

§ 14-16-3-5 GENERAL SIGN REGULATIONS.

(A) *Zoning Permits, Seals of Compliance.*

- (1) Permit needed. Except for signs specified under divisions (A)(7), (C)(3), (C)(4)(a), (C)(4)(b)1, 2, and 3 of this section, a sign permit is required for the following types of new signs:
 - (a) All sign faces having an area greater than 40 square feet.
 - (b) All signs having a height in excess of eight feet.
 - (c) All illuminated signs.
 - (d) All signs with moving elements.
 - (e) All free-standing and projecting on-premise signs.
 - (f) All portable signs. The permit for a portable sign shall automatically become void when the number of employees of the small business becomes ten or more. Upon request, the business owner shall furnish documentation evidencing the number of employees of the business. Failure to provide such evidence within 48 hours of it being requested shall void the permit.
 - (g) A permit for a new off-premise sign will be approved only upon removal of an existing off-premise sign, and support structure, of equal or greater sign area. In addition, the new off-premise sign must be located on a property of equivalent or more intensive zoning, e.g., a C-2 off-premise sign removal can be applied to a C-2 or C-3 zone, but not to a C-1 zone.
 - (h) Changing an existing sign so that it becomes an electronic sign or changing an electronic sign from an electronic message reader board sign to an electronic display panel sign shall require a sign permit for a new sign.
 - (i) Temporary subdivision identification signs as per division (C)(4)(b)(4).
- (2) Permit Applications. The permit application for a new sign shall contain the following:
 - (a) Signature of the applicant.
 - (b) The name and address of the sign owner and sign erector.
 - (c) Drawings showing the design and dimensions of the sign. Standard sign structure drawings may be filed with the Planning Department and referenced in permit applications.
 - (d) A drawing of the site plan or building facade indicating the proposed location of the sign, and all other existing signs maintained on the premises and regulated by this Zoning Code.
 - (e) For illuminated signs, a statement declaring the sign's brightness, image change rate and transition time. Electronic sign applications must also declare the type of software used, programming details and specify how the photo cell will operate.

- (3) Annual Permit Renewal for Electronic Signs.
 - (a) A new or renewed sign permit for an electronic sign, as provided for in § 14-16-3-5(A)(2), shall expire one year after the date of issuance and shall be renewed annually.
 - (b) The City shall notify each owner of an electronic sign of the expiration and renewal requirement and shall provide the owner with an application form. The owner shall complete the application form, sign it and submit an affidavit which states that, in the preceding year, either:
 - (i) there have been no changes to the electronic sign; or
 - (ii) there have been changes to the electronic sign. Any changes shall be specified and explained in writing.
 - (c) The City shall review the application materials and determine compliance with the Zoning Code.
 - (d) This requirement for the renewal of an electronic sign permit shall apply to all existing electronic signs.
- (4) Fees. A sign permit fee shall be charged to cover the cost of enforcement of zoning regulations concerning signs erected after 1975 and for the costs associated with the enforcement of zoning regulations for all electronic signs. The fee for a sign permit shall be:
 - (a) \$.70 per square foot of the largest face of the sign or \$70, whichever is more.
 - (b) \$1.45 per square foot of the largest face of the sign or \$145, whichever is more, for signs erected without a permit when it has been determined by the Zoning Enforcement Officer that the sign erector had full knowledge of the permit requirements.
 - (c) For electronic signs, the fee shall be paid annually.
 - (d) The Planning Director may adopt by regulation an additional fee to cover the costs associated with the inspection and enforcement of electronic signs.
 - (e) Notwithstanding the above, sign fees and plan check fees shall be waived for signs within the Central Avenue Neon Sign Design Overlay Zone that are approved based upon meeting the "Qualifying Sign Design Criteria".
- (5) Seal of Compliance. Any sign for which a permit is required shall bear a seal of compliance. This seal shall be affixed to the sign by the Zoning Enforcement Officer after an inspection has shown that the sign conforms to the provisions of this Zoning Code. For electronic signs the seal shall be effective for a one year period and shall state the permit's date of expiration. A special seal of compliance (or legal nonconformance) shall be placed on legal preexisting signs of types listed in division (A)(1) of this section by the Zoning Enforcement Officer.
- (6) Nullification. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six months after the date of the permit. However, a permit for the same work as proposed in a permit that has become null and void may be applied for and no additional fee shall be collected for new application.
- (7) Permit Exceptions. The following operations shall not be considered as creating a sign and shall not require a sign permit.

