County of Los Alamos

1000 Central Avenue Los Alamos, NM 87544



Agenda - Draft Planning and Zoning Commission

Michael Redondo, Chair; Ashley Mamula; Larry Warner; Melissa Arias; Craig Martin; Jessie Dixon; Commissioners

Arias; Craig Martin; Jessie Dixon; Commissioners

Wednesday, February 28, 2018 5:30 PM Council Chambers 1000 Central Avenue

- 1. CALL TO ORDER/ROLL CALL
- 2. PUBLIC COMMENT

This section of the agenda is reserved for comments from the public on items that are not otherwise included in this agenda.

- 3. APPROVAL OF AGENDA
- 4. PLANNING AND ZONING COMMISSION BUSINESS
- A. 10485-18 Minutes from the Planning And Zoning Commission Meeting(s) on

January 10, 2018.

Attachments: A - Draft Minutes for January 10, 2018.

B. <u>10486-18</u> Planning and Zoning Commission Workplan for FY 2109

Attachments: A - WorkPlan FY19

- 5. COMMISSION/DIRECTOR COMMUNICATIONS
- A. Department Report
- i. 10503-18 Discussion of Draft Sign Code Changes; Tamara Baer, Planning

Manager

Attachments: A - Sign Code Memo for P&Z discussion .pdf

B - Draft Sign Code.pdf

C - Maps.pdf

- B. Chair's Report
- C. Committee Reports
- D. Board of Adjustment Report

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E. Commissioner's Comments

6. PUBLIC COMMENT

7. ADJOURNMENT

PLEASE NOTE: Any action by the Planning and Zoning Commission in granting approval, conditional approval or disapproval of an application may be appealed by the applicant or by persons who have a personal or pecuniary interest adversely affected by the decision as defined by Section 16-454 of the County Code. Such appeals must be filed with the Community Development Department within 15 days of the action in accordance with Section 16-492.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the County Human Resources Division at 505-662-8040 at least one week prior to the meeting or as soon as possible.

Public documents, including the agenda and minutes can be provided in various accessible formats. Please contact the personnel in the Community Development Department Office at 505-662-8006 if a summary or other type of accessible format is needed.

County of Los Alamos Printed on 2/23/2018

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County of Los Alamos Staff Report

Los Alamos, NM 87544 www.losalamosnm.us

February 28, 2018

Agenda No.:	Α.

Index (Council Goals):

Presenters:

Legislative File: 10485-18

Title

Minutes from the Planning And Zoning Commission Meeting(s) on January 10, 2018.

Recommended Action

I move that the Commission approve the Minutes for January 10, 2018.

Attachments

A - Draft Minutes for January 10, 2018.

LOS ALAMOS

County of Los Alamos Meeting Minutes - Action Only Planning and Zoning Commission

1000 Central Avenue Los Alamos, NM 87544

Michael Redondo, Chair; Ashley Mamula; Larry Warner; Melissa Arias; Craig Martin; Jessie Dixon; and Amy Woods, Commissioners.

Wednesday, January 10, 2018

5:30 PM

Council Chambers 1000 Central Avenue

- 1. CALL TO ORDER/ROLL CALL
- 2. PUBLIC COMMENT
- 3. APPROVAL OF AGENDA
- 4. PUBLIC HEARING(S)
- A. Staff Report for the Following Cases Presented to the Planning And Zoning Commission Meeting on January 10, 2018.

Case No. CPA-2017-0005: A request for Comprehensive Plan Future Land Use Map amendment for two (2) lots from Commercial/Office designation to Mixed Use designation, located at 555 and 557 Oppenheimer Drive, also known as Lot 1 and Lot 2 on the Trinity/Oppenheimer Subdivision Final Plat

Case No. REZ-2017-0009: A request to rezone two (2) lots from P-O (Professional Office) District, to MU (Mixed Use) District, located at 555 and 557 Oppenheimer Drive, also known as Lot 1 and Lot 2 on the Trinity/Oppenheimer Subdivision Final Plat

Case No. SIT-2017-0023: A request for Site Plan approval for redevelopment activities for one (1) lot at 557 Oppenheimer Drive, also known as Lot 1 and Lot 2 on the Trinity/Oppenheimer Subdivision Final Plat

The cases are discussed in one report but each case will have a separate motion.

Commmissioner Mamula moved that the Planning and Zoning Commission recommend that the Los Alamos County Council approve Case No. CPA-2017-0005 for a Comprehensive Plan Future Land Use Map amendment, for two (2) parcels, from Commercial/Office designation, to Mixed Use designation, located at 555 and 557 Oppenheimer Drive (also known as Lot 1 and Lot 2 on the Trinity/Oppenheimer Subdivision Final Plat)

Commmissioner Warner seconded the motion. The motion passed 6-0

Commissioner Arias moved that the Planning and Zoning Commission recommend that the Los Alamos County Council approve Case No. REZ-2017-0009 to rezone two (2) parcels from P-O (Professional Office) district, to MU (Mixed Use) district, located at 555 and 557 Oppenheimer Drive (also known as Lot 1 and Lot 2 on the Trinity/Oppenheimer Subdivision Final Plat);

Commmissioner Warner seconded the motion. The motion passed 6-0

Commmissioner Dixon moved that the Planning and Zoning Commission approve Case No. SIT-2017-0023 site plan for redevelopment activities for one (1) parcel, located at 557 Oppenheimer Drive (also known as Lot 2 on the Trinity/Oppenheimer Subdivision Final Plat). I further move that the applicant refer to the Staff Report's site plan discussion of the IDRC's recommendations for building permits on this case.

Commmissioner Martin seconded the motion. The motion passed 6-0

5. PLANNING AND ZONING COMMISSION BUSINESS

A. Minutes from the Planning And Zoning Commission Meeting(s) on December 13, 2017.

Commissioner Mamula moved that the Commission approve the Minutes for December 13, 2017..

Commissioner Warner seconded the motion.

- B. Elections Discussion, possible action
- 6. COMMISSION/DIRECTOR COMMUNICATIONS
- A. Department Report
- B. Chair's Report
- C. Committee Reports
- D. Board of Adjustment Report
- E. Commissioner's Comments
- 7. PUBLIC COMMENT
- 8. ADJOURNMENT

PLEASE NOTE: Any action by the Planning and Zoning Commission in granting approval, conditional approval or disapproval of an application may be appealed by the applicant or by persons who have a personal or pecuniary interest adversely affected by the decision as defined by Section 16-454 of the County Code. Such appeals must be filed with the Community Development Department within 15 days of the action in accordance with Section 16-492.

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County of Los Alamos



County of Los Alamos Staff Report

Los Alamos, NM 87544 www.losalamosnm.us

February 28, 2018

Agenda	No.:	B.
Azciiua	110	D.

Index (Council Goals):

Presenters:

Legislative File: 10486-18

Title

Planning and Zoning Commission Workplan for FY 2109 **Attachments**

A - WorkPlan FY19

County of Los Alamos Printed on 2/23/2018

FY19 Work Plan for Los Alamos County Boards and Commissions

(<u>Fiscal Year 2019</u>: July 1, 2018 – June 30, 2019)

Board and Com	mission Name: _Plannin	g and Zoning Commission	
Date prepared:	01/30/18 Date :	approved by Council:	
Prepared by:	Anita Barela/Tamara Ba	<u>ner</u>	
_	-	the following time frame:)/19(dates)	
Chairperson:	Michael Redondo	Term: ends March 2018	
Members and te	erms:		
Michael Redondo* - March 2018 (end of second term) Larry Warner - March 2018 (end of second term) Ashley Mamula - March 2019 (end of second term) Melissa Arias March 2020 (end of first term) Jessie Dixon - March 2020 (end of first term) Craig Martin - March 2020 (end of first term) *Chair as of April 1, 2017			
Department Dir	rector:Paul Andrus	<u> </u>	
Work plan deve	loped in collaboration w	rith Department Director? (Y/N?)_Y	
Staff Liaison: _	Tamara Baer		
Administrative S	Support provided by: _	Anita Barela	
Council Liaison	: Antonio Maggiore	Reviewed by Council Liaison? _Y_	

- 1.0 Provide a brief Summary of your Board or Commission's activities over the past twelve months. Please describe your Board or Commission's accomplishments and identify constraints. List any "lessons learned" and identify the greatest challenges faced by the Board or Commission.
 - 1. Development of a new Mixed Use Zoning district; adopted by Council in May 2017
 - 2. Two (2) Comprehensive Plan Amendments to the Future Land Use Map
 - 3. Rezoning of approximately 56.50 total acres of County owned land on DP Road, Entrada Dr., and Parcels A-12 and A-13 to MU
 - 4. Rezoning of the Entrada Business Park to MU
 - 5. FLUM Amendment and Rezoning of 555 and 557 Oppenheimer Drive; Site Plan Approval for 557 Oppenheimer redevelopment
 - 6. Special Use Permits (1 Accessory Apartment, 1 Home Business)
 - 7. Approval of a six (6) lot Subdivision of 20th Street
 - 8. Approval of three related cases pertaining to A-19 in White Rock, including Preliminary Subdivision Plat for 160 market rate single-family homes
 - 9. Revisions to Downtown (DT) Overlays to allow all residential uses in certain districts

Due to illness, relocation and other unanticipated events, the Planning and Zoning Commission was down by three members at the end of calendar year 2017. The second terms of two senior members expire in March 2018. The Commission was challenged to find and train fill-in members for BOA, and to recruit and have Council appoint five (5) new Commissioners for terms beginning April 1, 2018.

2.0 Describe the future work plans for this Board or Commission using the following items and showing the relationship to those items: (Please remember that Council approval of this work plan does not constitute official Council approval of proposed projects, assignments, or anticipated recommendations included in this work plan that have budget implications.)

