



County of Los Alamos

1000 Central Avenue
Los Alamos, NM 87544

Agenda - Final Planning and Zoning Commission

*Terry Priestley, Chair; Beverly Neal-Clinton, Vice-Chair; Melissa
Arias; Jean Dewart; Michelle Griffin; Craig Martin; Neal Martin;
April Wade; and Sean Williams, Commissioners*

Wednesday, November 13, 2019

5:30 PM

Council Chambers
1000 Central Avenue

1. CALL TO ORDER/ROLL CALL

2. PUBLIC COMMENT

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

3. APPROVAL OF AGENDA

4. PUBLIC HEARING(S)

- A. [12495-19](#) SIT-2019-0039, WVR-2019-0084
A request for Site Plan approval for modification to the Los Alamos Ice Rink located at 4475 West Road. Approval would allow for construction of 2,431 sq.ft. for new locker rooms. This request includes, WVR-2019-0084, an application to waive the Los Alamos County parking requirements. The property is zoned Public-Land (P-L).

Presenters: Desirae Lujan, Associate Planner and Wayne Kohlrust, Project Manager

Attachments: [SIT-2019-0039 staff report.](#)

5. PLANNING AND ZONING COMMISSION BUSINESS

- A. [12499-19](#) Minutes from the Planning And Zoning Commission Meetings on September 11, 2019 and September 25, 2019.

Attachments: [A - Draft Minutes for September 11, 2019](#)
[B - Draft Minutes for September 25, 2019.](#)

- B. [12496-19](#) Discussion of New Draft Sign Code (ARTICLE X. Signs)

Presenters: Kevin Powers, Assistant County Attorney
Margaret Ambrosino, Senior Planner

Attachments: [A. New Draft Sign Code Final Legal Draft 10-15-2019](#)
 [B. Current County Sign Code](#)

6. COMMISSION/DIRECTOR COMMUNICATIONS

A. *Department Report*

B. *Chair's Report*

E. *Commissioners' 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.



County of Los Alamos

Staff Report

November 13, 2019

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: A.

Index (Council Goals): * 2019 Council Goal - Protecting and Maintaining Our Open Spaces, Recreational, and Cultural Amenities; * 2019 Council Goal - Planning for Appropriate Levels of County Services

Presenters: Desirae Lujan, Associate Planner and Wayne Kohlrust, Project Manager

Legislative File: 12495-19

Title

SIT-2019-0039, WVR-2019-0084

A request for Site Plan approval for modification to the Los Alamos Ice Rink located at 4475 West Road. Approval would allow for construction of 2,431 sq.ft. for new locker rooms. This request includes, WVR-2019-0084, an application to waive the Los Alamos County parking requirements. The property is zoned Public-Land (P-L).

Attachments

Staff Report SIT-2019-0039, WVR-2019-0084



Los Alamos County

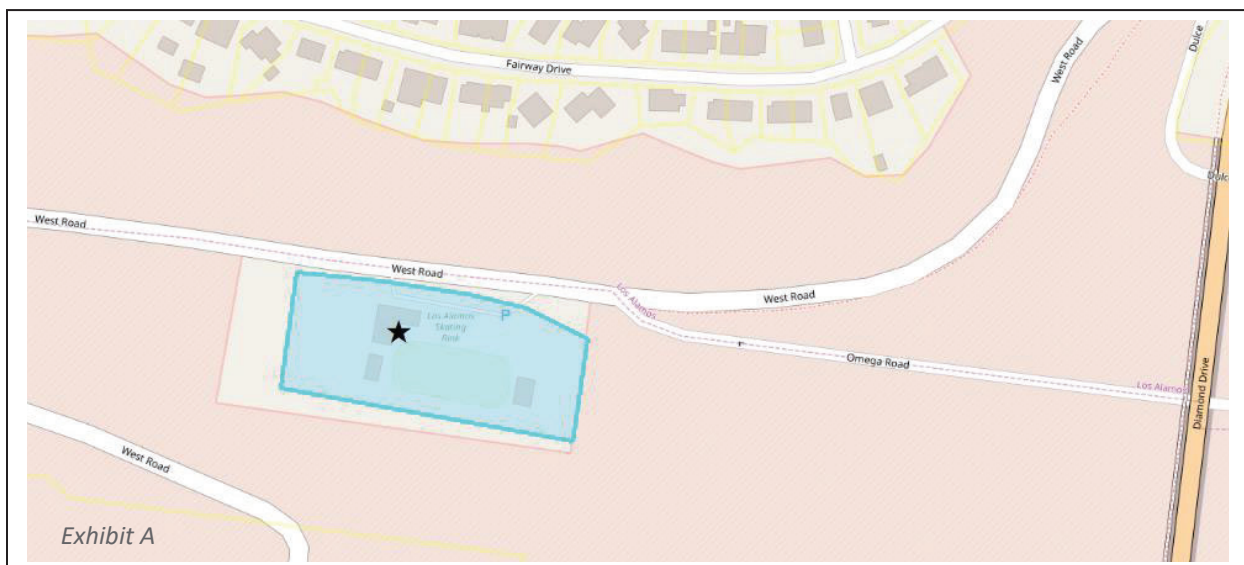
Community Development Department

PLANNING & ZONING COMMISSION STAFF REPORT

Public Hearing Date: November 13, 2019
Subject: Case No. SIT-2019-0039, WVR-2019-0084
Owners/Applicants: Los Alamos County, Owner/Applicant
Case Manager: Desirae J. Lujan, Associate Planner

Case No. SIT-2019-0039, WVR-2019-0084:

A request for Site Plan approval for modifications to the Los Alamos Ice Rink, located at 4475 West Road. Approval would allow for the construction of 2,431 ft² for new locker rooms. This request includes, WVR-2019-0084, an application to waive the Los Alamos County parking requirements. The property is zoned Public-Land (P-L).



Case No. SIT-2019-0039, Motion Option 1:

I move to **approve** Case No. SIT-2019-0039 — request for Site Plan approval for modifications to the Los Alamos Ice Rink, located at 4475 West Road, to allow for the construction of 2,431 ft² for new locker rooms and an electrical/mechanical room. Approval is based on the reasons stated within the staff report and per testimony entered at the public hearing, subject to the following condition(s):

1. ...

I further move to authorize the Chair to sign Findings of Fact for this case and, based on this decision, to be prepared by County staff.

Case No. SIT-2019-0039, Motion Option 2:

I move to **deny** Case No. SIT-2019-0039 — request for Site Plan approval for modifications to the Los Alamos Ice Rink, located at 4475 West Road, to allow for the construction of 2,431 ft² for new locker rooms and an electrical/mechanical room. Denial is due to the proposal failing to meet the Los Alamos County Code of Ordinances, Chapter 16 — Development Code review criteria within §16-152A, for the following reasons:

1. ...

Case No. WVR-2019-0084, Motion Option 1:

I move to **approve** Case No. WVR-2019-0084 — request for waiver from Los Alamos County off-street parking requirements for the Los Alamos Ice Rink, located at 4475 West Road, for the reasons stated in the staff report and per testimony entered at the public hearing, subject to the following condition(s):

1. ...

I further move to authorize the Chair to sign Findings of Fact for this case and, based on this decision, to be prepared by County staff.

Case No. WVR-2019-0084, Motion Option 2:

I move to **deny** Case No. WVR-2019-0084 — request for waiver from Los Alamos County off-street parking requirements for the Los Alamos Ice Rink, located at 4475 West Road, due to failure to meet the Los Alamos County Code, Waiver review criteria within §16-157, for the following reasons:

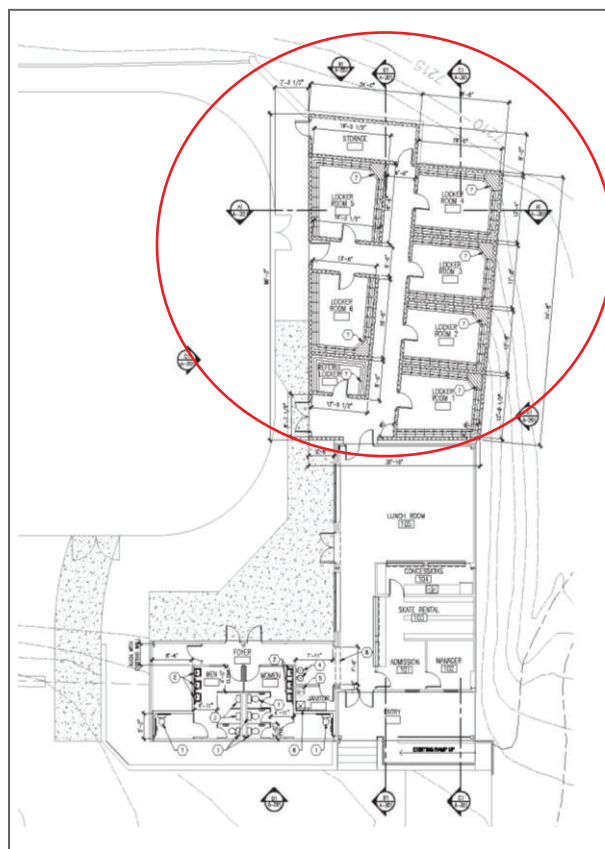
1. ...

HISTORY

The Los Alamos Ice Rink, county-owned, has been in operation since the 1970s; providing the community with the enjoyment of ice skating, hockey and summer activities. In 2012 Capital Improvement Project funding provided for the construction of a new equipment building, enlarging the ice rink and installing refrigeration equipment. The project resulted in a Site Plan request where the Planning and Zoning Commission voted to approve the project with conditions— none of which address the total number of parking spaces but did require one additional handicapped parking space and delineation of the parking entrance and exit.

SUMMARY

In 2019, funding was again appropriated to continue improvements to the Ice Rink. This time creating additional facilities that would provide more locker rooms where female players would have a secure changing room. The project



consists of bathroom interior remodel; removing the existing locker rooms (766 ft²) located on the southeast; and replacing them with six (6) new locker rooms and an electrical/mechanical room that will connect to the main building. At the end of construction, the main building existing at 2,362 ft², would nearly double — enlarging the building to 4,793 ft².

The recreational facility improvements will not change the site's use or its intensity. However, as staff believes that the change in appearance would be significant, including the need for a parking waiver, the application has been deferred to the Planning and Zoning Commission for review.

IDRC REVIEW

On October 17, 2019, the Interdepartmental Review Committee (IDRC) reviewed the application and unanimously approved to move both the Site Plan and Waiver applications forward to the Planning and Zoning Commission without conditions. They acknowledged the parking conditions and constraints for growth; voicing no concerns.

VOTING MEMBERS IN ATTENDANCE

Planning Division, Community Development	Ryan Foster, Principal Planner	✓
Building Division, Community Development	Michael Arellano, Chief Building Official	✓
Engineering Division, Public Works	Desirae L. Lujan, Senior Engineer	✓
Fire Department	Wendy Servey, Fire Chief	✓
Department of Public Utilities	Clay Moseley, Engineering Project Mgr.	✓

PUBLIC NOTICE

Notice of this public hearing has been given per the requirements of the Los Alamos County Code of Ordinances, Chapter 16, Development Code, Sec. 16-192 (a), and included: U.S. mail to owners of real property within 100 yards (300') of the subject property; publication in the Los Alamos Daily Post (published 10/24/19), the County's official newspaper of record; and posting at the Los Alamos County Municipal Building.



Exhibit C

SITE PLAN REVIEW CRITERIA

Section 16-152A of the Los Alamos County Development Code states that during the course of the review of any Site Plan, the Planning and Zoning Commission shall utilize the following criteria in making its determination of approval, conditional approval or denial:

- (a) *The site plan shall substantially conform to the comprehensive plan and shall not be materially detrimental to the health, safety and general welfare of the county.***

Applicant Response: The modifications to the facility improves the site by modifying the restrooms to create more fixtures. It will also create more locker facilities and provide for secure changing facilities for female players. There are currently 4 locker rooms which is inadequate if there are female players. If games are back to back, the 4 locker rooms are generally occupied by male players, meaning that the few female players generally change in the restroom. This will solve this issue. We will be utilizing existing empty space on the property. We are simply providing for more and better areas to be used by the public and the number of users is not expected to change.

Staff Response: The project conforms to the Comprehensive Plan by investing and improving on county-owned facilities that will support tourism and economic development by promoting Los Alamos as a venue for athletic events and competitions; and marketing it as a destination for recreation.

- (b) *Ingress, egress, traffic circulation and parking on the site shall be accomplished with safety for motorists, bicyclists and pedestrians. Provisions shall be made for the safe ingress, egress and circulation of vehicles, bicyclists and pedestrians.***

Applicant Response: This will not be impacted or changed due to the construction.

Staff Response: Off-street parking shall be provided in accordance with Section 16-370 at the time any building or structure is constructed, enlarged, relocated, or at the time there is a change in its principal use. As the off-street parking requirement table does not specifically refer to an "Ice Rink", the recreational use category applied for parking space calculation will be: "athletic club, country club, clubhouse, swimming club, gymnasium", which is 1 space per 4 persons at maximum capacity.

According to those specifications, the total amount of parking spaces required for the site is 242, of which 8 are required to be handicapped.

	Occupancy Calculation (IBC)	Occupancy, Maximum
New Locker Rooms	2,431/50	48
Existing Main Building	2,362/100	24
Ice Rink	17,463/50	350
Deck	8,218/15	548
Total Maximum Capacity:		970
Total Required Parking Spaces:		242

The subject site provides 24 parking spaces — inclusive of three (3) handicapped. Within 200 feet and east of the site, the county has an agreement with Los Alamos National Laboratory for 51 additional parking spaces totaling 75 spaces. Further parking will not be proposed with these improvements, as it is not included within the scope of the approved project. Consequently, the applicant is requesting waiver from the parking requirements. The existing ingress, egress and traffic circulation will not be affected by the new construction and will remain as-is. Events at the Ice Rink that exceed the average attendance, such as tournaments, would address overflow parking through an Event Permit. The possibilities could include shuttle service but would be resolved at the permitting process.

- (c) ***The necessary provisions shall be made for controlling stormwater drainage on-site and off-site as required by the county engineer in accordance with the county's storm drainage construction standards or such other ordinances or storm water management plans as may exist.***

Applicant Response: Currently, any storm water drains off the site to the adjacent channel running alongside West Road. The construction will not add to the volume of stormwater discharge.

Staff Response: The construction will not increase the volume of the stormwater. The Engineering Division, within Public Works, has reviewed the plans and has no concerns regarding storm drainage.

- (d) ***The necessary easements shall be provided for both existing and proposed utilities, on-site and off-site. No existing easement shall be terminated without provision of alternate service, and all new services shall be provided.***

Applicant Response: The construction will not require any new, or abandonment of any current easements.

Staff Response: All necessary easements exist — there are no changes.

- (e) ***The site plan shall include a conceptual landscape plan that will enhance the site and immediate vicinity and provide adequate screening and buffering, if appropriate, between properties. The final landscape plan shall conform to the requirements set forth in sections 16-574 and 16-575.***

Applicant Response: The area around the rink is natural forest vegetation. Within the confines of the rink, it is concrete floors and bleacher seating for the spectators. It is mostly a winter use site and so landscaping would be covered during its use. Rooftop HVAC unit will be screened.

Staff Response: Landscaping will have no changes from the original Site Plan approved in 2012. The site is located within proximity to the Santa Fe National Forest making it naturally landscaped by spruce and ponderosa pine trees — covering more than the required 5%.

- (f) ***Parking lots, outside storage areas, outside mechanical equipment and outdoor lighting shall be designed to serve the intended use of the development while minimizing adverse impacts adjacent properties or public right-of-way.***

Applicant Response: The parking lots are already in place and no new parking is being planned. Street lighting is already in place for the parking lots. There are 2 existing storage sheds which will be relocated to another area. The rink lighting is down facing to the rink surface. The new mechanical equipment will be screened from view.

Staff Response: The project will not impact the current outdoor lighting.

- (g) ***Structures, site grading, and all other aspects of the development shall meet all applicable design standards or guidelines, as may be adopted and made a part of this code, and shall preserve, to the extent practical, outstanding topographical features and natural amenities on the site.***

Applicant Response: All of the existing utilities are sufficient to serve the needs of the facility.

Staff Response: The footprint of the enclosed facility will not change, making the closest distance to the property line 15' on the south. As the setbacks within the Public-Land zoning district are zero on all sides, the improvements comply. The maximum allowed lot coverage of all structures within the district is 70%; the proposed lot coverage, inclusive of the rink, is calculated as 30%. Additionally, the maximum height is planned at 25', where the maximum allowed height is 50'.

- (h) ***The capacity of those public services and facilities required to serve the proposed development (including but not limited to water, sanitary sewer, electricity, gas, storm sewer, streets, etc.) shall conform with, or if improvements are required, shall be made to conform with the requirements of the county's construction standards.***

Applicant Response: The existing elevation of the current facilities will be the basis for the floor elevation of the replacement locker facilities and the expanded restrooms will encompass the current Locker Rooms 1 and 2 areas. All work will be within the confines of the property.

Staff Response: All public services needed for improvements to the facility are existing and adequate. Department of Public Utilities had no requests or conditions.

- (i) ***Provisions shall be made to serve the development with tot lots and/or neighborhood parks in accordance with the adopted comprehensive plan. A fee may be paid as approved by county council to accomplish the purpose of the comprehensive plan in lieu of the development of tot lots or neighborhood parks.***

Applicant Response: This is a recreational facility which mostly serves the winter activities of hockey and recreational skating, along with some summer Roller Derby activities.

Staff Response: The criterion is not applicable to the scope of this project.

Under the provisions within Section 16-53 (c)(1)(b), the Planning and Zoning Commission shall have the following power and duties:

(c) Final action.

1. *The planning and zoning commission shall hold a public hearing in accordance with the requirements of article XI and shall have the authority to approve, conditionally approve or disapprove the following applications:*
 - b. *Application for approval of a site plan with waiver where the waiver is part of a site plan application and a separate waiver application has not been filed for a hearing with the board of adjustment. The planning and zoning commission may take a single vote to approve the site plan and either approve or deny the waiver. If the planning and zoning commission votes to deny the site plan the waiver shall also be denied. Such powers shall not include the consideration of waiver to design and construction standards promulgated or administered*

by the public works department as described in section 16-572 nor in association with a special plan (SP) district application.

WAIVER REQUIREMENTS

The Los Alamos County Code of Ordinances, Chapter 16, Development Code, Sec. 16-157 establishes four (4) criteria upon which to base a decision to approve, approve with conditions and limitations, or deny a waiver request. The decision shall depend upon 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.***

Applicant Response: Existing parking does not impede any utilities.

Staff Response: Waiving parking requirements will not intrude on any utilities or other easements. All easements will remain as-is and will not be affected.

- (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.***

Applicant Response: The Rink has been in this location since the 1970s and is landlocked by LANL and Santa Fe National Forest. Parking is only a problem during Friday night Varsity Hockey Games (6 times per year or so) and tournaments during the holiday season. Other times, the lots may approach filling up but generally so not.

Staff Response: The subject site is surrounded by Los Alamos National Laboratory owned land and the Santa Fe National Forest, which significantly limits the potential for any future parking expansion. The use of existing area to the west for more parking would create difficulty due to its topography and the flood plain. Additionally, removing mature trees for parking and expanding development beyond the existing disturbed footprint would (1) never accommodate the 167 spaces lacking, and (2) additional impervious surfaces could have a negative impact on the natural forested area that encompasses the current landscaping for the ice rink.

- (c) *Granting of the waiver will not create a health or safety hazard or violate building code requirements.***

Applicant Response: The times when this parking condition occurs is only during select times. There is not the ability to expand parking on County-owned land.

Staff Response: The waiver will not affect current health and safety conditions. The Building Code will be adhered with and managed during permitting with the State of NM Construction Industries Division.

- (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.

Applicant Response: The areas around the rink are natural wilderness area which will not be impacted, as parking would not be increased. Moving into wilderness areas would not be publicly accepted and the County does not own the land adjacent. A Site Plan modification to construct a new Zamboni and refrigeration equipment building in 2002 briefly discussed this but a waiver was not determined to be needed at that time.

Staff Response: Granting of the waiver will not create negative physical impacts, but instead allows for consideration of the environment by limiting any disturbance and protecting wildlife habitat.

STAFF RECOMMENDATION

Staff has applied the applicable review criteria for both Site Plan and Waiver and recommends approval for the construction of new locker facilities at the Los Alamos Ice Rink located at 4475 West Road. Furthermore, staff recommends that parking requirements be waived for the subject site.

FINDINGS OF FACT

- The Site Plan application is a request to amend the Site Plan approved in 2012 for modifications to the Los Alamos Ice Rink, located at 4475 West Road, by constructing 2,431 ft² for new locker rooms. The property is zoned Public-Land (P-L).
- The Site Plan application includes a Waiver application from minimum off-street parking requirements per Section 16-370 of the Los Alamos County Development Code.
- The proposed construction will be confined to the existing developed boundary and will not be detrimental to health, safety, or welfare of the community.
- The Site Plan review criteria, Section 16-152A, has been applied and was met.
- The Waiver review criteria, Section 16-157, has been applied and is satisfied.
- Notice of this public hearing, setting forth the nature of the request, the specific parcel of property affected, and the date, time and place of the public hearing, was announced and published in The Los Alamos Daily Post, the official newspaper of record; and property owners of real property located within 100 yards of the subject property were notified of this public hearing by U.S. mail, all in accordance with the requirements of §16-192 of the Los Alamos County Development Code.