- (a) Replacing Copy. The changing of the advertising copy or message, including the interchange of sign facings, on an approved painted or printed sign structure or on a marquee or similar approved sign, provided the size of the sign is not changed.
- (b) Maintenance. Painting, cleaning, and other normal maintenance and repair of a sign or sign structure unless a structural change is made.
- (c) Upgrade. Improvement or upgrade of a sign, including replacement, provided the size of the sign is not changed.

(B) Restrictions on New Off-Premise Electronic Signs.

(1) Limitation on New Off-Premise Electronic Signs.

- (a) No new off-premise electronic sign shall be permitted within the City except as provided in this subsection (B).
- (b) The modification of any existing off-premise sign that makes the sign an electronic sign shall constitute a new electronic sign. However, such modification shall not cause an existing off-premise sign located within six hundred sixty feet (1/8 mile) of the nearest edge of the right-of-way of Interstate 25 between the northern and southern boundaries of the City, and within six hundred sixty feet (1/8 mile) of the nearest edge of the right-of-way of Interstate 40 between the eastern and western boundaries of the City, to forfeit its status as a lawful nonconforming sign only with respect to its location along Interstate 25 and Interstate 40.
- (c) Any expansion of the area of a sign that operates as an electronic sign shall constitute a new electronic sign with respect to the area of expansion.

(2) Exception for New Off-Premise Electronic Sign.

- (a) A new off-premise electronic sign can be permitted if the applicant can demonstrate that existing off-premise signs and support structures containing at least three times the advertising area of the proposed electronic sign will be permanently removed.
- (b) The removed signs must be located on property of equivalent or less intense zoning than the location of the proposed off-premise electronic sign.
- (c) Off-premise signs that have been previously removed and not replaced may count as removed advertising space for the purpose of permitting a new electronic off-premise sign.

(3) This subsection (B) shall not apply to any electronic sign for which, prior to enactment of this subsection, an application for the sign permit or for a site plan or site plan amendment to allow the sign, has been submitted to the City and is pending.

(4) This subsection (B) shall not apply to the improvement, upgrade, or replacement of an existing electronic sign so long as the advertising space is not increased by such improvement, upgrade, or replacement.

(C) Regulations Applicable to Signs in All Zones.

- (1) Prohibited Signs. The following signs are prohibited and shall be removed or brought into conformance in accordance with § 14-16-4-11 of this Zoning Code:

- (a) Signs contributing to confusion of traffic control or resembling traffic control lighting; unauthorized signs, signals, markings or devices which purport to be or are imitations of official traffic control devices or railroad signs or signals, or signs which hide or interfere with the effectiveness of any official traffic control devices or any railroad signs or signals.
 - (b) Unauthorized signs, installed after June 17, 2002, which attempt to control traffic on the public right of way.
 - (c) Signs, except wall signs, in a clear sight triangle.
 - (d) The copy on signs which advertise an activity, business, product, or service no longer produced or conducted on the premises upon which the sign is located unless they can meet requirements for a new off-premise sign. Where the owner or lessor of the premises is seeking a new tenant, such signs may remain in place for not more than 30 days from the date of vacancy.
 - (e) Rotating, pulsating or oscillating beacons of light, including searchlights used for commercial or promotional purposes.
 - (f) Signs with audible devices.
 - (g) Free-standing signs with overhead wiring to supply electric power; however, off-premise signs are excluded unless underground power lines supply the site.
 - (h) Permanent Directory Signs. One permanent sign identifying and giving directions to businesses in an industrial park controlled by the IP or SU-1 zone shall be permitted at each entrance to the industrial park. Illumination shall be in accordance with the restrictions set forth in this section. Such signs' areas shall not exceed 1.5 square feet per business in the industrial park.
 - (i) Canopy signs, the bottom of which is less than seven feet above grade.
 - (j) Building-mounted signs which extend above the wall of the building and which do not have sign supports covered in a manner which integrates the sign with the building design. (Angle irons or similar supports shall not be visible from public right-of-way; guy wires or cables may be visible).
 - (k) Signs with high intensity electronic discharge strobe lights.
 - (l) Off-premise sign, any part of which is located within six hundred sixty feet of the nearest edge of the right-of-way of Interstate 25 between the northern and southern boundaries of the City, and within six hundred sixty feet of the nearest edge of the right-of-way of Interstate 40 between the eastern and western boundaries of the City.
- (2) Prohibited Locations.
- (a) No sign shall have its lowest point less than 12 feet above the ground over public right-of-way except those signs specified in Subsections 14-16-3-5(H), 14-16-3-5(I) and 14-16-3-5(K) of this Zoning Code.
 - (b) No sign facing, except a wall sign or a one-square-foot address sign, shall be between three and eight feet above the gutter line within ten feet of a street public right-of-way line except those signs specified in Subsection 14-16-3-5(H) of this Zoning Code.