Anticipated Projects include:

- 1. Final Subdivision Plat review & approval for 160 market rate single-family homes on A-19 in White Rock Mirador
- 2. Site Plan review & approval for 70 apartment units of affordable housing on A-9/DP Road Canyon Walk Apartments
- 3. Possible Rezoning for Los Alamos Visiting Nurses property and adjacent parcels on Canyon Road
- 4. Redevelopment of underdeveloped parcels on Trinity Drive, including Site Plan review for 20th Street parcels
- 5. Possible redevelopment of underdeveloped parcels on Longview Drive in White Rock and the Black Hole
- 6. Review and approval of new construction on Entrada Drive Subdivision and Site Plan
- 7. Review and approval of Site Plan for 150 new market rate apartments on A-12 and 13 The Hill
- 8. Continued review of land use cases
- 9. Recommended adoption of new Sign Code
- 10. Recommended adoption of revised Outdoor Lighting ordinance

Additional code amendments and work plan items may include:

- Adopting digital version of Official Zoning Maps in lieu of paper
- Revisions to Code Definitions to match Use Table
- Corrections to gender language
- Clean-up language from "County Administrator" to "County Manager"
- Clarification of uses in R-3-L-NC (Multiple-family residential/low density North Community district
- Addressing severability one time in the code; removing redundancy

- Clarification of time frame for Appeal
- Definition of "effective date"
- Addressing the issue of carports and waiver requests
- Addition of definition for Manufactured Home
- Establishing minimum distance between Manufactured Homes
- Increasing communication between project proposers and neighborhoods and avoiding conflict at public hearings
- Early notification

Note that this list is neither comprehensive nor prioritized. Not all items on the list will be completed and others may be added.

2.1 List any special projects or assignments given to this Board or Commission by Council or the Department director:

Continued implementation of Development Code amendments prompted by adoption of the 2016 Comprehensive Plan which include possible rezoning of some parcels and correction of mapping errors.

In addition, the Commission may be asked to help study the possible redevelopment potential of quads, which are a unique housing type in Los Alamos and present unique challenges for ownership, sale and maintenance.

2.2 List the guiding documents/plans (with approval or revision dates listed) used by this Board or Commission.

Los Alamos Comprehensive Plan Los Alamos County Code of Ordinances, Chapter 16, Development Code Development Code Appeals, Council Procedures, adopted by Council Resolution on 04/15/16

- 2.3 Other projects/assignments proposed by the Board or Commission: (Any projects or activities proposed in this section should be discussed with the Council Liaison prior to listing it in this work plan.)
- 3.0 Identify any interfaces for the goals/tasks in this work plan with County Departments and other Boards and Commissions. Specify the coordination required.

The Planning and Zoning Commission will coordinate with other Boards, Commissions and Committees as needed, as well as with the Los Alamos Commerce and Development Corporation, to implement any proposed code changes, and with the Historic Preservation Advisory Board on a Historic District Zoning Overlay and possible base rezoning of affected properties.

4.0 List any special public information or involvement meetings or efforts to be conducted by this Board or Commission:

As technical code changes are reviewed by the Commission, public hearings will be held. Additional public meetings may also be held on topics of general interest to the public and which may result in code changes or modifications.

5.0 List the current subcommittees for this Board or Commission.

5.1 For subcommittees with members that are not members of the parent board or commission:

List the subcommittee members and their terms.

Explain how sub-committee members are selected or appointed.

Provide a description of each subcommittee's charter or purpose.

Describe the expected duration for the subcommittee and their work

Plan (s) demonstrating how they support the Board or Commission:

Board of Adjustment (formerly Variance Board) is comprised of three members of the Planning and Zoning Commission who volunteer to serve and are appointed by the County Council. Board of Adjustment (BOA) members serve concurrent with the Planning & Zoning Commissioner's current term, including any period during which the member serves until replaced or reappointed. The BOA generally meets once or twice a month, on Mondays, when a request for a waiver is pending. Eighteen (18) Waiver cases were heard in CY 2017.

The Board of Adjustment is responsible for hearing and deciding on applications for waivers to the standards established in Chapter 16, the Development Code, of the Los Alamos County Code of Ordinances.

Due to illness, relocation and other unanticipated events, three new BOA members need to be appointed as soon as the full new P&Z Commission is seated.

<u>Attachment A:</u> Provide a copy of your Board or Commission's "Purpose" and "Duties and Responsibilities" from Chapter 8 of the County Code:

ARTICLE IX. - PLANNING AND ZONING COMMISSION Sec. 8-201. - Purpose.

The county council has determined that the coordinated, comprehensive, orderly, and harmonious physical development of the county in both the short and long term will be best served through the establishment of a planning and zoning commission. Pursuant to NMSA 1978, § 4-57-1, the county council will appoint a planning and zoning commission for making advisory recommendations to the county council regarding planning and zoning for the county and for promoting the general welfare of the citizens of the county.

(Ord. No. 02-078, § 2, 10-3-2006)

Sec. 8-203. - Duties and responsibilities.

- (a) The planning and zoning commission shall serve in an advisory capacity and shall have the following functions, responsibilities and duties:
 - (1) From time to time, the planning and zoning commission may undertake such study, training, and investigations as may be deemed necessary to carry out the powers and duties listed in subsections (a)(2) and (a)(3) below.
 - (2) The planning and zoning commission shall hold a public hearing in accordance with the requirements of chapter 16 article XI of this Code and shall forward a recommendation to the county council on the following applications:
 - a. Application for adoption of and amendments to the text of chapter 16;
 - b. Application for adoption of and amendments to the official zoning map;
 - c. Application for adoption of and amendments to the comprehensive plan. The planning and zoning commission may from time to time recommend amendments, extensions or deletions to the comprehensive plan or carry any part or subject matter into greater detail;
 - d. Application for addition, deletion or change in category to the uses allowed in any district as set forth in the chapter 16 index of land uses.
 - (3) Provide citizen input to staff and council on ways and means for improving the county's planning and zoning functions including formulation of the comprehensive plan, changes in the official zoning map, and updates and revisions to chapter 16 of the County Code as may be required. For this purpose, the board shall gather public input in ways appropriate to the circumstances, which may include public hearings dedicated to specific topics.
 - (4) Review and act upon all planning, zoning, and comprehensive plan related matters submitted to the commission by council.
- (b) The planning and zoning commission shall serve in a regulatory capacity and as such have the following functions, responsibilities and duties:
 - (1) Hold a public hearing in accordance with the requirements of Los Alamos County Code chapter 16 article XI and shall have the authority to approve, conditionally approve or disapprove the following applications:
 - a. Application for approval of a site plan except an application on which the community development director acts pursuant to subsection 16-51(b);
 - b. Application for special use permit;
 - c. Subdivision applications: sketch, preliminary and final plats; and summary plats when referred to the planning and zoning commission by the community development director;
 - d. Application or decision making authority referred to it by the community development director.
- (c) The planning and zoning commission shall serve in an appellate capacity and as such have the following functions, responsibilities and duties in accordance with this article:
 - (1) Hear appeals from a decision or determination of the community development director with respect to any matter (except personnel) other than an interpretation of this County of Los Alamos Development Code. The planning and zoning commission shall either affirm, overturn, or modify the decision of the community development director, or remand the matter to the community development director, as appropriate.

(2) Hear appeals from a decision of the community development director requiring an interpretation of the County of Los Alamos Development Code. The interpretation of the Code made by the community development director must be in writing. The planning and zoning commission shall affirm the interpretation of this Code determined by the community development director, or remand the matter to the community development director for further consideration in accordance with the instructions of the planning and zoning commission. (Ord. No. 02-078, § 2, 10-3-2006)

Board of Adjustment

[From Chapter 16 of the Development Code]

Sec. 16-52. - Board of adjustment

- (a) Board of adjustment established. The board of adjustment is hereby established. The board of adjustment will consist of three members of the planning and zoning commission appointed by the county council. The planning and zoning commission shall nominate members for appointment to the board of adjustment. The chairperson of the planning and zoning commission shall not be eligible to serve as a regular member of the board of adjustment. Each member of the board of adjustment shall serve a term ending concurrently with the member's then current term as a member of the planning and zoning commission, including any period during which the member serves until replaced or reappointed. The chairperson of the planning and zoning commission shall serve as an alternate member of the board of adjustment and the chairperson or the chairperson's designee may sit in place of any member of the board of adjustment that is unable to attend a regular or special meeting of the board of adjustment, or is disqualified to act on a matter due to a conflict of interest.
- (b) *Powers and duties*. The board of adjustment shall hold a public hearing in accordance with the requirements of article XI and shall have the authority to approve, conditionally approve or disapprove the following:
 - (1) Applications for waivers to the requirements of this chapter, except that the board of adjustment shall not consider waivers to the public works construction standards referenced in the chapter; and
 - (2) Application or decision making authority referred to the board of adjustment by the community development director as set forth in subsection 16-51(c)4.
- (c) *Conditions of approval*. In granting conditional approval, the board of adjustment may only impose such conditions as are reasonably necessary to meet the approval criteria of section 16-157, including the granting of waivers more restrictive than those originally requested by the applicant.
- (d) *Meetings*. Two members of the board of adjustment shall be a quorum for the conduct of business and approval of a waiver or application considered by the board of adjustment shall require a motion and affirmative vote of at least two members of the board of adjustment. (Ord. No. 02-084, § 2, 3-27-2007)

Editor's note—

Ord. No. 02-084, § 2, adopted March 27, 2007, amended section 16-52 in its entirety to read as herein set out. Former section 16-52, pertained to variance board, and derived from Ord. No. 85-301, § 1, 11-6-01.

Attachment B: Using the chart below, place an X in the column on the right if the Council Goal is related to the work of the Planning & Zoning Commission:

Mark all that apply

Economic Vitality	
Priority Area and Priority Goals are highlighted	
Economic Vitality:	
Build the local tourism economy.	X
Revitalize and eliminate blight in Los Alamos and White Rock.	Х
Promote a strong and diverse economic base by encouraging new business growth.	Х
Collaborate with Los Alamos National Laboratory as the area's #1 employer.	
Financial Sustainability:	
Encourage the retention of existing businesses and assist in their opportunities for growth.	Χ
Support spinoff business opportunities from LANL.	Χ
Significantly improve the quantity and quality of retail and tourism business.	
Quality of Life	
Priority Area and Priority Goals are highlighted	
Housing: Promote the creation of a variety of housing options for all segments of the	X
Los Alamos Community, including infill opportunities as appropriate.	^
Support development of affordable workforce housing.	Χ
Education:	
Support Los Alamos Public Schools' goal of ranking among the top public schools in the nation.	
 Partner with Los Alamos Public Schools and the University of New Mexico – Los Alamos; and support, as appropriate, the delivery of their educational services to community standards. 	
Quality Cultural and Recreational Amenities:	
Implement a comprehensive range of recreational and cultural amenities that enhance the Los Alamos community.	
Environmental Stewardship:	
 Enhance environmental quality and sustainability balancing costs and benefits including County services and utilities. 	
Mobility:	
Maintain and improve transportation and mobility.	