EXHIBITS

Exhibit A: Vicinity Map and Applications

Exhibit B: Site Plan; Floor Plan; Elevations

Exhibit C: Notification Map and Property Owner listing – 100 yards (300') from site location

SITE PLAN APPLICATION

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

Address and Use of Property to which the application applies:

4475 West Road, Los Alamos County Ice Rink

Current Use: ☐ Vacant Other: Ice Rink

Zoning District: P-L Acreage: 2.36 Lot Coverage: 30% Related Applications (if any):

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

Name: Wayne Kohlrust, Project Manager Phone: xt 1873 Cell #: 412-5794
Please Print

Company Name: Los Alamos County Public Works Department, Engineering and Project Management

Address: 1000 Central Avenue, Suite 16 Email: wayne.kohlrust@lacnm.us

NCA Architects is under contract to LAC for Design Services

SIGNATURE

DATE

PROPERTY OWNER

☐ Check here if same as above

Name: Harry Burgess, County Manager Phone: 505-662-8080 Cell #: _____
Please Print

Address: 1000 Central Avenue, Suite 300 Email: harry.burgess@lacnm.us
Owner's Address

My signature below indicates that I authorize the Applicant to make this Amendment application on my behalf.

SIGNATURE

DATE

Pre-Application Meeting Date(s):

IDRC Date:

THIS SECTION TO BE COMPLETED BY THE COMMUNITY DEVELOPMENT DEPARTMENT

Date of Submittal: 10/11/2019

Staff Initial: Sh

CDD Application Number: SIT-2019-0039

Fees Paid: 0

SITE PLAN REVIEW CRITERIA

The Los Alamos County Code of Ordinances, Chapter 16, Development Code, Sec. 16-152A establishes the following criteria for recommendation by IDRC, or for determination by the CDD Director or P&Z, of approval, conditional approval or denial of the application. Please review each of the criteria listed and provide short comments on how your application meets the criteria in the space provided. (Attach additional sheets if needed.)

- (a) *The site plan shall substantially conform to the comprehensive plan and shall not be materially detrimental to the health, safety and general welfare of the county.*

The modifications to the facility improves the site by modifying the restrooms to create more fixtures. It will also create more locker facilities and provide for secure changing facilities for female players. There are currently 4 locker rooms which is inadequate if there are female players. If games are back to back, the 4 locker rooms are generally occupied by male players, meaning that the few female players generally change in the restroom. This will solve this issue. We will be utilizing existing empty space on the property. We are simply providing for more and better areas to be used by the public and the number of users is not expected to change.

- (b) *Ingress, egress, traffic circulation and parking on the site shall be accomplished with safety for motorists, bicyclists and pedestrians. Provisions shall be made for the safe ingress, egress and circulation of vehicles, bicyclists and pedestrians.*

This will not be impacted or changed due to the construction.

- (c) *The necessary provisions shall be made for controlling stormwater drainage on-site and off-site as required by the county engineer in accordance with the county's storm drainage construction standards or such other ordinances or storm water management plans as may exist.*

Currently, any storm water drains off the site to the adjacent channel running alongside West Road. The construction will not add to the volume of stormwater discharge.

- (d) *The necessary easements shall be provided for both existing and proposed utilities, on-site and off-site. No existing easement shall be terminated without provision of alternate service, and all new services shall be provided.*

The construction will not require any new, or abandonment of any current easements

- (i) *Provisions shall be made to serve the development with tot lots and/or neighborhood parks in accordance with the adopted comprehensive plan. A fee may be paid as approved by county council to accomplish the purpose of a comprehensive plan in lieu of the development of tot lots or neighborhood parks.*

This is a recreational facility which mostly serves the winter activities of hockey and recreational skating, along with some summer Roller Derby activities.

SUBMITTALS:

Provide all information necessary for a complete review of the Site Plan request. Check each of the boxes to indicate which information you have provided. Provide two hard copies of all plans and also provide one complete copy of all materials on disk:

- ☒ Agent Authorization, if applicable.
- ☒ Proof of property ownership (Warranty deed, recorded Plat, etc.).
- ☒ Scaleable copies of Site Plan drawings including:
 - ☒ Footprint and square footage of all buildings and structures on the site.
 - ☐ Building/structure elevations.
 - ☒ Existing and proposed lot coverage.
 - ☐ All existing and proposed easements.
 - ☐ All existing and proposed setbacks.
 - ☐ Existing and proposed trails.
- ☐ Preliminary Landscape Plan.
- ☐ Preliminary Grading and Drainage Plan.
- ☐ Preliminary Utilities Plan.

Note: Final construction plan set will be required at Building Permit.

Additionally, per Sec. 16-571, at or before the first IDRC meeting, the County Engineer may require the following Impact Studies:

- ☐ Traffic impact analysis (TIA).
- ☐ Stormwater drainage report.
- ☐ Utility capacity analysis.
- ☐ Soils report.
- ☐ Other. Describe: _____

You are advised to meet with the County Engineer early in the planning process to determine which studies will be required.

Please provide any other information that you believe is relevant to or supports this application.

This is an existing facility. We are modifying the Locker Rooms 1 and 3 and existing restrooms to create more restroom facilities. We are replacing the building which houses Locker Rooms 3 and 4, some storage and Referee Changing Area to create 6 player changing areas/locker rooms, a Referee Changing Area, storage, and a small mechanical room. The rink size will not change and will stay within the confines of the existing facility overall.

The rink has been undersized in terms of restroom facilities for at least 20 years, and with more female hockey players, separate changing facilities are needed. These modifications will accomplish these needs.

- (e) *The site plan shall include a conceptual landscape plan that will enhance the site and immediate vicinity and provide adequate screening and buffering, if appropriate, between properties. The final landscape plan shall conform to the requirements set forth in sections [16-574](#) and [16-575](#).*

The area around the rink is natural forest vegetation. Within the confines of the rink, it is concrete floors and bleacher seating for the spectators. It is mostly a winter use site and so landscaping would be covered during its use. Rooftop HVAC unit will be screened.

- (f) *Parking lots, outside storage areas, outside mechanical equipment and outdoor lighting shall be designed to serve the intended use of the development while minimizing adverse impacts on adjacent properties or public rights-of-way.*

The parking lots are already in place and no new parking is being planned. Street lighting is already in place for the parking lots. There are 2 existing storage sheds which will be relocated to another area. The rink lighting is down facing to the rink surface. The new mechanical equipment will be screened from view.

- (g) *The capacity of those public services and facilities required to serve the proposed development (including but not limited to water, sanitary sewer, electricity, gas, storm sewer, streets, etc.) shall conform with, or if improvements are required, shall be made to conform with the requirements of the county's construction standards.*

All of the existing utilities are sufficient to serve the needs of the facility.

- (h) *Structures, site grading, and all other aspects of the development shall meet all applicable design standards or guidelines, as may be adopted and made a part of this code, and shall preserve, to the extent practical, outstanding topographical features and natural amenities on the site.*

The existing elevation of the current facilities will be the basis for the floor elevation of the replacement locker facilities and the expanded restrooms will encompass the current Locker Rooms 1 and 2 areas. All work will be within the confines of the property.



WAIVER REVIEW CRITERIA:

The Los Alamos County Code of Ordinances, Chapter 16, Development Code, Sec. 16-157 establishes four (4) criteria upon which the Board of Adjustment shall base its decision to approve, approve with conditions and limitations, or deny the waiver request. The Board's decision shall depend upon the extent to which the request meets or fails to meet these criteria. Please review each of the criteria listed and provide short comments on how your application meets the criteria in the space provided. (Attach additional sheets if needed.)

- (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***

Existing parking does not impede any utilities.

- (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 The Rink has been in this location***

The Rink has been in this location since the 1970's and is landlocked by LANL and Santa Fe National Forest. Parking is only a problem during Friday night Varsity Hockey Games (6 times per year or so) and tournaments during the holiday season. Other times, the lots may approach filling up but generally so not.

- (c) ***Granting of the waiver will not create a health or safety hazard or violate building code requirements; and***

The times when this parking condition occurs is only during select times. There is not the ability to expand parking on County-owned land.

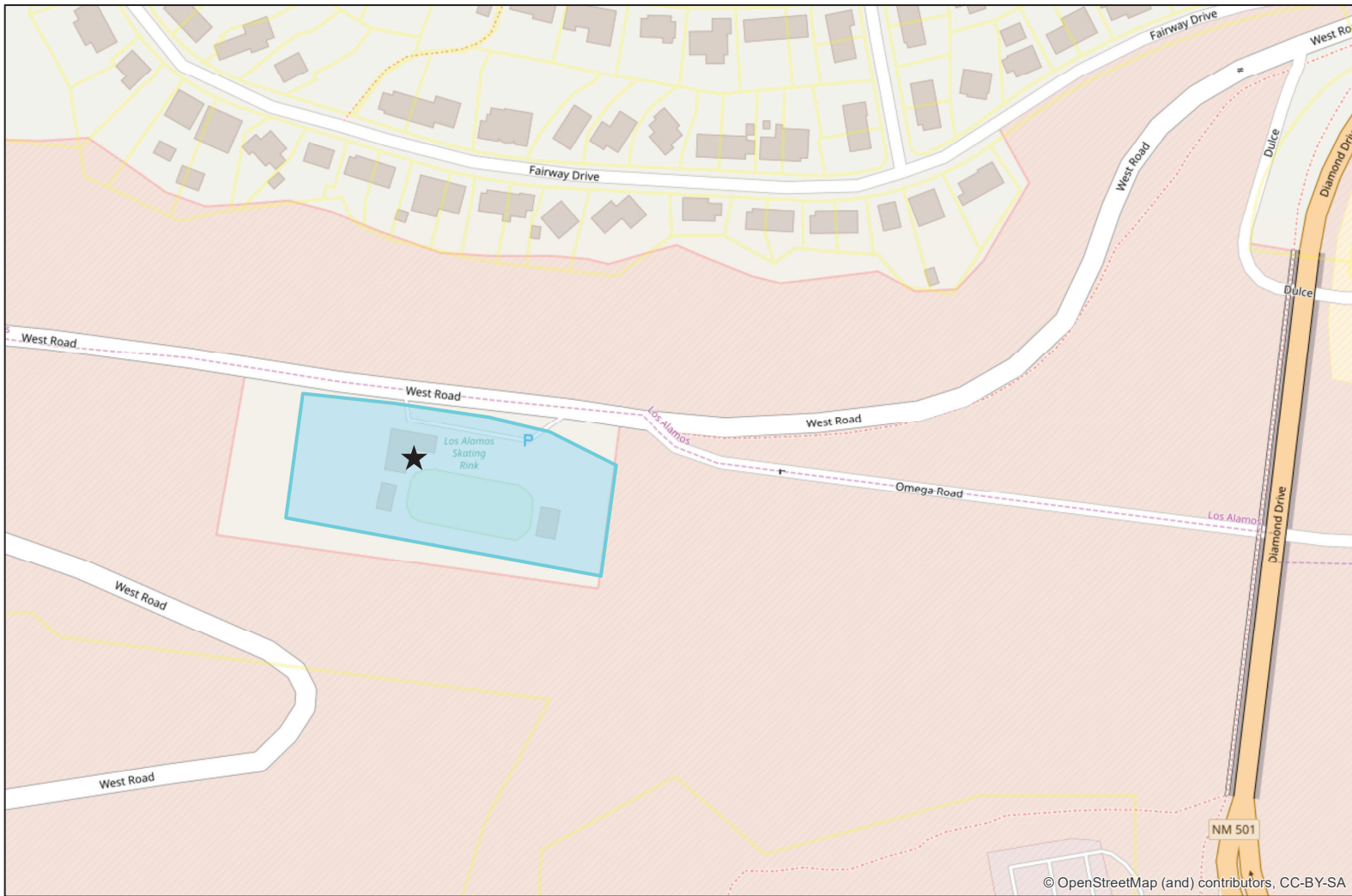
- (d) ***Granting of the waiver will not create any significant negative physical impacts on property within 100 yards of the subject property such as reduced sight lines, loss of privacy, decreased security, increased noise, objectionable odors, intrusion of artificial light, the casting of unwanted shadows, or similar negative impacts.***

The areas around the rink are natural wilderness area which will not be impacted, as parking would not be increased. Moving into wilderness areas would not be publicly accepted and the County does not own the land adjacent. A Site Plan modification to construct a new Zamboni and Refrigeration Equipment Building in 2002 briefly discussed this but a waiver was not determined to be needed at that time.

SUBMITTALS:

Provide all information necessary for a complete review of the Waiver request. Check each of the boxes to indicate which information you have provided, and, if possible, also provide one complete copy of all materials on disk:

- ☐ Proof of property ownership.
- ☐ A scaleable drawing including all information pertinent to the waiver request:
 - ☐ Existing and proposed lot coverage.
 - ☐ Show and label the footprint of all existing buildings and structures on the site.
 - ☐ Show, dimension and label all existing and proposed easements.
 - ☐ Show, dimension and label all existing and proposed setbacks.
 - ☐ Show, dimension and label building/structure elevations.
- ☐ Other. Describe: _____



4475 WEST RD | SIT-2019-0039, WVR-2019-0084

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

18

0 100 200
Feet





LOS ALAMOS ICE RINK RENOVATIONS
DESIGN DEVELOPMENT
NOVEMBER 2019

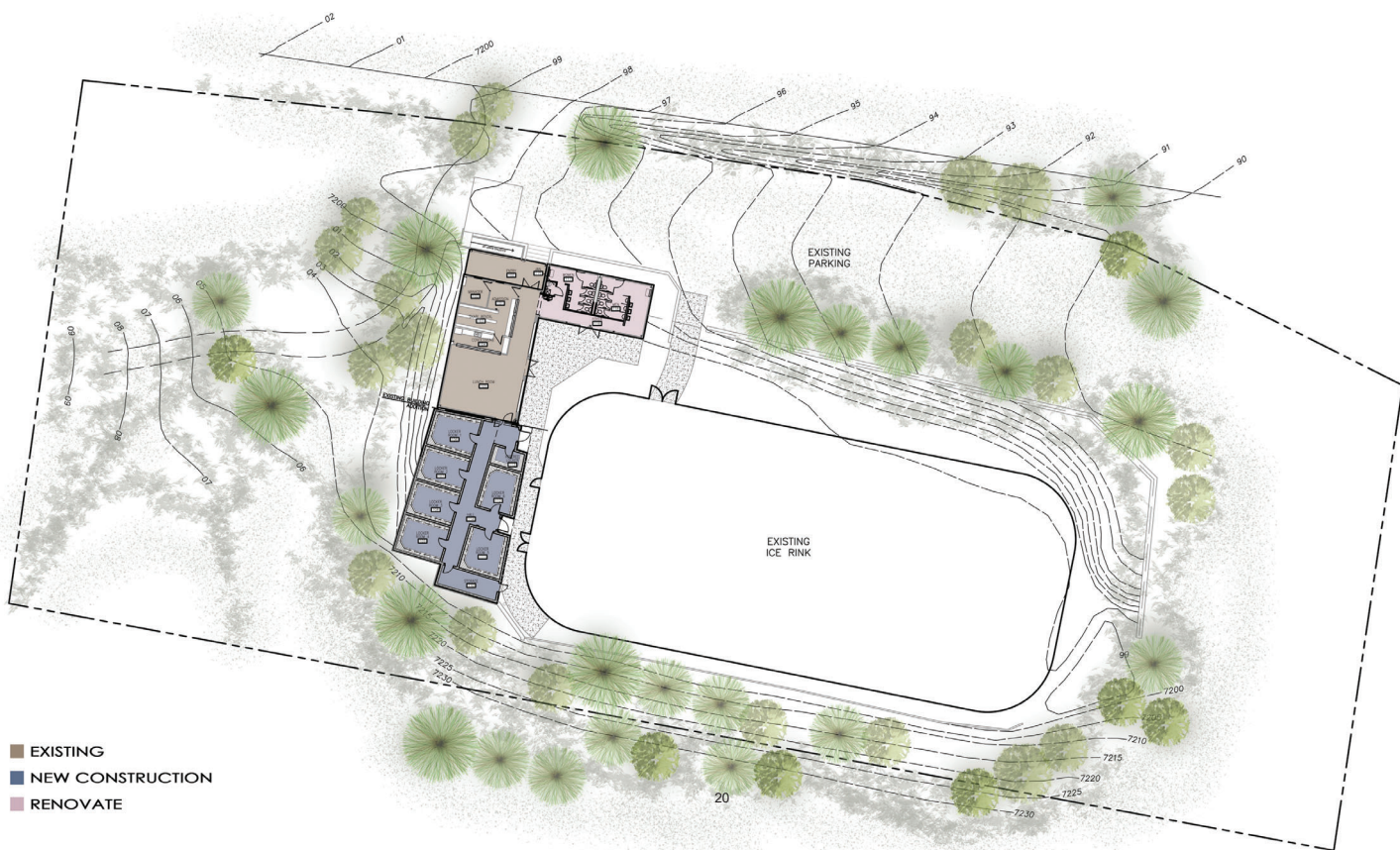


LOS ALAMOS
where discoveries are made

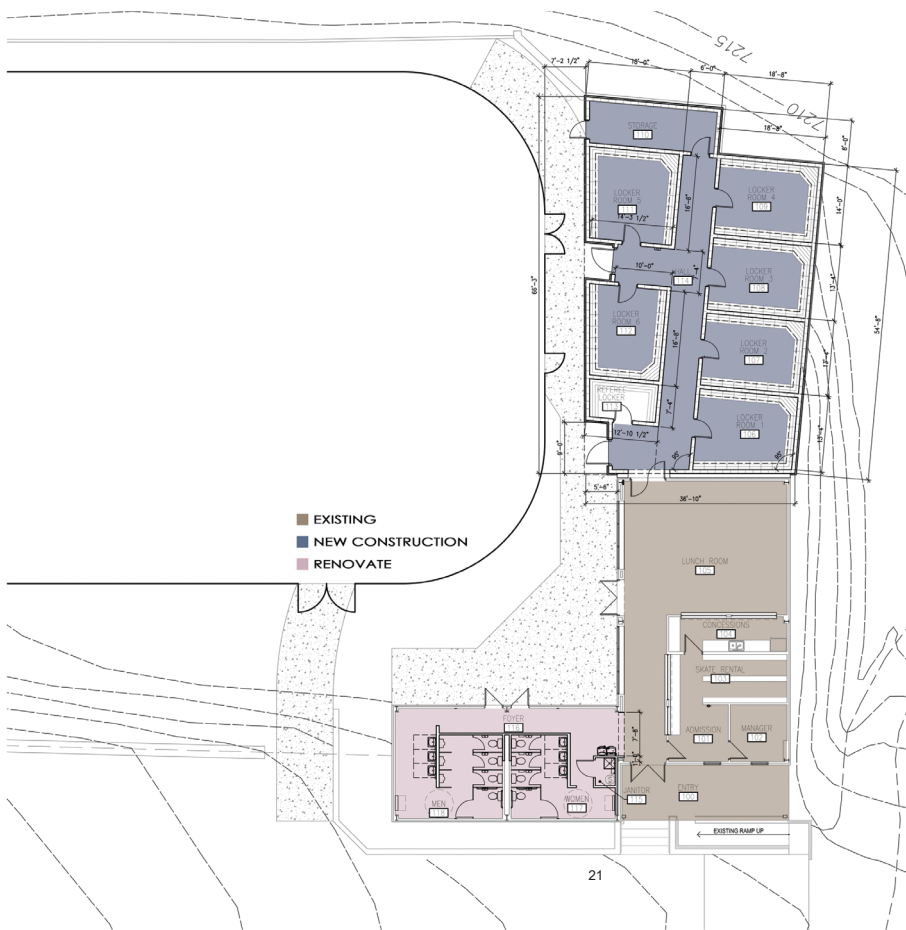


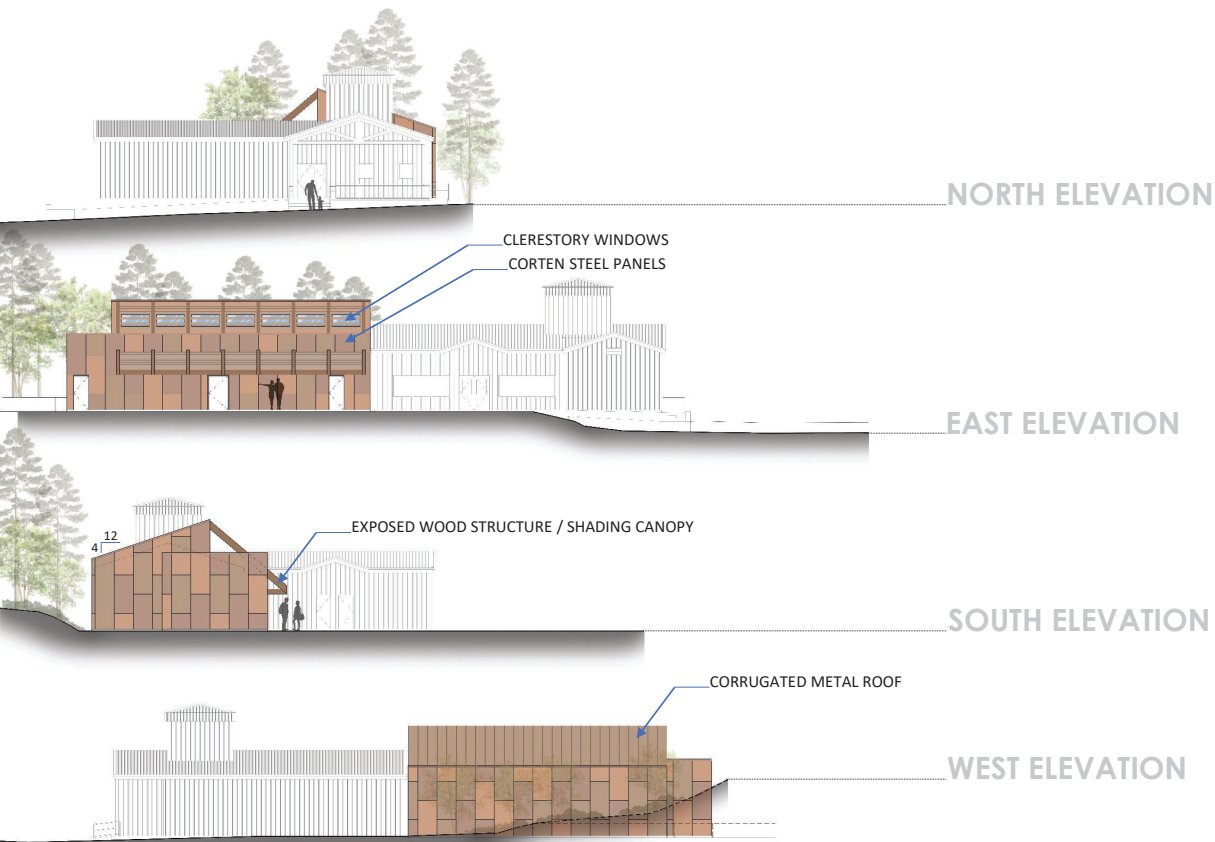
ARCHITECTS • PLANNERS • AIA

LOS ALAMOS ICE RINK RENOVATIONS SITE PLAN



LOS ALAMOS ICE RINK RENOVATIONS FLOOR PLAN







4475 WEST RD

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- 300' NOTIFICATION BUFFER
- 4475_WESTRD



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County of Los Alamos

Staff Report

November 13, 2019

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: A.