- (c) No electronic sign shall be allowed within any residential zone, historic zone, historic overlay zone or state or nationally registered historic district.
 - (d) No electronic sign shall be allowed within 1/8 mile (660 feet) of the outer edge of the right-of-way of the following streets: Alameda Boulevard, Griegos Road, Rio Grande Boulevard, Unser Boulevard, and Tramway Boulevard. In addition, no electronic sign shall be allowed within 1/8 mile (660 feet) of the outer edge of the right-of-way of Segment 3 of Coors Boulevard as mapped in the Coors Corridor Plan, with the addition of the section from St. Josephs Drive to Western Trail and Coors Boulevard south of Central Avenue.
 - (e) No electronic sign shall be allowed within 1/4 mile (1320 feet) of the boundary of major public open spaces and/or the Petroglyph National Monument.
 - (f) Subsections (c), (d) and (e) shall not apply to any electronic sign existing prior to the adoption of this subsection if such sign is controlled by Section 42A-1-34 NMSA 1994 and if such sign was an electronic sign prior to such adoption.
- (3) **Special Political Signs.** Special political signs shall be permitted up to a total area of six square feet on each premises in a residential zone and up to 32 square feet for each sign in a nonresidential zone. Special political signs may be erected no earlier than 60 days prior to the election to which the sign pertains; they shall be removed within ten days after that election or after the termination of the candidacy, whichever occurs first.
- (4) **Signs Permitted in All Zones.** Subject to the other provisions of this Zoning Code, the following additional signs shall be permitted on private property in any zone and shall not be counted in determining the number or size of signs permitted:
- (a) **Construction Signs.** One sign shall be permitted for all building contractors, one for all professional firms, and one for all lending institutions on premises under construction, each sign's area not to exceed 32 square feet with not more than a total of three such signs permitted on one premises. Such sign shall be confined to the site of the construction, construction shed, or trailer and shall be removed within 14 days of the beginning of the intended use of the project.
 - (b) **Real Estate Signs.**
 - 1. a. One temporary real estate sign located on the property it refers to shall be allowed for each street frontage of a developed premises or undeveloped lot of less than two acres. Signs shall be removed within seven days of sale or complete leasing.
 - b. In residential zones, the signs shall not exceed four square feet in area including name identification riders. An additional add-on sign area of one-half square foot indicating that the property has been sold or leased is permitted. In nonresidential zones, the signs shall not exceed 16 square feet in area.
 - 2. One temporary real estate sign not exceeding 24 square feet in area and located on the property it refers to shall be allowed for each lot two acres or over. If the lot has multiple frontage, one additional sign not exceeding 24 square feet in area shall be allowed on the property, to be placed facing the additional frontage. Under no circumstances shall more than two sign units be permitted on the lot. Signs shall be removed within seven days of sale or complete leasing.