Quality Governance	
Priority Areas and Priority Goals are highlighted	
Operational Excellence:	
 Implement the Comprehensive Plan with an emphasis on neighborhoods and zoning. 	Х
 Simplify permit requirements and improve the overall development and building code processes to become easier to work with for all participants. 	X
Operational Excellence:	
Maintain quality essential services and supporting infrastructure.	
Invest in staff development to create a high performing organization.	
Manage commercial growth well following an updated, concise, and consistent comprehensive plan.	X
 Establish and implement a mechanism for effective Utility policy setting and review. 	
Communication:	
Improve transparency in policy setting and implementation.	X
Create a communication process that provides measurable improvement in citizen trust in government.	Х
Intergovernmental Relations:	
Strengthen coordination and cooperation between County government, LANL, and the regional and national partners.	
Actively pursue land transfer opportunities.	



County of Los Alamos Staff Report

Los Alamos, NM 87544 www.losalamosnm.us

February 28, 2018

Agenda No.:	i.
Index (Council Goals):	
Presenters:	
Legislative File:	10503-18

Title

Discussion of Draft Sign Code Changes; Tamara Baer, Planning Manager **Attachments**

- A Sign Code Memo for P&Z discussion
- B Draft Sign Code
- C Maps

County of Los Alamos Printed on 2/23/2018

MEMORANDUM



Planning

1000 Central Avenue, Suite 150 Los Alamos, NM 87544 P 505.662.8120

losalamosnm.us

TO: Planning and Zoning Commission

DATE: February 28, 2018 **FOR:** Preliminary Review

FROM: Tamara Baer, Planning Manager

RE: Sign Code Revised

This draft of the revised Los Alamos County Sign Code is presented for discussion purposes. Following the Planning & Zoning Commission's preliminary review, Planning Division staff will bring the draft, or a revised version, to the business community through the Los Alamos Chamber of Commerce.

Revisions to the Los Alamos County Sign Code, Article X of Chapter 16, the Development Code, were prompted by the June 2015 U.S. Supreme Court decision in Reed v. Town of Gilbert. That decision struck down the Arizona town's sign code for violating the First Amendment of the Constitution, guaranteeing free speech and the requirement for content neutrality in any regulation of speech, including signage.

In the Reed v. Gilbert case, the pastor of the Good News Community Church had placed temporary signs in the town's right-of-way (ROW) advertising church services. The town's sign code disallowed those signs and the town required their removal. The church challenged the ordinance and the case went all the way to the Supreme Court as a First Amendment issue. The Court had previously found that sign regulations based on content were prohibited, and that any such regulations would be subject to "strict scrutiny," which is the highest standard of review and demand that the regulator demonstrate compelling governmental interest. Further, such compelling interest must translate into narrowly tailored regulations that address that specific interest. In Gilbert, certain other signs, including election signs, were permitted in the ROW. The regulations were clearly content specific and were ruled invalid. There were some nuances in separate opinions from the Court, but the clear and overriding message of the decision in this case reinforced the Court's position that the regulation of speech must be content neutral. As this applied to signs, and local government's regulation of signage, the Court's decision clarified and narrowed the applicability of content neutrality to ensure that such regulation not only does not suppress free speech, but that there is valid and defensible governmental purpose in the regulation.

As a result of Reed v. Gilbert, many if not most municipalities and counties across the country, including Los Alamos, have had to revise their sign ordinances. The current revisions in Los Alamos County (LAC) have removed the regulation of content, with exceptions in those cases where there is compelling governmental interest, primarily safety. Size, material, time, place, and manner of display regulations are still permitted, and the LAC sign code revisions address these aspects of signage.

Certain basic aspects of the current sign code, including specific standards, have been functional and effective since the last major sign code overhaul in 2012, and are retained in the new sign code. Sign Areas, which relate standards to pedestrian versus automobile orientation, as well as width of roadway and traffic design speed are the prime example of signage regulation that is both effective and defensible. The new sign code, with a minor revision, continues to be based on this approach. Regulation of wall, awning and canopy signs based on length of façade or façade segment has also been shown to be effective and is retained as well.

In addition to removing content based regulations, which is the primary purpose of the revisions, the revised sign code presents several other changes:

- Sign Areas. While keeping the "Sign Area" approach, the number of Sign Areas are reduced from five (5) to four (4). Sign Area 2, which applied only to Pajarito Acres in White Rock, has been eliminated and is now included in Sign Area 1, which is essentially all residential areas. There were only two differences previously between Sign Areas 1 and 2. First, commercial and industrial "building identification" signs could be 2 square feet in Sign Area 1 and four square feet in former Sign Area 2. And second, "incidental commercial" signs were allowed in Sign Area 2, but not in Sign Area 1. Both of these sign categories are removed and replaced by "Minor" sign regulation.
- Definitions. Previously the Development Code had definitions related to signs in two locations 16-9, the Definitions section, and in Article X, the Sign Code. These definitions were duplicative in some cases, and contradictory in others. The definitions are now located in the Sign Code, Article X, and are significantly reduced in number since many of the old definitions were content based. Section 16-9, the general definitions section, still has the two most basic definitions, for "Sign" and "Sign Area", but refers the reader to Article X for a complete list of sign related definitions.
- Permanent v. Temporary Signs. The main structural change in the new code is the separation of all signs into two categories permanent and temporary. In many cases the standards are the same or similar, with the difference in the duration of time a temporary sign is allowed. (An example of this is a temporary wall sign for a new business. Allowing the temporary sign to be the same size as the permanent sign allows the owner to gauge the appropriateness and attractiveness of the yet to come permanent sign.) Since virtually all sign applications are either for permanent or temporary signage, dividing the two types creates ease of access to the regulations as well as simplifying the understanding and processing of permits.

- Duration of display. Related to temporary signs, the County will now issue a "sticker" for signs that are time restricted, e.g., 14 days, that will be affixed to the sign, for ease of enforcement of temporary signs.
- Strictness or leniency. The revisions aim to find a balance between an implicit leniency once content is removed and sufficient regulation to preserve aesthetics and prevent visual clutter. Along these lines, the regulations also try to address issues raised by the business community, both regarding the specific rules governing signage and the process for permitting.
- New "Sign Area" Maps. The Sign Area maps have been revised to show the four Sign Areas, versus the previous five. Graphics are updated for clarity, and the total number of maps is reduced from five to three.
- Authority of the CDD Director. The CDD Director is currently granted authority over sign applications in 16-51 (c). Language is added to this section to allow for new and unanticipated types of signs. In addition, waiver authority for distance between freestanding signs is relocated from Article X to this section.
- Waiver review criteria. Language regarding general waiver review criteria is moved from the sign code to the general waiver section 16-157.

Overall, the revisions simplify the organization and the specifics of sign regulation, as well as simplifying the permitting process. Removal of many of the previously regulated sign categories, which were content specific, deletion of outdated graphics, removal of the enforcement section, which is sufficiently covered by Sections 16-85 and 1-8 of the County Code, as well as removal of much of the former content that legally may not be regulated, has resulted in a significantly shorter sign code. The current sign code consists of 37 pages, not including maps. The proposed sign code is 18 pages.

The following "Before and After" chart lists all the former sign categories and how they are handled in the new sign code. The yellow shading in the "Before" column indicates those sign categories that are content based.

BEFORE	AFTER
Address	Permanent. Compelling government interest makes content regulation ok.
Animated Sign and flashing lights - Not allowed	Not allowed. Category moved to Prohibited Signs.
Banners (per facade or facade segment) – One per parcel + one more per 300' st. frontage. Included feather signs.	Temporary. New standards proposed. "Feather" signs now called "Blade/feather" with new standards proposed.
Billboards - Not allowed	Not allowed. Category moved to Prohibited Signs.
Bldg. identification (residential only, not including mixed-use)	Category deleted. Content based. Now regulated as Permanent – Freestanding or Wall sign.
Bldg. identification (commercial and industrial only)	
Canopy/Awning (per façade or façade segment)	Permanent. Now called Awning/Canopy. Same max. size. Now one, not 2, per façade or façade segment in former SA 4 & 5.
Community event (public land)	Category deleted. Now regulated as Temporary Freestanding, designated areas only, or, Minor/Incidental.
Community event (ROW)	Category deleted. Now regulated as Temporary Freestanding, designated areas only, or, if smaller, as Minor/Incidental.
Community event (private land)	Category deleted. See Temporary Freestanding – Private Land.

Construction/Property development (per building)	Deleted. Content based. See Temporary Interim, a new category.
Directional (private land)	Category deleted. See Permanent (or Temporary) Minor/Incidental signs.
Directional (Public/ROW)	Category deleted. Now regulated as Minor/Incidental signs.
District identification	Regulated same as before, but with content restrictions removed. See Permanent District ID.
Election (public land/ROW)	Category deleted. Content based. Now regulated as Freestanding Public Land - Special Temp. Sign Areas.
Election (private land)	Category deleted. Content based. Now regulated as Temporary Freestanding, Wall or Window. No permit req. if 8 sq. ft. or less.
Electronic message center (EMC)	Permanent. Content and % EMC restrictions removed. Formerly Freestanding only. Now Freestanding or Wall.
Flags, decorative	These categories are changed to Permanent Flags, Governmental, and Permanent Flags,
Flags, commercial	Non-Governmental. Governmental flags are exempt from regulation except for height. Temporary flags are subject to same sq. ft. req. by Sign Area.
Freestanding sign	Permanent and Temporary.
Garage sales	Category deleted. Content based. Now regulated as Temporary Freestanding.