Index (Council Goals):

Presenters:

Legislative File: 12499-19

Title

Minutes from the Planning And Zoning Commission Meetings on September 11, 2019 and September 25, 2019.

Recommended Action

I move that the Commission approve the Minutes for the meetings of September 11, 2019.

I move that the Commission approve the Minutes for the meeting of September 25, 2019.

Attachments

- A - Draft Minutes for September 11, 2019
- B - Draft Minutes for September 25, 2019.



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; Michelle Griffin; Craig Martin; Neal Martin; and April Wade, Commissioners

Wednesday, September 11, 2019

5:30 PM

Council Chambers
1000 Central Avenue

1. CALL TO ORDER/ROLL CALL

Present 5 - Commissioner Arias, Commissioner Dewart, Commissioner Martin, Commissioner Neal-Clinton and Commissioner Griffin

Absent 3 - Terry Priestley, Chair, Commissioner Martin and Commissioner Wade

2. PUBLIC COMMENT

3. APPROVAL OF AGENDA

A motion was made by Commissioner Martin, seconded by Commissioner Dewart, that this item be approved. The motion passed unanimously.

4. PUBLIC HEARING(S)

A. Case No. SIT-2019-0037

Donna Marion, Studio Southwest Architects, requests Site Plan and Waiver approval for the construction of a research & development building totaling 83,798 Square feet to be located at 4200 W Jemez, Los Alamos Research Park. The property consists of approximately 38.34 acres; is located adjacent to an existing lab/office building on the property and is zoned Research & Development (R&D).

Item was withdrawn for consideration until further notice.

B.

1. Case No. SUB-2019-0008

A request for approval of a four (4) lot-split Subdivision addressed as 4134 Alabama located in the North Community 2 Subdivision, Lot 212A. The proposed development will consist of 4 new detached single-family residential units contained within 4 separate lots, with associated on-site parking and traffic circulation, on 0.49± acres of land.

Commissioner Griffin moved and Commissioner Dewart seconded the motion to approve Case No. SUB-2019-0008, a request for approval of a Final Subdivision Plat, creating a new subdivision consisting of four (4) new lots, for the reasons stated in the staff report and per testimony at the public hearing, and subject to the following conditions:

1. New addresses will be assigned by the County Surveyor prior to recordation of the plat.
2. Building Permits shall be secured prior to the start of construction.

Yes: 5 - Commissioner Arias, Commissioner Dewart, Commissioner Martin, Commissioner Neal-Clinton and Commissioner Griffin

Absent: 3 - Chair Priestley, Commissioner Martin and Commissioner Wade

5. PLANNING AND ZONING COMMISSION BUSINESS

A Minutes from the Planning And Zoning Commission Meeting on August 21, 2019

I move that the Commission approve the Minutes for August 21, 2019.

Yes: 5 - Commissioner Arias, Commissioner Dewart, Commissioner Martin, Commissioner Neal-Clinton and Commissioner Griffin

Absent: 3 - Chair Priestley, Commissioner Martin and Commissioner Wade

6. COMMISSION/DIRECTOR COMMUNICATIONS

A. Department Report

B. Chair's Report

C. Commissioners' 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.



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; Michelle Griffin; Craig Martin; Neal Martin; and April Wade, Commissioners

Wednesday, September 25, 2019

5:30 PM

Council Chambers
1000 Central Avenue

1. CALL TO ORDER/ROLL CALL

Present 7 - Commissioner Arias, Commissioner Martin, Commissioner Dewart, Commissioner Wade, Commissioner Martin, Commissioner Neal-Clinton and Commissioner Priestley

Absent 1 - Commissioner Griffin

2. PUBLIC COMMENT

3. APPROVAL OF AGENDA

A motion was made by Commissioner Dewart, seconded by Commissioner Wade, that this item be approved. The motion passed unanimously.

4. PUBLIC HEARING(S)

- A. Case No. ZCA-2019-0006 a request for approval of a text amendment to the Los Alamos County Code of Ordinances, Chapter 16 - The Development Code, Sec. 16-287 Use Index Table, Sec. 16-9 Definitions and Rules, and amending other provisions of the code to be consistent therewith.

A motion was made by Commissioner Craig Martin, seconded by Vice Chair Neal-Clinton that the Planning and Zoning Commission recommend that the Los Alamos County Council approve Case No. ZCA-2019-0006, a text amendment to the Los Alamos County Code of Ordinances, Chapter 16 – The Development Code, Sec. 16-287 Use Index Table, Sec. 16-9 Definitions and Rules, and amending other provisions of the code to be consistent therewith.

Yes: 7 - Commissioner Arias, Commissioner Martin, Commissioner Dewart, Commissioner Wade, Commissioner Martin, Commissioner Neal-Clinton and Commissioner Priestley

Absent: 1 - Commissioner Griffin

- B. Case No. REZ-2019-0012, Rezoning, a request to rezone one (1) parcel, Tract F-1 containing approximately 2.02 acres; previously Los Alamos County right-of-Way, within Western Area 1, Los Alamos County, New Mexico to Public Land (P-L).

Vice Chair Neal-Clinton moved and Commissioner Arias seconded the motion that the Planning and Zoning Commission recommend approval of Case No. REZ-2019-0012, to County Council — a request to rezone one (1) parcel, Tract F-1, within Western Area 1, Los Alamos, NM, addressed as 855 Diamond Drive, for the reasons stated in the staff report and per testimony at the public hearing.

Yes: 7 - Commissioner Arias, Commissioner Martin, Commissioner Dewart, Commissioner Wade, Commissioner Martin, Commissioner Neal-Clinton and Commissioner Priestley

Absent: 1 - Commissioner Griffin

5. PLANNING AND ZONING COMMISSION BUSINESS

- A. Minutes from the Planning And Zoning Commission Meeting(s) on September 11, 2019.

I move that the Commission table the Minutes for September 11, 2019 until changes can be made until the next meeting

6. COMMISSION/DIRECTOR COMMUNICATIONS

- A. Department Report
- B. Chair's Report
- C. Committee Reports
- D. Board of Adjustment Report
- E. Commissioner's Comments

7. PUBLIC COMMENT

8. ADJOURNMENT

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

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



County of Los Alamos

Staff Report

November 13, 2019

Los Alamos, NM 87544
www.losalamosnm.us

Agenda No.: B.

Index (Council Goals):

Presenters: Kevin Powers, Assistant County Attorney

Legislative File: 12496-19

Title

Discussion of New Draft Sign Code (ARTICLE X. Signs)

Attachments

- A. New Draft Sign Code
- B. Current Sign Code

INCORPORATED COUNTY OF LOS ALAMOS CODE ORDINANCE NO. XX-XXX

AN ORDINANCE AMENDING SECTION 16-9 OF CHAPTER 16, REPEALING CHAPTER 16, ARTICLE X, SIGNS, IN ITS ENTIRETY, AND ADOPTING A NEW CHAPTER 16, ARTICLE X, SIGNS OF THE LOS ALAMOS COUNTY CODE OF ORDINANCES.

WHEREAS, the Incorporated County of Los Alamos ("County") is an incorporated home rule county as authorized by N.M. Constitution, Article X, Section 6; and

WHEREAS, the New Mexico Legislature, pursuant to Chapters 3, 4, and 5 of the New Mexico Statutes Annotated (*see generally* NMSA 1978, § 3-18-1 *et seq.*) has given municipalities and counties the power to regulate land use within their territorial limits; and

WHEREAS, such authority, NMSA 1978, Section 3-18-17, includes the power to regulate private and public property and nuisances; and

WHEREAS, the County, in Chapter 16 of the Los Alamos County Code of Ordinances ("Code") has enacted ordinances regulating the zoning, planning, and use of land within its borders; and

WHEREAS, the County Council, in Article X of Chapter 16 of the Code, has enacted ordinances to provide for the regulation of signage within the County ("Sign Code"); and

WHEREAS, the County Council wishes to encourage the effective use of signs as a means of communication and way-finding; and

WHEREAS, the County Council wishes to maintain and enhance the unique character and natural aesthetics of the environment and State and federally recognized historical areas of the County and surrounding areas; and

WHEREAS, the County Council wishes to continue ensuring the safety for all modes of transportation, including pedestrian, bicycle, and vehicular as impacted by signage; and

WHEREAS, the County Council wishes to establish a balance between effective visual communication and an excess of visual information; and

WHEREAS, on June 18, 2015, the United State Supreme Court, in *Reed v. Town of Gilbert*, 135 S. Ct. 2218, reaffirmed, among other issues, that local government regulation of signs must be content neutral; and

WHEREAS, the Court in *Reed* reasoned in general, where a local public body must look to the sign to determine which time, place, and manner rules and regulations applied were presumptively violative of established 1st Amendment Speech principals as made applicable to State actions by the 14th Amendment of the U.S. Constitution; and

WHEREAS, the County Council has determined that the repeal of the current County Sign Code and adoption of a new Sign Code is in the best interests of the citizens of the County; and

WHEREAS, the continued regulation of signage will protect the aesthetic beauty and natural history of the County's natural and built environment; and

WHEREAS, the continued regulation of signage will protect property values, the local economy, and the quality of life by preserving and enhancing the aesthetic appearance of the land and streetscape of the County; and

WHEREAS, the continued regulation of signage will provide an improved visual environment for the citizens of and visitors to the County and protect prominent view sheds within the community.

BE IT ORDAINED BY THE GOVERNING BODY OF THE INCORPORATED COUNTY OF LOS ALAMOS as follows:

Section 1. Article X, Signs, of the Code of the Incorporated County of Los Alamos, Sections 16-401 through 16-420 are hereby repealed in its entirety.

Section 2. Section 16-9 of the Los Alamos County Code of Ordinances is amended to read as follows:

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 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~~

Bar. See "cocktail lounge or bar."

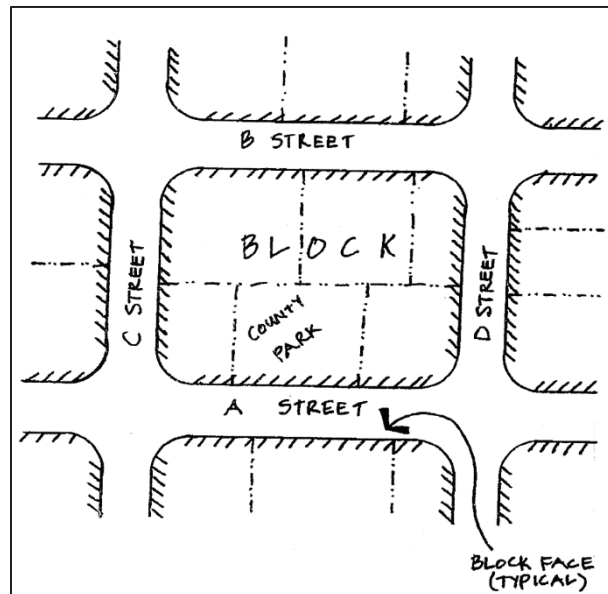
Baseline data means information on the current usage of a public facility compared with its capacity including, but not limited to, streets, sewers, water lines, drainageways, etc.

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 light that is emitted by or reflected from a surface, measured in units of luminous intensity (candelas) per unit area. Expressed in English units as foot lamberts and in SI units as cd/m². Also referred to as "nits." ~~Means the brightness of an object expressed in terms of foot lamberts, determined~~ Measured 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.~~

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.

Section 3. Chapter 16, Article X is hereby repealed in its entirety and replaced with the following Article and Sections:

ARTICLE X. Signs.

Sec. 16-401. Title; Purpose; Severability.

(a) Title. This Article shall be known as the County "Sign Code."

(b) Purpose. The purpose of these sign standards are to promote the health, safety, and welfare of the public in the County and to regulate the size, color, illumination, movement, materials, location, height, and condition of signs displayed for exterior observation and in order to allow and promote sign communication in such a manner that:

1. Safety. To promote the safety of persons and property by providing signs that:
 - A. Do not create a hazard due to collapse, fire, collision, decay or abandonment;
 - B. Do not obstruct firefighting or police activities; and
 - C. Do not create traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs.
2. Communication efficiency. To promote the efficient transfer of information in sign messages by providing that:
 - A. Those signs which provide messages and information most needed and sought by the public are given priorities;
 - B. Businesses and services may identify themselves;
 - C. Customers and other persons may locate a business or service;
 - D. No person or group is arbitrarily denied the use of the sight lines from the public right-of-way for communication purposes; and
 - E. Persons exposed to signs are not overwhelmed by the number of messages presented and are able to exercise freedom of choice to observe or ignore said messages, according to the observer's purpose.
3. Landscape quality and preservation. To protect the public welfare and to enhance the appearance and economic value of the environment, by providing that signs:
 - A. Do not interfere with natural and scenic views;
 - B. Do not create a nuisance in or interfere with the use of the public right-of-way;
 - C. Do not create a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height or movement; and
 - D. Are not detrimental to land or property values.

(c) Severability. Any provision of this Article that is found to be invalid by any court of competent jurisdiction shall be severed while preserving the remaining parts and sections.

Sec. 16-402. Administration; Enforcement; Waivers.

(a) Administration. Unless otherwise directed by the County Manager or Council, the Director, will administer this Article. The Director may develop and implement necessary rules, procedures, forms, and written policies for administering and enforcing the provisions of this Article.

1. The Director will use the literal readings of this Article. The provisions of this Article are no more or less strict than provided. Where the requirements of this Article do not provide a basis for concluding that a sign is allowed, it is prohibited. Where there is a conflict

between the provisions this Article and the provisions of any other Chapter, Article, section, statute, or ordinance, the most specific applies.

2. Sign types that are different but similar to the types identified in this Article shall be regulated as those of similar use.
3. Any decision of the Director may be appealed as provided in Chapter 16, Article II, Division 2.

(c) Enforcement.

1. Any violation or attempted violation of this Article or of any conditions or requirements adopted pursuant hereto shall be a violation of the County Code.
2. Penalties for signs on public property that are placed illegally. Any sign installed or placed on public property, except in conformance with the requirements of this Article, and any sign left in place after the expiration of authorized time or after the date of its permit shall be a violation of this Article and subject to confiscation and destruction.
3. The Director may inspect all signs regulated by this Article.
4. The Director shall have the right to enter the any private property and at reasonable times, for the inspection, measurement, and testing of signs. This authority to enter shall not include the interiors of private parties, dwellings or living quarters, or the portions of commercial premises used as dwellings, or the non-public portions of commercial premises, except upon obtaining a search warrant, or permission of the occupant thereof, or permission of the party responsible therefor in the event the premises are unoccupied. The provisions of this subsection do not apply in the event of explosion, fire, or like emergency.

(d) An applicant can request a waiver of the requirements of this Article, by submitting a waiver application pursuant to Article III of this Chapter. The following additional review requirements are applicable:

1. Criteria for the granting of a sign waiver. In addition to the general waiver criteria listed in section 16-157, the Board of Adjustment or Planning and Zoning Commission may issue a sign waiver when, by reason of topography, road location or elevation, or other exceptional difficulties or unique circumstance, the sign would not be visible or serve its intended purpose if the provisions of the sign code were strictly applied.
2. Nothing herein shall be construed as authorizing waivers from any sign regulations governed by the Building Code.

Sec. 16-403. Applicability; Non-Conforming Signs, Abandoned Signs.

(a) Applicability. This Article applies to all signs within the County, including any sign currently in use, planned, or hereafter installed or structurally altered, except for:

- (1) Any sign, signal, or legal notice posted or erected by any city, county, state, federal or other governmental entity.
- (2) Any vehicle sign, as defined in this Article.
- (3) Any sign inside a structure not attached to the window.
- (4) Address numbering placed pursuant to the County Code.

(5) Exterior works of art such as, but not limited to, paintings, murals, and sculptures conveying no commercial message.

(b) Nonconforming and abandoned signs. Any sign lawfully existing at the effective date of this Article that does not conform with the provisions herein will be a nonconforming sign and may continue in existence at its current location, subject to the following restrictions:

1. No structural component, face, or panel of a nonconforming sign may be altered in any manner that would increase the extent of nonconformity.
2. Any sign (including nonconforming) that has been abandoned for more than 60 days shall be replaced with a new sign in conformance with the current provisions of this Article by the new owner or tenant.

Sec. 16-404. Prohibited signs.

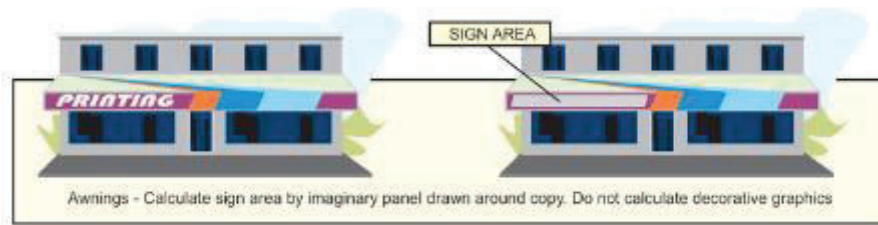
The following sign types and manners of display of signs are prohibited in the County:

- (a) Billboards;
- (b) Off-premises signs, including public right-of-way (ROW), except as specifically authorized in this Article;
- (c) Animated and flashing lights, except as specifically authorized herein;
- (d) Roof-mounted signs;
- (e) Any beacons, pennants, strings of lights attached to temporary and permanent signs and inflatable signs and tethered balloon signs;
- (f) Any sign maintained in conjunction with a use, event, service or activity that is not lawful;
- (g) Any sign located so as to conflict with the clear and open view of devices placed by a public agency for controlling traffic, bicyclists, or pedestrians;
- (h) A sign which obstructs a driver's or pedestrian's clear view of an intersecting road, alley or major driveways; and
- (i) A sign located on or project over the public right-of-way, except as allowed under this Article.

