



## DEVELOPMENT CODE UPDATE

Module 3 Administration and Enforcement Public Open House 8.2.2022





- You are muted during the presentation for the first part of the workshop
- If you have questions, use the Chat function



# Agenda

- Code Review Overview
- Overall Update Structure
- Changes from Module 1 and Module 2
- Overview of major changes
- Public input received
- Next steps

# Timeline

- Module 1 released July 7, 2021
- Downtown Master Plans adopted October 19, 2021
- Module 2 released January 24, 2022
- Module 3 released July 18, 2022
- Additional content on Wireless Telecommunication Facilities, Outdoor Lighting, and Accessory Dwelling Units anticipated to be released September 2022
- Council Review for Adoption of Revised Chapter 16 anticipated Fall 2022

# Code Update Modules

- Modules integrate findings from Diagnostic Report into municipal code
- Modules build off of each other
- Comments on each Module are addressed in subsequent Modules. Module 2 comments have been addressed in Module 3.



Content removed as a result of public comments are indicating in this document via text that is struck through (e.g. ~~content removed~~), while new content added as a result of public comments is underlined (e.g. new content), with the exception of cross-references.

# Steering Committee

## Role of Committee

- Advise Code Update recommendations
- Meets every other week

## Composition of Committee

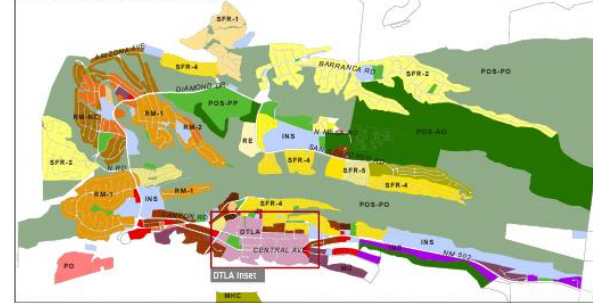
- Neighborhood representatives
- Business owners
- Development community representatives
- County staff – community development, public works,
- County legal

# Revisions to Module 1 & 2

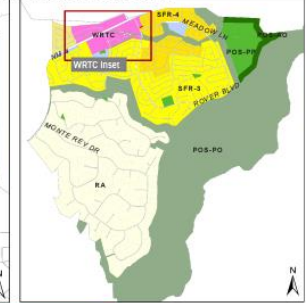
## Zone District Name Changes

- Changed PL: Public Land District name to INS: Institutional District

Los Alamos Townsite Proposed Zoning



White Rock Proposed Zoning



LEGEND	
INS Institutional	POS-PO Passive Open Space
POS-RC Recreational Open Space	RA Residential Agricultural
POS-PP Public Parks	RE Residential Estate
POS-AO Active Open Space	SFR-1 Single Family Residential
SFR-2 Single-Family Residential	SFR-3 Single-Family Residential
SFR-4 Single-Family Residential	SFR-5 Single-Family Residential
SFR-6 Single-Family Residential	RM-1 Residential Mixed
MFR-H Multi-Family High-Residential	M-F-C Manufactured Home Community
MFR-L Multi-Family Low-Residential	MU Mixed-Use District
DTLA Downtown Los Alamos	WRTC Downtown White Rock
PO Professional Office	GC General Commercial
ND Industrial	

# Revisions to Module 1 & 2

## North Community Districts

- Changed RM-NC: Residential Mixed North Community District name to RM-2: Residential Mixed District
- Incorporated MFL-NC into general MFL and carried over less stringent entitlements from NC

TABLE 3: RM DIMENSIONAL STANDARDS

Lot Standards	RM-1 RM		RM-2 RM-NC		
	SF*	DPX/TH**	SF	TH	DPX
Lot area, min	8,000	10,000	6,500	10,000	
<b>A</b> Lot width, min		50'	40'	20'	40'
<b>Setbacks</b>					
<b>B</b> Front, min		20'		15'	
<b>C</b> Interior side, min***		5'		7.5'	
<b>D</b> Street side, min		15'		15'	
<b>E</b> Rear, min		20'		20'	
<b>Heights</b>					
<b>F</b> Primary Building Height, max		35'		35'	
<b>G</b> Accessory Building Height, max		15'		15'	
<b>Density</b>					
Lot coverage, max		40%		40%	

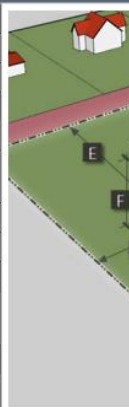
\* SF indicates single-family dwellings.  
 \*\* DPX indicates duplex dwelling types and TH indicates t  
 \*\*\* Allowed exceptions for Zero lot building types are ou  
 Table 3: RM Standards are provided along exterior bo



