



County of Los Alamos

1000 Central Avenue
Los Alamos, NM 87544

Agenda - Draft Planning and Zoning Commission

*Terry Priestley, Chair; Beverly Neal-Clinton, Vice-Chair; Melissa
Arias; Jean Dewart; Jessie Dixon; Ashley Mamula; Craig Martin;
Neal Martin; and April Wade, Commissioners*

Wednesday, July 25, 2018

5:30 PM

1000 Central Avenue
Council Chambers

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. **PUBLIC HEARING(S)**

- A. [10981-18](#) Revisions to the Los Alamos County Sign Code, Article X of Chapter
16

Presenters: Tamara Baer, Planning Manager

Attachments: [A - Staff Report for Sign Code Amendment](#)

5. **PLANNING AND ZONING COMMISSION BUSINESS**

- A. [10980-18](#) Minutes from the Planning And Zoning Commission Meeting on June
27, 2018.

Presenters: Anita Barela, Assistant Planner

Attachments: [A - Draft Minutes for June 27, 2018.](#)

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.

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.



Los Alamos County
Community Development Department
PLANNING & ZONING COMMISSION STAFF REPORT

Public Hearing Date: July 25, 2018
Subject: Case No. ZCA-2018-004 Sign Code Revision
Applicant/Owner: Paul Andrus, Community Development Director
Case Manager: Tamara Baer, Planning Manager

Case No. ZCA-2018-004: Revisions to the Los Alamos County Sign Code, Article X of Chapter 16

A request for approval of text amendments to the Los Alamos County Code of Ordinances, Chapter 16 – Development Code, replacing Article X, Sign Code, and amending related sections of the Chapter. The proposed amendments to the existing Sign Code are comprehensive and result in the replacement of the existing code. The proposed amendments remove and replace content based regulation of signage, restructure the regulations based on permanent v. temporary signage, consolidate and clarify definitions, reduce the number of “Sign Areas” from five to four, and make other related changes.

The amendment is not property specific, and does include the entire area of County jurisdiction.

Motion Option 1:

I move to recommend that the County Council approve Case No. ZCA-2018-004, text amendments to the Los Alamos County Code of Ordinances, Chapter 16 – Development Code, replacing Article X, Sign Code, and amending related sections of the Chapter.

Motion Option 2:

I move to **deny** Case No. ZCA-2018-004, text amendments to the Los Alamos County Code of Ordinances, Chapter 16 – Development Code, replacing Article X, Sign Code for the following reasons:
1.

Background:

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.

The Town of Gilbert’s sign code included separate regulations for three types of non-commercial signs: 1) ideological signs, which could be up to 20 square feet and had no associated time limits for display; 2) political (election) signs, which could be up to 16 square feet in residential areas and 32 square feet in commercial areas, and were subject to time limitations; and 3) temporary directional signs related to a “qualifying event,” which could not exceed six (6) square feet, and could only be in place 12 hours before and one hour following the event.

Clyde Reed, pastor of the Good News Community Church in Gilbert, had placed temporary signs directing parishioners to that week’s location of Sunday services, which varied as the church did not have a permanent home. The Town of Gilbert cited the pastor for violating the sign ordinance related to the regulations for temporary signs.

The church filed suit against the town in District Court, alleging that the town's sign code violated their First and Fourteenth Amendments right to free speech. The District Court denied the church's request for an injunction. The church appealed to the U.S. Ninth Circuit Court of Appeals, which found in favor of the town. Upon subsequent appeal, the U.S. Supreme Court reversed that decision, finding that the regulations did violate the First Amendment. Justice Thomas, writing for the majority, stated that any law that is content-based is subject to "strict scrutiny," which is the highest standard of review and must be based on compelling governmental interest. Gilbert's regulations were clearly content specific and were ruled invalid.

While there were some nuances in separate opinions from the Court, 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 permitted, and the LAC sign code revisions address these elements of signage.

Current regulations and proposed changes:

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. The sticker will be affixed to the sign, for ease of enforcement of temporary signs. The County will track the issuance of stickers through an internal administrative process.
- 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. The White Rock map is revised to reflect approved development patterns on A-19, the Mirador Subdivision.
- 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.

Before and After:

The following “Before and After” chart lists all the former sign categories and how they are addressed 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, Non-Governmental. Governmental flags are exempt from regulation except for height. Temporary flags are subject to same sq. ft. req. by Sign Area.
Flags, commercial	
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 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 businesses or during construction.
Incidental residential (single family and duplex bldgs.)	
Incidental residential (multi-family bldg.)	
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 or Temporary. Some new restrictions – 12’ max. ht. & cannot be parked on vacant land. No permit required and flush-mounted signs are still exempt.
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 will 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 will indicate the expiration date for various types of temporary signs.

A draft of the revised Los Alamos County Sign Code was presented for discussion at the Planning & Zoning Commission meeting of February 28, 2018. Planning Division staff subsequently presented the draft to the business community at the Los Alamos Chamber of Commerce on March 15, 2018, where it was well received. Another internal review then produced some minor changes, which resulted in the current draft attached to this report.

STAFF AND INTERDEPARTMENTAL REVIEW COMMITTEE (IDRC) RECOMMENDATION

Since this is a text amendment application, there were no technical issues for IDRC review. The amendments were developed in consultation with and reviewed by the County Attorney's Office. The application was circulated to IDRC and discussed at the IDRC meeting of March 24, 2017. IDRC voted 6:0 to recommend approval. An updated version was considered at the July 12, 2018 meeting of IDRC and again recommended for approval on a vote of 6:0.

Minor related changes are also proposed to other sections of the Development Code, Chapter 16. These are noted below and are attached to this report as Part 1 of Exhibit 2, Proposed Code Amendments in Ordinance Format. Part 2 is the new Article X, the new Sign Code, which replaces the current Article X in its entirety. The latter can be accessed on line via the following link:

https://library.municode.com/nm/los_alamos_county/codes/code_of_ordinances?nodeId=PTIICOOR_C H16DECO_ARTXSI

Related code changes in other sections of Chapter 16:

- 1) Sec. 16-9. – Definitions and rules. No changes before page 15. Two definitions related to signs are kept in this main Definitions section. These are “Sign” and “Sign Area.” All other definitions related to signs are now in Article X. The definition for “Sign” in this section refers the reader to Article X for related definitions.
- 2) Sec. 16-51. – Community development director, (c) Authority and duty, 1. Signs. This section adds authority to the development director or designee for regulation of new or otherwise unanticipated sign types within the existing parameters of the Sign Code as adopted. An example would be mobile EMC type signs. This change anticipates changes in technology without the need to revise the code.
- 3) Sec. 16-157. – Waiver review criteria. Review criteria for sign waivers already exist in the current Sign Code. These criteria are in addition to the general waiver criteria. There is no change to any of these criteria, except in the relocation from Article X, to Article IV. – Review Criteria.
- 4) Sec. 16-277. – Home occupations. A reference to sign regulations is updated to the new Article X.