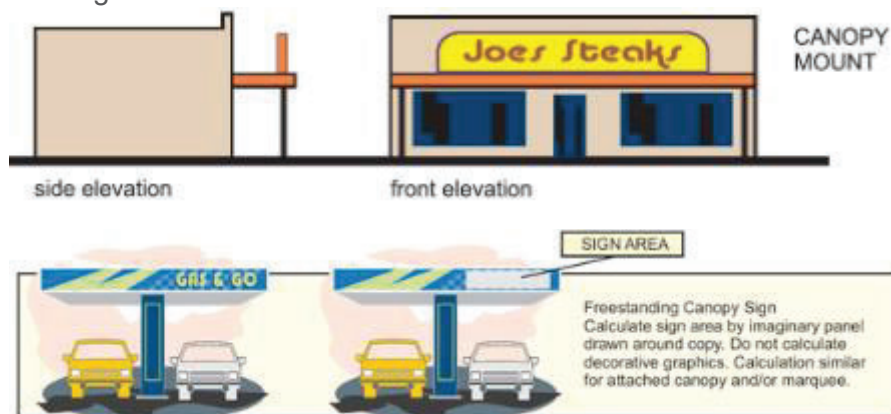
Sec. 16-405. Definitions

Unless otherwise provided, the following definitions apply to this Article:

- (a) **ABANDONED SIGN** - Any sign which for a period of at least 60 consecutive days or longer no longer advertises or identifies a legal business establishment, product, or activity.
- (b) **ARCHITECTURAL PROJECTION** - A projection, not including a sign as defined in this Article, that extends beyond the face of a building's exterior wall.
- (c) **ATTACHED SIGN** - A permanent sign directly affixed to or primarily supported by a building or structure. Includes, but is not limited to, awning signs, canopy signs, projecting signs, and wall signs.
- (d) **AWNING SIGN** - An attached sign on a fixed or retractable architectural projection made of rigid or nonrigid materials that is anchored to and supported by a building, which may be illuminated by means of internal or external sources of light. See illustration below.

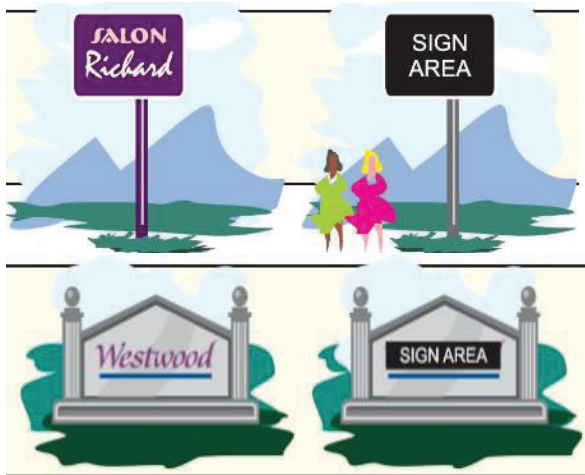


- (e) **BANNER** - A temporary sign constructed of fabric, pliable plastic or other nonrigid material of any shape, in which more than one edge or surface is secured to another structure or support to prevent movement.
- (f) **CANOPY SIGN** - An attached sign on a freestanding architectural projection that is anchored by columns or cantilevers, and that may be illuminated by means of internal or external sources of light. See illustrations below.



- (g) **CONFORMING SIGN** - A sign that is in compliance with all prevailing jurisdictional laws and ordinances.
- (h) **DIRECTOR** - is the Community Development Director, or designee.
- (i) **DISSOLVE or FADE** - A mode of message transition on an electronic message center sign in which the first message gradually appears to dissipate and lose legibility with the gradual appearance and legibility of the second message.
- (j) **DYNAMIC FRAME EFFECT** - A visual effect on a frame in which the illusion of motion and/or animation is used on an electronic message center sign or a digital multiple message sign.
- (k) **ELECTRONIC MESSAGE CENTER SIGN or EMC** - An on-premises permanent sign on which the message is changed by electronic process. Messages displayed include, but are not limited to, copy, art, graphics, time and temperature, public service announcements, and advertising of products or services.
- (l) **FACADE** - That portion of any exterior elevation of a building extending vertically from normal grade to the top of a parapet wall or eaves, and horizontally across the entire width of the building elevation.

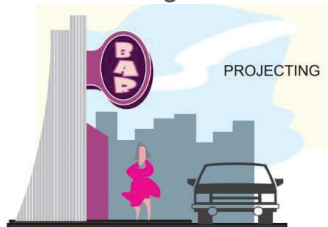
- (m) **FLAG** - A sign, constructed of fabric, pliable plastic or other nonrigid material and typically oblong or rectangular in shape, which is attached by one edge to a mast arm, staff or vertical pole. All flags are considered signs.
- (n) **FOOTCANDLE** - A measure of illuminance in which # 0.1 footcandle equals one lumen per square foot.
- (o) **FRAME** - A complete, static display screen on an electronic message center sign.
- (p) **FREESTANDING SIGN** - A sign supported by a structure but not attached to a building. Also referred to as "ground sign," "monument sign," "pole sign" or "pylon sign." The following are examples of freestanding pole and monument signs.



- (q) **ILLUMINANCE** - The amount of light falling upon a real or imaginary surface. Expressed in English units as footcandles and in SI (metric) units as lux. Also referred to as "light level" or "illumination."
- (r) **ILLUMINATED SIGN** - A sign characterized by the use of artificial light, including:
 - (1) Externally or indirectly illuminated sign: emits light from a source(s) located outside of the actual sign.
 - (2) Internally or directly illuminated sign: emits artificial light directly through any transparent or translucent material from a source located within or on the sign. This includes electronic message center signs.
- (s) **LUMINANCE** - Luminance means the light that is emitted by or reflected from a surface, measured in units of luminous intensity (candelas) per unit area. Expressed in English units as foot lamberts and in SI units as cd/m². Also referred to as "nits." Measured 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.
- (t) **LUX** - The SI unit for illuminance, in which one lux equals 0.093 footcandle.
- (u) **MURAL** - A picture or work of art on an exterior surface of a structure and which covers all or a major portion of a wall, building or structure. A mural is a sign if it is related by language,

logo, or pictorial depiction to the advertisement of any product or service or the identification of any business.

- (v) **NONCONFORMING SIGN** - A sign that was legally installed under all County sign regulations and ordinances in effect at that time, but which may no longer comply with subsequently enacted regulations and ordinances having jurisdiction over the sign.
- (w) **NORMAL GRADE** - A measure of the ground elevation of a lot, being the lower of the existing grade prior to construction or the newly established grade after construction, exclusive of any filling, landscaping or mounding done solely for the purpose of installing a sign structure.
- (x) **OFF-PREMISES SIGN** - Any sign used for promoting an event, message, business, individual, product, or service on a premise where the sign is not located.
- (y) **ON-PREMISES SIGN** - Any sign used for promoting an event, message, business, individual, product, or service on the premises where the sign is located.
- (z) **PARAPET** - The portion of a building facade that extends vertically above the structural roofline.
- (aa) **PERMANENT SIGN** - An attached or freestanding sign in a fixed place over its useful life. Permanent signs are designed and constructed to receive snow loads and withstand wind pressures as required in Chapter 10 of the County Code or other regulations, and are constructed of durable materials capable of withstanding year-round exposure to the outdoor environment.
- (bb) **PROJECTING SIGN** - An attached sign that projects more than 18 inches from the facade of a wall or building. See illustration below.



- (cc) **PUBLIC RIGHT-OF-WAY or ROW** -Public right-of-way means a dedicated road, street, or highway including the easements for that road or street.
- (dd) **READER BOARD** - A sign on which the message is manually changed on a display surface.
- (ee) **ROOF SIGN** - An attached sign mounted on, or extending above the uppermost edge of, a wall or parapet of a building.
- (ff) **SCROLL** - A mode of message transition on an electronic message center sign in which the message appears to move vertically across the display surface.
- (gg) **SIGN** - Any device used to attract attention on or beyond the boundaries of a lot on which it is located and to convey a message or to represent any person, entity, or thing by means of lettering, numerals, words, figures, emblems, devices, structures, designs, trade names, trademarks or other alphabetic or pictorial imagery and shall include all parts, portions, units,

and materials composing the same, together with the frame, background, and supports or anchoring thereof. A sign shall not include any architectural or landscape features that may also attract attention.

- (hh) **SIGN AREA** - The size of a sign, calculated as the entire area within the periphery of a regular geometric form or combinations of regular geometric forms on which all elements of a message(s) are displayed. In the case of double-face signs, where both faces advertise a single facility, product, or service, only one face is used to calculate sign area.
- (ii) **SIGN DISTRICTS** – Those districts defining what type and size of signs can be placed based on land use and prevailing zoning district classifications.
- (jj) **SIGN FACE** - The surface of a sign upon or through which the copy of the sign is displayed exclusive of the supporting structure.
- (kk) **SIGN HEIGHT** - A measure of the vertical distance from normal grade to the highest attached component of the sign structure, calculated as follows:
 - (1) The height of an attached sign is the vertical distance measured from the base of the facade of a wall or building at normal grade to the highest point of any sign face.
 - (2) The height of a freestanding sign on a lot with an elevation equal to or higher than the center line of the street it abuts is calculated as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign structure.
 - (3) The height of a freestanding sign on a lot with an elevation lower than the center line of the street it abuts is calculated as being equal to the distance from the street center line elevation (at a point perpendicular to the sign) to the top of the highest attached component of the sign structure.
- (ll) **SIGN STRUCTURE** - The area of all sign faces, structural supports, decorative trim, and architectural features of the complete sign.
- (mm) **TEMPORARY SIGN** - A sign temporarily placed either in or on the ground, structure, or building, and which is not intended to be a permanent sign. Temporary signs include signs affixed to the ground by a temporary anchoring system such as, but not limited to, stakes or ballast, or footing for large temporary freestanding signs.
- (nn) **VEHICLE SIGN** - A sign painted or affixed on the surface of a licensed, motorized vehicle or trailer.
- (oo) **WALL SIGN** - A sign attached parallel to and extending less than 18 inches from the facade of a wall, building or architectural projection. See illustration below.



- (pp) **WINDOW SIGN** - A sign affixed to or etched on the interior or exterior side of any building window that displays a message.

Sec. 16-406. General sign regulations.

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

(a) Permit procedures and fees.

1. **Permits.** No person shall erect, construct, relocate, alter, or repair a sign without first having obtained a permit, except as may be otherwise provided in this Article. As provided in this Article, permits are required for all permanent signs. Temporary signs allowed by this Article do not require a permit but must meet all other applicable requirements of this Article.
2. **Application.** Application for a permit shall include a drawing to scale of the proposed sign and all existing signs maintained on the premises and visible from the right-of-way, a drawing of the lot plan or building facade indicating the proposed location of the sign, and the sign specifications.
3. **Fees.** Every applicant, before being granted a permit, shall pay the applicable fee established by the County Council.
4. **Expiration of Permit.** A permit for a sign, shall expire if the work is not commenced within 180 days from the date of issuance of such permit, or if work authorized by such permit is suspended or abandoned at any time after work is commenced for a period of 180 days.

(b) Construction and maintenance.

1. **Material; Attachment.** All signs, other than temporary signs, shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or other structure by direct attachment to a rigid wall, frame or structure. All attachment of signs must comply with County Building Code permitting and approvals requirements.
2. **Concealment.** All sign supports and elements such as angle irons, chains, wires, and electrical service must be concealed from public view to the maximum extent possible.
3. **Freestanding Attachment and Supports.** Supports and foundations used in construction and placement of all signs and sign structures must be located outside of any public land or rights-of-way, unless otherwise permitted by this Article, Chapter, or Code.
4. **Setback.** All permanent signs shall meet all applicable setback requirements of this Chapter or Chapter 10.
5. **Maintenance.** 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 Article and Chapter at all times. Unless required by Chapter 10, routine maintenance activities do not require a permit. For the purposes of this provision, routine maintenance includes, but is not limited to, painting, cleaning, or repainting sign copy or sign faces within their existing framework, and recladding.

(c) Sign Heights Limitations. No sign shall exceed the following height in the respective Sign Districts:

1. Residential Sign Districts maximum sign height is 4 feet.

2. Commercial Sign Districts maximum sign height is 25 feet, but no sign shall extend above the façade.
3. Industrial Sign District maximum sign height is 25 feet, but no sign shall extend above the façade.
4. Governmental Sign District maximum sign height is 25 feet, but no sign shall extend above the façade.

(d) **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:

- A. Existing grade prior to construction; or
- B. The newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purposes of locating the sign.
- C. In cases where the normal grade cannot be reasonably determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of the public street or the grade of the land, at the principal entrance to the principal structure on the same lot, whichever is lower.
- D. The 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.

(e) **Electronic Message Centers.** Electronic message center signs are allowed as follows:

1. Signs displaying only time and/or temperature.
2. All EMCs must comply with the following:
 - A. This EMC allowance shall only apply to permanent signs.
 - B. No EMCs are allowed in residentially zoned areas, except as may be otherwise allowed.
 - C. Only one EMC sign is permitted per land parcel and shall count towards the total permanent sign allowance.
 - D. An EMC may only be a part of the total allowed permanent signage allowance and which contains at least 50 percent non-EMC type signage.
 - E. An EMC shall not exceed 50 percent of the total allowed signage.
 - F. Each public school may have one EMC sign per school location. The sign will count towards the allowable permanent sign area for industrial c and shall also not exceed 50 percent of the area of the permanent sign allowance.
 - G. An EMC shall not be located within 100 feet of a road intersection.
 - H. The EMC message or copy must not change more than once every eight seconds.
 - I. Dynamic frame effect EMC signs are not permitted. No sounds are permitted from EMC signs.
 - J. 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.
 - K. No EMC shall have the appearance of flashing.
 - L. All EMCs are required to have automatic dimming capability that adjusts the brightness to the ambient light at all times of the day and night.

- M. 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.
- N. Setbacks. All EMC 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 (not including a mixed-use zone) shall be set back from that lot line by a distance at least equal to the height of the sign.

Sec. 16-407. Sign Districts; Location of Signs.

(a) Sign Districts. Four sign districts are hereby created based on the type of land use in the designated area. The following are the designated County Sign Districts as follows:

1. Residential Sign District are those areas used for, or is intended for use as, residential purposes and include zoning districts RA, R-E, R-1-5, R-1-8, R-1-10, R-1-12, R-M, R-3-L, R-3-H, R-3-H-40, R-4, R-5, R-6, R-M-NC, R-3-L-NC*, and M-U*, PD-2.0, PD-3.5, PD-5.0, PD-7.0, PD-12.0, PD-20.0.
2. Commercial Sign District are those areas used, or is intended for, business purposes, as defined in Chapter 12, and includes zoning districts P-O, C-1, C-2, C-3, R&D, R-3-L-NC*, M-U*, DT-CPO, DT-NGO, DT-NCO, and DT-TCO.
3. Industrial Sign District are those areas whose primary use is intended for industrial purposes, such as, but not limited to, manufacturing, production, and assembly and include zoning districts M-1 and M-2.
4. Governmental Sign District are those areas that are owned by the County, State, federal government, or other governmental agency, body, or commission. Schools under the authority of the State Public Education Department are governmental bodies. This sign area includes zoning districts P-L, F-L, DT-CPO.
5. Notations to Types of Sign Districts. Those sign districts with a single asterisk (*) requires the Director's determination that the primary use of individual structure determines the applicable sign requirements.

(b) Signs in Open Space Overlay Zoning Districts W-1 and W-2.

1. Generally. This part sets forth regulations governing signs that are to be located on parcels designated as W-1 and W-2 in the official zoning map. For temporary signs on County land with overlay designation of W-1 and W-2, section 16-415 requirements apply.
2. Prohibition on commercial messages. To help maintain the natural and recreational ambiance of lands designated as W-1 and W-2 on the official zoning map, no sign shall contain a commercial message.
3. Illumination and EMCs. No sign on lands designated as W-1 and W-2 on the official zoning map shall be illuminated. No EMCs are allowed in the open space zoning districts.

Sec. 16-408. Sign Types.

(a) Two types of signs are allowed in the County, including:

1. Temporary signs; and

2. Permanent signs.

(b) It shall be the duty of the Director, or designee, to determine whether a sign is temporary or permanent sign.

(c) Temporary Message on Permanent Signs. Any sign that contains temporary message within or on a permanent sign shall be considered a permanent sign.

Sec. 16-409. Authorized Signs.

Pursuant to the provisions of this Article and Chapter, the following are the authorized sign types and sign areas allowed for each sign district:

(a) Each parcel in a Residential Sign District is permitted 4 square feet of permanent signs and 10 square feet of temporary signs for Single Family Dwellings, and 2 square feet of permanent signs and 5 square feet of temporary signs for residential multi-family units (e.g., apartments, duplexes, or quadraplexes). No multi-family residential dwellings shall have more than 8 square feet of permanent signage and no more than 20 square feet of temporary signage. Lots or parcels with an approved special use permit in Residential Sign Districts shall be permitted to follow Commercial Sign District requirements so long as the approved special use is maintained.

(b) Each parcel in a Commercial Sign District is permitted 10 square feet of permanent signs and 30 square feet of temporary signs per lineal foot of building frontage. No commercial signage shall exceed 100 square feet of permanent signage, and 100 square feet of temporary signage.

(c) Each parcel in an Industrial Sign District is permitted 20 square feet of permanent signs and 10 square feet of temporary signs. No commercial signage shall exceed 100 square feet of permanent signage, and 100 square feet of temporary signage.

(d) Signs in Governmental Sign Districts shall comply with the requirements of section 16-415.

Table 16-400. Signs allowed per Sign Type and Sign Area.

The following table shows the allowed sign type in total square feet, whether a permit is required, by the type of sign area.

Sign District	Maximum Sign Area Allowed by Sign District			
	Permanent	Permit Required?	Temporary	Permit Required?
Residential	Single Family Dwelling at any time - 4 sq. ft.; 2 sq. ft. for each multi-family unit with total unit max. of 8 sq. ft.; no illuminated signs	Yes.	Single Family Dwelling at any time - 10 sq. ft.; 5 sq. ft. for each multi-family unit with total unit max. of 20 sq. ft.; no illuminated signs	No.
Commercial	At any time 10 sq. feet per lineal feet of building frontage; max 100 sq. ft.	Yes.	At any time 30 sq. feet per lineal feet of building frontage; max. 100 sq. ft.	No.
Industrial	At any time 20 sq. feet per lineal feet of	Yes.	At any time 10 sq. feet per lineal feet of	No.

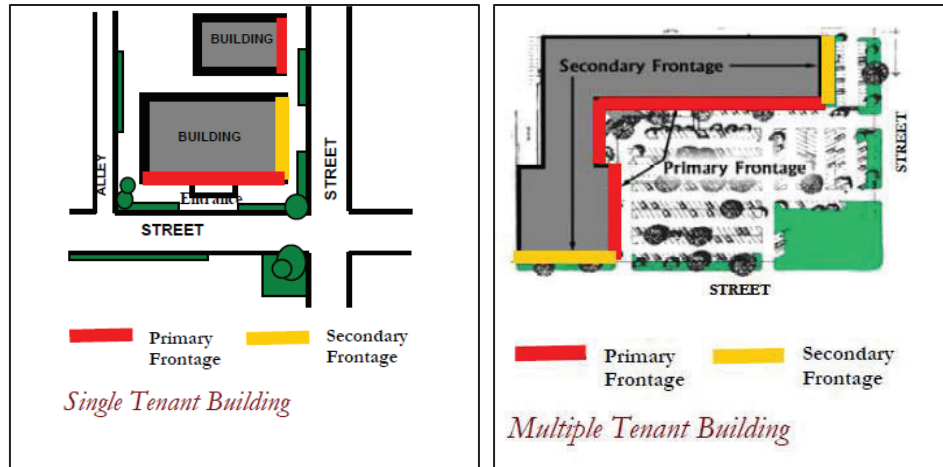
	building frontage; max. 100 sq. ft.		building frontage; max. 100 sq. ft.	
Governmental/ Public Lands Except W-1 and W-2	See Sec. 16-415	See Sec. 16-415	See Sec. 16-415	See Sec. 16-415

Sec. 16-411. Building Frontages and Frontage Lengths.

(a) **BUILDING FRONTAGE.** The following are the processes to determine building frontage and lengths.

1. **Single Tenant Building Frontage.** For single tenant buildings the building frontage is the lineal distance of the building measured along a straight line parallel to the street. Where said building is not parallel to the street, the building frontage shall be measured along the exterior front wall of the building.
2. **Multi-Tenant Building Frontage.** For an individual business located within a multi-tenant building, the building frontage shall be the length of the space occupied by said business measured in a straight line along the exterior front wall of the building, except for an individual business with minimal exterior frontage occupying the interior corner space of an "L" shaped multi-tenant building, in which case the building frontage may be determined by the length of the space occupied by the individual business measured in a straight line parallel to the nearest street. See Figure 16-411 below.
3. **Primary and Secondary Frontage Allocations.**
 - A. Each building or structure gets signage per building primary and secondary frontage.
 - B. The primary building frontage shall be the portion of any frontage containing the primary public entrance to the building or structure.
 - C. The secondary frontage shall be frontages containing secondary public entrances to the building or access and walls facing a public street or primary parking area that are not designated as the primary building frontage.
 - D. For buildings with two or more frontages, the length and allowable sign area shall be calculated separately for each building frontage. Primary and secondary building frontage allowed sign area cannot be combined and is not cumulative.
 - E. The Director may exclude any frontage not related to the frontage criteria.
 - F. For multi-tenant buildings, the building frontage for each tenant shall be measured from the centerline of the party walls defining the occupied space.