TABLE 6: MFL-L DIMENSIONAL STANDARDS

Lot Standards	SF	DPX/TH	MF
Lot area, min	6,500	10,000	12,000
<b>A</b> Lot width, min	40'	20'	40'
<b>Setbacks</b>			
<b>B</b> Front, min		15'	
<b>C</b> Interior side, min*		5'	
<b>D</b> Street side, min		15'	
<b>E</b> Rear, min		15'	
<b>Heights</b>			
<b>F</b> Primary Building Height, max		35'	
<b>Density</b>			
Lot coverage, max		40%	

\* Allowed exceptions for Zero Lot building types are outlined in Section  
 Table 3: RM Standards are provided along exterior boundaries of the





# Revisions to Module 1 & 2

## Open Space Districts

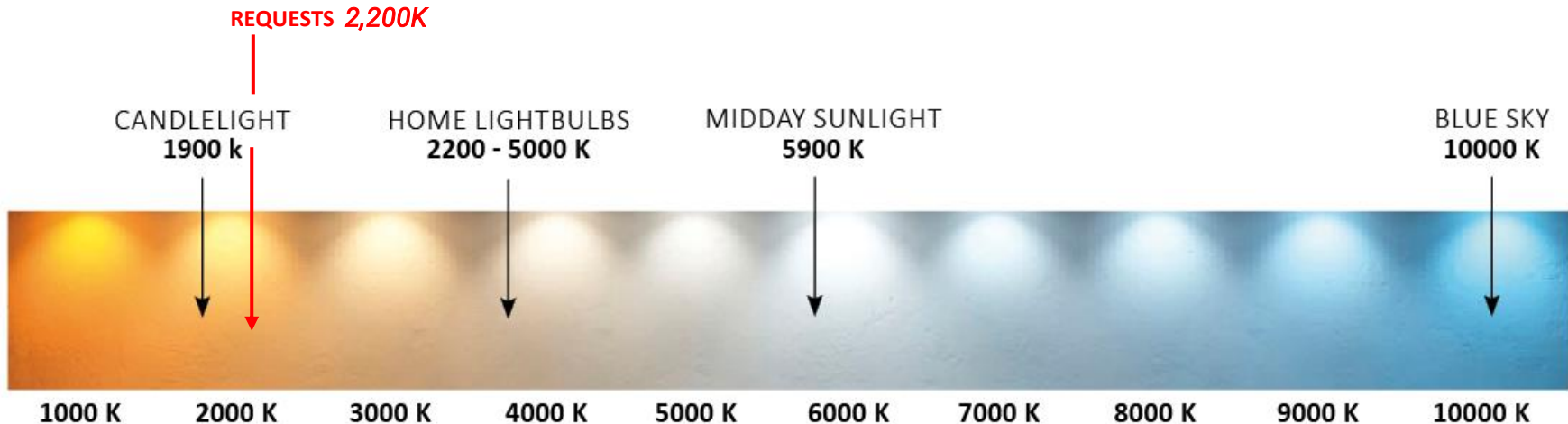
- New parks district, POS-RO: Parks and Open Space – Recreational Open Space, covers Pajarito Mountain Ski Area
- Removed more intense use allowance from POS-PO



# Revisions to Module 1 & 2

## Development Standard Changes

- Changed Correlated Color Temperature (CCT) restriction from 3000K to 2200K



# Module 3 Table of Contents

## Review and Decision- Making Bodies

Defines the authority and responsibility of each body.

## Procedures

Outlines general procedures and provides a guide to the development process in the Procedures Summary Table

**PART 16-5. ADMINISTRATION AND ENFORCEMENT ..... 144**

**Section 16-5-1 Review and Decision-Making Bodies .....144**

5-1(A) Community development department / Community Development Director.....	144
5-1(A)(I) Authority.....	144
5-1(A)(II) Responsibilities .....	144
5-1(B) Planning and Zoning Commission .....	145
5-1(B)(I) Authority.....	145
5-1(B)(II) Responsibilities .....	145
5-1(C) County Council .....	147
5-1(C)(I) Authority.....	147
5-1(C)(II) Responsibilities .....	147

**Section 16-5-2 Procedures .....148**

5-2(A) Procedures Summary Table.....	148
5-2(B) Common Procedures.....	150
5-2(B)(I) Code Interpretations.....	150
5-2(B)(II) Meeting Requirements .....	151
5-2(B)(III) Notifications.....	152
5-2(B)(IV) Application Submittal Requirements .....	153
5-2(B)(V) Public Hearing Procedures.....	154
5-2(B)(VI) Appeals.....	159
5-2(B)(VII) Calculation of Time Periods .....	162
5-2(B)(VIII) Permit and Approval Expirations .....	162
5-2(B)(IX) Extensions of Period of Validity.....	163

**Section 16-5-3 Specific Development Procedures.....165**

5-3(A) Administrative Decisions.....	165
5-3(A)(I) Administrative Deviations.....	165

# Module 3 Table of Contents

## Specific Development Procedures

Describes the applicability, procedures, and decision criteria for each type of development application.

