P	P	P		10-3-C-a-viii
	Group Residential Facility				C	C	C	P	P	P		10-3-C-a-ix
	Halfway House or Recovery Home				C	C	C	P	P	P		10-3-C-a-ix
Civic & Institutional Uses	Cemetery	C							C	C		
	Community/Recreation Center	P	C	P	P	P	P	P				
	Correctional Facility								C	C		

b) Use Specific Standards

The section immediately following the Use Table will list each of the use specific standards currently found in Article VII Use Regulations. Use specific standards will also be cross-referenced in the Use Index. Existing use specific standards will be updated, reorganized, or eliminated and standards for new uses will be added as appropriate during the drafting of Module 1, Zone Districts and Use Regulations.

**C. ARTICLE III: DEVELOPMENT STANDARDS** (ARTICLE VI CONSTRUCTION IMPROVEMENTS, ARTICLE XI: OFF STREET PARKING AND LOADING, ARTICLE X: SIGNS, ARTICLE XIV: DEVELOPMENT STANDARDS, SEC. 16-271 FENCES, HEDGES AND GATES, SEC. 16-276 OUTDOOR LIGHTING)

The Development Standards ranging from dimensional standards, off-street parking and loading, landscaping, screening and buffering, and signage that are currently found in the various articles of the Development Code will be consolidated into one article that covers all development standards. All



subsections of the development standards will include clarified applicability to ensure clarity of what development actions trigger compliance with subsequent regulations. Administrative and permit-related materials will be moved into Article IV Administration and Enforcement. Tables and illustrations will be added as necessary to clarify complex development regulations. Subsections of the development standards article will include:

#### I. CONSTRUCTION IMPROVEMENTS

This section will carry forward the information from the existing Article VI Construction Improvements.

#### II. DIMENSIONAL STANDARDS

This section will consolidate all of the information regarding minimum and/or maximum standards for lot areas, lot widths, building setbacks and height, open space, and lot coverage for all base zone districts. This section will contain a new cross-district dimensional table that consolidates all the dimensional standards from all base zone districts.

#### III. OFF-STREET PARKING AND LOADING

This section will include materials from the Off-street Parking Regulations in current Article IX. - Off-Street Parking And Loading, as well as any supplementary parking related materials currently housed in Sections 16-579-t1,16-579-t2. As noted in a) of this document, we will review the current standards for comparison with other national best practice and recommend changes. Credits against minimum parking requirements will also be updated – particularly those related to the downtown districts and additional provisions such as bicycle parking or vehicle charging stations. In addition, this section will include basic design and layout standards that are in compliance with federal regulations.

#### IV. LANDSCAPING, SCREENING & BUFFERING

This section will provide all of the basic site landscape requirements as well as what types of screening and buffering are required for different types of development. As noted in d) of this document, these standards will need to be revised to types of screening and buffering that are not included in the existing regulations, strengthened landscaped buffers for areas adjacent to single-family residential neighborhoods, and improved tools for water conservation.

#### V. WALLS AND FENCES

This section will provide all the standards associated for the construction of walls and fences, including maximum heights by district, allowable/prohibited materials and associated design standards.

## VI. OUTDOOR LIGHTING

This section will include all standards from the code related to outdoor lighting standards, including but not limited to the Outdoor Lighting Regulations currently found in Section 16-276. Updated standards will reflect national best practice from the Illuminating Engineering Society and the International Dark-Sky Association in terms of light fixture cutoffs and references to lighting levels and the existing draft lighting ordinance from the dark sky consortium, which will be evaluated and incorporated as appropriate.

## VII. SIGNAGE

This section will include all sign-related regulations, including but not limited to those Sign Regulation standards in current Article X. As noted in section A.iii.b of this document, all sign type, size, height, and other standards will be organized in a table by property use and/or zone district and the existing draft signage standards provided by County legal will be evaluated and incorporated as appropriate.

### **D. ARTICLE IV: ADMINISTRATION AND ENFORCEMENT** (ARTICLE II: ADMINISTRATION AND ENFORCEMENT, ARTICLE III: GENERAL APPLICATION REQUIREMENTS, ARTICLE IV: GENERAL REVIEW CRITERIA, ARTICLE V: PUBLIC NOTICE, ARTICLE XI: PUBLIC HEARING AND DECISION MAKING PROCEDURES, ARTICLE XII: APPEALS, ARTICLE VIII: NONCONFORMING USES)

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This article will contain information pertaining to the administration of the zoning regulations, such as review/decision bodies, nonconformities, violations, penalties, and enforcement, as well as land development procedures authorized by Los Alamos County. Content from various articles including Article II: Administration and Enforcement, Article III: General Application Requirements, Article IV: General Review Criteria, Article V: Public Notice, Article XI: Public Hearing and Decision Making Procedures, Article XII: Appeals, and Article VIII: Nonconforming Uses will be consolidated into a single Administration and Procedures article.