FIGURE 16-411. Determination of primary and secondary building frontage.



Sec. 16-412. Sign size; dimensional computations.

The following shall subsections and figures, in See Figures 16-412-1a, 16-412-1b and 16-412-1c, govern the method to compute individual and total sign area of a sign:


(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 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 area of the board or surface exclusive of the frame or supporting structure.
3. Where individual letters, words, or images are mounted directly on a wall or other existing surface, the sign face shall be computed by measuring the area of the smallest rectangle, triangle, circle, or combination thereof that will encompass the extreme limits of the message or images.

(b) Multi-faced signs and objects. The sign face area for a sign with more than two sides 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.

FIGURE 16-412-1a. Area of Geometric Shapes

Even the most complex sign backgrounds are combinations of various geometric shapes. Included here are the formulae to determine the areas of common sign shapes. The use of the Greek letter *pi* is designated as the symbol π . The approximate numerical value of π is 3.1416.

	<p style="text-align: center;">CIRCLE</p> <p>The AREA of a circle is found by multiplying the square of its radius (radius is the distance from the center to the outer edge or circumference) by π (3.1416). Area=πr^2</p>
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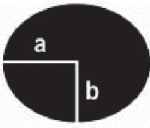
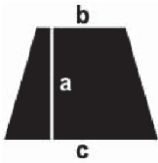

	SQUARE, RECTANGLE, PARALLELOGRAM
	The AREA of a square, rectangle, or parallelogram (all four-sided figures with two pair of parallel sides) is found by multiplying the length by the width. Area = L×W
	TRIANGLE
	The AREA of a triangle (three-sided figure) is found by multiplying one-half of the base times the height. Area = ½(b×h)
	ELLIPSE
	The AREA of an ellipse is found by multiplying half the length of the major axis by half the length of the minor axis, then multiplying the result by π (3.1416). Area = π(AXB)
	TRAPEZOID
	A four-sided figure with only one pair of parallel sides. The AREA equals one-half the product of its attitude (a) multiplied by the sum of its bases (the bases are the two parallel sides - b and c). Area = ½a(b+c)
	REGULAR POLYGONS
	Polygons are figures bounded by straight lines called sides. The AREA of a polygon equals the number of triangles within it times the area of each triangle. See formula for triangle. Area = ½(b×h)×number of triangles

FIGURE 16-412-1b Area of Geometric Shapes in Various Freestanding Sign Shapes.

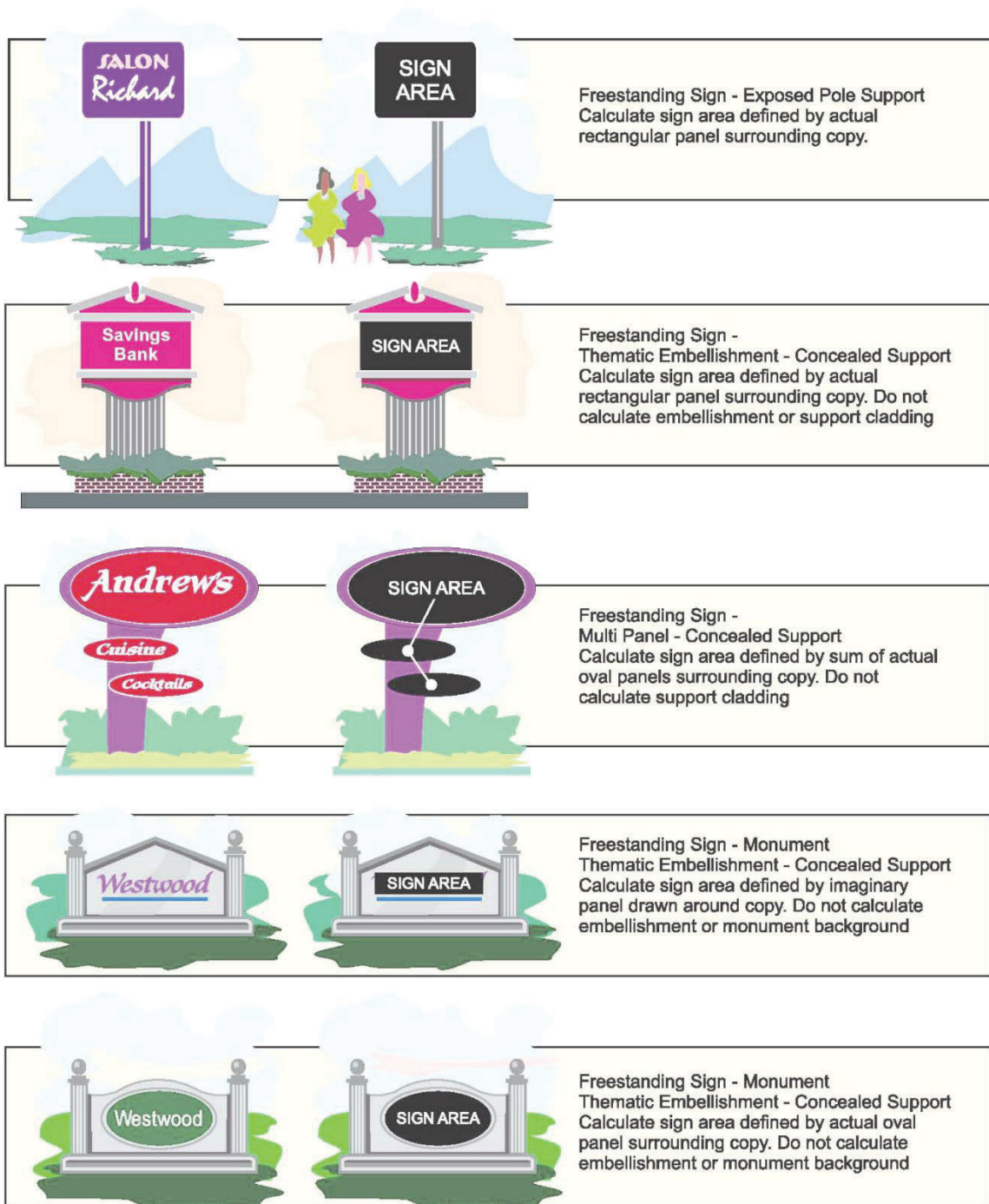
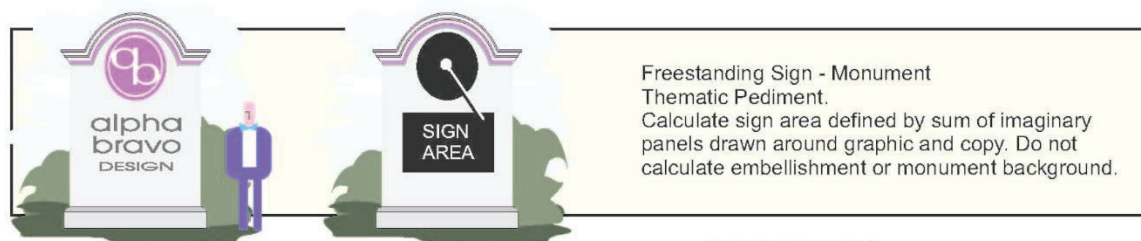
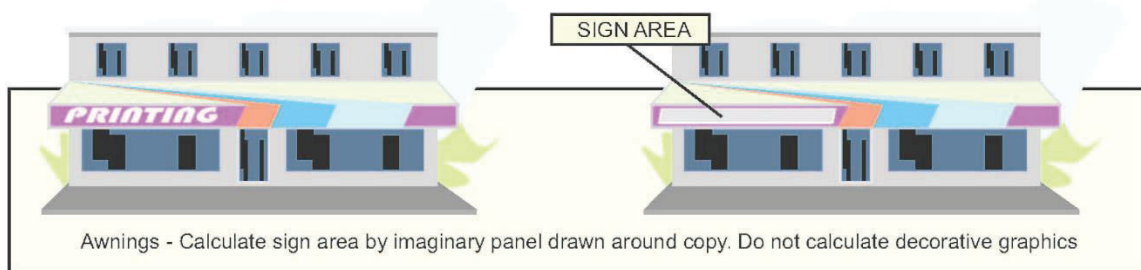
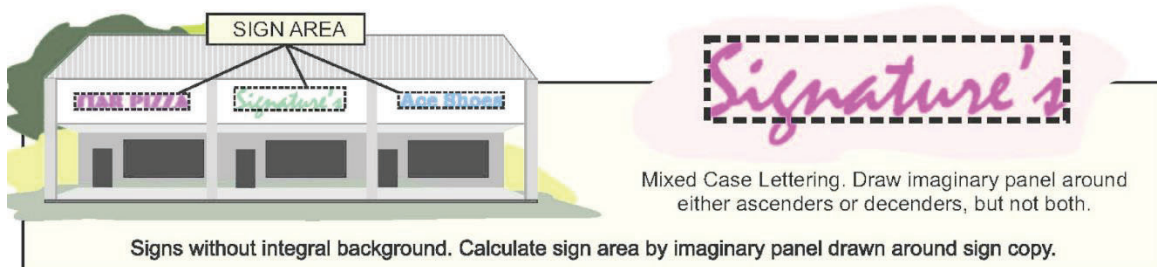


FIGURE 16-412-1c Additional Sign Area Calculations.



Wall / Fascia Signs



Sec. 16-413. Sign Illumination.

(a) Internally illuminated signs are prohibited in Residential Sign Districts.

(b) For illuminated permanent signs in Commercial and Industrial Districts, 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 right-of-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 centers as provided in this Article and Chapter.

(d) All sign lighting shall also be in conformance with the outdoor lighting requirements of this Chapter and Code.

(e) Unless for the purpose of public safety, as determined by the County, 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, six (6) feet above grade at the edge of the property where the sign is located. Illumination can be measure in foot candles, lux, luminance, or footcandle.

Sec. 16-414. - Line-of-sight-obstructions.

To maintain line-of-sight safety for pedestrians and vehicles, the following criteria are to be used to determine the maximum sign sight-line encroachments for non-traffic signs at intersections:

(a) 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 either 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. A sight triangle is that defined in this Chapter and Code.

(b) The traffic engineer may deny the placement of any sign 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. 16-415. Signs in Governmental District, County Property, and Rights-of-Ways.

The following are the requirements for placement of signs in Governmental Sign Districts and on County owned property, structures, land, public lands, and public rights-of-ways:

(a) Permanent Signs on County buildings and property. Any permanent sign on County buildings, structures, or properties shall require the approval of the County Manager, or Utilities Manager for utility infrastructure. Each sign shall conform to the same requirements of similar commercial buildings.

(b) Temporary signs on public buildings and property.

1. The County may place temporary signs on its own property for any duration.
2. Placement of temporary signs on County owned property, structures, or buildings by any other person shall require pre-approval and review by the Community Development Department and County Manager or Utility Manager.

(c) Temporary signs in the County's designated areas. In those areas designated as Special Temporary Sign Areas, as may be designated by the Council from time to time, any person may place a temporary sign of up to 8 square feet for up 90 days. Any sign placed in the designated special temporary sign area shall include in clear visible permeant text the owners name, address,

telephone number, email, date that the sign placed and the date that the sign will be removed. Failure to include or maintain the required information on each sign shall cause the sign to be an illegal sign and shall be subject to immediate removal and destruction.

(d) Signs in the Right-of-Way.

1. No person, except the County, shall place a permanent sign in any County or public right-of-way. Temporary signs are permitted in all Sign Districts and shall be not greater than **8 square feet** and shall only be authorized for no longer than **30 days** per year.
2. All temporary signs placed shall meet the design requirements for temporary signs as provided herein and shall have be marked in clear visible permanent text the owners name, address, telephone number, email, date that the sign placed and the date that the sign will be removed. A temporary sign in the public right-of-way that fails to include the required information, or remove the sign within the prescribed limits constitutes an illegal sign that may be removed by the County at the expense of the sign owner.
3. No temporary sign in the right-of-way shall be placed on a sidewalk or in such a manner to block, impede, or limit the use of American with Disabilities Act access points, nor shall any temporary sign in the right-of-way extend over or into any street, alley, sidewalk or other public thoroughfare nor shall it be erected so as to prevent free ingress to or egress from any door, window or fire escape.
4. No temporary sign in the right-of-way shall be illuminated except where required by the Director for public safety purposes.

(e) Signs in areas zoned as Public Land (P-L) in the Governmental Sign District not County Land. All schools and institutions located on public lands zoned as P-L, shall meet the Industrial Sign District requirements herein.

Section 4. Effective Date. This Ordinance shall become effective thirty (30) days after notice is published following its adoption.

Section 5. Severability. Should any section, paragraph, clause or provision of this ordinance, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

Section 6. Repealer. All ordinances or resolutions, or parts thereof, inconsistent herewith are hereby repealed only to the extent of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed.

ADOPTED this ____ day of _____, 2019.

**COUNCIL OF THE INCORPORATED COUNTY
OF LOS ALAMOS**

SARAH SCOTT
Council Chair

ATTEST: (Seal)

Naomi D. Maestas
Los Alamos County Clerk

INCORPORATED COUNTY OF LOS ALAMOS, NEW MEXICO

CHAPTER 16. DEVELOPMENT CODE

ARTICLE X. - SIGNS

Sec. 16-401. - Purpose of article.

The purposes of this article are to:

- (1) Encourage the effective use of signs as a means of communication and way-finding in the county;
- (2) Maintain and enhance the aesthetic environment of the county and the county's ability to attract sources of economic development and growth;
- (3) Improve pedestrian and traffic safety on public rights-of-way;
- (4) Minimize the possible adverse effect of signs on nearby public and private property;
- (5) Establish a regulatory system to allow a wide and creative variety of signs types;
- (6) Allow certain signs that are small, unobtrusive and incidental to the principal use of the respective lots on which they are located to be placed without a permit, subject to the requirements of this chapter;
- (7) Enable the fair and consistent enforcement of the provisions of this article; and
- (8) Provide an approach to sign regulation that recognizes the need for context based standards. This includes "Sign Areas," which are geographical boundaries that differentiate locations based on factors such as road speeds, the built environment, and proximity to residential neighborhoods. The following are general descriptions of the designated sign areas:
 - a. Area 1 is intended for rural areas with larger residential parcels and which may include some accessory land uses.
 - b. Area 2 is intended for areas of residential land uses with accompanying lower speeds of vehicular traffic.
 - c. Area 3 is intended for urban areas, which have a pedestrian emphasis, and lower speed vehicular traffic. An example of Sign Area 3 would be Central Avenue.
 - d. Area 4 is intended for urban areas which are primarily used by motor vehicles and have higher vehicle speeds. This area may include tourists and people who are unfamiliar with the area who would benefit from commercial messages. Examples of Sign Area 4 would include Trinity Drive and Diamond Drive.
 - e. Area 5 is intended for urban areas which also are primarily used by motor vehicles and have higher speeds, and may include areas that are frequented by tourists whose destination may not have been Los Alamos but would benefit from commercial messages. An example of Sign Area 5 includes New Mexico Highway 4 (NM4).

(Ord. No. 02-227, § 2, 11-13-2012)

Sec. 16-402. - Applicability.

- (a) In general. This article regulates the location, number, size, duration, manner of display and type of sign 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 16-416, line-of-sight-obstructions.

- (b) 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) Church, school, non-residential primary land uses, multiple-family housing of five or more dwelling units on the same parcel and county signs. When a church, school, multiple-family housing of five or more dwellings units on the same parcel, or county-owned property is located within sign areas 1 and 2, the allowable signs shall be those of sign area 3, except that the only signs allowed are: Address, banners, building identification (commercial/industrial), canopy/awning, construction, directional, district identification, election, EMC (for schools only), garage sales, hanging (per facade or facade face), hours of operation, incidental-commercial, kiosk (public information), and freestanding sign (monument only).

(Ord. No. 02-227, § 2, 11-13-2012; Ord. No. 02-250, § 1, 9-30-2014)

Sec. 16-403. - Permit required.

- (a) *Permit required.* All signs shall require a permit prior to installation, modification, or replacement, unless Table 16-409t1 identifies the sign type as not requiring a permit.
- (b) Applicants for sign permits are encouraged to discuss plans with community development department staff members prior to application so that staff can assist applicants in determining whether the site of the proposed sign or other conditions will require submittals in addition to the sign permit.
- (c) *Exceptions.* In addition to those signs identified in Table 16-409t1, the following shall not require the issuance of a permit, provided that they conform to all design, size, duration, setback, height and other requirements of this article and do not create traffic or pedestrian hazards as determined by the traffic engineer.
 - (1) Any pre-existing sign conforming to the provisions of section 16-409t1.
 - (2) A change in the text or graphics of a lawfully existing sign where there is no change in the sign's size, location, structure, lighting, or other manner of display.
 - (3) 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.

(Ord. No. 02-227, § 2, 11-13-2012)

Sec. 16-404. - Exempt signs.

- (a) Signs exempt from regulation under this article. The following signs, as defined by section 16-409t1 herein, shall be exempt from regulations under this article and shall therefore require no permit:
 - (1) Any public notice or warning placed pursuant to a valid and applicable federal, state or local law, regulation or ordinance;
 - (2) Any traffic-control 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) standards and which contain no commercial message of any sort;

- (3) Any sign inside a building that is not attached to nor within two feet of the inside surface of a window or door;
- (4) Holiday decoration signs. Temporary signs, in the nature of decorations, clearly customary and commonly associated with federal, state, local, or religious holidays and which contain no commercial messages, and are only displayed during the holiday period with which they are associated;
- (5) Integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain advertising, trademarks or moving parts;
- (6) Vehicle-mounted protruding signs where the vehicle is operating or legally parked on a street or other public right-of-way and flush-mounted vehicle signs in all locations;
- (7) Flags, 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;
- (8) Flags, decorative;
- (9) Lamp post banners. County sponsored signs that are located in the public right-of-way, which are seasonal and/or event related.

(Ord. No. 02-227, § 2, 11-13-2012)

Sec. 16-405. - Hierarchy of regulations.

Where there is a conflict between specific sign regulations or general sign regulations of this article, the specific sign regulations supersede the general sign regulations.

(Ord. No. 02-227, § 2, 11-13-2012)

Sec. 16-406. - Severability.

If any word, sentence, section, chapter or any other provision or portion of this article or rules adopted hereunder is invalidated by any court or competent jurisdiction, the remaining words, sentences, sections, chapters, provisions, or portions will not be affected and will continue to be in full force and effect.

(Ord. No. 02-227, § 2, 11-13-2012)

Sec. 16-407. - Authority.

- (a) *Responsibility.* This article will be administered and enforced by the community development department director or designee.
- (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 the provisions of this article.

(Ord. No. 02-227, § 2, 11-13-2012)

Sec. 16-408. - Request for sign code waivers.

- (a) *Criteria for the granting of a sign waiver.* In addition to the general waiver criteria listed in section 16-157, the board of adjustment or planning and zoning commission may issue a sign waiver when, by reason of topography, road location or elevation, or other exceptional difficulties or unique circumstance, the sign would not be visible or serve its intended purpose if the provisions of the sign code were strictly applied.
- (b) Nothing herein shall be construed as permitting waivers from any sign regulations governed by the building code.

(Ord. No. 02-227, § 2, 11-13-2012)

Sec. 16-409-t1. - Dimensional and placement standards (table).