CRITERIA FOR APPROVAL

Note that since this application is brought forward by the Community Development Department, all responses to the text amendment criteria are provided by Planning Division staff.

Sec. 16-158. - Amendment to text.

During the course of the review of any request for amendment to the text of this chapter, including determination of uses and addition, deletion or change in the Use Index, the IDRC shall utilize the following criteria in formulating a recommendation to the planning and zoning commission; and the planning and zoning commission shall utilize the following criteria in making its recommendation to the county council. The county council shall utilize the following criteria in making its determination of approval or denial:

- (1) The request substantially conforms to the comprehensive plan and shall not be materially detrimental to the health, safety and general welfare of the county;*

Staff Response:

The proposed text amendment to Chapter 16 is presented in direct response to the U.S. Supreme Court decision in Reed v. Gilbert as described in the first part of this report. The comprehensive plan integrates the goals of the Council's Strategic Leadership Plan, while focusing primarily on the physical development of the County. The revised Sign Code supports the County Council's Strategic Leadership Plan goal of Operational Excellence in the following priority area: "Simplify permit requirements and improve the overall development and building code processes to become easier to work with for all participants." In these ways the proposed code change conforms to the comprehensive plan, and supports and promotes the health, safety and general welfare of the county.

- (2) A request for amendment to the comprehensive plan shall, if necessary, be submitted concurrently with the request for amendment to the text of this chapter.*

Staff Response:

This criterion does not apply. The application is a request for amendment of Chapter 16. Adoption of the proposed text amendment does not amend or affect the comprehensive plan.

- (3) The proposed change will not result in land use inconsistent with the purpose of the district or incompatible with a use allowed in the district.*

Staff Response:

This criterion does not apply. Changes to the Sign Code do not represent changes to the Use Table.

- (4) The proposed change will clarify existing language, remove redundant or inconsistent language or will simplify the understanding and implementation of the Code.*

Staff Response:

By creating compliance with the Supreme Court decision in Reed vs Gilbert, the new Sign Code removes inconsistency with that decision. It also greatly simplifies the understanding and implementation of regulations pertaining to signage.

FINDINGS OF FACT

The proposed code amendment complies with all criteria for text amendments as stated in the Los Alamos County Code of Ordinances, Chapter 16, Land Development, Section 16-158, Amendment to text.

EXHIBITS

Exhibit 1: Application

Exhibit 2: Proposed Code Amendments in Ordinance Format

Part 1 – Proposed changes to Chapter 16, other than to Article X. - Signs

Part 2 – Proposed new Article X. - Signs

TEXT AMENDMENT APPLICATION

Los Alamos County Community Development Department
 1000 Central Ave, Suite 150, Los Alamos NM 87544
 (505) 662-8120

Note: The Planning & Zoning Commission considers Applications for Text Amendments at a public hearing and recommends approval or denial to the County Council. Council has final authority to approve or deny.

Describe the purpose of the proposed amendment:

An amendment to the Sign Code- Los Alamos Code of Ordinances, Development Code Chapter 16, Article 10. 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.

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 permitted, and the LAC sign code revisions address these elements of signage.

Provide the existing (if applicable) and proposed text. (Use strikeouts for any text to be removed and underline any new language proposed.) Use this space or attach additional sheet(s):

See Attached.

APPLICANT (Unless otherwise specified, all communication regarding this application shall be to Applicant):

☒ **Check here if Applicant is County Staff.** Indicate Department and Title:

CDD
Department

Planning Manager
Title

Name: Tamara Baer Phone: 505-662-8055 Cell #: _____

Please Print

Address: 1000 Central Avenue Email: Tamara.Baer@lacnm.us



7/18/18

SIGNATURE

DATE

TEXT AMENDMENT REVIEW CRITERIA:

The Los Alamos County Code of Ordinances, Chapter 16, Development Code, Sec. 16-158:

During the course of the review of any request for amendment to the text of this chapter, including determination of uses and addition, deletion or change in the Use Index, the planning and zoning commission shall utilize the following criteria in making its recommendation to the county council. The county council shall utilize the following criteria in making its determination of approval or denial:

Please provide your response to each of the following criteria. (Attach additional sheets if needed.)

- (1) *The request substantially conforms to the comprehensive plan and shall not be materially detrimental to the health, safety and general welfare of the county;***

The proposed text amendment to Chapter 16 is presented in direct response to the U.S. Supreme Court decision in Reed v. Gilbert as described in the first part of this report. The comprehensive plan integrates the goals of the Council's Strategic Leadership Plan, while focusing primarily on the physical development of the County. The revised Sign Code supports the County Council's Strategic Leadership Plan goal of Operational Excellence in the following priority area: "Simplify permit requirements and improve the overall development and building code processes to become easier to work with for all participants." In these ways the proposed code change conforms to the comprehensive plan, and supports and promotes the health, safety and general welfare of the county.

- (2) *A request for amendment to the comprehensive plan shall, if necessary, be submitted concurrently with the request for amendment to the text of this chapter.***

This criterion does not apply. The application is a request for amendment of Chapter 16. Adoption of the proposed text amendment does not amend or affect the comprehensive plan.

- (3) *The proposed change will not result in land use inconsistent with the purpose of the district or incompatible with a use allowed in the district.***

This criterion does not apply. Changes to the Sign Code do not represent changes to the Use Table.

- (4) *The proposed change will clarify existing language, remove redundant or inconsistent language or will simplify the understanding and implementation of the Code.***

By creating compliance with the Supreme Court decision in Reed vs Gilbert, the new Sign Code removes inconsistency with that decision. It also greatly simplifies the understanding and implementation of regulations pertaining to signage.

THIS SECTION TO BE COMPLETED BY THE COMMUNITY DEVELOPMENT DEPARTMENT

For County Use:

Date of Submittal: 3-18-18

Staff Initial: SP

CDD Application Number: ZCA-2018-004

Fees Paid: NA

Sec. 16-9. - Definitions and rules.