#### I. PROCEDURES SUMMARY (NEW)

The Procedures Table will be utilized to clarify the various development procedures authorized by the County. For each procedure, the table will summarize:

- The type of development permit and approval required by the City
- Any pre-application requirements (e.g. neighborhood notification or pre-application meetings)
- Who reviews/approves the application
- Whether a public hearing is required
- What body hears appeals
- Expiration timeframes for approvals

An example of a summary procedures table from another community is shown below.

**Table 5-1-1: Summary of Development Review Procedures**  
**R = Review and/or Recommend D = Review and Decide**  
**AR = Appeal Review and Recommend AD = Appeal Review and Decision**  
**[ ] = Public Meeting < > = Public Hearing**

Application Type	Section 5-5- Published <sup>1184</sup>	Notice			Mtgs.		Review and Decision Authorities <sup>1103</sup>						
		Mailed	Posted Sign	Electronic Mail	Web Posting <sup>1185</sup>	Pre-Application <sup>1184</sup>	Neighborhood <sup>1187</sup>	City Staff / Zoning Enforcement Officer <sup>11</sup>	Zoning Hearing Examiner <sup>1188</sup>	Development Review Board	Landmarks Commission	Environmental Planning Commission	Land Use Hearing Officer
<b>Administrative Decisions</b>													
Certificate of Appropriateness – Minor <sup>1189</sup>	1.A			X			D					<AR>	<AD>
Declaratory Ruling or Certificate	1.B						D					<AR>	<AD>
Fence, Wall, or Sign Permit							D <sup>1190</sup>					<AR>	<AD>
Permit	1.C			X	X		D					<AR>	<AD>
Alternative Signage Plan	1.C		X	X	X		D					<AR>	<AD>
Grading, Drainage or Paving Approval	1.D						D <sup>1191</sup>						
Impact Fee Assessment <sup>1191</sup>	1.E						D				<A>	<AR>	<AD>
Site Plan – Administrative <sup>1192</sup>	1.F			X			D					<AR>	<AD>
Surface Disturbance Permit	1.G						D <sup>1191</sup>						
Wireless Telecommunication Facility Approval <sup>1193</sup>	1.H	X					D					<AR>	<AD>

## II. GOVERNING BODIES

This section will list each appointed body involved in the review and approval of development applications and explain its role in the process. Together, this section and the Procedures table above will provide the user with a much clearer idea of how their development application or their neighbor’s development application will be processed by the County. The section will consolidate and integrate information from the following sections of the current regulations, e.g. Sec. 16-51 Community Development Director, Sec. 16-52 Board of Adjustment, Sec. 16-53 Planning and Zoning Commission, and Sec. 16-54 Interdepartmental review committee (IDRC).

## III. PROCEDURES

This section will list the procedures for the various development applications authorized by the County. Content will be split into two sections: (1) Common Procedures that are applicable to multiple types of applications within the Development Code, such as neighborhood notification, application completeness, and appeals, as well as (2) Specific Procedures pertaining to the individual development actions such as Zoning Amendments, Variances, Conditional Uses, etc.. Each procedure will have a flowchart outlining the general steps in the process and opportunities for public engagement.

#### IV. NONCONFORMITIES

This section will clarify how the Development Code applies to land uses, buildings, lots, signs, and site features that were legal when they were established or built, but that now do not conform to the current standards through no fault of the property owner. Materials will be drawn primarily from existing Nonconforming Uses, Article VIII.

#### V. ENFORCEMENT, VIOLATIONS, AND PENALTIES

This section will consolidate all materials about how the Development Code is enforced, what constitutes a violation of the Code, and the penalties applying to different types of violations. Materials will be drawn primarily from existing zoning enforcement provisions (Division 3. - Enforcement).

### E. ARTICLE V: DEFINITIONS

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This section will consolidate and update definitions found throughout the Development Code including but not limited to all land use category definitions, Sec. 16-419 Signage Definitions and Sec. 16-611 Historic Preservation Definitions. The various definition lists will be reviewed to provide updates where appropriate and eliminate inconsistencies.