Location Examples	Residential 1			WR Rural			Central Ave			Trin/Dia			WR SR 4				
Sign Locations	Area 1			Area 2			Area 3			Area 4			Area 5				
Area (square feet)/Height (feet)/Number (per sign)	A	H	N	A	H	N	A	H	N	A	H	N	A	H	N	Permit Required	Code Details
Address	3	*	1	3	*	1	10	*	2	10	*	2	10	*	2	No	16-409(a)(1)
Animated Sign and flashing lights	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	N/A	16-409(a)(2)
Banners (per facade or facade segment)	0	0	0	0	0	0	30	10	1	30	10	1	30	10	1	Yes	16-409(a)(3)
Billboards	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	N/A	16-409(a)(4)
Bldg. identification (residential only, not including mixed-use)	10	*	1	10	*	1	10	*	1	10	*	1	10	*	1	Yes	16-409(a)(5)
Bldg. identification (commercial and	2	*	1	4	*	1	15	*	*	20	*	*	20	*	*	Yes	16-409(a)(6)

industrial only)																	
Canopy/Awning (per façade or façade segment)	0	0	0	0	0	0	2 5	*	1	25	*	2	25	*	2	Yes	16- 409(a)(7)
Community event (public land)	24	5	1	2 4	5	1	2 4	5	1	48	5	2	48	5	2	Yes	16- 409(a)(8)
Community event (ROW)			*			*			*			*			*	Yes	16- 409(a)(9)
Community event (private land)	24	5	1	2 4	5	1	2 4	5	1	48	6	1	48	6	1	Yes	16- 409(a)(10)
Construction/Proper ty development (per building)	32	10	1	3 2	1 0	1	3 2	10	1	32	10	1	32	10	1	Yes	16- 409(a)(11)
Directional (private land)	2	4	1	2	4	1	4	4	4	4	4	4	4	4	4	Yes	16- 409(a)(12)
Directional (Public/ROW)*			*			*			*			*			*	Yes	16- 409(a)(13)
District identification			*			*			*			*			*	Yes	16- 409(a)(14)
Election (public land/ROW)**	16	6	5	1 6	6	5	1 6	6	5	16	6	5	16	6	5	Yes	16- 409(a)(15)
Election (private land)	9	6	na	9	6	na	1 6	6	na	16	6	na	16	6	na	No	16- 409(a)(16)
Electronic message center (EMC)*	0	0	0	0	0	0	*	*	*	*	*	*	*	*	*	Yes	16- 409(a)(17)

)
Flags, decorative	10	10	2	1 0	1 0	2	2 0	10	5	20	15	5	20	20	5	No	16- 409(a)(18)
Flags, commercial	0	0	0	0	0	0	*	*	*	*	*	*	*	*	*	Yes	16- 409(a)(19)
Freestanding sign*	*	*	*	*	*	*	2 5	10	*	50	15	*	75	20	*	Yes	16- 409(a)(20)
Garage sales	4	4	4	4	4	4	0	0	0	0	0	0	0	0	0	No	16- 409(a)(21)
Hanging (per façade or façade segment)	0	0	0	0	0	0	4	*	1	4	*	1	4	*	1	Yes	16- 409(a)(22)
Home occupation or home business*	3	4	1	3	4	1	3	4	1	3	4	1	3	4	1	Yes	16- 409(a)(23)
Hours of operation	0	0	0	0	0	0	2	N A	2	2	N A	2	2	N A	2	No	16- 409(a)(24)
Incidental commercial	0	0	0	4	5	1	4	N A	N A	4	N A	N A	4	N A	N A	No	16- 409(a)(25)
Incidental residential (single family and duplex bldgs.)	2	4	5	2	4	5	2	4	5	2	4	5	2	4	5	No	16- 409(a)(26)
Incidental residential (multi- family bldg.)	6	4	5	6	4	5	6	4	5	6	4	5	6	4	5	No	16- 409(a)(27)

Kiosks*	0	0	0	0	0	0	*	*	*	*	*	*	*	*	*	Yes	16-409(a)(28)
Menu boards*	0	0	0	0	0	0	*	6	*	*	6	*	*	6	*	Yes	16-409(a)(29)
Pennants, strings of lights, inflatable, and tethered balloons	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	N/A	16-409(a)(31)
Portable (per 50 feet of commercial frontage)	0	0	0	0	0	0	4	4	1	6	4	1	6	4	1	No	16-409(a)(32)
Project identification (1 per 250 feet of street frontage)*	0	0	0	0	0	0	50	10	1	100	15	1	100	15	1	Yes	16-409(a)(33)
Projecting (per façade or façade segment)***	0	0	0	0	0	0	16	15	1	16	15	2	16	15	2	Yes	16-409(a)(34)
Real estate, single family and duplex (sale, rent, or lease)	6	5	2	6	5	2	6	5	2	6	5	2	6	5	2	No	16-409(a)(35)
Real estate, commercial, industrial, and multi-family (sale/rent/lease) per building or commercial unit	20	5	1	20	5	1	20	10	1	32	10	1	32	10	1	No	16-409(a)(36)
Roof mounted	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	N/A	16-409(a)(37)

Sandwich board*	0	0	0	0	0	0	8	4	1	8	4	1	8	4	1	Yes	16-409(a)(38)
Subdivision identification*	20	6	2	20	6	2	20	6	2	20	6	2	20	6	2	Yes	16-409(a)(39)
Time and temp (per lot)	0	0	0	0	0	0	15	10	1	15	10	1	15	10	1	Yes	16-409(a)(40)
Transit shelters	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	Yes	16-409(a)(41)
Utility warning	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	Yes	16-409(a)(42)
Vehicle signs (per legal lot of record)*	0	0	0	0	0	0	25	8	1	25	8	1	25	8	1	Yes	16-409(a)(43)
Vending machines	0	0	0	0	0	0	12	6	3	12	6	5	12	6	5	No	16-409(a)(44)
Wall sign (flush mounted)/marquee (per façade or façade segment)*	0	0	0	0	0	0	*	*	*	*	*	*	*	*	*	Yes	16-409(a)(45)
Window (first story only, per façade or façade segment)*	0	0	0	0	0	0	*	*	*	*	*	*	*	*	*	No	16-409(a)(46)

* See section for additional information and/or restrictions.

** Only locations designated by the county council.

*** A single building façade or façade segment may have either a projecting sign or an awning sign, but not both.

(Ord. No. 02-227, § 2, 11-13-2012)

Sec. 16-409. - Dimensional and placement standards.

- (a) *In general.* This section and Table 16-409-t1 set forth regulations governing the types of signs, number, placement, and maximum dimensions for signs. These regulations shall apply to all signs regardless of whether or not a sign permit is required.
- (1) *Address.* Property identification signs shall list only the property's address, business name or name(s) of occupant(s), and shall only be wall mounted.
 - (2) *Animated sign and flashing lights.* Not permitted (see also, EMC).
 - (3) *Banners (allowed one sign per parcel and up to one additional sign per 300 feet of street frontage).* Banners, including "feather signs" vertical in design, may be displayed on buildings, tethered to existing private structures, or be self-supporting, freestanding signs subject to the following conditions:
 - a. Banners shall not be secured to public buildings and structures or to public utilities, public signs, or public traffic control equipment;
 - b. Banners that appear to be damaged, torn, or weathered shall be removed immediately; and
 - c. Banners may be displayed for up to a 30-consecutive day period. Two such permits may be issued during the calendar year.
 - (4) *Billboards.* Not permitted.
 - (5) *Building identification (residential building only, not including mixed use).* Single-family attached homes and multi-family residential buildings may have a building identification sign in addition to property address signs and residential subdivision sign. Each building (or row of single-family attached homes) may have a building identification sign as either a freestanding sign, building mounted sign, or fence or wall mounted sign subject to the following conditions:
 - a. In the case of a freestanding sign, the sign shall be set back at least two feet from any adjacent property line; and
 - b. Freestanding signs, including fence signs, shall not exceed four feet in height.
 - (6) *Building identification (commercial and industrial buildings only).* Commercial and industrial buildings may have a building identification sign in addition to property address signs. All building identification signs are subject to the following conditions:
 - a. Only one sign per street frontage is allowable;
 - b. Must be building mounted; and
 - c. Shall not be roof mounted.
 - (7) *Canopy/awning (per facade or faced 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 an encroachment permit.
- (8) *Community event (public land)*. A temporary sign. These are signs that may be placed on property owned by the county, but not the public right-of-way, and are intended to promote or advertise upcoming community events. In general, the following are additional restrictions applied to signs that are allowed on public land (non-right-of-way):
- a. *Time of display*. Such signs and banners 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 one week prior to each event or activity and removed within two days thereafter.
 - b. *Location*. Temporary community event signs may be allowed on public land throughout the county but only in locations designated by the community development department in consultation with the public works department.
 - c. *Size and height*. Signs shall not exceed five feet in height, nor shall they be placed in a manner so as to become a safety hazard for vehicles, pedestrians and bicyclists.
 - d. *Permit issuing authority*. The community development department director shall be responsible for the issuance of permits for community event signs on public land (non-right-of-way) and shall determine if such signs are in accordance with appropriate regulations.
- (9) *Community event (public right-of-way)*. A temporary sign. These are signs that may be placed in the public right-of-way and are intended to promote or advertise upcoming community events. These signs are regulated as part of a program operated by the county. Another program the county operates is the overpass banner program, which has its own standards. These programs have their own requirements and restrictions so it is advisable that a potential applicant contact the county to obtain this additional information. In general, the following are additional restrictions applied to signs that are in the public right-of-way:
- a. *Time of display*. Such signs and banners 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 one week prior to each event or activity and removed within two days thereafter.
 - b. *Location*. Temporary banners shall be allowed on overpasses over public rights-of-way, but only in the time, place and manner established by the county council. Other temporary community event signs may be allowed on public rights-of-way throughout the county but only in locations designated by the community development department in consultation with the traffic engineer.
 - c. *Size and height*. No banner spanning a public right-of-way shall exceed 12 feet in length and four feet in width. Non-banner signs shall not exceed five feet in height, nor shall they be placed in a manner so as to become a safety hazard for vehicles, pedestrians and bicyclists.
 - d. *Permit issuing authority*. The county manager shall assign responsibility for the issuance of temporary banners on overpasses over public rights-of-way. The community development department director shall be responsible for the issuance of permits for other types of community event signs.
- (10) *Community event (private land)*. A temporary sign that may be placed on privately owned land with the following restrictions:

- a. *Time of display.* Such signs and banners may be displayed for a period of two weeks prior to the event and one week thereafter, except that recurring events shall be limited to one week prior to each event or activity and removed within two days thereafter.
 - b. *Location.* Signs are allowed on privately owned property to the extent that no sign shall be placed in a manner that would be a safety hazard for vehicles, pedestrians, and bicyclists. All signs must be set back a minimum of five feet from front, side and rear property lines.
- (11) *Construction/property development (per building).* A temporary sign advertising property development or improvement and construction signs shall be allowed as follows:
 - a. Signs advertising property development or improvements shall not be displayed prior to county approval of a site's development agreement with the county, a required master plan, subdivision, site plan, or special use permit, whichever comes first. Signs shall be removed after six months of no permitted physical development occurring on site.
 - b. Signs advertising construction may be displayed in conjunction with an active building permit and shall be removed upon issuance of a certificate of occupancy.
- (12) *Directional (private land).* See Table 16-409-t1.
- (13) *Directional (public/ROW-business directional signs).* In an effort to assist businesses and organizations that do not have street frontage on an arterial road or Central Avenue, it is the county's intent to implement a way-finding program that will provide signage in the public rights-of-way. This program will also benefit the cultural and historic areas of town.
 - a. *Fee required.* The county council will approve a fee structure for issuance and renewal of permits, as well as for replacement of damaged signs.
 - b. *Relationship to district identification signs.* Where more than three businesses or organizations request a public right-of-way directional sign at a particular location, the director of public works and the community development department director may direct the applicants to apply instead for a district identification sign as authorized by subsection (14) hereto.
- (14) *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 contain graphics and text including the names and logos of individual non-profit and for-profit organizations located within the district, but shall not contain specific commercial messages. 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.

- (15) *Election (public land/ROW)—Election campaign signs.* Election campaign signs on designated public rights-of-way and public property shall be subject to the following restrictions:
- a. *Applicant.* Election campaign signs permits may be applied for by the candidate, a political party or an interested person or group. The applicant shall be responsible for compliance with all regulations.
 - b. *Time of display.* The term of such a permit shall be for 60 days prior to any election, defined as the day of election. All such signs shall be removed within three days of the election.
 - c. *Locations.* Temporary signs will be allowed on public rights-of-way and public land, but only in the time, place and manner established by the county council. Signs may be removed if not located in a designated area or is deemed to constitute a traffic or public safety hazard.
- (16) *Election (private land).*
- (17) *EMC.* Electronic message center signs are allowed as follows:
- a. Signs displaying only time and/or temperature.
 - b. Electronic message center signage represents an emerging technology that can provide effective ways to convey messages. An EMC can reduce sign clutter by consolidating multiple messages into one sign face that relays multiple messages over a period of time. The EMC can also present a potential hazard and a potential nuisance to residential properties if not operated correctly. The following are conditions that an EMC must operate under:
 1. This EMC allowance shall only apply to freestanding signs.
 2. Unless otherwise restricted or permitted in this section, an EMC shall follow Table 16-409-t1 standards for a freestanding sign.
 3. Only one EMC sign is permitted per land parcel and shall count towards the total freestanding sign allowance.
 4. An EMC may only be a part of a freestanding sign that contains at least 50 percent non-EMC type signage.
 5. An EMC shall not exceed 50 percent of the area of a freestanding sign.
 6. Schools may have one EMC sign per school location. The sign will count towards the allowable freestanding sign standards for schools, and shall also not exceed 50 percent of the area of a freestanding sign.
 7. An EMC shall not be located within 100 feet of a road intersection.
 8. The EMC message or copy must not change more than once every eight seconds.
 9. Dynamic frame effect EMC signs are not permitted.

10. 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.
 11. No EMC shall have the appearance of flashing.
 12. All EMCs are required to have automatic dimming capability that adjusts the brightness to the ambient light at all times of the day and night.
 13. 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.
 14. 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 (not including a mixed-use zone) shall be set back from that lot line by a distance at least equal to the height of the sign.
- (18) *Flags, decorative.*
- (19) *Flags, commercial.* Building-mounted flag poles and flags are allowed, 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;
 - b. The area of a commercial message or logo shall be counted toward the maximum sign number and area allowed for "projecting signs" on each facade or facade area; and
 - c. Commercial flags shall not be permitted on freestanding flag poles.
- (20) *Freestanding signs.* This category includes pole/pylon signs and monument signs.
- a. *Sign type.* Pole and other types of freestanding signs are allowed in Sign areas 4 and 5. Only monument and pylons signs are allowed in Sign area 3.
 - b. *Churches, schools, non-residential primary land uses, multiple-family housing of five or more dwellings units on the same parcel and county-owned property.*
 1. Sign areas 1 and 2—May only be monument style in sign areas 1 and 2. Height shall not exceed six feet. Sign size shall not exceed 25 square feet.
 2. Sign area 3—May only be monument or pylon style in sign area 3. Height shall not exceed eight feet. Sign size shall not exceed 25 square feet.
 3. Sign areas 4 and 5—May be pole, pylon, or monument style in sign areas 4 and 5. Allowable heights shall follow Table 16-409-t1 for sign areas 4 and 5.
 - c. *Monument signs are permitted in sign areas 1 and 2 on lots or parcels greater than three acres in size if the land use is permitted within the applicable zone.* Height shall not exceed eight feet. Sign size shall not exceed 25 square feet.
 - d. *Number of signs allowed.* 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 each separate street frontage. If a property has frontage that exceeds 300 lineal feet on any given roadway, an additional freestanding sign shall be permitted for each additional 300 lineal feet.
 - e. *Minimum distance between freestanding signs.* 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 CED, they are subject to appeal to the planning and zoning commission following article XI.

- f. *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 (not including a mixed-use zone) 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.
- (21) *Garage sales.* The standards for garage sale signs found in Table 16-409-t1 are for private property. Signs in the public right-of-way, while not expressly permitted, may be tolerated as long as signs are placed and taken down no more than one day before and after a garage sale. Signs may be removed at any time by the county if there is any obstruction or perceived danger to users of the public right-of-way. Garage sale signs shall not mimic any type of traffic management sign, e.g., stop sign, yield, etc. Signs shall not be affixed or hung from existing traffic sign posts, utility poles, or street light.
 - (22) *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.
 - (23) *Home occupation or home business.* A home occupation or home business approved in accordance with the provisions of this chapter shall be allowed subject to the following conditions:
 - a. No form of lighting is allowed.
 - b. Where such a sign is freestanding, the sign height shall not exceed four feet and shall be located at least two feet back from any adjacent property line.
 - (24) *Hours of operation.* See Table 16-409-t1.
 - (25) *Incidental commercial.* See Table 16-409-t1 and definitions. These signs shall not be roof-mounted or projecting. These types of signs require no permit, but must adhere to the standards set forth herein.
 - (26) *Incidental residential (single family and duplex buildings).* See Table 16-409-t1 and definitions. These signs shall not be roof-mounted or projecting. These types of signs require no permit, but must adhere to the standards set forth herein.
 - (27) *Incidental residential (multi-family building).* See Table 16-409-t1 and definitions. These signs shall not be roof-mounted or projecting. These types of signs require no permit, but must adhere to the standards set forth herein.
 - (28) *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 with non-commercial messages and one sign with a commercial message on each kiosk.
 - i. There shall be a minimum distance of 300 lineal feet between sign kiosks on the same side of the street.
- (29) *Menu boards.* Treated as an auto-oriented sign type, these signs are permitted as follows:
- a. Allowable sign size and number of signs permitted.
 - 1. In sign area 3, one sign per establishment is allowed. The sign shall not exceed six square feet.
 - 2. In sign area 4 and 5, if under nine square feet, the allowable number signs will be based on number of parking spaces designed for food-to-car service.
 - 3. In sign area 4 and 5, one sign shall be permitted per drive-through lane, and each sign shall not exceed 20 square feet.
- (30) *Off-premises.* Off-premises commercial signs are prohibited on private property, and are permitted on public property only as otherwise specified herein.
- (31) *Pennants, strings of lights, inflatable, and tethered balloons.* Not permitted in any sign area.
- (32) *Portable (per 50 feet of commercial frontage).* Must be kept in good repair, and must be designed, printed, and constructed in a professional manner.
- a. The total number of portable signs shall not exceed one sign for each 50 feet of commercial frontage;
 - b. Each sign shall be set back at least three feet from all adjacent property lines; and
 - c. Signs shall not be illuminated and shall not be placed on rooftops.
- (33) *Project identification (one per 250 feet of street frontage).*
- a. *Project identification signs.* A master-planned development may have one project identification sign per 250 feet of street frontage along which the sign is located.
 - b. *Monument style.* All project identification signs shall be of a monument style design.
 - c. *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 (not including mixed use zones) shall be set back from that lot line by a distance at least equal to the height of the sign.
- (34) *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 (figure 16-418-1f), 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.
- (35) *Real estate, single family and duplex (sale, rent, or lease).* Signs shall only be displayed during the period in which the rental lease or sale is actively being pursued. All for-rent, for-sale and for-lease signs shall be both portable and temporary.
- (36) *Real estate, commercial, industrial, and multi-family (sale, rent, or lease).* Sign shall only be displayed during the period in which the rental, lease, or sale is actively being pursued. All for-rent, for-sale and for-lease signs shall be both portable and temporary, subject to the following conditions:
 - a. May be wall mounted in areas 3, 4, and 5, and for any multi-family structure with three or more units (in all sign areas), but never roof mounted.
 - b. If freestanding, maximum height shall be per Table 16-409-t1.
- (37) *Roof mounted.* Prohibited.
- (38) *Sandwich board.* See table 16-409-t1. In areas where they are permitted, sandwich board signs may be allowed in the public right-of-way upon approval of the community development department director in consultation with the county traffic engineer. Permittees shall provide proof of insurance in an amount equal to that listed in the New Mexico Tort Claims Act and shall assume full responsibility for any and all damages incurred due to activities authorized by the permit. Where sidewalks are at least five feet wide, a five feet minimum clear path must be maintained from the nearest obstruction (e.g. street light, tree, etc.) Sandwich boards are not permitted where sidewalks are less than five feet wide. Sandwich boards must not be displayed during hours when a business is not open. Sandwich board signs may be placed a maximum distance of 15 feet from the main pedestrian entrance to the business the sign is associated with. However, in no case shall a business place a sandwich board sign in front of another business, including the entire facade.
- (39) *Subdivision identification.* Each residential subdivision may maintain permanent entry signs at each entry into the subdivision, subject to the following conditions:
 - a. Entry signs shall be of the monument sign type or mounted on a wall or fence;
 - b. Freestanding signs shall be set back at least two feet from any adjacent public right-of-way line; and
 - c. In the case of multiple property ownership within the subdivision, all such signs shall be maintained by a property owners association.
- (40) *Time and temperature (per lot).* These signs are in addition to the EMC standards.
- (41) *Transit shelters.* Signage shall not exceed 25 percent of any wall of a transit shelter. Signage may be located on both the inside and outside of any wall.
- (42) *Utility warning.* Standards are as needed by Los Alamos County.
- (43) *Vehicle signs and vehicle-mounted signs.* Vehicle-mounted protruding signs 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. Flush-mounted vehicle signs are exempt from regulation.
- (44) *Vending machines*. See Table 16-409-t1.
- (45) *Wall sign (flush mounted)/marquee (per facade or facade segment)*. This type of sign is prohibited in Areas 1 and 2 except for church and school land 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. (See figure in section 16-418). 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 church and school uses within areas 1 and 2, the total sign area allowed for wall signs shall be calculated as one-half of the above standard.
- (46) *Window (First story only, per facade or facade segment)*. Not to exceed 50 percent of total window area, including glass doors. Individual signs not to exceed six square feet.

(Ord. No. 02-227, § 2, 11-13-2012; Ord. No. 02-231, § 4, 7-26-2013; Ord. No. 02-250, § 2, 9-30-2014; Ord. No. 02-256, § 33, 7-7-2015)

Sec. 16-410. - Prohibited signs.

The following sign types and manners of display are prohibited in the county:

- (1) Billboards;
- (2) Off-premises signs, including public right-of-way (ROW), except as specifically authorized herein;
- (3) Animated and flashing lights, except as specifically authorized herein;
- (4) Roof-mounted signs;
- (5) Beacons, pennants, strings of lights not permanently mounted to a rigid background and inflatable signs and tethered balloon signs;
- (6) Any sign maintained in conjunction with a use, event, service or activity that is not lawful; and
- (7) 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 or pedestrian's clear view of an intersecting road, alley or major driveway as further defined in section 16-417 below.