## Nonconformities

Outlines the applicability and procedures for nonconforming uses, lots, structures, and site features

<b>Section 16-5-3 Specific Development Procedures.....</b>	<b>165</b>
5-3(A) Administrative Decisions.....	165
5-3(A)(I) Administrative Deviations.....	165
5-3(A)(II) Accessory Structure Permit.....	166
5-3(A)(III) Encroachment Permit.....	167
5-3(A)(IV) Fence/Wall Permit.....	169
5-3(A)(V) Minor Historic Property Alteration Certificate.....	170
5-3(A)(VI) Minor Development Plan Amendments.....	173
5-3(A)(VII) Minor Site Plan Amendments.....	174
5-3(A)(VIII) Sign Permit.....	176
5-3(A)(IX) Special Event Permit.....	177
5-3(A)(X) Summary Plat.....	178
5-3(A)(XI) Temporary Use Permit.....	180
5-3(A)(XII) Wireless Telecommunication Facilities Permit.....	182
5-3(B) Quasi-Judicial Decisions.....	183
5-3(B)(I) Subdivision (Preliminary and Final Plats).....	183
5-3(B)(II) Conditional Use Permit.....	186
5-3(B)(III) Major Historic Property Alteration Certificate.....	188
5-3(B)(IV) Variances.....	190
5-3(B)(V) Minor Zone Map Amendment.....	192
5-3(B)(VI) Site Plan Adoption Or Major Amendment.....	194
5-3(B)(VII) Development Plan Adoption or Major Amendment.....	197
5-3(C) Legislative Decisions.....	199
5-3(C)(I) Comprehensive Plan Adoption or Amendment.....	199
5-3(C)(II) Adoption or Amendment of a Master Plan.....	201
5-3(C)(III) Text Amendment.....	203
5-3(C)(IV) Major Zone Map Amendment.....	205
<b>Section 16-5-4 Nonconformities.....</b>	<b>207</b>
5-4(A) Purpose.....	207
5-4(B) Applicability.....	207
5-4(C) Authority To Continue.....	207
5-4(D) Maintenance and Minor Repair.....	207
5-4(E) Nonconforming Lots.....	207
5-4(F) Nonconforming Uses.....	208
5-4(F)(I) Limitation on Continuation on Nonconforming Uses.....	208
5-4(F)(II) Discontinuance of Nonconforming Use.....	208
5-4(G) Nonconforming Structures.....	208
5-4(H) Nonconforming Site Features.....	209
5-4(H)(I) Applicability.....	209
5-4(H)(II) Authority to Continue.....	209

# Module 3 Table of Contents

## Construction Improvements

Describes processes and requirements for public and private construction improvements.

## Violations, Enforcement, and Penalties

Describes the County’s authority to enforce and enforcement procedures

## Definitions

<b>Section 16-5-5 Construction Improvements</b> .....	<b>210</b>
5-5(A) Construction Phasing Plan .....	210
5-5(B) Notification.....	210
5-5(C) Beginning of Construction.....	210
5-5(D) Developments with Public Improvements .....	210
5-5(E) Developments with Private Improvements .....	210
5-5(F) Escrow Agreement.....	211
5-5(G) Responsibility for Maintenance .....	211
5-5(H) Acceptance.....	212
5-5(I) Monuments .....	212
5-5(J) General Construction Standards .....	213
<b>Section 16-5-6 Violations, Enforcement, and Penalties</b> .....	<b>214</b>
5-6(A) Purpose.....	214
5-6(B) Authority to Enforce .....	214
5-6(C) Review of Zoning Compliance .....	214
5-6(D) Enforcement Procedures .....	214
5-6(E) Penalty For Violation Of Code .....	214
<b>PART 16-6. DEFINITIONS</b> .....	<b>215</b>
<b>Section 16-6-1 Rules</b> .....	<b>215</b>
<b>Section 16-6-2 DEFINED TERMS</b> .....	<b>215</b>

# Procedures Summary Table

**TABLE 43: PROCEDURES SUMMARY TABLE**

*X = Required  
R = Review and Recommend  
D = Review and Decide  
AD = Appeal Review and Decision*

APPLICATION TYPE	NOTICE			MEETINGS		REVIEW/ APPROVING BODIES			SPECIFIC PROCEDURES
	PUBLISHED NEWSPAPER AD	MAILED	POSTED NOTICE	PRE-APPLICATION MEETING	NEIGHBORHOOD MEETING	COMMUNITY DEVELOPMENT DIRECTOR/ DESIGNEE	PLANNING AND ZONING COMMISSION	COUNTY COUNCIL	
Conditional Use Permits	X	X	X				D	AD	<a href="#">5-3(B)(II)</a>
Major Historic Property Alteration Certificate	X	X	X	X			D	AD	<a href="#">5-3(B)(III)</a>
Variances	X	X	X				D	AD	<a href="#">5-3(B)(IV)</a>
Minor Zone Map Amendments	X	X	X	X	X				<a href="#">5-3(B)(V)</a>
Site Plan Adoption / Major Amendments	X	X	X	X					<a href="#">5-3(B)(VI)</a>
Development Plan Adoption / Major Amendments	X	X	X	X	X		D	AD	<a href="#">5-3(B)(VII)</a>
<b>Legislative Decisions</b>									
Master Plans									<a href="#">5-3(C)(II)</a>
Comprehensive Plan Adoption or Amendments	X						R	D	<a href="#">5-3(C)(I)</a>
Major Zone Map Amendments	X	X	X	X	X		R	D	<a href="#">5-3(C)(IV)</a>
Text Amendments	X			X			R	D	<a href="#">5-3(C)(III)</a>