(a) *Rules.* The following rules apply to definitions listed in this chapter:

- (1) *Usage.* Any numbers, abbreviations, terms or words defined in this section shall be used and interpreted, only as defined in this chapter. All other numbers, abbreviations, terms and words shall have their generally accepted meaning.
- (2) *Word forms.* Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and words used in the future tense include the present tense; words used in the plural number include the singular and words used in the singular include the plural.
- (3) *Interpretation of specific terms.* The words "shall" and "will" are mandatory. The word "may" is permissive. The word "structure" includes a "building"; the word "building" or "structure" includes any part thereof. The word "person" includes an individual, a partnership, a corporation, an incorporated association of persons such as a club, and a public entity.
- (4) *Definitions listed in the New Mexico Building Code.* Words not defined in this chapter but which are defined in the New Mexico Building Code as adopted by the county are to be construed as defined therein.

(b) *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

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

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

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

Accessory apartment means separate living quarters on the same lot as, and used in conjunction with, a main dwelling, and rented as a separate dwelling.

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

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

Adjacent means next to; sharing a common boundary. For example, an industrial district across the street from a residential district is adjacent to that district.

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

Aggrieved party means any person who:

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

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

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

Apartment house means a multiple-family dwelling structure.

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

Application means a formal request made by an applicant and/or agent to initiate any action as provided in this chapter, using forms provided by the community development department for this purpose.

Area, floor, means the area of all floors, including a basement, in a building, exclusive of exterior courts, garages and carports. All horizontal dimensions are taken from the exterior faces of walls, including enclosed porches.

Area, gross, means the area of a horizontal plane within the property lines of a lot before the area of public streets, easements or other land to be designated for public use is deducted.

Area, net building site, means the area of a horizontal plane within the property lines of a lot, less the area of all land designated for public use and less the area of all required yards.

Automobile service station means a retail place of business engaged solely or primarily in the sale of motor fuels, goods or services generally required in the operation and maintenance of motor vehicles and in the fulfilling of the motorist's needs. Major automobile repair activities such as body painting, body and fender repair, major mechanical repair, tire recapping, or the rental of equipment and the sale or rental of other merchandise are not uses included in the uses of a service station, although they may be performed at the same location.

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

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

Bar. See "cocktail lounge or bar."

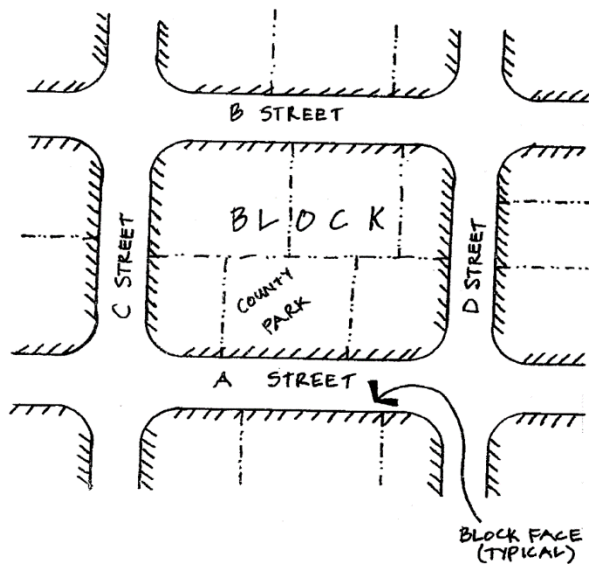
Baseline data means information on the current usage of a public facility compared with its capacity including, but not limited to, streets, sewers, water lines, drainageways, etc.

Bed and breakfast means an owner-occupied dwelling unit that contains no more than five guestrooms where lodging, with or without meals, is provided for compensation.

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

Block means a unit of land bounded by streets or by a combination of streets and public land or any other barrier to the continuity of development. See figure "block and block-face".

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



Boardinghouse means a building where lodging is provided with meals for compensation; it does not mean rest homes or homes for the aged.

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

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

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

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

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

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

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

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

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

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

Campground means an open area where temporary overnight residency is available for tent, trailer, truck campers and/or recreational vehicles.

Caretaker means the individual who takes care of property.

Caretaker's unit means the dwelling unit of the caretaker. Caretaker's units shall allow for spouses and dependent children. The dwelling unit may be within one of the structures located on the lot; it does not mean a dwelling unit used by others than the caretaker.

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

Carwash means:

- (1) An "automatic carwash" means a building or portion thereof containing facilities for washing automobiles using production line methods with a chain conveyer, blower, steam cleaning device or other mechanical devices.
- (2) A "self-service carwash" means a building or portion thereof containing facilities for washing automobiles wherein the customer parks the vehicle in a bay and washes the vehicle using equipment provided.

Child care center means a home or business which provides care, service and supervision for more than 12 children at one time for less than 24 hours per day; provided, however, that such center is licensed by the county and state and is conducted in accordance with county and state requirements.

Church means a permanent building used primarily for religious worship, fully enclosed with walls, including windows and doors, and having a permanent roof.

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

Cocktail lounge or bar means premises where alcoholic beverages are sold to the public for consumption on the premises.

Commerce or commercial means the purchase, sale or other financial transaction involving the handling or disposition of any article, substance or commodity; or the management of office buildings, offices, recreational or amusement enterprises; or the maintenance and use of offices, structures and premises by professions and trades rendering services; by for profit or not-for-profit uses.

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

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

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

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

Condominium means an estate in real property consisting of an individual interest in common in a parcel of real property, together with separate ownership of space within such real property. A condominium is not a cooperative.

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

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

Convalescent home means a public or private facility which provides bed and ambulatory care, not at the level of a hospital, for patients and for persons who are unable to care for themselves; it does not mean

a facility which provides care or treatment of alcoholics, drug addicts or persons with mental diseases or afflictions.

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

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

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

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

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

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

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

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

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

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

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

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

Court and *courtyard* mean an open, structurally unoccupied space, other than an open yard, on the same lot with a main building, and bounded on two or more sides by such building or exterior walls or fences.

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

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

Day care center. See "day care facility."

Day care facility means a home or business which provides care, service and supervision for at least four but not more than 12 children at one time for less than 24 hours per day; provided, however, that such facility is licensed by the county and state and conducted in accordance with county and state requirements.

Day care home means a residence which provides care, services and supervision for not more than four children at one time who do not normally reside in the home, for less than 24 hours per day; provided, however, that such center is licensed by the county and conducted in accordance with county requirements.

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

Decision-making authority means the community development director, the board of adjustment, the planning and zoning commission, or the county council, as appropriate, given the authority to take the action in question under this County of Los Alamos Development Code.

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

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

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

Development means the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any buildings, any use or change in use of any buildings or land, any extension of any use of land or any clearing, grading or movement of land, for which permission is required pursuant to this chapter.