3. Temporary real estate directional signs not exceeding three square feet in area, three feet in height, and four in number, showing a directional arrow and placed on private property may be permitted on approach routes to an open house.
4. Temporary subdivision identification signs located on the vacant residential property shall be allowed for each subdivision or builder's development as follows:
 - a. Number of signs: Two (2) signs for the first ten lots plus one (1) additional sign for each additional, full ten lots, not to exceed six (6) signs total.
 - b. Sign face area: Such signs shall not exceed 32 square feet in area.
 - c. Height: Sign height shall not exceed four feet above the top of the subdivision wall on the lot where such sign is placed. Signs shall not be placed on the wall of a residential building or an accessory structure. If walls do not exist on the lot where such sign is placed, then the sign height shall not exceed eight feet.
 - d. Location: Signs shall not be located in common areas, such as Home Owners Association areas and easements, unless approved by the owner of the common area such as a Home Owners Association, nor in the public right-of-way. There shall be no violation of the clear sight triangle at any street intersection. Signs shall not be allowed where the sign is directly across the street from or adjacent to the lot line of a residential zone.
 - e. Timing: Signs shall not be displayed prior to the date of recording of the plat, and shall be removed upon completion of the project.
 - f. Permit required: Each sign is eligible for a two-year permit. After that, a yearly permit renewal is required. Fee is as per § 14-16-3-5(A)(4).
 - g. Illumination: Signs shall not be illuminated.
5. The height of real estate signs shall not exceed five feet when located in a residential zone.
 - (c) Signs located inside a building or structure, provided the sign is not so located as to be conspicuously visible and readable, without intentional effort, from outside the building or structure.
 - (d) Advertising for community or civic events, flags or emblems of civic, philanthropic, educational, or religious organizations, maintained for a temporary period not in excess of one month.
 - (e) Official national, state, or city flags for any period of time.
 - (f) Street Banners. Street banners advertising a public entertainment or event, if specifically approved by the Planning Director and the Traffic Engineer and in locations designated, may be displayed 14 days prior to and seven days after the public entertainment or event.
 - (g) Permanent Identification Signs. One permanent sign setting forth the name of a community, development, center, or other like project shall be permitted if set back in

accordance with the requirements of the zone in which the sign is placed. Illumination shall be in accordance with the restrictions set forth in this Zoning Code. Such signs shall not exceed 20 square feet in area. Additional signs meeting the above definitions may be approved by the Planning Director if he finds the project is large and needs additional signs for reasonable identification.

- (h) Civic, Religious, and Quasi-Public Signs - Off-Premise. Off-premise name, directional, and information signs of service clubs, places of worship, civic organizations, and quasi-public uses shall be not more than three square feet in area. Sign height shall not exceed eight feet. In the event that there is a need for more than one such sign at one location, all such signs must be consolidated and confined within a single frame, subject to the review and approval of the Planning Director.
- (i) Residential Name and Street Address Signs. A resident's name sign not exceeding one square foot in area per face shall be permitted for each house or town house. Sign height shall not exceed eight feet. Street address signs shall not be limited.
- (j) Private Traffic Direction. Signs which are necessary for and function only to direct traffic movement onto, off of, or within a premises shall be allowed without limit as to number: maximum size shall not exceed six square feet. These signs shall not contain commercial advertising and shall not be counted in the number of signs in the other provisions of this Zoning Code. Illumination of these signs shall conform to this Zoning Code, except that standard traffic signal light devices may be used if needed and if approved by the Traffic Engineer. Horizontal directional signs on and flush with paved areas are exempt from the limitations of this division (j).
- (k) Historic Signs. A historic sign that is associated with the historic use of a premises is exempt from provisions of the Zoning Code that would otherwise prohibit its display. For the purposes of this section, a historic sign is defined as a sign that is listed or determined to be eligible for listing in the New Mexico Register of Cultural Properties either individually or as a contributing part of a property, or a sign that contributes to the historic character of a designated City Landmark. A historic sign may be relocated on the premises to facilitate its preservation. If the copy or imagery of a historic sign is altered, the alteration shall preserve the historic integrity of the sign, and any new portion added to a historic sign may be considered a new sign for the purpose of determining the number and size of signs permitted.”

(D) Regulations Applicable to Signs in or Within 40 Feet of Residential Zones. The additional provisions of this section apply to all signs allowed in a residential zone or within 40 feet of a residential zone. In the case of a nonresidential zone within 40 feet of a residential zone, the more restrictive of these regulations or the regular sign regulations in the nonresidential zone shall apply.

- (1) No portion of an illuminated sign shall have a luminance greater than 200 footlamberts at night.
- (2) Electronic signs shall not exceed an illumination level of 0.3 foot candles above ambient light as measured using a foot candle meter at a preset distance depending on sign area, measured as follows:

Area of Sign sq. ft.	Measurement Distance (ft.)
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10	32
15	39
20	45
25	50
30	55
35	59
40	63
45	67
50	71
55	74
60	77
65	81
70	84
75	87
80	89
85	92
90	95
95	97
100	100

For signs with an area in square feet other than those specifically listed in the above table the measurement distance may be calculated with the following formula: Measurement Distance = The Square Root of the following: The Area of Sign Sq. Ft. x 100.

- (3) No sign nor part of a sign shall move, flash, or rotate. No sign or any part of any sign shall change its message or picture at a rate more often than once each eight seconds, with the exception of wind devices, the motion of which is not restricted. No sign shall include motion of the message or image. Transition between messages or images on an electronic sign shall not exceed one second and shall not include any visual effects.
- (4) No more than one sign per premises shall be illuminated, apart from the general illumination of the premises, between 10:00 p.m. and 7:00 a.m.