(Ord. No. 02-227, § 2, 11-13-2012; Ord. No. 02-231, § 4, 7-26-2013)

Sec. 16-411. - Temporary signs.

- (a) *Permit, duration*. Except as otherwise provided herein, all temporary signs shall require a permit. Unless stated otherwise for a particular sign type, all temporary sign permits shall expire one year from the time of issuance. Temporary permits may be renewed, but each renewal shall require a new application and be subject to all the ordinances and regulations in force at the time of the renewal. Temporary signs not requiring a permit shall not be limited as to time of display, but shall only be

allowed to stay in place as long as they meet the current version of the requirements of this article or other applicable regulations and shall be removed immediately when and if they no longer do so.

(Ord. No. 02-227, § 2, 11-13-2012)

Sec. 16-412. - Lighting.

- (1) *Internally lit, or backlit signs.* An indirect source of light which illuminates a sign by shining through a translucent surface of a sign, including a plastic sign, lit from an internal light source.
- (2) *Externally-lit, or indirect illumination signs.* A 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. (See figure in section 16-418)
- (3) *New Mexico Night Sky Protection Act.* All lighting related to signage shall comply with the New Mexico Night Sky Protection Act.

(Ord. No. 02-227, § 2, 11-13-2012)

Sec. 16-413. - Signs in open space zoning districts W-1 and W-2.

- (a) *In general.* This section sets forth regulations governing the types of signs, number, placement, and maximum dimensions for signs that are allowed in open space zoning districts. Open space zoning districts shall be defined only as those designated by the symbols (W-1) indicating scenic open lands district and (W-2) indicating recreation wilderness district on the county's official zoning map.
- (b) *Prohibition on commercial messages.* To help maintain the natural and recreational ambiance of public land open space districts, signs in the district shall not contain commercial messages.
- (c) *Illumination.* Signs in the districts shall not be internally illuminated and shall not incorporate electronic text or images whether moving or static.
- (d) *Building-mounted signs.* Awning signs, flush-mounted signs, conventional projecting signs, suspended and window signs shall be allowed in public land open space districts but the total sign area of all such signs shall not exceed ½ square feet per façade or façade segment.
- (e) *District identification signs.* District identification signs shall be allowed in any open space district when approved, designed, and placed in accordance with the requirements of section 16-419 below.
- (f) *Equipment-mounted signs.* Equipment-mounted signs shall be allowed subject to either of the following conditions:
 - (1) Either the area of each sign face does not exceed six square feet; or
 - (2) Signs in excess of six square feet per face mounted on water towers or other large structures shall have received prior written approval of the planning and zoning commission. The planning and zoning commission shall hear and act upon the sign application according to the same procedures for special use permits, including appeals, and shall address the following criteria, in addition to the special use permit criteria:
 - a. The sign will meet a public purpose that cannot be easily met by other means; and
 - b. In the opinion of the commission the sign will be compatible with the area in which it is proposed to be located.

- (g) *Freestanding signs.* Freestanding signs including signs affixed to walls and fences shall be allowed in any number but shall not exceed six feet in height and no sign face shall exceed 32 square feet in area.
- (h) *Public information kiosks.* Public information kiosks shall be allowed in public land open space districts subject to the following conditions:
 - (1) The kiosk shall be permanently anchored and not exceed eight feet in height; and
 - (2) The permit application shall include information on how the kiosk will be managed and maintained, enforceable as a condition of the permit.
- (i) *Temporary and portable signs.* Temporary and portable signs shall be permitted according to the provisions of section 16-419, provided that the temporary or portable signs shall not include commercial messages.

(Ord. No. 02-227, § 2, 11-13-2012)

Sec. 16-414. - Design, construction, maintenance, abandonment, and conformance.

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

- (a) All signs other than portable signs shall be constructed of permanent 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 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.
- (c) The supports and foundations used in construction for all signs and sign structures must be located outside of any rights-of-way.
- (d) Welds of sign structures and sections of sign structures must be welded in accordance with currently adopted building codes.
- (e) 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 (area); 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(s), 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.
 - (4) When any proposed change, repair, or maintenance would constitute an expense of more than 25 percent of the original value or replacement value of the sign.
- (f) The owner of any property upon which an abandoned sign is found shall, within 90 days of notice by the county, remove the sign and any structure erected for the sole purpose of supporting it. A sign shall be considered abandoned upon the department's finding that the sign relates to a business that no longer exists on the site and that the owner of the property has not presented evidence that he or she is actively in the process of finding an alternate use for the

sign consistent with the requirements of this article. Any such finding may be appealed to the planning and zoning commission according to the provisions of chapter 16 of the Municipal Code regarding appeals from determinations of the community development department director.

- (g) The area at the base of any freestanding sign shall be landscaped, and the area within ten feet in all directions of any part of a freestanding sign shall be kept clear of all debris.

(Ord. No. 02-227, § 2, 11-13-2012; Ord. No. 02-231, § 5, 7-26-2013)

Sec. 16-415. - Dimensional computations.

The following principles shall control the computation of sign area and sign height (also see Figure 16-415-1f, 16-418-2fa and 16-418-2fb):



- (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 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 area of the board or surface exclusive of the frame or supporting structure.
 - (3) Where individual letters, words, or images are mounted directly on a wall or other existing surface, the sign face shall be computed by measuring the area of the smallest rectangle, triangle, circle, or combination thereof that will encompass the extreme 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.


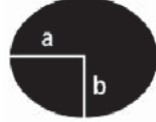
In cases where the normal grade cannot be reasonably determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of the public street or the grade of the land, at the principal entrance to the principal structure on the same lot, whichever is lower.

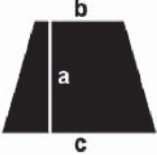
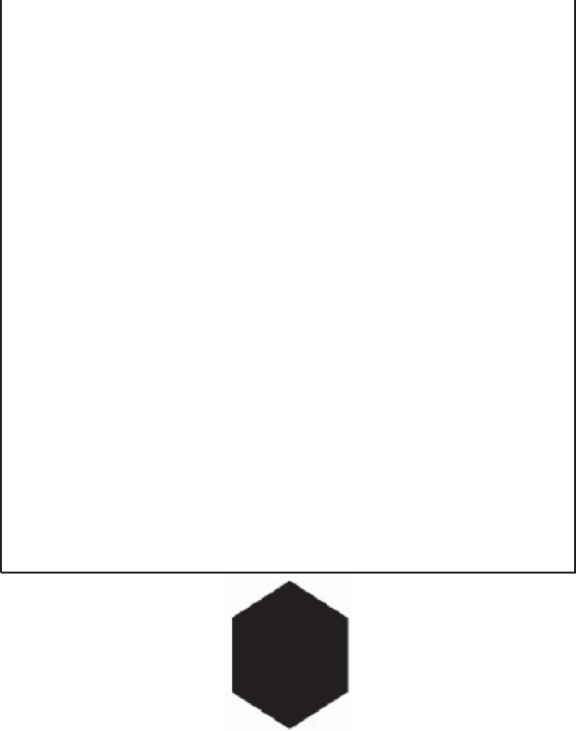
- (d) *Approval.* The community development department director shall have the discretion to approve minor height variations along the top of the sign amounting to 12 inches or less when determining sign height.

Figure 16-415-1f
Common Geometric Shapes

Even the most complex sign backgrounds are simply combinations of various geometric shapes. Included here are useful formulae to assist in the computation of the areas of common shapes. Some of these formulae utilize the Greek letter pi, designated as the symbol π . The approximate numerical value of π is 3.1416.

	<p style="text-align: center;">CIRCLE</p> <p>The AREA of a circle is found by multiplying the square of its radius (radius is the distance from the center to the outer edge or circumference) by π (3.1416). Area = πr^2</p>
	<p style="text-align: center;">SQUARE, RECTANGLE, PARALLELOGRAM</p> <p>The AREA of a square, rectangle, or parallelogram (all four sided figures with two pair of parallel sides) is found by multiplying the length by the width. Area = L×W</p>

<div data-bbox="203 201 776 772"></div> <div data-bbox="406 772 560 903">  </div>	<div data-bbox="1045 201 1192 233">TRIANGLE</div> <div data-bbox="808 537 1433 646"> <p>The AREA of a triangle (three sided figure) is found by multiplying one-half of the base times the height.</p> <p>Area = $\frac{1}{2}(bxh)$</p> </div>
<div data-bbox="203 957 776 1528"></div> <div data-bbox="406 1528 560 1648">  </div>	<div data-bbox="1062 957 1175 989">ELLIPSE</div> <div data-bbox="808 1266 1433 1413"> <p>The AREA of an ellipse is found by multiplying half the length of the major axis by half the length of the minor axis, then multiplying the result by π (3.1416).</p> <p>Area = $\pi(axb)$</p> </div>
<div data-bbox="203 1703 776 1757"></div>	<div data-bbox="1037 1703 1200 1734">TRAPEZOID</div>

	<p>A four sided figure with only one pair of parallel sides. The AREA equals one-half the product of its attitude (a) multiplied by the sum of its bases (the bases are the two parallel sides - b and c). Area = $\frac{1}{2}a(b+c)$</p>
	<p style="text-align: center;">REGULAR POLYGONS</p> <p>Polygons are figures bounded by straight lines called sides. The AREA of a polygon equals the number of triangles within it times the area of each triangle. See formula for triangle. Area = $\frac{1}{2}(bxh) \times \text{number of triangles}$</p>

(Ord. No. 02-227, § 2, 11-13-2012; Ord. No. 02-231, § 5, 7-26-2013)

Sec. 16-416. - Line-of-sight-obstructions.

To maintain line-of-sight safety for pedestrians and vehicles, the following criteria are to be used to determine the maximum sign sight-line encroachments for non-traffic signs at intersections:

- (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 either 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. Such sight triangle is defined in section 16-271(c), sight obstructions.
- (b) Section 16-271(c) notwithstanding, the traffic engineer 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.

(Ord. No. 02-227, § 2, 11-13-2012; Ord. No. 02-231, § 5, 7-26-2013)

Sec. 16-417. - Enforcement and remedies.

- (a) Any violation or attempted violation of this article or of any condition or requirement adopted pursuant hereto may be restrained, corrected or abated, as the case may be, by injunction or other appropriate proceedings pursuant to state or county law. A violation of this article shall be considered a violation of this article. The remedies of the county shall include the following:
 - (1) Issuing a stop work order for any and all work on any signs on the same parcel;
 - (2) Seeking an injunction or other order of restraint or abatement that requires the removal of the sign or the correction of the nonconformity;
 - (3) Imposing any penalties that can be imposed directly by the county;
 - (4) Seeking in court the imposition of any penalties that can be imposed; and
 - (5) In the case of a sign that poses an immediate danger to the public health or safety, taking such measures as is available to the county under the applicable provisions of this article and the building code for such circumstances.
- (b) Penalties for signs on public property that are placed illegally or left in place after permit expiration. Any sign installed or placed on public property, except in conformance with the requirements of this section, and any sign left in place after the expiration date of its permit shall be forfeited to the public and subject to confiscation. In addition to other remedies under this article, the county shall have the right to recover from the person placing such a sign the full cost of removal and disposal of the sign. Nevertheless, of the signs confiscated by the county, the owner of the sign will be allowed three business days from the time of confiscation to have the violating sign(s) surrendered to them. It will be the responsibility of the sign owner to locate and secure possession of the sign(s) confiscated by the county.
- (c) The county shall have such other remedies as are and as may from time to time be provided or allowed by state or county law for the violation of this article.
- (d) All such remedies provided in this section shall be cumulative. To the extent that state or county law may limit the availability of a particular remedy set forth in this section for a certain violation or a part of such violation, such remedy shall remain available for other violations or other parts of the same violation.

(Ord. No. 02-227, § 2, 11-13-2012)

Sec. 16-418. - Sign examples and illustrations.

Figure 16-418-1f through Figure 16-418-2fb below shall supplement the definitions listed in section 16-419 and further illustrate the requirements of this article.

Figure 16-418-1f Typical On-Premises Sign Types



Figure 16-418-2fa Sign Computational Methodology/Ground Signs

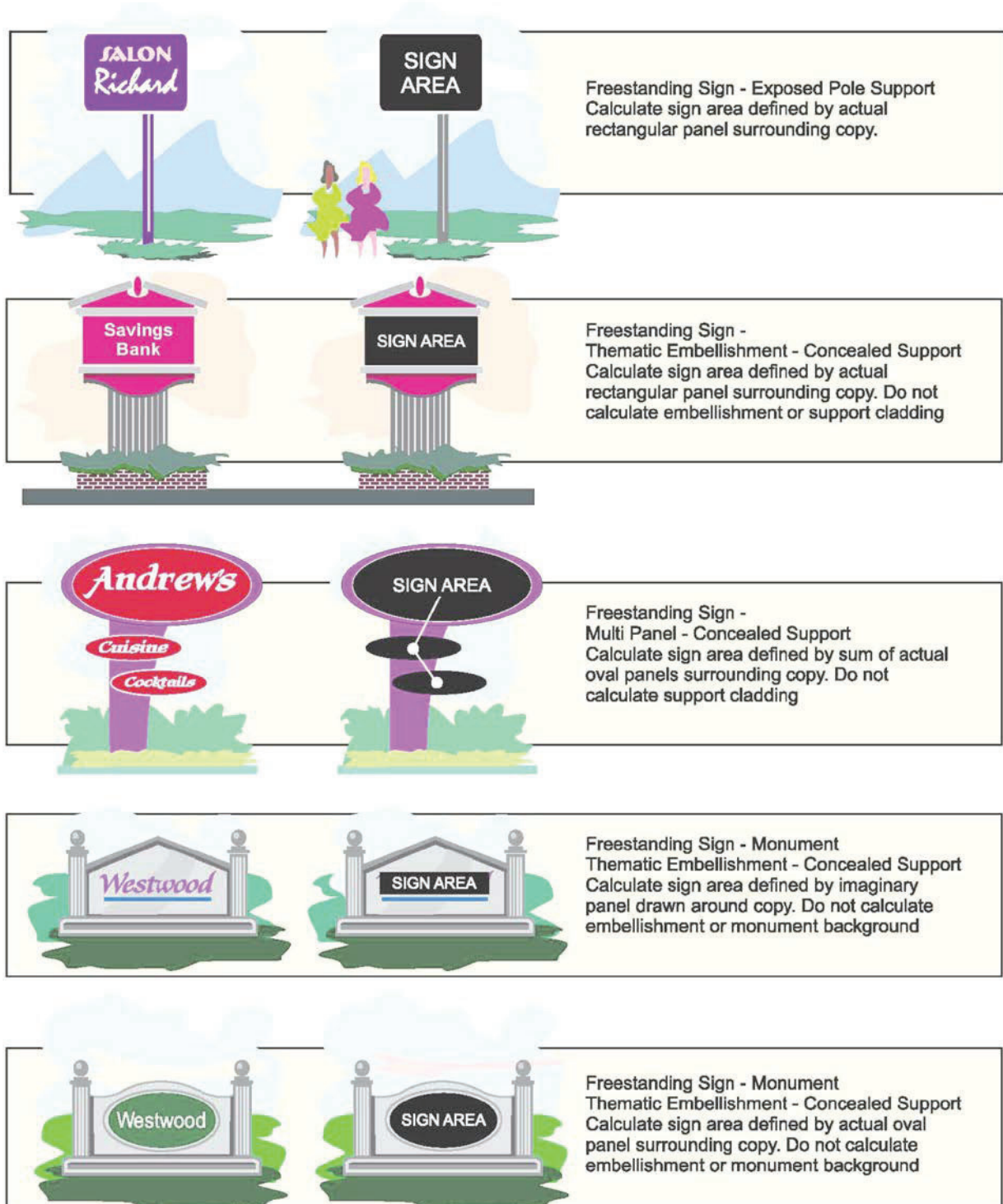
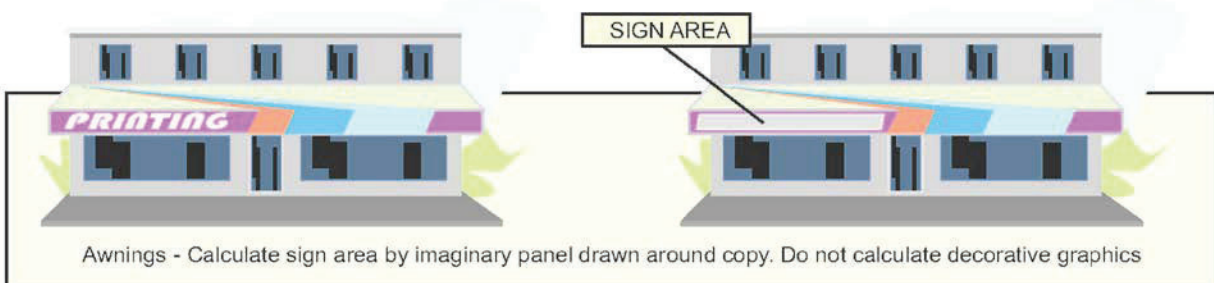
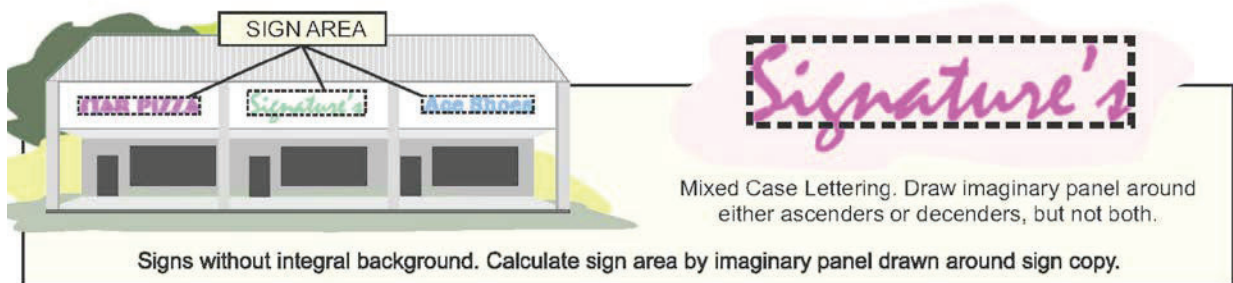


Figure 16-418-2fb Sign Computational Methodology/Ground Signs



Wall / Fascia Signs



(Ord. No. 02-227, § 2, 11-13-2012)

Sec. 16-419. - Definitions.

Animated/moving sign means a sign that moves or has parts that move mechanically.

Animated sign means a sign employing actual motion, the illusion of motion, or light and/or color changes achieved through mechanical, electrical, or electronic means. Animated signs, which are differentiated from changeable signs as defined and regulated by this article, include the following types:

- (1) *Environmentally activated*: Animated signs or devices motivated by wind, thermal changes, or other natural environmental influence. These signs include spinners, pinwheels, pennant strings and/or other devices or displays that respond to naturally occurring external motivation.
- (2) *Mechanically activated*: Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.
- (3) *Electrically activated*: Animated signs producing the illusion of movement by means of electronic, electrical, or electromechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:
 - a. *Flashing*: Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. For the purposes of this ordinance, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds eight seconds.
 - b. *Patterned illusionary movement*: Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

Area of sign 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. Area of sign dimensional computations are specified in section 16-415.

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.

Banner means a 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 advertising 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.

Building façade/façade segment means any side (in orthographic projection) of an individual building. Where the interior of a single structure is vertically divided by party walls perpendicular to the façade, or the façade width at the ground floor contains separate businesses divided by demising walls perpendicular to the façade, each such segment may be considered as a separate façade segment for the purpose of calculating allowable sign area. A single undivided ground floor area containing more than one business shall not be considered as separate façade segments.

Building-mounted sign means a sign that is permanently mounted on a building or other existing structure.

Candela means the basic unit of measurement of light in SI (metric) units.

Candela per square meter (cd/m²) means the SI (Metric) unit used to describe the luminance of a light source or of an illuminated surface that reflects light. Also referred to as "Nits."

Candle or candlepower means synonymous with Candela, but in English, not SI, terms.

Cladding means a non-structural covering designed to conceal the actual structural supports of a sign. See also pole or pylon cover.

Community event means any planned gathering on public or private property consisting of 50 or more people, such as pre-planned marches, demonstrations, parades, concerts in the park, fundraising events, etc.

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 or 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.

Fade means a mode of message transition on an electronic message center accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

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

Flag, commercial means a flag containing a commercial message, either verbal or pictorial.

Flag, decorative means a flag without a commercial message and that is used solely for decorative or artistic effect.

Flag, governmental means a flag containing distinctive colors, patterns or symbols, used as a symbol of a government, political subdivision or other such 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 an English unit of measurement of the amount of light falling upon a surface (illuminance). One foot candle is equal to one lumen per square foot. Can be measured by means of an illuminance meter.