Development code means this chapter.

Development plan means the master schematic layout prepared as part of a special plan (SP) district submittal for an individual site or subdivision which summarizes the general project concept, allowable land uses, densities and development standards, and which shows developable and undevelopable areas, major streets, utilities, drainage ways, recreation and open space areas, buffers to adjacent land uses, and proposed general development areas.

Dormitory means a building used principally for sleeping accommodations, related to an educational or research institution.

Drainage means:

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

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

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

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

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

Duplex. See "dwelling, two-family."

Dwelling means a building containing one or more dwelling units.

Dwelling, group, means a combination or arrangement of dwellings on one lot.

Dwelling, loft, means any type of dwelling located in a building that has no dwellings on the ground floor.

Dwelling, multiple-family, means a dwelling containing three or more dwelling units on one lot.

Dwelling, single-family, means a dwelling containing only one dwelling unit; it does not mean a mobile home.

Dwelling, single-family attached, means a dwelling containing only one dwelling unit and joined on one or more sides by a common wall without openings to another or other single-family dwellings on separate lots.

Dwelling, single-family detached, means a dwelling containing only one dwelling unit, surrounded by open space.

Dwelling, two-family, means a structure containing two dwelling units on one lot.

Dwelling unit means one or more rooms designed for or used as a residence by one family and constituting a separate and independent housekeeping unit, with a single kitchen; it does not mean quarters for transients in a club, hotel or motel.

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

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

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

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

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

Family means an individual living alone; two or more persons related by blood or marriage, or between whom there is a legally recognized relationship, occupying the same dwelling unit; or a group of not more than five unrelated persons, excluding servants, occupying the same dwelling unit.

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

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

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

Flag means any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government, political subdivision or other entity.

Floor area, gross, means the sum of the total horizontal areas of the several floors of all structures on a lot, measured from the outside faces of exterior walls. Basements, elevator shafts, hallways and stairwells at each story, floor space used for mechanical equipment with structural headroom of six feet, six inches or more, penthouses, attic space whether or not a floor has actually been laid that provides structural headroom of six feet, six inches or more, interior balconies, and mezzanines are all included.

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

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

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

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

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

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

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

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

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

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

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

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

Ground cover means any landscaping material other than permanent hard surfaces (i.e., sidewalks, driveways, structures) which covers the natural earth. The definition includes living matter (plants) and nonliving materials (rock outcroppings).

Group home means any congregate residence, maternity shelter, or building for persons which provides and whose primary purpose is to provide room and board to the residents within the facility, and to provide either directly or through contract services at least one of the following: programmatic services, assistance with the activities of daily living in accordance with the program directive, or general supervision of up to eight individuals who have difficulty living independently or managing their own affairs, or who are handicapped within the meaning of 42 U.S.C. § 3602 (h)(1) of the Fair Housing Amendments Act (1988). Group home does not include facilities for persons currently in custody of or recently released by correctional authorities that are designed to offer an alternative to imprisonment and/or to facilitate ex-offender reintegration into community life, nor does it include facilities for persons who require such services by reason of the effects of current alcohol or drug abuse. Group home includes facilities for recovering alcohol or drug abusers who require group home services.

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

Guesthouse means a dwelling unit within an accessory building for use by guests of the occupant of the main building; it does not mean a dwelling that is rented or otherwise used as a separate main building.

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

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

Height of structure means the vertical distance between the highest point of any part of the structure and the natural grade or finish cut grade directly below that point, whichever is greater. If a structure is placed on fill, the depth of the fill is included in the height of the structure. If the natural grade is lowered in a cut, the depth of the cut is included in the height of the structure.

Home-aged, convalescent, nursing, physically handicapped. See "convalescent home."

Home business means a home occupation that employs more than one nonfamily member.

Home occupation means a business, profession or service conducted and/or operated in a residential zoning district and is clearly incidental and secondary to the dwelling purpose and does not change the character thereof.

Hospital means an acute care, short-term general hospital.

Hospital, animal. See "veterinary service facility."

Hotel means a building or group of integrated structures in which there are six or more guestrooms where lodgings for transients are provided for compensation, and where no provision is made for cooking in any individual room or suite.

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

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

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

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

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

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

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

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

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

Interdepartmental review committee means a technical advisory committee composed of the county engineer, traffic engineer, utilities manager, parks division manager, police chief, fire chief and the community development director, or as appointed by the county manager. The purpose of the committee is to review development applications and to advise the planning and zoning commission, other boards and commissions and the county council.

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

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

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

Laboratory, support means a facility for scientific laboratory analysis of natural resources, medical resources, and manufactured materials. The scientific analysis is generally performed for an outside customer, to support the work of that customer. This category includes environmental laboratories for the analysis of air, water, and soil; medical or veterinary laboratories for the analysis of blood, tissue, or other human medical or animal products. Forensic laboratories for analysis of evidence in support of law enforcement agencies would also be included in this category.

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

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

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

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

Loft. See "dwelling, loft."

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

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

Lot, corner, means a lot located at the intersection or interception of two or more streets at an angle of not more than 135 degrees. If the included angle is greater than 135 degrees, the lot is an interior lot.

Lot coverage means the percentage of the lot area covered by structures, including accessory buildings, main buildings and detached buildings as defined elsewhere in this chapter. Lot coverage includes all aboveground structures.

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

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

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

Lot line means any line bounding a lot.

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

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

Lot line, rear, means the lot line which is opposite and most distant from the front lot line, or in the case of an irregular lot, a line a minimum of ten feet in length within the lot and farthest removed from the front lot line, and at or near right angles to the line comprising the depth of such lot.

Lot line, side, means those lot lines of a lot which are not the front or rear lot lines.

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

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

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

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

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

Mobile home means a portable housing structure larger than 40 feet in body length, eight feet in width or 11 feet overall height, designed for and occupied by no more than one family for living and sleeping purposes. It does not include structures built to the standards of the New Mexico Building Code and National Manufactured Home Construction and Safety Standards Act.

Mobile home development means a parcel of land designed and/or intended for the placement of mobile homes and accessory structures on mobile home sites that can be owned in fee simple, as part of a condominium, a cooperative or a land lease rental community.

Mobile home park means a parcel of land under single ownership on which two or more mobile homes are located. It includes land-lease rental communities where individual lots are rented, but not owned. It also includes limited equity cooperatives but prohibits condominiums.

Mobile home site means the portion of a mobile home park development that is designated as the location for a mobile home and accessory structures for the exclusive use of the occupant of the mobile home.

Mobile home subdivision means a subdivision designed and/or intended for the sale of individual lots for siting mobile homes. It can also include a condominium.