Review and Decision Authority

Application Type

Meeting Requirements

Notice Requirements

Specific Procedure Link

# Types of Procedures

Establishes and defines categories of decisions authorized in the Development Code: Legislative Decisions, Quasi-Judicial, and Administrative

- **Legislative Decisions** involve a change in land-use policy by the decision making body that does not concern a single tract – require a public hearing
- **Quasi-judicial Decisions** involves the use of a discretionary standard, as specified in the Development Code, to an application for discretionary development approval that is applicable to specific land in common ownership or to an area of land in which the predominant ownership is in a single ownership – require a public hearing
- **Administrative Decisions** involve interpretation and application of nondiscretionary standards of the Development Code to an application – do not require a public hearing

# Review and Decision-Making Bodies

Community Development Department / Director reviews and makes final decisions on:

- Accessory Structure Permits
- Administrative Deviations / Waivers
- Building Permits
- Declaratory Rulings
- Encroachment Permits
- Fence / Wall Permits
- Hillside Development Plans
- Landscape Plans
- Lighting Plans
- Minor development plan amendments
- Minor site plan amendments
- Sign Permits
- Special Event Permits
- Summary Plats
- Temporary Use Permits
- Wireless Telecommunications Facilities



# Review and Decision-Making Bodies: Planning and Zoning Commission

Appeal authority for administrative decisions.

Reviews and makes recommendations to County Council on:

- Master Plans
- Development Plans
- Comprehensive Plans
- Zone Map Amendments
- Text Amendments

Reviews and makes final decisions on:

- Code Interpretations
- Sketch Plats
- Preliminary Plats
- Final Plats
- Conditional Use Permits
- Site Plan
- Development Plan
- Major Site Plan Amendments
- Major Development Plan Amendments
- Variances
- Any application referred to it by the Community Development Director

# Review and Decision-Making Bodies: County Council

Appeal authority for decisions by the Planning and Zoning Commission

- Master Plan Approvals
- Development Plan Approvals, including any associated site plans or sketch plats.
- Comprehensive Plan Adoption or Amendments
- Zone Map Amendments
- Text Amendment

Reviews and makes final decisions on:

- Master Plan Approvals
- Development Plan Approvals, including any associated site plans or sketch plats.
- Comprehensive Plan Adoption or Amendments
- Zone Map Amendments
- Text Amendment

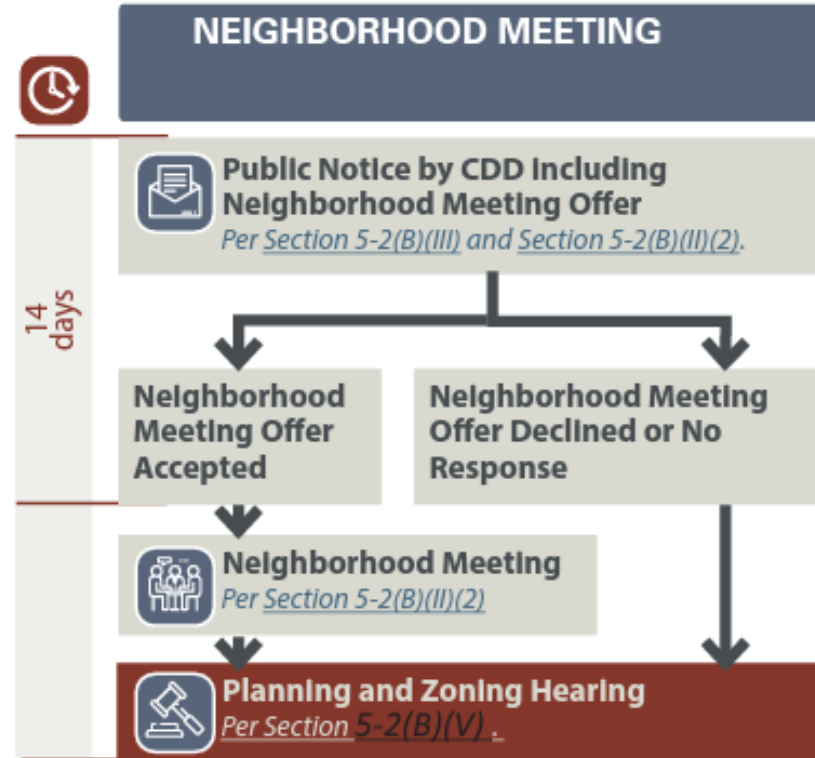
# Common Procedures: Permit Approval and Expiration