Hanging (per façade or façade segment)	Permanent. Regulated the same.
Home occupation or home business	Category deleted. Content based. Now regulated as Minor/Incidental Permanent or Temporary.
Hours of operation	Category deleted. Content based. Now regulated as Permanent Wall or Window, or Temporary Wall, Window or Sidewalk/Portable.
Incidental commercial	All now combined into Minor/Incidental, both Permanent and Temporary. Previously
Incidental residential (single family and duplex bldgs.)	allowed to a minor extent with no permit. No permit required but now somewhat more restricted as to size, height and number. See also Interim signs – new category for new
Incidental residential (multi-family bldg.)	businesses or during construction.
Kiosks	Permanent. Regulated as previously with some content language removed.
Menu boards	Category deleted. Content based. Now called Sidewalk/Portable. Regulated as Temporary. Size, quantity, manner of display. Could also be Wall or Window signs.
Pennants, strings of lights, inflatable, and tethered balloons	Not previously allowed in any Sign Area. Still not allowed. Moved to Prohibited signs.
Portable (per 50 feet of commercial frontage)	Temporary. Now called Sidewalk/Portable.
Project identification (1 per 250 feet of street frontage)	Category deleted. Content based. Now regulated as Permanent Freestanding or Temporary Interim signs.
Projecting (per façade or façade segment)	Permanent.

Real estate, single family and duplex (sale, rent, or lease)	Category removed. Now regulated as Temporary Minor/Incidental. Size, height, & quantity vary per Sign Area.
Roof mounted – Not allowed.	Not allowed. Category moved to Prohibited Signs.
Sandwich board	Now called Sidewalk/Portable. Regulated as Temporary. Size, quantity, manner of display.
Subdivision identification	Category removed. Regulated as Permanent, free-standing sign.
Time and temp (per lot)	Category removed. Regulated as EMC.
Transit shelters	Category removed. Regulated as Minor signs.
Utility warning	Category removed. Considered exempt from regulation.
Vehicle signs (per legal lot of record)	Permanent. Some new restrictions – 12' max. ht. & vehicle must be moved min. every 48 hrs. & cannot be parked on vacant land. Still no permit required.
Vending machines	Category removed. Not regulated under sign code.
Wall	Permanent and Temporary. Minor only in SA1.
Window (first story only, per façade or façade segment)	Permanent and Temporary. Minor only in SA1. Up to 50% of any window or door elsewhere.

In addition to sign regulations covered by the sign code in Chapter 16, the County also has a civic banner policy that addresses the overpass banners. This is a County Manager policy that will be reviewed and revised as necessary in conformance with the Supreme Court decision. However, since this is a policy only, and not an ordinance, it will be handled as an administrative matter and is not a part of these revisions.

Finally, as an administrative matter for the purpose of monitoring and enforcement, CDD may implement a "sticker" program for Temporary signs. It is hoped that business owners, and others, will self-regulate the time allowances for temporary banners, blade/feather signs, and all other types of temporary signs. In order to help the installers of such signs and as an aide to enforcement, the sticker could indicate the time allowance and expiration date for various types of temporary signs.

ARTICLE X. - SIGNS [New]

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Sec. 16-401. Purpose of article.

It is the purpose of this article to regulate signage within the county, including sign characteristics such as size, height, location, materials, illumination, movement, duration, manner of display, and condition. It is further declared to be the purpose of this article to:

- (a) Encourage the effective use of signs as a means of communication and way-finding;
- (b) Maintain and enhance the character and aesthetic environment of the community;
- (c) Ensure safety for all modes of transportation, including pedestrian, bicycle and vehicular;
- (d) Establish a balance between effective visual communication and an excess of visual information; and
- (e) Ensure content neutrality in the regulation of signage.

Sec. 16-402. Definitions.

In addition to the definitions found in section 16-9, and unless otherwise provided, the following terms are applicable within this article.

Animated sign means a sign employing actual motion, including balloons, spinners, pinwheels, pennant strings; the illusion of motion, including flashing lights or characters; or light and/or color changes achieved through mechanical, electrical, electronic or environmental means. Electronic message centers are excluded from this category of sign.

Awning means an architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non-rigid material and/or fabric on a supporting framework that may be either permanent or retractable.

Balloon signs. These signs include all inflatables and other 3-dimensional signs that give the appearance of having been inflated. Balloon signs are a type of animated sign.

Banner means a temporary sign of lightweight fabric or similar material that is mounted to a pole, structure or building.

Billboard means a sign with an area per sign face in excess of two square feet, owned by a person, corporation, or other entity that engages in the business of selling the space on that sign to other entities whose business or place of operation is not located on the same premises as that of the sign.

Blade/feather sign means a temporary sign made of flexible fabric typically mounted to a pole or other vertical structure. This type of sign includes Feather signs, Teardrop, Rectangle, Flag, and other shapes of two-sided fabric signs. Blade/feather signs are not considered animated signs.

District identification sign means a sign or sign structure used to identify a specific district within the county, and containing the name of the district and associated information such as a slogan, graphic icon, history, or sites and businesses contained within the district.

Dynamic frame effect means an electronic message center sign frame effect in which the illusion of motion and/or animation is used.

Electronic message center (EMC) means a sign that electronically displays moving or changing text or images.

Façade means that portion of any exterior elevation of a building extending vertically from grade to the top of a parapet wall or eaves and horizontally across the entire width of the building elevation.

Façade segment means a portion of a façade delineated by a structural or decorative element or defined by separate entities within the structure.

Flag means a pole-mounted or hanging fabric or paper banner or pennant.

Flag, governmental means a flag containing distinctive colors, patterns or symbols, used as a symbol of a recognized governmental entity.

Flush-mount means a type of building-mounted sign attached to a building wall and projecting no more than 12 inches out from the surface of the wall.

Foot candle means a unit of measurement of the amount of light falling upon a surface (illuminance). One foot candle is equal to one lumen per square foot. Can be measured by means of an illuminance, or light, meter.

Freestanding sign means a ground-based sign that is detached from any other structure or building, and includes monument and pole/pylon signs.

Hanging sign means a sign that hangs down from and is supported by or attached to the underside of a portal, ceiling, canopy, awning, marquee or a projection from or an extension of a structure.

Illumination means the method by which a sign structure, face, or message is illuminated by an artificial light source. Illumination may be internal or external to the sign. Internally lit, or backlit signs are those in which an indirect source of light illuminates a sign by shining through a translucent surface of a sign, including a plastic sign, from an internal light source. Externally-lit, or indirect illumination signs are those in which the sign whose light source is external to the sign and which casts light onto the sign from some distance. The light source for externally-lit signs must be shielded from view and the light must be directed only at the sign face and not spill over onto to other surfaces.

Interim sign means a temporary sign associated with required County approval of a development agreement, master plan, subdivision, site plan, special use permit, or active building permit.

Kiosk means a freestanding structure located within a pedestrian circulation area upon which temporary or permanent information, notices, and announcements are posted.

Minor or incidental sign means a sign, generally informational, whose purpose is secondary to the use of the zone on which it is located. Minor signs may be permanent or temporary. Permanent minor or incidental signs are often directional, instructional or warning signs. Temporary minor signs are typically associated with time-related activities or events, and may also be directional or warning signs.

Monument sign means a type of freestanding sign that is secured to a solid base resting on the ground with permanent structural footings.

Nonconforming sign means a sign that was legally installed by permit in conformance with all municipal sign regulations and ordinances in effect at the time of its installation, but which may no longer comply with subsequently enacted laws and ordinances having jurisdiction relative to the sign.

Off-premises sign means a sign that draws attention to or communicates information about any enterprise or activity that exists or is conducted, sold, offered, maintained, or provided at a location other than the premises on which the sign is located.

Permanent sign means a sign that is not tied to time-related activities or events and is permanently affixed in a given location.

Place-holder sign means a temporary sign that is in place until a permanent sign can be installed.

Projecting wall sign means a type of building-mounted sign attached to a building wall and projecting more than 12 inches out from the surface of the wall.

Roof-mounted sign means a sign erected and constructed on the main roof portion of a building or on the uppermost edge of a parapet wall of a building or any sign that has any portion of that sign projecting above the horizontal plan at the highest point of the structure to which it is attached. These signs are prohibited in the County. Signs mounted on mansard facades, pent eaves, and architectural projections such as canopies or marquees shall not be considered roof-mounted signs.

Scroll means a mode of message transition on an electronic message center sign in which the message appears to move vertically across the display surface.

Sidewalk/portable sign means any ground-based portable sign designed to be moved from place to place and having no permanent attachment to the ground upon which it stands. These are often in the form of an "A" or a tent-like shape, hinged or not hinged at the top, or an inverted "T", with a flat base perpendicular to the sign face.

Sign means any written, printed, electronic or symbolic device capable of visual communication or attraction, including any announcement, declaration, demonstration, display, illustration, insignia, structure or symbol, or architectural feature which serves no other purpose than communication, used to advertise or promote the interest of any person or to communicate any information. Works of art such as painting, murals and sculptures are not considered to be signs.

Sign Area means an approach to sign regulation based on geographical boundaries that differentiate allowable sign size, placement, and type based on factors such as road speeds, land uses, and proximity to residential, commercial, industrial or agricultural areas. See also Sec. 16-404.

Sign area means the square foot area of all graphics, including words, symbols or pictures. In the case of cutout or painted signs, sign area means the area of a simple geometric figure completely enclosing the letters, message or symbols. The supporting structure is not included in the calculation of sign area. See also Sec. 16-408.

Sign face means each side of a sign open to view is a separate sign face, except that the sign face for an awning shall be considered to be the total sign area located on the awning.

Temporary sign means a sign associated with a time-related activity or event and not permanently affixed.

Traffic control/public safety sign means a sign placed or required to be placed by a public entity including street signs, speed limit signs, warning signs, and signs directing motorists to public facilities or hospitals and schools.

Vehicle-mounted sign means a sign that is placed on, attached to, or is part of any type of vehicle or trailer. Flush-mounted vehicle signs include window signs, banners and painted signs flush with the surface

of the vehicle. Protruding signs include signs placed on a truck bed, or protruding from a roof or other area of the vehicle.

Wall sign means a sign that is attached, hanging or painted on a wall, which may be part of a structure or free-standing, or on a fence.

Way-finding sign means a sign that is part of the county's way-finding program to assist the public in efficiently navigating key destinations in the county. Way-finding signs, installed by the county, are exempt from regulations in this article.