Foot lambert means an English unit of measurement of the amount of light emitted by or reflecting off a surface (luminance) equivalent to 3.4262591 candelas per square meter.

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

Freestanding sign, fence or wall means a sign supported on a fence or a freestanding wall or retaining wall. (Figure 16-418-1f).

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.

Illuminance means the amount of light falling upon a real or imaginary surface, commonly called "light level" or "illumination." Measured in foot candles (lumens/square foot) in the English system, and lux (lumens/square meter) in the SI (metric) system.

Incidental sign, commercial means an on-premise commercial sign used to direct pedestrian or vehicular traffic, warn of hazards, list parking requirements, indicate entrances or exits, identify or list instructions for use of vending machines and other equipment, or any other similar information clearly incidental to the operation of a particular business.

Incidental sign, residential means a sign, excluding commercial, home business and home occupation signs, typically associated with a residential use and not otherwise defined by this section, including but not limited to address signs, no-trespassing or no-parking signs, garage or yard sale signs, signs identifying contractors doing work on the premises and holiday lawn displays. Also, permanent incidental signs, per section 16-409(27), customarily associated with residential use posted on the private property to which they pertain and not of a commercial nature such as signs relating to private parking or warning the public against trespassing or danger from animals. Signs advertising home occupations or home businesses shall not be considered as incidental.

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

Luminance means the light that is emitted by or reflected from a surface. Measured in units of luminous intensity (candelas) per unit area (square meter in SI measurement units or square feet in English measurement units). Expressed in SI units as cd/m^2 , and in English units as foot lamberts. Sometimes also expressed as "nits," a colloquial reference to SI units. Can be measured by means of a luminance meter.

Lux means the SI (metric) unit for illuminance. One lux equals 0.093 foot candles.

Mansard means a roof-like façade comparable to an exterior building wall.

Marquee sign means a sign attached to a structure that is itself attached to, supported by and projecting from a building.

Menu boards mean a wall or freestanding sign that lists the foods of other products available at drive through facilities.

Monument sign means a type of freestanding sign that is secured to a solid base resting on the ground with permanent structural footings. (Figure 16-418 1f).

Nit means a photometric unit of measurement referring to luminance. One nit is equal to one cd/m^2 .

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

Off-premises sign means a sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction or other 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.

On-premises sign means a sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction or other enterprise or activity that exists or is conducted, sold, offered, maintained, or provided on the premises where the sign is located.

Parcel means a contiguous quantity of land, in the possession of or owned by or recorded as the property of the same claimant or person.

Permanent sign means any sign that is not a portable sign.

Pole/pylon sign means a type of freestanding sign with the message area of the sign elevated above grade by means of one or more poles or pylons with permanent structural footings. (Figure 16-418-1f).

Pole cover or pylon cover means an enclosure designed to conceal poles and/or other structural supports of a sign. See also "cladding".

Political campaign sign means a sign relating to a specific local, state, or federal election including those signs advocating for a particular candidate or issue in the election or announcing the election itself.

Portable sign means any sign not permanently affixed to the ground, to a building, or to another permanent structure, including, but not limited to, banners, inflatable signs, folding ("sandwich") signs, signs supported by stakes driven into the ground, and other such freestanding, non-attached signs. (Figures in section 16-418).

Project identification sign means a sign or sign structure whether on private or public property and used to identify a single development premises and containing the name of the project or development and associated information such as a slogan, graphic icon, and names of tenants located within the development.

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. A projecting wall sign may be either "conventional" or "grand," as illustrated in Figure 16-418-1f.

Property identification sign means a sign listing the name, address, or owners of a building or property and without any commercial message.

Public right-of-way business directional sign means a small sign designed, fabricated and placed by the county on its right-of-way, either freestanding or equipment-mounted, of a standardized design and listing only a business's name along with a directional arrow indicating its general location and approximate distance.

Roof sign means a sign mounted on the main roof portion of a building or on the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such building. Signs mounted on mansard facades, pent eaves, and architectural projections such as canopies or marquees shall not be considered to be roof signs.

Sandwich board means an advertising or business ground sign constructed in such a manner as to form an "A" or a tent-like shape, hinged or not hinged at the top; each angular face held at an appropriate distance by a supporting member.

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.

SI (International System of Units) means the modern metric system of measurement; abbreviated SI for the French term "Le Systeme International d'Unites."

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 conveying no commercial message are not considered to be signs.

Sign area means an approach to sign regulation that recognizes the need for context based standards. These "Sign Areas" are geographical boundaries which differentiate locations based on factors such as road speeds, the built environment, and proximity to residential neighborhoods.

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

Sign illumination means the method by which a sign structure, face, or message is illuminated by an artificial light source. A "back-lit" sign is a sign whose face is composed of a clear or translucent material

behind which a light source is present and upon which opaque letters or graphics are displayed. "Internally-lit letters and graphics" are letters and graphics that are lit from inside or behind the letters or graphics, but do not illuminate the surrounding background. An "externally-lit" sign is a sign whose face and message is lit from an external source, either attached or detached from the sign structure itself. (Figure in section 16-418).

Temporary sign means a sign intended to display either commercial or non-commercial messages of a transitory or temporary nature.

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

Transition means a visual effect used on an electronic message center sign to change from one message to another.

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

Tethered sign means a sign or inflatable structure, including but not limited to banners, inflatable objects and pennants, with a logo or commercial message and that is temporarily tied to an existing structure.

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.

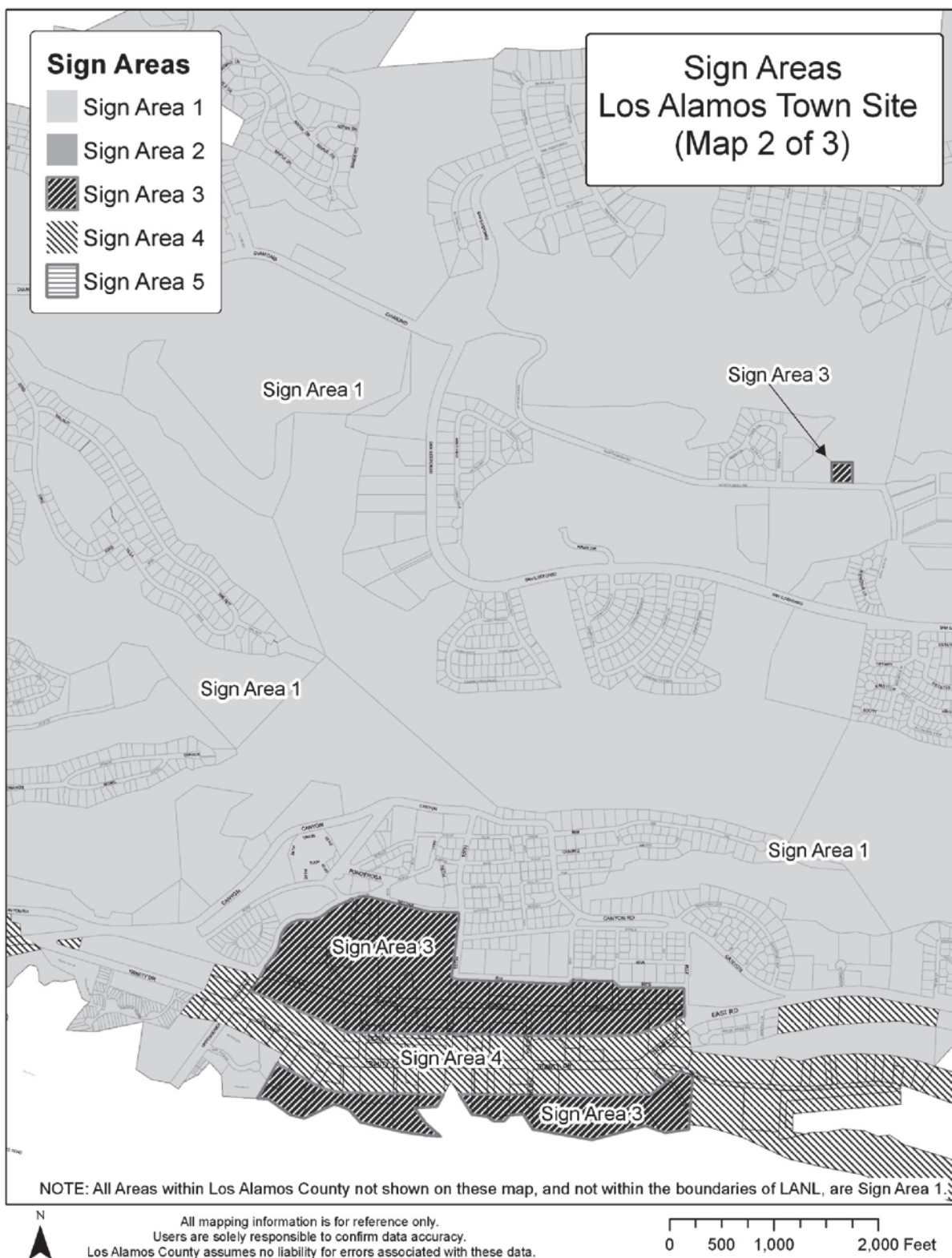
Window sign means a sign posted, placed, affixed or painted on the interior or the exterior of a window or glass area of a door or a sign placed inside a window within two feet of the glass surface. A window sign does not include merchandise, models, products or services incorporated in a window display.

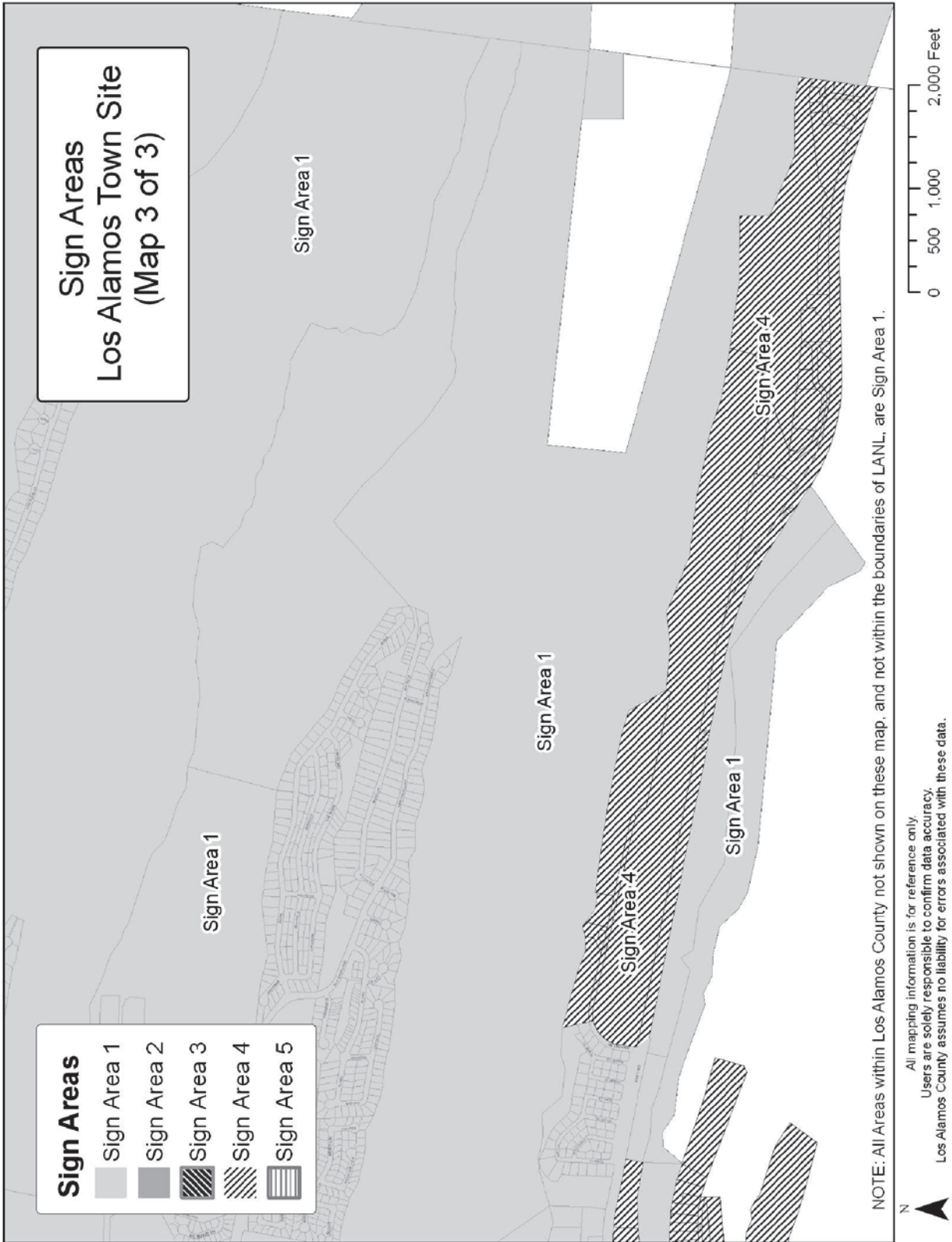
(Ord. No. 02-227, § 2, 11-13-2012)

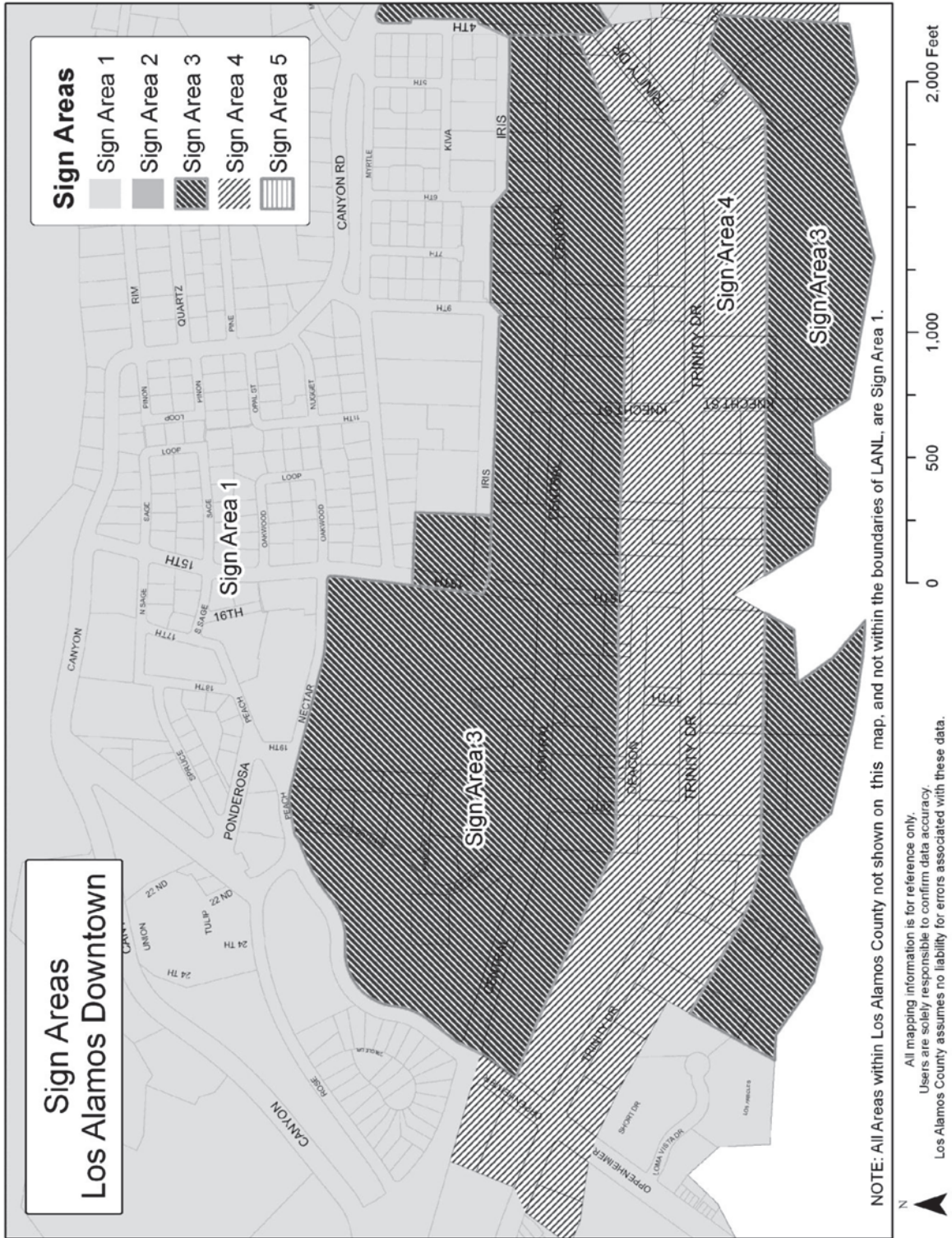
Sec. 16-420. - Sign areas (maps).

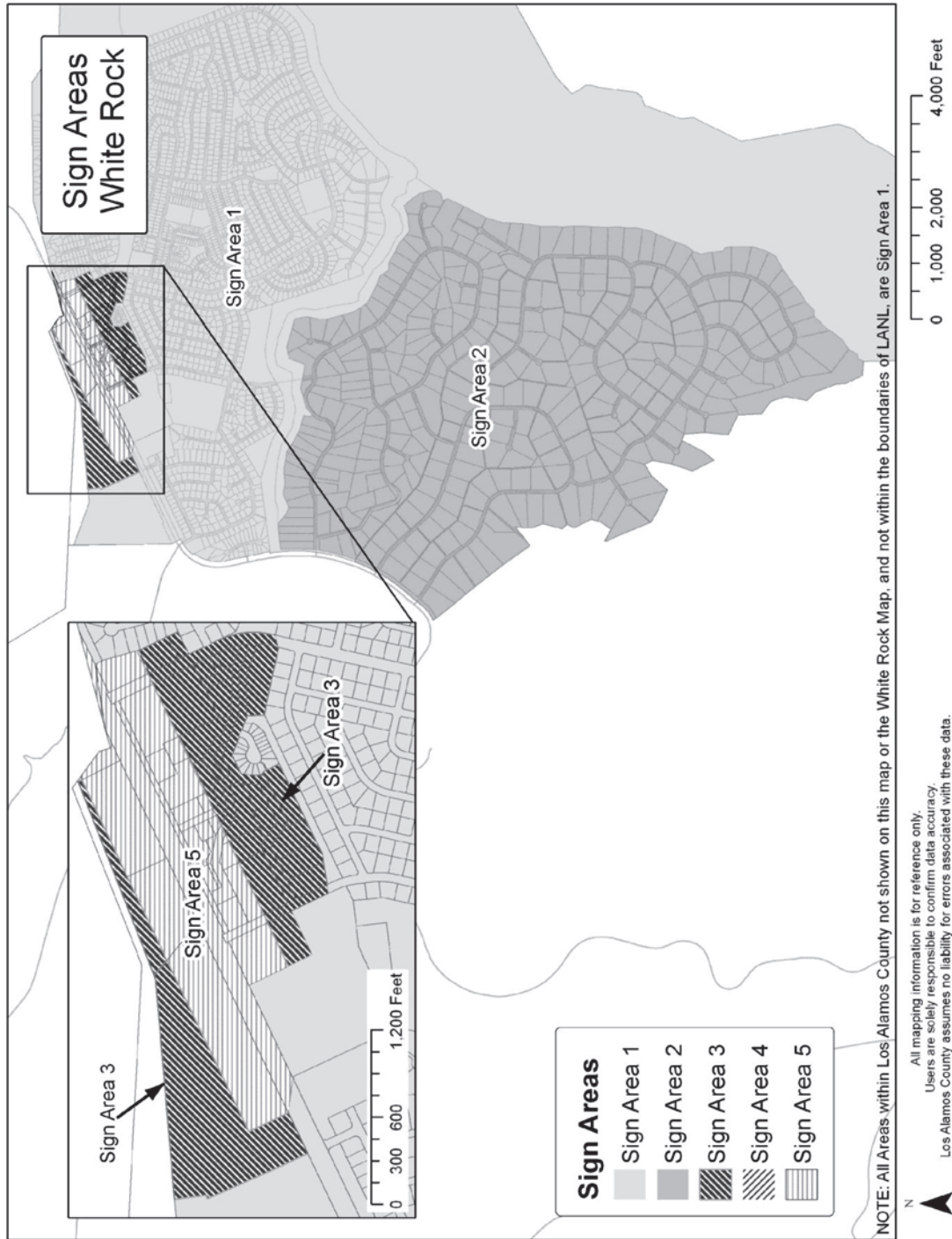
The sign code recognizes that signs are best permitted in context of land uses and road dynamics. As a result, sign code has designated five different "sign areas" that permit a range of sign types and standards. The following maps determine the standard to which a proposed sign must conform. The first three maps are of the Los Alamos Town site. A fourth map is of the downtown area of the town site. The fifth map is of White Rock.











(Ord. No. 02-227, § 2, 11-13-2012; Ord. No. 02-231, § 6, 7-26-2013)

Secs. 16-421—16-450. - Reserved.