- (5) No sign shall be on the public right-of-way, except for name and address signs mounted on mailboxes and signs specified in Subsections 14-16-3-5(H) and 14-16-3-5(K) of this Zoning Code.
- (6) An apartment premises with five to 24 dwelling units may have wall signs identifying the apartments provided the sign area on any facade does not exceed 12 square feet, and the total wall sign area on any premises does not exceed 30 square feet. No facade shall have more than five words which contain any character equal to or exceeding four inches in height; words consisting of characters all of which are less than four inches high may be used without limit as to number.
- (7) An apartment premises with more than 24 dwelling units or a nonresidential premises may have signs identifying the principal uses of the premises, as follows:
 - (a) Each premises may have no more than one free-standing sign provided, however, that premises with more than 750 feet of public street frontage may have one additional free-standing sign for each 500 feet of additional frontage or fraction thereof.
 - (b) No free-standing sign shall exceed 16 feet in sign height or 24 square feet per sign face.
 - (c) Wall signs, provided the sign area on any facade does not exceed 40 square feet and the total wall sign area on any premises does not exceed 100 square feet. No facade shall have more than five words which contain a character equal to or exceeding four inches in height; words consisting of characters all of which are less than four inches high may be used without limit as to number.
- (8) No signs shall be erected or maintained on a house, townhouse, mobile home used as a residence, or vacant land, except as permitted in division (B) of this section and § 14-16-2-6(A)(2)(f) (for home occupations) of this Zoning Code.
- (9) Premises which are mobile home parks with up to 24 dwellings may have signs identifying the development provided the signs are mounted flush to the perimeter wall or fence and the total sign area does not exceed 30 square feet. There shall be no more than five words which contain any character equal to or exceeding four inches in height; words consisting of characters all of which are less than four inches high may be used without limit as to number.
- (10) Premises which are mobile home parks with more than 24 dwellings may have signs identifying the development as follows:
 - (a) Premises may have one free-standing sign at any location on the site provided, however, that premises with more than 750 feet of public street frontage may have one additional sign for each 500 feet of additional frontage or fraction thereof. Such sign shall not exceed 16 feet in sign height or 24 square feet per sign face.
 - (b) In addition to signs provided in division (a) above, premises may have signs mounted flush to the perimeter wall or fence if the total of such sign area does not exceed 100 square feet. There shall be no more than five words which contain a character equal to or exceeding four inches in height; words consisting of characters all of which are less than four inches high may be used without limit as to number.

(E) Regulations Applicable to Electronic Signs.

- (1) Electronic signs shall include a photo cell to control brightness. Any previously permitted electronic sign shall be turned off from sunset to sunrise until the sign is brought into compliance for brightness.
- (2) No electronic sign shall move, flash, or rotate, or change its message or picture at a rate more often than once each eight seconds, with the exception of wind devices, the motion of which is not restricted. No sign or part of a sign shall change its illumination more than once an hour.
- (3) No sign shall include motion of the message or image. Transition between messages or images on an electronic sign shall not exceed one second and shall not include any visual effects.
- (4) No more than one sign per premises shall be illuminated, apart from the general illumination of the premises, between 10:00 p.m. and 7:00 a.m.; provided however that this provision shall not apply to signs that only display gasoline prices at establishments for retail sales of gasoline, oil, and liquefied petroleum.
- (5) Illuminated signs with a 360 degree display are prohibited.
- (6) If a premise meets the requirements for a free standing electronic sign, with at least 100 feet of street frontage, then the premise is prohibited from having an electronic sign that is a wall sign or canopy sign. If a premise does not meet the requirements for a free standing sign, that premise shall be permitted one electronic sign that can be a wall sign or canopy sign.

(F) **Regulations Applicable to Signs in Nonresidential Zones.** The additional provisions of this section apply to all signs not in a residential zone or within 40 feet of a residential zone.