Window sign means a sign posted, placed, affixed or painted on the interior or the exterior of a window or glass area of a door or a sign placed inside a window within two feet of the glass surface. A window sign does not include merchandise, models or products incorporated in a window display.

Sec. 16-403. Authority.

- (a) Responsibility. This article will be administered, interpreted, and enforced by the community development department director or designee as provided in this chapter.
- (b) Administration. The community development department director will administer this article as set forth herein. The director may implement procedures, forms and written policies for administering and enforcing the provisions of this article.
- (c) Similar Use. Sign types that are different but similar to the types identified in this article shall be regulated as those of similar use.

Sec. 16-404. Sign Areas; location of signs.

- (a) Sign Areas. Sign regulation in the county is context based. "Sign Areas" are hereby created based on geographical boundaries that differentiate allowable sign size, placement, and type based on factors such as road speeds, land uses, and proximity to residential, commercial, industrial or agricultural areas. The following are the designated county sign areas:
 - 1. Sign Area 1 (SA1) is intended for areas of predominantly residential land uses with accompanying lower speeds of vehicular traffic. This area includes larger residential parcels, which may include some accessory land uses. It also includes non-residential uses that either pre-date adoption of the development code or have been approved by Special Use Permit.
 - 2. Sign Area 2 (SA2) is intended for urban areas that have a pedestrian emphasis and lower speed vehicular traffic. An example of Sign Area 2 is Central Avenue.
 - 3. Sign Area 3 (SA3) is intended for urban areas that are primarily used by motor vehicles and have higher vehicle speeds. This area may include tourists and people who are unfamiliar with the area and who could benefit from directional or other information. Examples of Sign Area 3 include Trinity Drive and Diamond Drive.
 - 4. Sign Area 4 (SA4) is intended for urban areas that are primarily used by motor vehicles and have higher speeds, and may include areas that are frequented by tourists who could benefit from directional or other information. An example of Sign Area 4 is New Mexico Highway 4 (NM4).
- (b) In addition to regulation by "Sign Areas," signs are regulated as permanent versus temporary signs, although certain signs may be either.
- (c) Signs may be further regulated by their location on public versus private land.
- (d) All signs shall comply with the requirements and standards of this article and chapter, whether a permit is required or not. Where a permit is required, the applicant is responsible for obtaining and submitting all required permit applications.
- (e) All signs shall meet all other applicable code requirements including Chapter 10 requirements.

Sec. 16-405. Applicability.

- (a) Applicability. This article regulates the location, number, size, duration, manner of display and type of signs that may be placed within the county. Unless specifically listed as exempt herein, all signs, whether requiring a permit or not, shall meet the requirements and standards of this article. The placement of all non-traffic signs shall adhere to section 16-405, line-of-sight-obstructions, below.
- (b) Interpretation and application. When a Sign Area boundary crosses a parcel rather than following a property line, such that a single parcel or lot is covered by two separate Sign Areas, the respective Sign Area shall govern that portion of the lot encompassed by the Sign Area.
- (c) Exceptions. When any non-residential primary land use, multiple-family housing of five or more dwelling units on the same parcel, or county-owned property is located within Sign Area 1 the allowable signs shall be those of Sign Area 2.
- (d) Permit required. All signs shall require a permit prior to installation, modification, or replacement, unless exempt.
- (e) Exempt signs. The following signs or changes to existing signs shall not require a permit, provided that the sign conforms to all design, size, duration, setback, height and other requirements of this article and does not create a public nuisance, traffic, or pedestrian hazard as determined by the County Manager, County Engineer, or designee.
 - (1) A change in the text or graphics of any lawfully pre-existing sign where there is no change in the sign's size, location, structure, lighting, or other manner of display;
 - (2) The repair or maintenance of existing signs, including the repainting of existing messages and re-painting and repair of portions of a support structure. The entire replacement of a sign face or sign mounting shall not be considered a repair or maintenance item;
 - (3) Any public notice or warning placed pursuant to a valid and applicable federal, state or local law, regulation or ordinance:
 - (4) Any traffic-control, way-finding, or public safety signs on public or private property, such as stop, yield and similar signs, the faces of which meet the Manual of Uniform Traffic Control Devices (MUTCD) or similarly recognized standards;
 - (5) Any signs installed, owned or maintained by the state, federal or county governments, including any sign installed or authorized by the county as part of the Way-Finding program, except as may be restricted in this article:
 - (6) Any sign inside a building that is not attached to nor within two feet of the inside surface of a window or door;
 - (7) Holiday decoration signs. Temporary signs, in the nature of decorations, customary and commonly associated with federal, state, local, or religious holidays, and are only displayed during the holiday period with which they are associated;
 - (8) Flags, or other insignia, governmental, of the United States, the state, foreign nations, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting these conditions shall be considered a sign and shall be subject to regulations as such;
 - (9) Hours of Operation signs are exempt from regulation except that size shall be counted toward Window Sign standards if located in windows or glass doors;
 - (10) Scoreboards and other signs normally associated with public athletic facilities;
 - (11) Address signs in conformance with the standards of this article and with Chapter 34, Article IV.
 - (12) Home occupation or home business signs in conformance with the standards of this article;
 - (13) Temporary signs on residential property in Sign Area 1 and in conformance with the standards of this article:

- (14) Signs located at county or Los Alamos Public Schools sponsored events, such as *Sciencefest*, Rodeo, and the County Fair are exempt from the provisions of this article so long as they are in the same location as the event or on County owned land and are only posted during the event;
- (15) Signs incorporated into machinery or equipment by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths, and gasoline pumps;
- (16) Memorial signs or tablets, names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials and attached to the surface of a building;
- (17) Signs painted or attached to trucks or other vehicles for identification purposes;
- (18) Any sign carried by a person; and
- (19) Any sign in furtherance of a compelling government interest.
- (f) *Nonconforming signs*. Any and all signs that are found to be nonconforming to this article, shall be brought into conformance, or removed under the following circumstances:
 - When a primary structure on the same parcel is expanded by 25 percent (gross square footage);
 or
 - (2) When a primary structure on the same parcel is remodeled to the extent that the valuation of the remodel, as determined by an accurate building permit application, exceeds 25 percent of the valuation of the primary structure which is being remodeled. Valuation of existing structure shall be determined by either the valuation of the parcel improvement on the current tax records, or a property appraisal completed within 12 months of the application of the building permit; or
 - (3) When site plan approval is required for any development occurring on the same property; or
 - (4) When any proposed change, repair, or maintenance would constitute the lesser expense of more than 25 percent of the original value or replacement value of the sign.
- (g) Prohibited Signs. The following signs are prohibited in all Sign Areas:
 - (1) Animated and flashing lights and signs, except as specifically authorized herein;
 - (2) Billboards;
 - (3) Off-premises signs, including in public right-of-way, except as specifically authorized herein;
 - (4) Beacons, pennants, strings of lights not permanently mounted to a rigid background, tethered balloons and all inflatable signs;
 - (5) Roof-mounted signs;
 - (6) Signs resembling traffic or other governmental signs related to safety or way-finding;
 - (7) Any sign maintained in conjunction with a use, event, service or activity that is not lawful;
 - (8) Any sign located so as to conflict with or obstruct the clear and open view of devices placed by a public agency for controlling traffic or a sign that obstructs a driver or pedestrian's clear view of an intersecting road, alley or major driveway, or as further restricted below; and
 - (a) Sight triangles. At the intersection of two or more streets, or a street and any driveway or alley controlled by a stop sign or a requirement to stop, no sign shall be located within the sight triangle unless the top of the sign face is three feet or less above curb level or the bottom of the sign face is seven feet or more above curb level; and
 - (b) The county's public works department director or designee may deny the placement of any sign located so as to conflict with the clear and open view of devices placed by a public agency

for controlling traffic, or a sign which obstructs a driver's or pedestrian's clear view of an intersecting road, alley or major driveway.

Sec. 16-406. Sign design, construction, maintenance, abandonment, and conformance.

All signs shall be designed, constructed and maintained in accordance with the following minimum standards:

- (a) All permanent signs shall be constructed of durable materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame or structure.
- (b) All temporary signs shall be kept in a state of good repair and shall be removed if tattered, torn, defaced, weathered or otherwise damaged.
- (c) All signs and all components thereof, including, without limitation, foundations, supports, braces, and anchors, shall be kept in a state of good repair, and in compliance with all currently adopted building or electrical codes, and in conformance with this chapter at all times.
- (d) The supports and foundations used in construction for all signs and sign structures must be located outside of any rights-of-way unless authorized in writing by the controlling public agency.
- (e) The owner of any property upon which an abandoned sign is found shall, within 90 days of notice by the county, remove the sign and any structure erected for the sole purpose of supporting it. A sign shall be considered abandoned upon the department's finding that the sign relates to a business that no longer exists on the site and that the owner of the property has not presented evidence that he or she is actively in the process of finding an alternate use for the sign consistent with the requirements of this article. Any such finding may be appealed to the planning and zoning commission according to the provisions of this chapter regarding appeals from determinations of the community development department director.

Sec. 16-407. Sign Illumination.

- (a) Internally illuminated signs are prohibited in Sign Area 1 except as allowed by section 16-405 (c) and 16-410 (a) (4) of this article.
- (b) External illumination of signs is limited to the face of the sign. All external sign light sources shall be shielded and aimed only at the sign. No direct source of light shall be visible from any public way or from any location off the site on which the sign is located.
- (c) Sign lighting may not blink, fluctuate or otherwise give indication of movement except as permitted for electronic messaging signs as provided in this article and chapter.
- (d) All sign lighting shall also be in conformance with the outdoor lighting requirements of this chapter.
- (e) Unless for the purpose of public safety, as determined by the public works department director, temporary signs shall not be illuminated.
- (f) Signs that are permitted to be illuminated shall not exceed 0.3 foot candles above ambient lighting.

Sec. 16-408. Sign size; dimensional computations.

The following shall be used to compute the total sign area and sign height:

- (a) Computation of the area of individual sign faces. The area of a sign face shall be computed as follows:
 - (1) Where the messages and images are mounted on a board or similar flat surface which is attached to a wall, the sign face shall be the total area of the board or surface.