- Procedures for extending approvals

<b>TYPE OF APPROVAL</b>	<b>PERIOD OF VALIDITY</b>
<b>Administrative Decisions</b>	
Accessory Structure Permit	1 year
Administrative Deviations/ Waivers	2 years
Declaratory Rulings	Does not expire, unless the section(s) of the LAC to which the ruling relates is amended
Encroachment Permits	2 years
Fence/ Wall Permits	1 year
Hillside Development Plans	As stated in development agreement
Landcape Plans	1 year
Lighting Plans	1 year
Minor Development Plan Amendments	2 years
Minor Site Plan Amendments	2 years
Sign Permits	1 year
Special Event Permits	As stated in the Special Event Permit
Summary Plats	2 years
Temporary Use Permits	As stated in the Temporary Use Permit
Wireless Telecommunications Facilities	2 years
<b>Decisions Requiring a Public Hearing*</b>	
Preliminary Plats	1 year
Final Plats	Does not expire once timely recorded
Conditional Use Permits	2 years
Site Plans	3 years
Development Plans	3 years
Major Site Plan Amendments	1 Year or Until Preliminary Plat is approved
Major Development Plan Amendments	1 Year or Until Preliminary Plat is approved
Variances	Expires with associated site plan
Minor Master Plan Approval	3 years
<b>Policy Decisions</b>	
Major Master Plan Approval	Do not expire
Comprehensive Plan Adoption and Amendments	
Zone Map Amendments	
Text Amendments	
*A 1 year extension may be granted by the appropriate approver if requested by an applicant	

# Common Procedures: Neighborhood Meetings

- Neighborhood Meetings required for Zone Map Amendments and Development Plan Adoptions/Major Amendments
- Offered to all property owners within 300 ft of the subject property



# Common Procedures: Notifications

- Procedures for published, posted, and mailed notice
- New procedures for posted notice

## 5-2(B)(III)(3) CONTENT OF NOTICES

1. All notice required by Table 43 Procedures Summary Table shall include, at a minimum, all the following information:
  - A. The address of the subject property, if available, and a location map indicating the subject property;
  - B. The name of the property owner;
  - C. The name of the agent (if different from the property owner);
  - D. A short summary of the approval being requested, including an explanation of any deviations or variances being requested, if any. If an exhibit such as a plat or site plan is included within the required application materials, a copy of the exhibit should be included in the notice;
  - E. The date, time, and place of the public hearing if required;
  - F. An address, telephone number, or website where additional information about the application can be obtained.

# Specific Development Procedures

- Applicability defines when the procedures is required
- Procedures describes the review and approval process and includes a flowchart of the process
- Decision Criteria provides the criteria for approval and reference to the applicable Development Standards

## 5-3(A)(VIII) SIGN PERMIT

### 5-3(A)(VIII)(1) APPLICABILITY

This Section applies to any sign that requires a Sign Permit pursuant to [Section 16-5-8](#).

### 5-3(A)(VIII)(2) PROCEDURES

- A. Applications for Sign Permits may be made by the owner or agent of any parcel of property to be affected.
- B. Sign Permit applications shall be submitted to the Community Development Department and shall include all information per the County's Sign Permit Plan Application, including:
- Proof of property ownership.
  - A scaled and dimensioned color drawing of all proposed signs that indicates how it will be constructed.
  - A scaled site plan which shall indicate the location of any proposed Permanent Freestanding Signs. Sufficient documentation of compliance with all applicable development standards of [Section 16-5-8 Signage](#) is required as well as documentation from a New Mexico Registered Structural Engineer verifying all proposed Permanent Freestanding Signs are designed to withstand 90 mph wind, 30 psf snow, and seismic design D loads.
  - Building elevations showing the locations and dimensions of any proposed Wall Signs.
  - Electrical plan for any proposed Electronic Message Center, which includes compliance with Sign Illumination standards of [Section 5-8\(F\)\(III\)](#).
- C. The Community Development Department shall intake the application pursuant to the requirements of [Section 5-2\(B\)\(IV\)](#).
- D. The Community Development Director, or their designee, shall review the Sign Permit application based on its conformity with the Decision Criteria of [Section 5-3\(A\)\(VIII\)\(3\)](#).
- E. If the application complies with the provisions of [Section 5-3\(A\)\(VIII\)\(3\)](#), the Community Development Director, or their designee, shall issue a Sign Permit.