## PART 6. APPENDIX

### A. TARGET INTERVIEW SUMMARIES

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In order to more accurately diagnose the Development Code, the project team conducted a series of interviews with administrative staff and targeted users in November and December of 2020. The interviews helped the project team gain a better understanding of the Code and gather insights into the major Code weaknesses. The interviewees were selected based on their experience either using the Code or administering it. They included County staff, developers, design professionals, and community members. During the interviews, participants were prompted with questions regarding the overall ease of use of the Code, the organization, use regulations, development standards, procedures, and sustainability practices. Feedback from the interviews is outlined below. Their responses helped inform this technical review and will be used to shape the proposed revisions to the Development Code.

#### I. ADMIN/ ENFORCEMENT

There is a need for clarity in the application process and procedures in the Code that would allow for ease of comprehension and fewer confusions in the process for approvals. This would allow applicants flexibility in refining their development proposals in compliance with the Code, while staying mindful of the cost both in time and money. Application forms need to be simplified and revised to reflect current development practices for the ease of applicants and the administration alike. The application process also currently includes redundant practices and requirements that deter the administration in their approval process. Another impediment to the developers and applicants is the Public Notification

process. The Public Notification process requires updating to regulate the timeframe of public notification, the prerequisites for objections that lead to a Public Hearing, and the potential addition of posted signs and their regulatory requirements in the Code.

The current Code often conflicts with the Comprehensive Plan/ Charter giving rise to inconsistent review criteria and other contrary procedures. There is a requirement to clarify the required procedures, provide detail in the relevant sub-section regulations, and define approval criteria for varying development applications. The language regarding maintenance and enforcement of the Code is sometimes ambiguous and could be clarified.

On a general note, committee members can be educated on the various components of the Code to increase efficiency in the various approval procedures. More interdepartmental coordination is also required to prevent Permitting conflicts within the various Departments of the city. Reducing overall ambiguity in the Code and providing targeted and specific language would eliminate confusions rising from subjective interpretation of the Code.

## II. CODE ORGANIZATION & USER-FRIENDLINESS

The layout of the Code is not user-friendly and omits cross-references that could guide the user to other relevant sections of the document that provide more detail. Tables and Sections sometimes do not have the right placement in the Code document or miss index numbers and hence obstruct the ease of Code comprehension and application. There is also vagueness in certain areas of the Code that could be countered by the addition of relevant graphic illustration, to aid in an improved perception of Code regulations. More detailed language and less room for ambiguity is required to eliminate confusions that arise from vague definitions. A website format that allows users to pursue cross-references would further aid to create a more efficient and user-friendly Code.

## III. DEVELOPMENT STANDARDS

Standards in the Code are oftentimes outdated and unwelcoming to contemporary development practices. An update is necessary to allow developers more flexibility and to promote and incentivize sustainability in new development. Current regulations restrict developers to outdated material and exterior finishes. Overly complicated regulations and missing details lead to the misconception of Dimensional Standards. Downtown Standards, in particular, need revision to accommodate a less restrictive approach to development. Downtown height restrictions, for example, are complicated and act as obstacles for infill development. Canyon and hillside sites do not have location and terrain-specific standards. Landscape and lighting standards are also outmoded, and need to be changed to reflect contemporary and environmentally-conscious practices.

Other regulations that are of issue are Parking and Signage. The Parking Standards are ambiguous and are a frequent impediment to development interests. These standards and requirements do not reflect current State requirements. Updated standards and definitions are required that also match ADA standards, thereby reducing confusion in developmental requirements. Parking in downtown and commercial zones also need clarification to establish recognized regulations. Signage regulations in the

Code use complex language and are incomprehensible to the general public or one-time users of the Code.

#### IV. USE REGULATIONS

In the case of Use Regulations, the current Code does not encompass detailed regulations for contemporary elements of urban living- like Accessory Dwelling Units that can also serve as short-term rentals, and Special Uses. The existing regulations are also incompatible with the Comprehensive Plan, giving rise to further complications and delays. The Code on these elements require clarifying language that clearly defines what is permitted and the approval criteria for each request. Accessory Dwelling Units are an especially prevalent request and currently result in contentious and lengthy approval processes.

The Use Matrix Index is outdated and requires updating to accommodate uses that are more contemporary. Another area of interest within Use Regulations is Zone Districts. The Code currently accommodates too many Downtown Zone Districts and Overlays that impede developers. The Use Regulations also do not provide clear definitions and purposes for the Special Plan Districts, allowing for undesirable flexibility in interpretation of the regulations. New revisions of the Use Regulations could incorporate current uses like craft breweries in zone districts with regulations that are specific to the use case.