- (2) Where the messages and images are mounted on a board or similar flat surface which is attached to a frame or other supporting structure, the sign face shall be the total area of the board or surface exclusive of the frame or supporting structure.
- (3) Where individual letters, words, or images are mounted directly on a wall or other existing surface, the sign face shall be computed by measuring the area of the smallest rectangle, triangle, circle, or combination thereof that will encompass the outermost limits of the message or images.
- (b) Multi-faced signs and objects. The sign face area for a sign with more than one side or a sign that is a three-dimensional object shall be computed by adding together the maximum areas of all faces or portions of the object that are simultaneously visible from a single point of view.
- (c) Computation of sign height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of:
 - (1) Existing grade prior to construction; or
 - (2) The newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purposes of locating the sign.
- (d) Approval. The community development department director shall have the discretion to approve minor height variations along the top of the sign amounting to 12 inches or less when determining sign height.

Sec. 16-409. Permanent Signs location, placement and other standards.

- (a) In general. All permanent signs shall comply with this article, section and Table 16-410-T1. Table 16-410-T1 provides the types of permanent signs allowed, number of permanent signs, and maximum dimensions of each sign. This section provides additional regulations as to location, placement, and other standards as they apply to each sign type. These regulations shall apply to all permanent signs regardless of whether or not a permit is required. The following are additional regulations per type of sign:
 - (1) Address. Address signs shall be located on each primary dwelling or structure in compliance with Chapter 34, Article IV. Additional address signs, such as curb-painted, whether affixed to the primary dwelling or main structure, shall not conflict with, supersede, or distract from the primary address sign.
 - (2) Awning/Canopy (per facade or facade segment). In addition to allowable sign area for other types of building-mounted signs, buildings may incorporate signage areas on building awnings subject to the following conditions:
 - a. Awning signs shall be limited to awnings on the ground floor level only;
 - b. A facade or facade segment may have either one or more awning signs or a projecting sign, but not both;
 - c. Awning signs shall not be backlit; and
 - d. Awnings overhanging county sidewalks and rights-of-way shall require a county encroachment permit.
- (3) District identification. District identification signs shall be allowed in all districts when approved, designed, and placed in accordance with this section. District identification signs, upon planning and zoning commission approval, may be used to mark entrances to the county itself, or special areas within the county, having or intending to have a unique character or purpose. Examples of such districts may include but are not limited to historic districts, special shopping districts, and special open space or recreation districts. District identification signs may be placed on public or private property

and, if approved, may be exempt from placement and dimensional and design regulations otherwise contained in this article. For the purposes of this article, all district identification signs shall be considered to be on-premises signs.

- a. *Planning and zoning commission approval.* The planning and zoning commission shall hear and act upon the sign application according to the same procedures for special use permits, including appeals.
- b. Application information. Applications shall include a justification of the significance of the district; the need for the district sign; a vicinity map indicating all buildings, rights-of-way and structures that may be affected by the proposal; as well as a site plan showing the proposed sign or signs including proposed dimensions, design, sign text and graphics, and proposed colors and proposed materials. If the sign will require a building permit, applicants shall also meet with the community development department prior to application submission to determine if any special building code issues need to be addressed. Applications shall indicate the entities responsible for the funding, construction, and future maintenance of the sign. Each district shall require a separate application, but a district application may include more than one sign.
- (4) Electronic Message Center (EMC) signs are allowed as follows:
 - Unless otherwise restricted or permitted in this section, an EMC shall follow Table 16-410-T1 standards for a freestanding or wall-mounted sign.
 - b. Only one EMC sign is permitted per land parcel and each shall count towards the total freestanding or wall-mounted total sign area allowance.
 - Schools may have one EMC sign per school location. The sign will count towards the total allowable freestanding sign standards.
 - An EMC shall not be located within 100 feet of an intersection with an arterial road.
 - e. The EMC message or copy must not change more than once every eight seconds.
 - f. Dynamic frame effect EMC signs are not permitted.
 - g. Transitions between displayed messages shall use fade, dissolve, or similar, but may not use scrolling, travel, or similar transition which creates a sense of motion.
 - h. No EMC shall have the appearance of flashing.
 - i. All EMCs are required to have automatic dimming capability that adjusts the brightness to no more than 0.3 foot candles of the ambient light at all times of the day and night.
 - j. To the extent possible, an EMC shall be placed so that the message or copy is oriented away from areas or buildings used for residential purposes.
 - k. Setbacks. All freestanding signs shall be set back from any adjacent property lines a minimum of five feet except that signs adjacent to a common line shared by a residentially zoned district or an approved residential use shall be set back from that lot line by a distance at least equal to the height of the freestanding sign.
- (5) Flags, governmental. As specified in section 16-405 (e)(5) and (e)(8), and except per height restrictions in Table 410.T1, governmental flags are exempt from regulation under this article.
- (6) Flags, non-governmental. Building-mounted flag poles and flags are allowed in all Sign Areas subject to the following conditions:
 - a. The top of building-mounted flag poles shall not extend above the roof line of buildings to which they are attached; and
 - b. The face area of the flag shall be counted toward the maximum sign number and area allowed for "projecting signs" on each facade or facade area; and
 - c. Non-governmental flags shall not be permitted on freestanding flag poles; and

- d. Non-governmental flags shall not be illuminated.
- (7) Freestanding signs. Permanent freestanding signs include pole/pylon signs, and monument signs.
 - a. Monument signs are permitted in Sign Area 1 on lots or parcels greater than three acres in size if the use is permitted within the applicable zone. Height shall not exceed six feet and total size area including frame shall not exceed 25 square feet.
 - b. Number of signs allowed. Permanent freestanding signs shall be limited to one per property held in single and separate ownership except for a property that has frontage on more than one street, in which case one such sign shall be permitted for each separate street frontage. If a property has frontage that exceeds 300 lineal feet on any given street, one additional freestanding sign shall be permitted for each additional 300 lineal feet.
 - c. Minimum distance between freestanding signs. The minimum distance between permanent freestanding signs shall be 50 feet. This standard applies to signs on the same lot and on separate lots. Some situations may prevent this standard from being strictly applied. See 16-51 (c)1. for authority to vary this standard.
 - d. Setbacks. All freestanding signs shall be set back from any adjacent property lines a minimum of five feet except that signs adjacent to a common line shared by a residentially zoned district or an approved residential use shall be set back from that lot line by a distance at least equal to the height of the sign. Setback is measured from the closest part of the sign or sign structure to the lot line.
 - (8) Hanging (per facade or facade segment). In addition to the allowable sign areas for other types of building-mounted signs, buildings may incorporate signs hanging from the underside of canopies, marquees, portals, arcades, and other similar architectural features.
 - (9) Kiosks. Kiosks shall be allowed as follows:
 - a. The kiosk shall be permanently anchored.
 - b. The placement of the kiosk shall allow for unobstructed pedestrian passage of at least five feet on at least one side of the kiosk.
 - c. There shall be no internal, or backlit lighting. Lighting shall be fully shielded.
 - d. Allowable sign area. For cylindrical kiosks, sign area allowance shall be 24 square feet. For flat surface kiosks, area allowance shall be 16 square feet per face. Individually posted signs are not to exceed eight and one-half by 14 inches. Nor shall signs be arranged in a manner that creates the appearance of a sign larger than eight and one-half by 14 inches.
 - e. Allowable sign height. Areas designated for individual sign placement shall not exceed six feet in height. The kiosk structure itself shall not exceed ten feet in height.
 - f. The permit application shall include information on how the kiosk will be managed and maintained, enforceable as a condition of the permit.
 - g. There shall be no fees due for the posting of information on the kiosk.
 - h. Each person posting information may post up to two signs on each kiosk.
 - There shall be a minimum distance of 300 lineal feet between sign kiosks on the same side of the street.
 - (10) *Minor, or incidental signs.* Permanent minor or incidental signs in all Sign Areas are limited per Table 16-410-T1. Such signs should be kept to a minimum. Minor or incidental signs may not be illuminated in Sign Area 1.
 - (11) Projecting (per facade or facade segment). In addition to allowable sign area for other types of building-mounted signs, buildings may incorporate conventional projecting signs, subject to the following condition:
 - a. The bottom of any projecting sign shall be at least eight feet above the adjacent finished grade. The top of the sign shall not extend above the parapet or eaves of the facade on

- which it is located. Signs projecting into a public right-of-way or public land shall require an encroachment permit as a condition of approval.
- (12) Vehicle-mounted signs. Flush-mounted and protruding signs on vehicles shall be allowed as follows:
 - a. The total number of vehicle mounted signs shall not exceed one sign per legal lot of record;
 - b. Vehicle-mounted protruding signs shall be measured from the ground to determine height;
 - c. Each sign shall be set back at least three feet from all adjacent property lines; and
 - d. Vehicle must be operable & in regular use. Must be moved at least once every 48 hours. May not be located on vacant land.
- (13) Wall sign (flush mounted)/marquee (per facade or facade segment). This type of sign is prohibited in Area 1 except for permitted Special uses, which are permitted with restrictions (see below). All other sign areas using this type of signage shall follow the standard below.
 - a. For each building facade or facade segment, the combined total area of all flush-mounted building wall signs per building side shall not exceed one and one-fourth square foot of sign area for each one lineal foot of facade or facade segment width up to 100 lineal feet, plus one-half square foot for each additional one lineal foot of width. The maximum allowable combined area for all flush-mounted and marquee wall signs shall be in addition to the maximum area allowable for all other types of building-mounted signs as allowed by this section.
 - b. For permitted non-residential primary land use, multiple-family housing of five or more dwelling units on the same parcel, or county-owned property located within Sign Area 1, the total sign area allowed for wall signs shall be calculated as one-half of the above standard.
- (14) Window. Whether permanent or temporary, or in combination, not to exceed 50 percent of total window area, including glass doors. Individual signs not to exceed six square feet. Only Minor permanent window signs are permitted in Sign Area 1.

Sec. 16-409. T1. - Permanent Signs.(1)

The following are the allowable permanent signs.