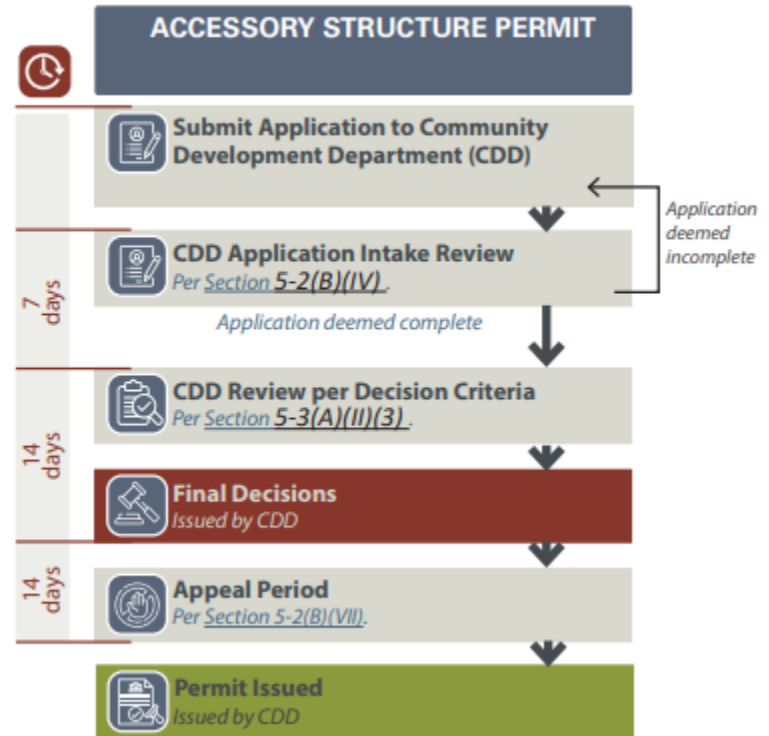


### 5-3(A)(VIII)(3) DECISION CRITERIA

An application for a Sign Permit shall be approved if it complies with all applicable standards in this Code, in particular [Section 16-5-8 Signage](#) and other adopted County regulations.

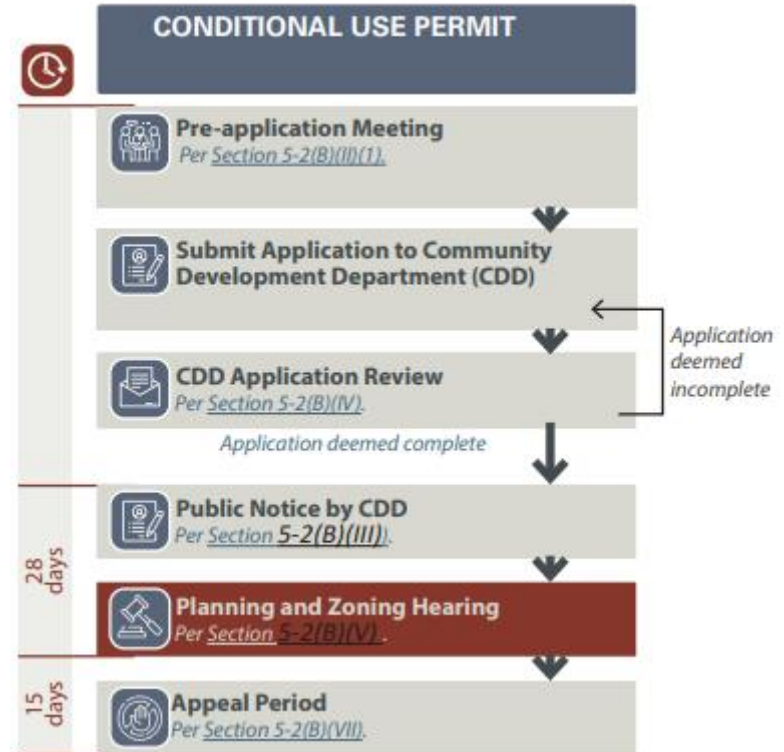
# General Administrative Procedures

- Pre-application meeting
- Do not require a public meeting



# General Quasi-judicial Procedures

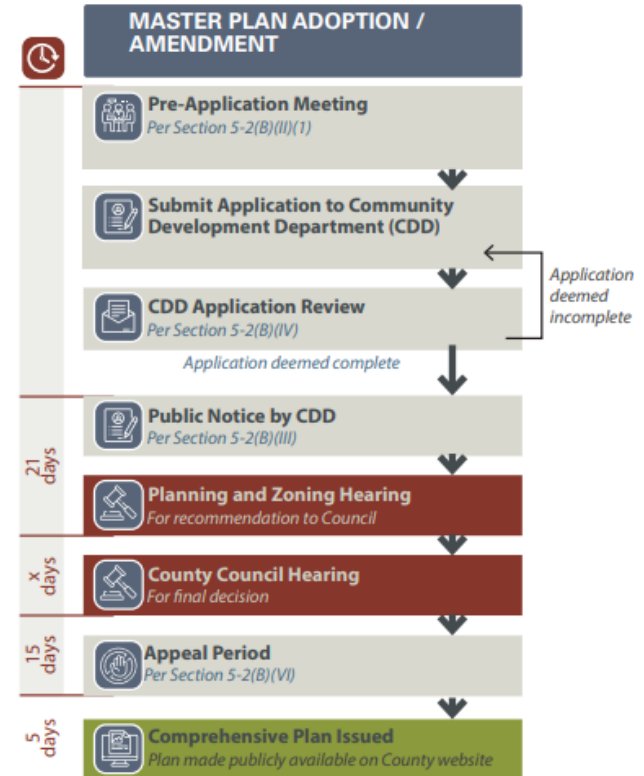
- Pre-application meeting
- May require a neighborhood meeting; minor Zone Map Amendment
- Recommendation from CDD
- Require 1 public hearings at P/Z for final decision
- Appeals to Council