- (1) General Illumination.
 - (a) No light bulb used to indicate time or temperature shall have a rating greater than 40 watts; no reflectors shall be used in connection with such bulbs.
 - (b) No portion of an illuminated sign, apart from light bulbs used to indicate time or temperature, shall have a luminance greater than 320 footlamberts at night. Electronic signs shall include a photo cell to control brightness. Any previously permitted electronic sign shall be turned off from sunset to sunrise until the sign is brought into compliance on brightness.
 - (c) Electronic signs shall not exceed an illumination level of 0.3 foot candles above ambient light as measured using a foot candle meter at a preset distance depending on sign area, measured as follows:

Area of Sign sq. ft.	Measurement Distance (ft.)
10	32
15	39
20	45

25	50
30	55
35	59
40	63
45	67
50	71
55	74
60	77
65	81
70	84
75	87
80	89
85	92
90	95
95	97
100	100

For signs with an area in square feet other than those specifically listed in the above table the measurement distance may be calculated with the following formula: Measurement Distance = The Square Root of the following: The Area of Sign Sq. Ft. x 100.

- (2) Any illuminated sign, or any illuminated element of any sign, may turn on or off, or change its brightness, provided that:
 - (a) Change of illumination does not produce any apparent motion of the visual image, including but not limited to illusion of moving objects, moving patterns or bands of light, expanding or contracting shapes, or any similar effect of animation except twinkling. Transition between messages or images on an electronic sign shall not exceed one second and shall not include any visual effects, meaning any transitional images or changes to the message before the new message appears.
 - (b) There is no continuous or sequential flashing in which more than one-third of the lights are turned on or off at one time.
 - (c) The sign is not within 200 feet of a residential zone and visible from such zone.

- (3) No sign or any part of any sign may move or rotate at a rate more often than once each ten seconds, or change its message or picture at a rate more often than once each eight seconds, with the exception of wind devices, the motion of which is not restricted.
- (4) Religious Signs. On-premise signs consisting only of religious symbols of a religious group operating an institution or place of worship may be as high as 15 feet above the roof top of the principal building on the lot, regardless of whether the sign is illuminated.

(G) Joint Sign Premises.

- (1) A joint sign premises may be created by the owners of all the abutting premises who wish to cooperate in order to jointly obtain permission for one free-standing or projecting sign on the joint sign premises. Such owners shall sign an appropriate form provided by the Zoning Enforcement Officer.
- (2) A joint premises is entitled to a free-standing or projecting on-premise sign as if it were one premise. However, if the owner of one or more cooperating premises which is necessary to make up the required 100 feet of street frontage legally withdraws from such agreement, the free-standing or projecting sign automatically becomes illegally nonconforming and shall be removed within 30 days.

(H) Transit Shelter Sign. Signs which are attached to or part of the structure of a transit shelter as allowed in Section 5-1-3 ROA 1994 and further regulated by this section.

- (1) Number. Each transit shelter may only have one transit shelter sign.
- (2) Size. Transit shelter sign shall not exceed 24 square feet.
- (3) Height. Transit shelter signs shall not exceed 7 feet in height.
- (4) Location.
 - (a) A transit shelter sign may be on the public right-of-way.
 - (b) A transit shelter sign may be located on private property abutting the right-of-way.
 - (c) A transit shelter sign may not be placed without the prior approval of the Transit Department.
- (5) Illumination shall be in accordance with the restrictions set forth in this Zoning Code.
- (6) Prohibited Locations.
 - (a) A transit shelter sign may not be placed on a transit shelter that faces or abuts a house or townhouse.
 - (b) A transit shelter sign shall not encroach the clear sight triangle.
 - (c) A transit shelter sign may not be placed on a transit shelter located along a local street, as classified by the Long Range Roadway System.
 - (d) A transit shelter sign may not be placed on a transit shelter within 100 feet of a residentially zoned lot located along a collector street, as classified by the Long Range Roadway System.