	Sign Areas				,	
	Sign Area 1	Sign Area 2	Sign Area 3	Sign Area 4		See
	Sign Area Examples:					Sec. 16-409
Sign Type	Residential. See also Sec. 16-405 (c)	Central Ave.	Trinity/Diamond	White Rock State Road 4	Is a Permit Required	for additional requirements
Address	Address signs shall be provided by property owners in compliance with Chapter 34, Article IV.				No	§ 16- 409(a)(1)
Awning/Canopy	None in SA 1	25 sq. ft. max. One per façade or façade segment			Yes	§ 16- 409(a)(2)
District Identification	Varies Per approval of P&Z See also 16-408 (b) (3)				Yes	§ 16- 409(a)(3)
Electronic Message Center (EMC)	None in SA 1	See freestanding or wall requirements depending on type of sign			Yes	§ 16-409 (a)(4)
Flags Governmental	Max. ht. same as for structures in zoning district where flag is located; not to exceed 35 ft.				No	§ 16-405 (e)(8)
Flags	May not be free-standing				No in SA1	§ 16-409
Non- Governmental		20 sq. ft. max nax.	15 ft.max.ht. 20 sq. ft. max 5 max.	20 ft.max.ht. 20 sq. ft. max 5 max.	Yes in SA2-4	(a)(6)
Freestanding	Minor or monument or only		Monument, pole or pylon 15 ft.max.ht. 20 ft.max.ht.		Yes	§ 16-409 (a)(7)
			50 sq. ft. max	75 sq. ft. max		

	6 ft. max. ht. 25 sq. ft. max.	8 ft. max. ht. 25 sq. ft. max.		
	See 410(a)(7) for quantity, setbacks and min. distance between	en signs	-
Hanging	None in SA1	Per façade or façade segment: 4 sq. ft. max. One	Yes	§ 16-409 (a)(8)
Kiosks	None in SA1 except per 16-409 (b) (5)	See 410(a)(9) for details	Yes	§ 16-409 (a)(9)
Minor/incidental*	3 sq. ft. max.; 4" letters max. 4 ft. max. ht. if freestanding 2 per lot max.	4 sq. ft. max. 4 ft. ht. max. 5 per site max.	No	§ 16-409 (a)(10)
Projecting	None in SA1	16 sq. ft. max.; 15 ft. max. ht.; One per façade or façade segment	Yes	§ 16-409 (a)(11)
Vehicle	See § 16-277 (1) e. & i. and 16-277 (2) e. & i.	Vehicle must be operable & in regular use. Must be moved at least once every 48 hours. May not be located on vacant land. 12 feet max. ht.		§ 16-409 (a)(12)
Wall	Minor only	Per façade or façade segment: 1.25 sq. ft. per lineal ft. up to 100 lineal feet plus 0.5 sq. ft. for each additional lineal foot	Yes	§ 16-409 (a)(13)
Window	Minor only	Up to 50% of any window or door	No	§ 16- 410(a)(14)

⁽¹⁾ See Sec. 16-411. for all signs on county property and public right-of-way.

- *Examples in SA 1: Beware of Dog; No Solicitation; No Trespassing; Home Occupation or Home Business name; and Warning signs related to specific dangers on a property
- *Examples in SA 2, 3 and 4: No Parking; One-way; Entrance Arrow; Service; and Warning signs related to specific dangers on a property

Sec. 16-410. Temporary Signs duration, placement and other standards.

- (a) *In general.* A property owner may place a temporary sign on their own property as provided here and in Table 16-410-T1. Table 16-410-T1 sets forth regulations governing the types of temporary signs, number, and maximum dimensions. This section provides additional regulations as to duration, location, and other standards as they apply to each temporary sign type and shall apply to all temporary signs regardless of whether or not a sign permit is required as provided in Table 16-410-T1:
 - (1) Banner Signs. If attached to a building, banner signs shall not exceed the height of the building. Temporary banners shall follow the same size, height and quantity standards as for the same permanent sign type. Temporary banners are permitted in Sign Area 1 per Minor/Incidental sign standards. In other Sign Areas banners may be displayed for up to a total of 60 days, which may be intermittent, in any 12 month consecutive period. Time extensions, for "place-holder" signs only, may be granted by the community development department director for up to an additional 120 days upon written request and documented justification of need. See also temporary wall signs.
 - (2) Blade/Feather Signs. This type of sign includes Feather signs, Teardrop, Rectangle, Flag, and other shapes of two-sided fabric signs. They are not permitted in Sign Area 1. Such signs shall be securely anchored or secured in a portable base. One Blade/Feather sign is permitted per 50 feet of street frontage, for a maximum duration of 14 days, up to three times per calendar year. The time allowance periods may be consecutive. Such signs shall be set back a distance that is not less than the height of the sign from all property lines and any overhead utilities. Holiday decorations are exempt from these provisions.
 - (3) Freestanding Private Land Signs. In Sign Area 1 temporary freestanding signs pertaining to matters of community and government interest may be posted for a maximum of 65 days. Other temporary freestanding signs in SA1 may be posted up to 14 days, twice per calendar year. In all other Sign Areas, temporary freestanding signs may be displayed for up to a total of 30 days, four times per calendar year, two of which may be consecutive. One time extension, for "place-holder" signs only, may be granted by the community development department director upon written request and documented justification of need. If longer time periods are needed, the applicant may apply for a temporary use permit. All freestanding yard signs shall be set back a distance of at least the height of the sign as measured from grade, from all property lines. Other restrictions to location may apply based on visibility at corners and driveways.
 - (4) Interim Signs. Interim temporary signs associated with required county approval of a development agreement, master plan, subdivision, site plan, or special use permit shall be removed after six months of no permitted physical development occurring on site. Signs associated with an active building permit shall be removed upon issuance of a certificate of occupancy.
 - (5) Minor/incidental Signs. These are signs associated with events or activities of a time-limited duration. They may be displayed immediately prior to the event or activity and must be removed as soon as possible following the event or activity. These signs are allowed in addition to permanent minor signs. No permit is required.
 - (6) Sidewalk/Portable Signs. These signs are considered temporary as they are not permanently secured in place. However, there is no duration of time that limits their display, other than they may

only be displayed when the business or activity they represent is open or otherwise in active use. These signs are not permitted in Sign Area 1. These signs may not block or impede pedestrian passage. A minimum or four feet of clearance shall be maintained. These signs shall not obstruct the view of or entry to any other business. They shall not be located in a landscaped area. These signs shall not be illuminated.

- (7) Vehicle-mounted signs. Flush-mounted and protruding signs on vehicles shall be allowed as follows:
 - a. The total number of vehicle mounted signs shall not exceed one sign per legal lot of record;
 - b. Vehicle-mounted protruding signs shall be measured from the ground to determine height;
 - c. Each sign shall be set back at least three feet from all adjacent property lines; and
 - d. Vehicle must be operable and in regular use. Must be moved at least once every 48 hours. May not be located on vacant land.
- (8) Wall Signs. Temporary signs, wall or fence mounted, may be displayed for up to a total of 60 days, which may be intermittent, in any 12 month consecutive period. Time extensions, for "place-holder" signs only, may be granted by the CDD Director upon written request and documented justification of need. If longer time periods are needed, the applicant may apply for a temporary use permit. These signs may be banners.
- (9) Window Signs. Whether permanent or temporary, or in combination, not to exceed 50 percent of total window area, including glass doors. Individual signs shall not exceed two square feet in Sign Area 1, or six square feet in any other Sign Area.
- (b) Temporary signs shall not be secured to public buildings, structures, infrastructure, poles, signs, or traffic control equipment except in conformance with this article.

Sec. 16-410. T1. Temporary Signs(1)

The following are the allowable temporary signs.

Sign Locations Location Examples	Sign Area 1 Residential See also Sec. 16-405 (c)	Sign Area 2 Central Ave.	Sign Area : Trinity/ Diamond		Sign Area 4 White Rock State Road 4	Permit Required?	See Sec. 16-410 for additional requirements
Banner	Minor only	In all areas, same size per sign type as permitted in Permanent Signs			Yes if total is over 4 sq. ft.	§ 16-410 (a)(1)	
Blade/Feather	None in SA	18 ft. max. ht. as measured from grade, and 3.5 ft. max. dimensions			Yes	§ 16-410 (a)(2)	
Freestanding – Private Land	25 sq. ft. max. 6 ft. max. ht. Any #, not to exceed sq. ft. max.	25 sq. ft. max. 8 ft. max. ht. Any number, not to exceed sq. ft. max.	50 sq. ft. max. 15 ft. max. ht. Any number, not to exceed sq. ft. max. 75 sq. ft. max. 20 ft. max. ht. Any number, not to exceed sq. ft. max.		No, if 8 sq. ft., or less otherwise, Yes	§ 16-410 (a)(3)	
Freestanding – Public Land Designated areas only	16 sq. ft. max. per sign 6 ft. max. ht. Max. 5 per permit Designated areas only				Yes	§16-411(b)1. & (b)2.	
Interim – New Business or during construction	32 sq. ft. max. 10 ft. max. ht. One per business or lot				Yes	§ 16-410 (a)(4)	
Minor/incidental*	Max. 4 sq. ft. Max. 4 ft. ht.	6 sq. ft. max. 6 ft. max. ht. One per lot or business 32 sq. ft. max. 10 ft. max. ht. if freestanding One per lot or business		No	§ 16-410 (a)(5)		

	Any #, not to exceed sq. ft. max.			
Sidewalk/Portable	None in SA	6 sq. ft. max. per sign face. Two sides ok. One per business. Can only display when business is open.	No	§ 16-410 (a)(6)
Vehicle		See Permanent Signs - Vehicle	No	§ 16-410 (a)(7)
Wall	Minor only	Per façade or façade segment: 1.25 sq. ft. per lineal ft. up to 100 lineal feet plus 0.5 sq. ft. for each additional lineal foot	Yes	§ 16-410 (a)(8)
Window	Up to 50% of any window or door		No	§ 16-410 (a)(9)

(1) See Sec. 16-411. for all signs on county property and public right-of-way.

Sec. 16-411. Signs on county property and public right-of-way.