# General Legislative Procedures

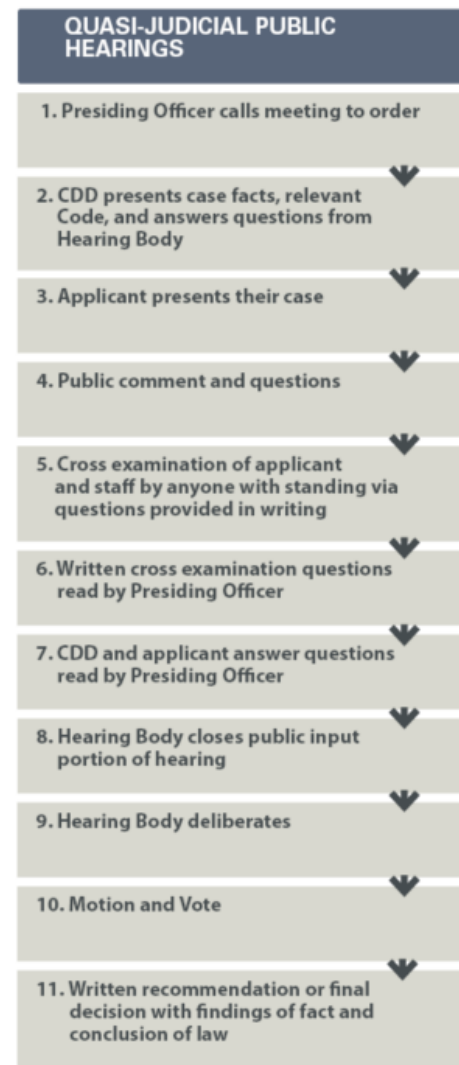
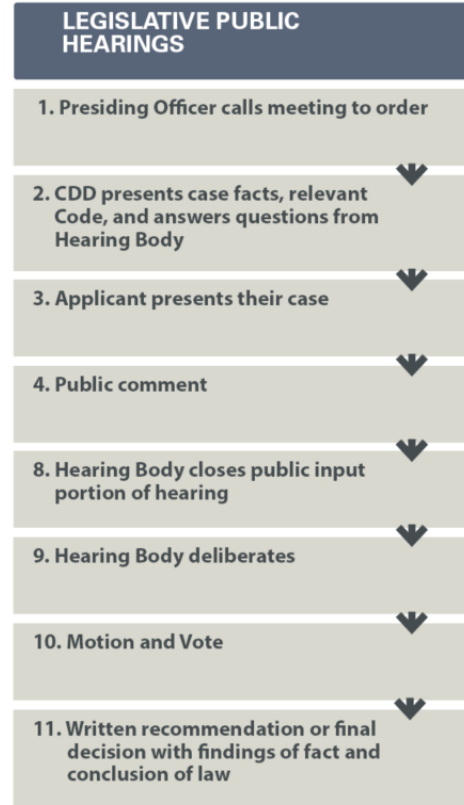
- Pre-application meeting
- May require a neighborhood meeting;
- Require 2 public hearings; one at P/Z for recommendation and another at Council for final decision
- Appeals to District Court



# Common Procedures: Public Hearings

- Establishes Hearing Officer position to assist in the adjudication of quasi-judicial hearings, if necessary
- Legislative Hearing Requirements including rules for procedures, Planning and Zoning Commission Recommendations, and Council Actions
- Quasi-Judicial Hearing Requirements including conduct of quasi-judicial hearings, proceedings of hearings, decisions, and rules regarding ex-parte communication

# Common Procedures: Public Hearings



# Common Procedures: Appeals

- Appealable Actions
- Effect of Appeals
- Standing Required to Appeal
- Appeal Bodies
- Procedures
- Review and Decision Criteria

## 5-2(B)(VI)(4) STANDING REQUIRED TO APPEAL

1. Appeals of final actions may be filed by the following persons:
  - A. The owner of the property listed in the application.
  - B. All persons that were required to be mailed notice for the application giving rise to the final action being appealed.
  - C. Any County official acting in their official capacity whose services, properties, facilities, interest, or operations may be adversely affected by the application; or.
  - D. Any person who has a recognized legal interest under New Mexico law.
2. For Discretionary Decision and Policy Decisions, as provided in [Table 43 Procedures Summary Table](#), the appellant must have made an appearance of record to have standing to appeal, except in cases where the appellant alleges improper notice.
3. An appearance of record can be made through any of the following:
  - A. The initial submittal of the application which is the subject of the appeal.
  - B. The submittal of written comments by the eventual appellant about the subject case submitted to the relevant decision-making body within the deadline for written comments prior to the decision.
  - C. Verbal comments made by the eventual appellant provided at a public hearing about the subject case during the review process before the relevant decision-making body.