Motel means a building or group of buildings containing sleeping units or guestrooms, where lodging with or without provision of meals is provided for compensation. Motels are designed to temporarily accommodate the automobile tourist or transient with parking facilities located near each unit or room. The term includes tourist, motor and automobile courts and motor lodges.

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

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

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

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

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

Off-site means any place not within the boundary of the property to be developed, subdivided or improved, whether or not in the ownership of the developer or subdivider.

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

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

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

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

Overlay district means a set of zoning requirements that are described in the text of this chapter that are mapped, and are imposed in addition to those of the underlying district. Development within the overlay districts must conform to the requirements of both zoning districts or to the more restrictive of the two. The wilderness (W-1 and W-2), special plan (SP), and the historic (H) districts are overlay districts. Also see sections 16-533, 16-534 and 16-577.

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

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

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

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

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

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

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

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

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

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

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

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

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

Percent of slope is used to measure grade.

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

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

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

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

- (1) *Sketch plan*: a plat showing the initial concept of the proposed subdivision including a layout of lots, streets, open areas, etc.

- (2) *Preliminary plat*: a much more detailed plat than the sketch plan, representing the final design of the subdivision. Detailed construction plans for all improvements associated with the subdivision are submitted subsequent to approval of the preliminary plat.
- (3) *Final plat*: a plat representing the final design which incorporates all improvement and legal requirements required by the planning and zoning commission at the preliminary plat stage. Once approved, this plat is the plat which will be filed and recorded in the county clerk's office.

Porch or deck means an open platform above ground level typically attached to the wall or foundation of a building or structure and primarily supported in some structural manner from the ground; it may be roofed or unroofed.

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

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

Public right-of-way means the total area of land deeded, reserved by plat or otherwise acquired or occupied, used or intended to be used by the county or state, primarily for the public movement of people, goods and vehicles. Public right-of-way may be used for other public purposes pursuant to this chapter.

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

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

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

Recreation equipment means equipment whose primary function or design is for recreational purposes, whether originally so designed or subsequently modified, and is not capable of being self-propelled on land, and shall include the following or similar types of equipment: boats, boat trailers, camper when dismounted from a truck bed or chassis, horse trailer, houseboats, house trailers, rafts, tent trailers, travel trailers and utility trailers when converted to recreational purposes.

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

Recycling station means a use within a permissible zoning district where recyclable solid waste materials, including aluminum, glass, paper, metal and similar materials are purchased or procured and temporarily stored and occupying an area not greater than 1,000 square feet. Recycling stations shall be operated and maintained in a safe, healthful and convenient manner and shall not be operated so as to become offensive, noxious, hurtful, injurious or dangerous to persons or adjoining properties. Recycling stations should not be directly accessed from the public right-of-way and should be situated and designed so as not to create traffic and/or pedestrian circulation problems on existing properties.

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

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

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

Residential zone means any zoning district in which residential uses are allowed, except that the downtown district-neighborhood center and downtown district—Town center overlay zones are not residential zoning districts.

Restaurant, drive-in or takeout means a business establishment that serves prepared food or beverages primarily for the consumption by customers within motor vehicles either on or off the premises.

Restaurant, enclosed, means a business establishment that serves prepared food or beverages primarily to persons seated within the building. This includes businesses which may provide an area for food consumption outdoors in addition to indoor dining.

Retail means the sale of goods to the ultimate consumer for direct consumption and not for resale.

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

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

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

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

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

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

Sanitariums. See "institution."

Satellite dish antenna means a device incorporating a reflective surface that is solid, open mesh, or bar configured, and is in the shape of a shallow dish, cone, horn or cornucopia and is greater than 24 inches in diameter. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based units. This definition includes, but is not limited to, satellite earth stations, television-reception-only satellite dish antennas (TVROs) and satellite microwave antennas.

Schools, private or parochial, means a school, academy or institution, which conducts academic instruction at kindergarten, elementary, secondary or collegiate levels; it does not mean a commercial or trade school.

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

Schools, trade or commercial, means private schools offering preponderant instruction in the technical, commercial, or trade skills, such as real estate schools, business colleges, electronics schools, automotive and aircraft technician schools, and similar commercial establishments, and which are operated for a profit.

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

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

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

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

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

Sidewalk means a publicly owned pedestrian way with permanent surfacing.

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. See Article X. of this chapter for additional definitions of signs, including Sign Areas and different types of signs.

Sign Area means an approach to sign regulation that recognizes the need for context based standards. "Sign Areas" are geographical boundaries that differentiate allowable sign size, placement, and type based on factors such as road speeds, land uses, and proximity to residential, commercial, or industrial areas.

Sign means:

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

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

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

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

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

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

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

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

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

~~*Sign, information*, means a nonadvertising sign designed and worded to inform about a specific facility on a site.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Solar energy collection system, active, means a mechanical system for heating or cooling a structure by collecting, storing and transporting solar energy.

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

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

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

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

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

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

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

Story means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or above. If the finished floor level directly above a usable or unused underfloor space is more than six feet above grade for more than 50 percent of the total perimeter or is more than 12 feet above grade at any point, such usable or unused underfloor space shall be considered as a story.

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

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

Street, arterial, means a street which is or will, because of its design, location, or intensity of use with reference to other streets and other sources of traffic, be used primarily for larger volumes of traffic.

Street, centerline, means the center of a street or right-of-way as established by official surveys and shall normally be the midpoint of a street cross section.

Street frontage means the distance for which a lot line of a lot adjoins a public street, from one lot line intersecting such street to the furthest distant lot line intersecting the same street.

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

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

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

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

Structure means anything constructed or built which requires location on or in the ground or is attached to something having a location on or in the ground. Underground storage tanks, patio slabs, paved areas, walks, tennis courts and similar facilities, the tops of which are not more than 30 inches above ground, are not structures.

Structure, nonconforming, means a structure lawfully existing on the date of adoption of this chapter, which was designed, erected or structurally altered for a use which is not a permitted use in the district in which it is located, or which is not in compliance with the site development requirements of the district in which it is located. A nonconforming structure does not mean a structure that was developed between January 31, 1977, and January 31, 1991, in violation of this chapter.

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

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

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

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

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

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

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

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

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

Trailer sales lot means an automobile and trailer sales lot.

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

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

Vacation means:

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

Veterinary service facility means an enclosed structure in which animals are given medical or surgical treatment or temporary housing as an accessory use to the veterinary service facility.

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

Walkway means a cleared way for pedestrians which may or may not be paved.