Except as provided in Sec. 16-405, the county shall follow the requirements of this article. Signs may be placed on county property and public rights-of-way pursuant to the following:

- (a) Permanent signs on public buildings, property, structures and public rights-of-way.
 - 1. Permanent signs. All permanent signs on public buildings, property, structures or public rights-of-way shall only be placed pursuant to this chapter and article.
- (b) Temporary signs on public buildings, property, structures and public rights-of-way.
 - Special temporary sign areas. The county council has identified certain areas of the county in which temporary freestanding signs may be located per the standards specified in Sec. 410. T1. Signs in these areas are further restricted as follows:
 - a. Such signs may be posted for a maximum of 65 days in any 12 month period.
 - b. Such signs shall not be illuminated.
 - c. Temporary signs in the special temporary sign areas are restricted to the areas established by the county council. Signs may be removed if not located in a designated area or deemed to constitute a traffic or public safety hazard.
 - Temporary signs on public land and public rights-of-way, non-designated areas. These are signs that may be placed on property owned by the county, and in the public right-of-way, and are intended to promote or advertise upcoming community events. Such signs are permitted in conformance with Sec. 16-410 T1. for Minor/incidental signs and the following:

^{*}Examples in SA 1: Real estate signs; Garage sales; Welcome Home; Election

^{*}Examples in SA 2, 3 and 4: Real estate signs; Special Event signs; Parking/No Parking

- a. Such signs may be displayed for a period of two weeks prior to the event and one week thereafter, except that signs promoting recurring events shall be limited to two days prior to each event or activity and removed within one day thereafter.
 Other signs in these areas are regulated as Minor/incidental signs per Sec 16-410 (a)(5).
- b. Such signs shall not be placed in a manner so as to become a safety hazard for vehicles, pedestrians and bicyclists;
- c. Shall not be illuminated and shall meet Section 16-406 specifications;
- d. Shall not be placed in medians.
- e. No permit is required. However, the sign shall be removed in a timely manner and if
 the owner fails to do so the county is held harmless in removing and disposing of the
 sign and the owner may be responsible for costs incurred in removing and disposing
 of the sign;
- (c) County Open Space. No signs, except for exempt signs or as otherwise provided herein, shall be placed in any county open space.

Sec. 16-412. - Sign Areas maps.

As provided herein, the following are the four designated Sign Areas and the special temporary sign areas where signs may be lawfully placed in accordance with the terms of this article.

Secs. 16-413—16-450. - Reserved.



os Alamos Sign Areas

5,400

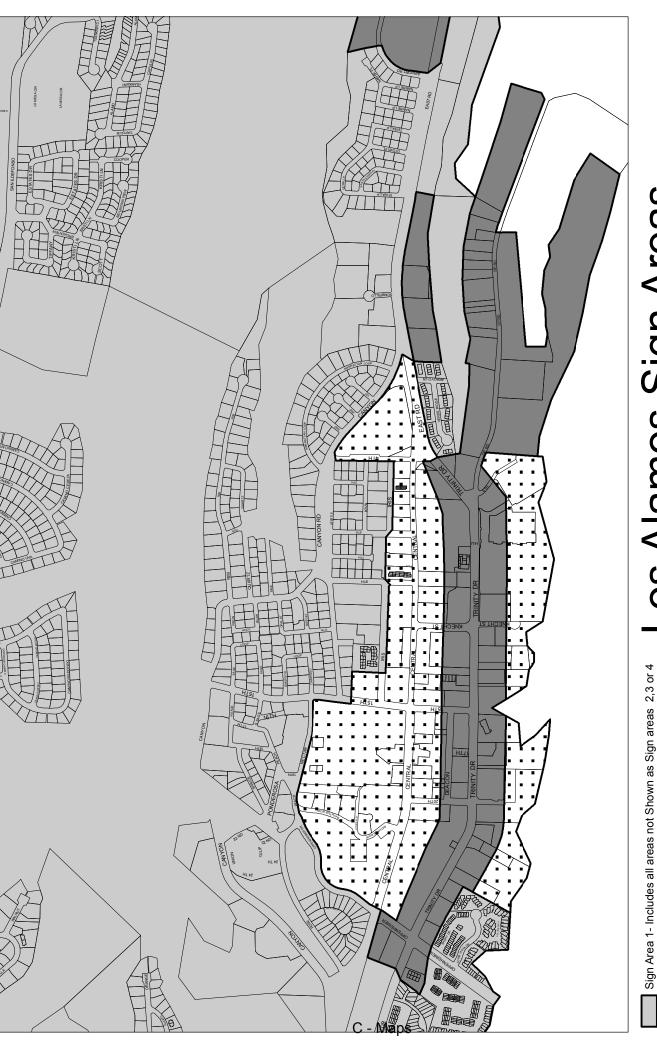
3,600

1,800

Sign Area 3- Townsite only

Sign Area 2

Sign Area 4- White Rock only



os Alamos Sign Areas

1,950

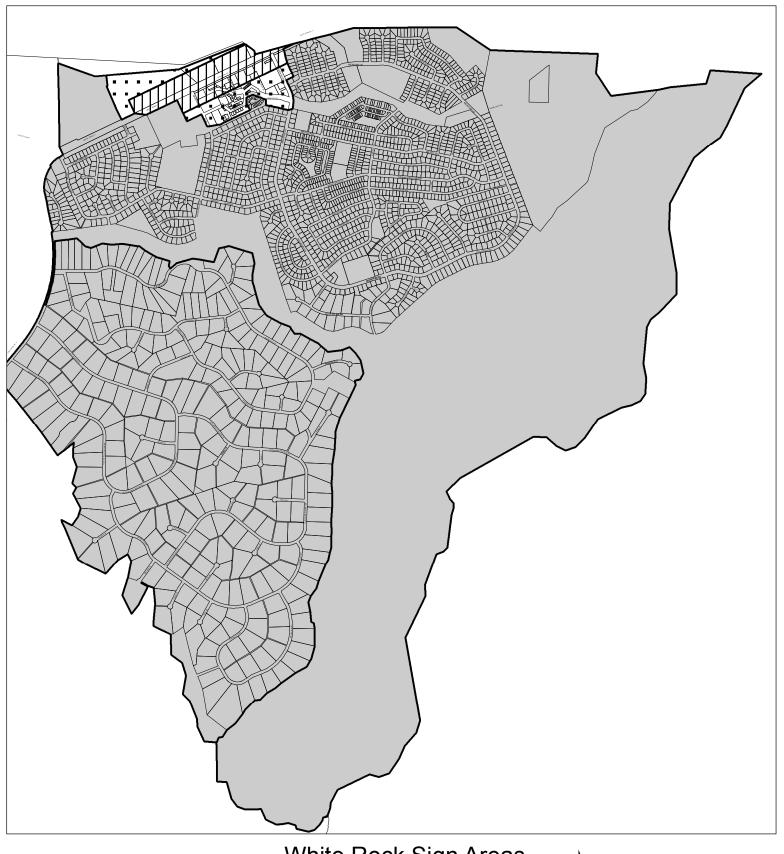
1,300

650

Sign Area 2

Sign Area 3- Townsite only

Sign Area 4- White Rock only





0 1,250 2,500 3,750 5,000 Fee

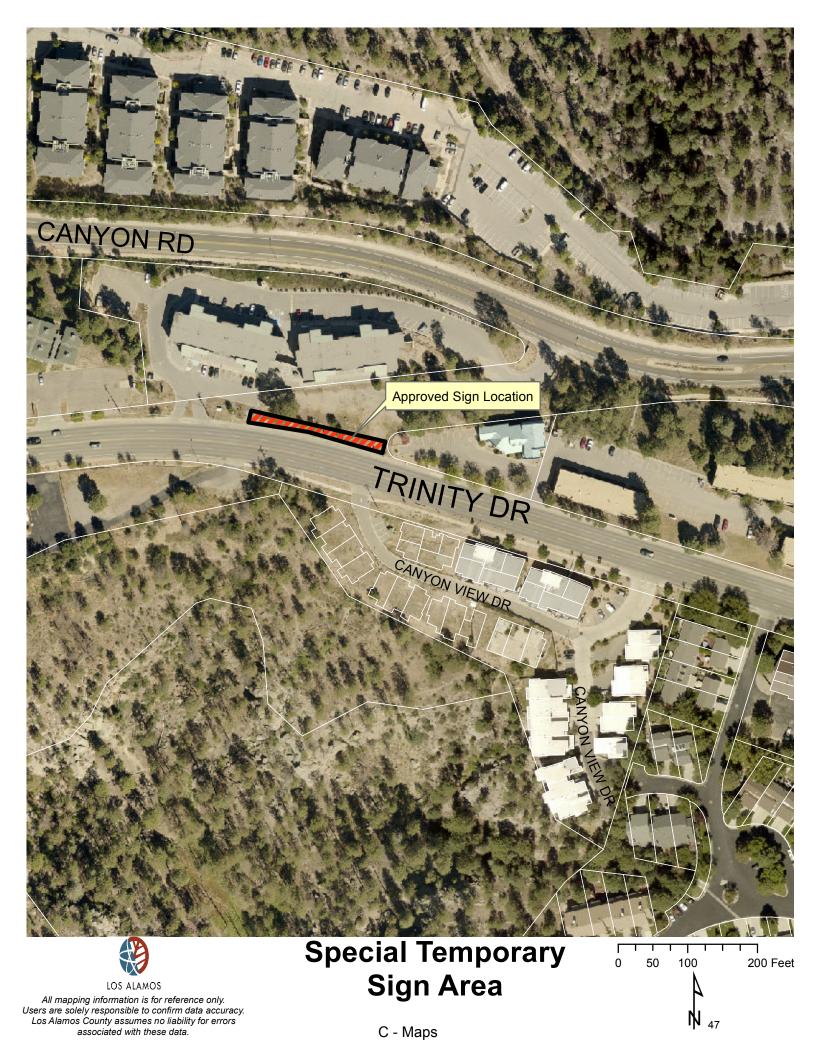
N

Sign Area 1- Includes all areas not Shown as Sign areas 2,3 or 4

Sign Area 2

Sign Area 3- Townsite only

Sign Area 4- White Rock only







LOS ALAMOS

All mapping information is for reference only. Users are solely responsible to confirm data accuracy. Los Alamos County assumes no liability for errors associated with these data.

Sign Area



LOS ALAMOS

All mapping information is for reference only. Users are solely responsible to confirm data accuracy. Los Alamos County assumes no liability for errors associated with these data.

Sign Area

C - Maps

50 100 200 Feet