# Nonconformities

## Applicability

The provisions of this section apply to land uses, structures, lots, signs, and site features including:

1. Those that were legally established prior to the effective date of this Code but that became nonconforming due to the adoption of this Code.
2. Those that were legally established after the effective date of this Code but that became nonconforming due to the adoption of a future amendment to this Code.

# Nonconformities

## Authority to Continue

1. Nonconformities may continue to be used and occupied, subject to regulations regarding the maintenance of premises and conditions of operations set forth in this Section, or unless such nonconformity is terminated as provided in this section.
2. Nonconformities shall not be modified in any way that increases the degree of nonconformity.

## Maintenance and Repair

Minor repairs and maintenance of nonconformities are permitted and encouraged, provided that the repairs and maintenance do not increase the degree of nonconformity.

# Nonconforming Lots

- A nonconforming lot that was made nonconforming by virtue of enactment of the Code may be used for construction of a building allowed in the applicable zoning district, provided that all other zoning district and dimensional standards are met.
- Permitted uses or structures may be established on a preexisting lot of record, the description of which is on record on the date of adoption of the Code.
- In the North Community, where a conforming or legal nonconforming dwelling, two-family or multiple-family existed on a lot on May 9, 2000, such lot shall be considered a conforming site for dwellings, single-family, attached and may be subdivided into a number of lots less than or equal to the number of dwelling units located on the lot on May 9, 2000 (existing standard to remain).

# Nonconforming Use

- A nonconforming use of land, building, or a structure shall be allowed to continue regardless of any change in ownership or occupancy of the use, until that use is **discontinued for a period of 180 days** or another provision of this section requires the termination of the use.
- No such nonconforming use shall:
  - Enlarged, increased or extended to occupy a greater area of land than was occupied on the date of adoption of this Code.
  - Moved in whole or in part to any portion of the lot or parcel other than occupied by such use on the date of adoption of this Code.
  - No additional structure not conforming to the requirements of this Code shall be erected in connection with the nonconforming use of land or structure.
- A structure containing a nonconforming use may be maintained, repaired, or altered, with limits on expansion pursuant to Section 5-4(D).



# Nonconforming Structures

- A nonconforming structure shall be allowed to continue to be used, regardless of any change in ownership or occupancy of the structure, **until the structure is vacant for a period of 180 days** or until another provision of this Section requires the termination of the use.
- No such nonconforming structure shall be enlarged or altered in a way that increases its nonconformity.
- A nonconforming structure that has been damaged or destroyed by fire or other causes may be restored to its original condition, provided that such work is commenced within one (1) year of such event and completed within eighteen (18) months of such event.
- A nonconforming structure may be moved in whole or in part to another location on or off the lot, provided that the moving will make it conform to the regulations for the zone district(s) in which it is located.
- A structure containing a nonconforming use may be maintained, repaired, or altered, with limits on expansion pursuant to Section 5-4(D).

# Nonconforming Site Features

- Site features may continue to be used and occupied, and uses may be changed or expanded as allowed by other provisions of the Code, notwithstanding those nonconformities
- **Unless and until the gross floor area of the primary building on the lot is expanded more than 25% of the existing gross floor area,** at which time any portion of the lot affected by the expansion shall be brought into compliance with any relevant standards in the Sections listed above in this provision.

# Construction Improvements

Remains consistent with existing requirements, minimal changes

- Phasing Plan
- Notification to County staff prior to commencing construction
- Responsibilities for maintenance
- Standards for acceptance by the County
- Monument standards
- General construction standards

# Violations, Enforcement, and Penalties

Remains consistent with existing requirements, minimal changes

- Purpose
- Authority to Enforce
- Review of Zoning Compliance
- Enforcement Procedures
- Penalty of Violation of Code

# Next Steps

- **Public comment on Module 3 will be accepted through August 23, 2022.** Email comments to Jessica Lawlis at [jessical@dpsdesign.org](mailto:jessical@dpsdesign.org) or Sobia Sayeda at [sobia.Sayeda@lacnm.us](mailto:sobia.Sayeda@lacnm.us)
- Presentation to Planning and Zoning Commission August 10, 2022
- Presentation to County Council August 23, 2022
- Final draft for review September 2022

# Questions?