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

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

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

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

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

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

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

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

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

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

(Ord. No. 85-210, § 3, 1994; Ord. No. 85-211, § 2, 1994; Ord. No. 85-217, § 1, 1995; Code 1985, §§ 17.08.0010—17.08.2960; Ord. No. 85-280, § 1, 7-25-2000; Ord. No. 85-298, § 1, 8-21-2001; Ord. No. 85-301, §§ 2—5, 11-6-01; Ord. No. 02-013, § 1, 8-20-02; Ord. No. 02-008, § 1, 1-28-2003; Ord. No. 02-039, § 1, 6-22-2004; Ord. No. 02-058, § 1, 3-29-2005; Ord. No. 02-084, § 1, 3-27-2007; Ord. No. 02-091, § 1, 7-10-2007; Ord. No. 02-224, § 1, 5-1-2012; Ord. No. 02-244, § 1, 9-9-2014; Ord. No. 02-256, § 30, 7-7-2015)

Cross reference— Definitions generally, § 1-2.

Sec. 16-51. - Community development director.

The community development director shall have the following powers and duties:

(c) *Authority and duty—Administration.* The community development director shall approve, conditionally approve or disapprove the following applications:

1.

Signs. Sign permits shall be approved or conditionally approved by the community development director if the application satisfies the provisions set forth in article X. Where circumstances are clearly outside the anticipated parameters of Article X., the community development director, or designee, may use her or his authority as granted in Sec. 16-51 (e) to determine the most appropriate application of the regulations. Additionally, the minimum distance between 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. Rather than referring the applicant to the planning and zoning commission or board of adjustment to request a waiver from the standard, the applicant will present an administrative deviation application to the community development department director who may approve a sign that is closer than 50 feet, but only to the degree that allows the applicant to adequately erect a freestanding sign. The director may grant approval upon the subject property owner's written request and

the director's written finding that granting such request will not result in any negative health, safety, or welfare impacts on the community or negatively impact a neighboring property. As with other decisions made by the director of CDD, they are subject to appeal to the planning and zoning commission.

Sec. 16-157. - Waiver review criteria.

During the course of review of any waiver request, the board of adjustment shall base its decision on all the following criteria. The board of adjustment shall approve, approve with conditions and limitations, or deny the request depending on the extent to which the request meets or fails to meet these criteria:

- (a) Granting of the waiver will not cause an intrusion into any utility or other easement unless approved by the owner of the easement; and
- (b) The waiver request is caused by a practical difficulty or hardship inherent in the lot or lot improvements and the difficulty or hardship has not been self-imposed; and
- (c) Granting of the waiver will not create a health or safety hazard or violate building code requirements; and
- (d) Granting of the waiver will not create any significant negative physical impacts on property within 100 yards of the subject property such as reduced sight lines, loss of privacy, decreased security, increased noise, objectionable odors, intrusion of artificial light, the casting of unwanted shadows, or similar negative impacts.
- (e) In addition to the criteria above, when considering waivers to Article X. of this chapter, sign code, the board of adjustment or planning and zoning commission may consider topography, road location or elevation, or other exceptional difficulties or unique circumstance, and whether the sign would not be visible or serve its intended purpose if the provisions of the sign code were strictly applied.

Sec. 16-277. - Home occupations.

No property in a residential district shall be used for a home occupation unless the home occupation meets the following standards and conditions:

- (1) In the R-A district:
 - a. The home occupation or profession shall be carried on within the main building, an enclosed garage or other accessory building, or any combination of these, except agricultural, horticultural or animal husbandry uses may be carried on the outside of a building.
 - b. Not more than 25 percent of the area of the main dwelling may be used for home occupations. There is no limitation to the area of the lot or accessory buildings that may be used for agricultural, horticultural or animal husbandry home occupations; the total area used in other home occupations shall not exceed 25 percent of the area of all buildings on the lot. Any area of the main dwelling used in home occupation shall be included in determining the total area so used.

- c. Retail sales on the premises shall be permitted, but shall be restricted to not more than ten percent of the dwelling unit floor area for storage and display of goods to be sold.
 - d. No more than one person outside the family shall be employed in a home occupation on the lot.
 - e. There shall be no visible exterior display or storage of materials used in the home occupation, except that materials used in agricultural, horticultural and animal husbandry occupations may be stored outside of a building or in such a way as to be visible from off the lot. Other than the exception in this subsection (1)e., there shall be no exterior indication of the home occupation or variation from the residential character of the main building or lot, except that a two-square foot sign designating the permitted home occupation may be located on the lot. Also see ~~section 16-404~~ Article X for sign requirements.
 - f. There shall be no noise, vibrations, smoke, dust, odor, heat or glare detectable beyond the boundaries of the lot on which the home occupation is located, so as to constitute a nuisance.
 - g. The home occupation shall not create hazardous waste; or create pedestrian, automobile or truck traffic, or parking congestion significantly in excess of the normal amount found in a residential district.
 - h. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuation in the electrical line voltages off the premises.
 - i. The use shall not involve the use of signs or structures other than those permitted in the district.
 - j. The use must be clearly incidental and secondary to the primary use of the lot.
 - k. The use is the same as or similar to, but not restricted to, the following:
 - 1. Art, craft or technical work;
 - 2. Assembly and mechanical repair, including instruments, time pieces, sporting equipment and household appliances where articles are hand portable;
 - 3. Repair of electric motors less than five horsepower in rated capacity; and, repairs of mechanical and electrical components of automobiles which have been removed from the vehicle and brought to the premises;
 - 4. Office for the conduct of a profession, trade or service;
 - 5. Sewing and alteration of garments and home furnishings;
 - 6. Music lessons, dance lessons and tutoring;
 - 7. Conduct of a business related to a sport or hobby;
 - 8. Food cooperative;
 - 9. Testing, tune-up and repair of internal combustion engines less or equal to ten horsepower, subject to subsection (1)f of this section;
 - 10. Agricultural, horticultural and animal husbandry.
 - l. The following uses are not allowed:
 - 1. Contractor's yard;
 - 2. Salvage yard or junkyard;
 - 3. Automobile repair or body and paint shop.
- (2) In the R-E, R-1-12, R-1-10, R-1-8, R-1-5, R-M, R-3-L, R-3-H, R-4, R-5, R-6 and P-D districts:

- a. The home occupation or profession shall be carried on within the main building, an enclosed garage or other accessory building, or any combination of these.
- b. In the R-E district, an area no larger than 25 percent of the combined dwelling unit area and areas of all accessory buildings may be used for home occupations, but not more than 25 percent of the area of the main dwelling may be so used. In the remaining districts, an area no larger than 25 percent of the dwelling unit area may be used for home occupations, without regard as to how the area is apportioned between the dwelling unit and any accessory buildings.
- c. Retail sales on the premises shall be permitted, but not more than ten percent of the floor area of the dwelling unit shall be used for storage and display of goods to be sold.
- d. No more than one person outside the family shall be employed in a home occupation on the premises.
- e. There shall be no visible exterior display or storage of materials used in the home occupation, and no other exterior indication of the home occupation or variation from the residential character of the main building or lot, except that an unlighted, two-square foot sign designating the permitted home occupation may be located on the lot. Also see ~~section 16-404~~ Article X for sign requirements.
- f. There shall be no noise, vibration, smoke, dust, odor, heat or glare detectable beyond the boundaries of the lot on which the home occupation is located, so as to constitute a nuisance.
- g. The home occupation shall not create hazardous waste; or create pedestrian, automobile or truck traffic, or parking congestion significantly in excess of the normal amount found in the district.
- h. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuation in electrical line voltages off the premises.
- i. The use shall not involve the use of signs or structures other than those permitted in the district.
- j. Such use must be clearly incidental and secondary to the primary use of the lot.
- k. The use is the same as or similar to, but not limited to, the following:
 1. Art, craft or technical work;
 2. Assembly or mechanical repair, including instruments, time pieces, sporting equipment and household appliances where articles are hand portable;
 3. Repair of electric motors less than five horsepower in rated capacity; and repairs of mechanical and electrical components of automobiles which have been removed from the vehicle and brought to the premises;
 4. Office for the conduct of a profession, trade or service;
 5. Sewing and alteration of garments and home furnishings;
 6. Music lessons, dance lessons and tutoring;
 7. Conduct of a business related to a sport or hobby;
 8. Testing, tune-up and minor repair of internal combustion engines less or equal to ten horsepower, subject to subsection (2)f of this section.
- l. The following uses are not allowed:
 1. Contractor's yard;
 2. Salvage yard or junkyard;

3. Automobile repair or body and paint shop.

(Ord. No. 85-210, § 3, 1994; Code 1985, § 17.40.070)

Cross reference— Businesses, ch. 12.

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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 on a surface, usually at ground level, 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 footings.

Nonconforming sign means a sign that was legally installed by permit in conformance with all county 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. Place-holder signs are regulated by sign type – banner, free-standing, wall, etc.

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.

Shielded, fully means a light fixture in which no light rays are emitted above the horizontal plane running through the lowest point at which light is emitted.

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 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 size of the sign located on the awning.

Sign size means the square foot area of all graphics, including words, symbols or pictures. In the case of cutout or painted signs, sign size 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* size. See also Sec. 16-408.

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, including street signs, speed limit signs, warning signs, and signs directing motorists to public facilities or hospitals and schools or to ensure safety during construction.

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 Los Alamos County Code of Ordinances, Chapter 10 Building Code 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:

- (1) 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 of the sign would constitute an 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 30 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 as measured horizontally six (6) feet from the center of the face of the sign and six (6) feet above grade.

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 polygon 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:

- a. 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.
- c. Schools may have one EMC sign per school location. The sign will count towards the total allowable freestanding sign standards.
- d. An EMC shall not be located within 100 feet of an intersection with an arterial road of four (4) or more lanes.
- 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.
 - i. 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.* 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. May not be located on vacant land.
 - e. Flush-mounted vehicle signs are exempt from regulation.
- (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 Type	Sign Areas				Is a Permit Required	See Sec. 16-409 for additional requirements
	Sign Area 1	Sign Area 2	Sign Area 3	Sign Area 4		
	Sign Area Examples:					
	Residential. See also Sec. 16-405 (c)	Central Ave.	Trinity/Diamond	White Rock State Road 4		
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				Yes	§ 16-405 (e)(8)
Flags Non-Governmental	May not be free-standing				No in SA1 Yes in SA2-4	§ 16-409 (a)(6)
	10 ft.max.ht. 20 sq. ft. max. 5 max.		15 ft.max.ht. 20 sq. ft. max. 5 max.	20 ft.max.ht. 20 sq. ft. max 5 max.		
Freestanding	Minor or monument only	Monument or pylon only	Monument, pole or pylon		Yes	§ 16-409 (a)(7)
			15 ft.max.ht. 50 sq. ft. max	20 ft.max.ht. 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 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 409(a)(9) for details			Yes	§ 16-409 (a)(9)	
Minor/ incidental*(2)	4 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. May not be located on vacant land. 12 feet max. ht.			No	§ 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.

(2) Home occupation signs are further restricted per Sec. 16-277.

*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. 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. See Interim Signs. 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 of 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.* 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. May not be located on vacant land.
- e. Flush-mounted vehicle signs are exempt from regulation.

(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	Sign Area 1	Sign Area 2	Sign Area 3	Sign Area 4		
<i>Location Examples</i>	<i>Residential</i> <i>See also Sec. 16-405 (c)</i>	<i>Central Ave.</i>	<i>Trinity/Diamond</i>	<i>White Rock State Road 4</i>	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 1	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 <i>Designated areas only</i>	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. Any #, not to exceed sq. ft. max.	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)

Sidewalk/Portable	None in SA 1	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.

*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

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.

1. 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.
2. 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:
 - 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 or 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. Only exempt signs or as otherwise provided herein, shall be placed in any county open space.

Sec. 16-412. - Sign Areas maps.

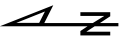
As provided herein, the following are the four designated Sign Areas and the special temporary sign areas where signs may be lawfully placed in accordance with the terms of this article.

Secs. 16-413—16-450. - Reserved.



Los Alamos Sign Areas

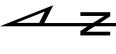
- Sign Area 1- Includes all areas not Shown as Sign areas 2,3 or 4
- Sign Area 2
- Sign Area 3- Townsite only
- Sign Area 4- White Rock only

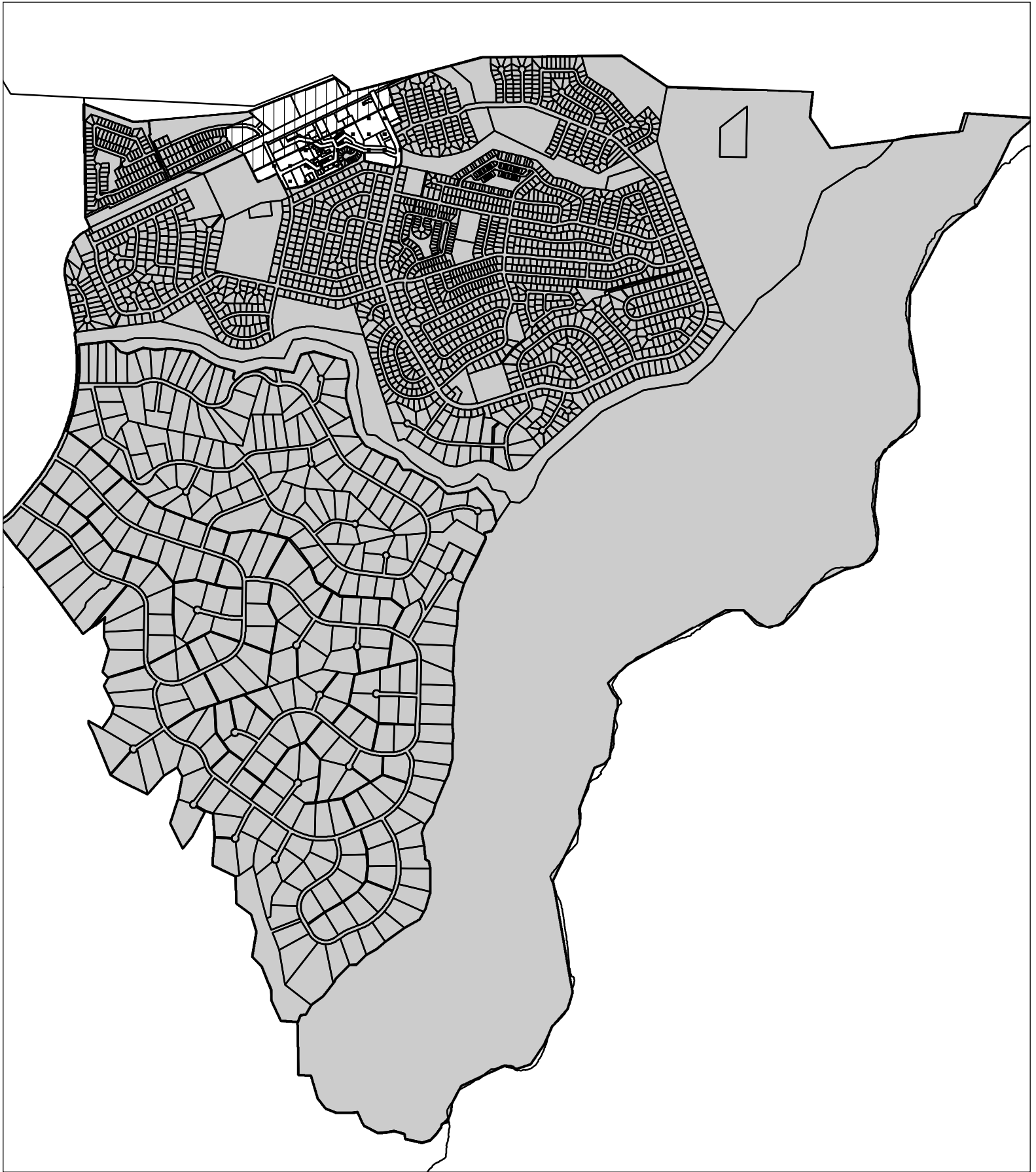




Los Alamos Sign Areas

- 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





White Rock Sign Areas

- 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



White Rock Sign Areas

0 500 1,000 2,000 Feet



- 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.*

Special Temporary Sign Area

0 50 100 200 Feet





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Special Temporary Sign Area

0 50 100 200 Feet





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Special Temporary Sign Area

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Special Temporary Sign Area

0 50 100 200 Feet



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County of Los Alamos

Staff Report

July 25, 2018

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: A.

Index (Council Goals):

Presenters: Anita Barela, Assistant Planner

Legislative File: 10980-18

Title

Minutes from the Planning And Zoning Commission Meeting on June 27, 2018.

Recommended Action

I move that the Commission approve the Minutes for June 27, 2018.

Attachments

A - Draft Minutes for June 27, 2018.



County of Los Alamos

Minutes

Planning and Zoning Commission

1000 Central Avenue
Los Alamos, NM 87544

Terry Priestley, Chair; Beverly Neal-Clinton, Vice-Chair; Melissa Arias; Jean Dewart; Jessie Dixon; Ashley Mamula; Craig Martin; Neal Martin; and April Wade, Commissioners

Wednesday, June 27, 2018

5:30 PM

Council Chambers
1000 Central Avenue

1. CALL TO ORDER/ROLL CALL

Present 8 - Commissioner Arias, Commissioner Dixon, Commissioner Mamula, Commissioner Martin, Commissioner Dewart, Commissioner Martin, Commissioner Priestley and Commissioner Neal-Clinton

Absent 1 - Commissioner Wade

2. PUBLIC COMMENT

3. APPROVAL OF AGENDA

4. PUBLIC HEARING(S)

- A. A request for approval of a Special Use Permit to operate a restaurant that will serve alcoholic beverages (beer and wine) within a C-1 Commercial District at 11 Sherwood Boulevard, White Rock, New Mexico.

Attachments: [A - Staff Report for a Special Use Permit to operate a restaurant serving alcoholic](#)

Commissioner Mamula moved that the Planning and Zoning Commission approve Case No. SUP-2018-0012, a request for approval of a Special Use Permit to allow a restaurant in the C-1 Commercial District to serve alcoholic beverages, located at 11 Sherwood Boulevard, White Rock, for the reasons stated in the staff report and per testimony at the public hearing, and subject to the following conditions:
1. Should the special use permit be approved, the applicant shall obtain the appropriate liquor license, and submit a copy to the Community Development Department.

Commissioner Arias seconded the motion.

Yes: 8 - Commissioner Arias, Commissioner Dixon, Commissioner Mamula, Commissioner Martin, Commissioner Dewart, Commissioner Martin, Commissioner Priestley and Commissioner Neal-Clinton

Absent: 1 - Commissioner Wade

5. PLANNING AND ZONING COMMISSION BUSINESS

- A. Minutes from the Planning And Zoning Commission Meeting on May 23, 2018.

Attachments: [A - Draft Minutes for May 23, 2018.](#)

Commissioner Mamula moved that the Commission approve the Minutes for May 23, 2018. Commissioner Arias seconded the motion.
Approved 8-0.

6. COMMISSION/DIRECTOR COMMUNICATIONS

- A. James Alarid, Deputy Utility Manager, Engineering - Overview of the Utilities Department.**
- B. Department Report**
- C. Chair's Report**
- D. Committee Reports**
- E. Board of Adjustment Report**
- F. 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.

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.