- (e) A transit shelter sign may not be placed on a transit shelter within 50 feet of a dwelling unit located along an arterial street, as classified by the Long Range Roadway System.
- (I) Temporary Directional and Identification Signage for New Subdivisions.** Signs that are attached to or part of the structure of a temporary signboard and function only to direct traffic to new residential subdivisions and developments as allowed in § 5-1-3 ROA 1994 and further regulated by this section.
- (1) Number. Each signboard shall have a City of Albuquerque header and may have a maximum of four directional and identification signs.
 - (2) Signboard Size. Each signboard shall not exceed 25 square feet in total area, including header and all signs.
 - (3) Sign Size. Each individual sign on the signboard shall be at least 9.5 inches tall but no greater than 18 inches tall and shall be 60 inches wide. (Between 576 square inches or 4 square feet and 1080 square inches or 7.5 square feet.)
 - (4) Header Size. Each signboard shall have a City of Albuquerque header, 15 inches tall by 60 inches wide (900 square inches or 6.25 square feet).
 - (5) Height. Each signboard shall not exceed 5 feet in height.
 - (6) Width. Each signboard shall not exceed 5 feet in width.
 - (7) Construction. Each signboard shall be mounted on 4-inch by 6-inch posts that are designed and constructed in accordance with minimum AASHTO Standard Specifications for Structural Supports for Highway Signs, Luminaires and Traffic Signals.
 - (8) Location.
 - (a) A signboard may be placed in the public right-of-way, but not within a median or at an intersection, and is subject to approval by the Department of Municipal Development.
 - (b) A signboard may be located on private property abutting the right-of-way.
 - (c) Individual sign boards shall be located a minimum of 500 feet from any other sign board.
 - (9) Artificial illumination is not allowed.
 - (10) Prohibited Locations.
 - (a) A signboard may not be placed in a location and/or with an orientation that faces or abuts a house or townhouse.
 - (b) A signboard shall not encroach the clear sight triangle.
 - (c) Signboards shall only be placed on streets designated as arterial and collector roadways on the Albuquerque Metropolitan Area Long Range Roadway System Map.
 - (d) A signboard may not be placed within 100 feet of a residentially zoned lot located along a collector street, as classified by the Long Range Roadway System.

- (e) A signboard may not be placed within 50 feet of a dwelling unit located along an arterial street, as classified by the Long Range Roadway System.
- (11) Approval and Time Period. Requests to erect a signboard shall require final approval from the Planning Director. Approved requests shall not exceed one year from the date granted. Any time extension thereafter shall not exceed one additional year and must be requested in writing at least 30 days prior to expiration.
- (12) Remediation or removal of substandard, out-of-date or improperly maintained signboards shall be in accordance with § 14-16-4-11 of this Zoning Code.

(J) Signs Advertising Alcoholic Beverages.

- (1) Signs, free-standing and building-mounted, that advertise alcoholic beverages, including the use of words and images, and are visible from a street, sidewalk, park or a facility that serves minors shall not be located within 300 feet of a facility that serves minors.
- (2) The following signs that advertise alcoholic beverages shall be permitted:
 - (a) Signs located inside a building, even when visible from the outside;
 - (b) Signs on vehicles;
 - (c) Signs that serve to identify businesses that sell alcohol by depicting the name, logo or slogan of the business;
 - (d) Signs that do not refer to a specific brand of alcoholic beverage;
 - (e) Signs visible from and that face an interstate highway; and
 - (f) Signs discouraging the use of alcoholic beverages.
- (3) For the purposes of this subsection "facilities that serve minors" is defined to mean a pre-elementary, elementary or secondary school, day care center, church or other place of worship, including incidental recreational and educational facilities attended by minors and city owned parks or city owned major public open spaces frequented by minors.

(K) Portable Signs. In any zone, except the Historic Old Town (H-1) Zone, § 14-16-2-25, where retail sales is a permissive use, in addition to any other signs, a small [less than ten employees] retail sales business shall be permitted during the customary business hours of the business to display one portable sign that comports with all of the following requirements:

- (1) The portable sign is less than six square feet per side, no more than 2.5 feet wide and displays no more than two sides of lettering or advertising.
- (2) The sign shall stand no more than three feet above ground level at its highest point.
- (3) The sign shall not be placed so as to block or obstruct vehicular or pedestrian line of sight of an intersection of any two or more streets and the intersection of an alley or driveway to a public street.
- (4) The sign shall be freestanding and located in front of the retail business establishment the sign represents.

- (5) For sidewalks that comply with § 14-16-3-1(H)(4), a minimum of six feet shall remain clear and unobstructed at all times for pedestrian use. For sidewalks that do not meet the minimum width requirement in § 14-16-3-1(H)(4), a minimum of three feet shall remain clear and unobstructed at all times for pedestrian use.
- (6) The sign may be located in the public right-of-way, but not within two feet of the curb, not in the clear path of travel and not in the clear areas adjacent to any street furniture.
- (7) The sign shall be removed during non- business hours of the retail business and stored inside the business and away from public view and shall also be removed when weather conditions create potentially hazardous conditions.
- (8) Paper signs, balloons, banners and wind-activated devices shall not be used or attached to a sign.
- (9) The sign must be constructed of wood, metal or other durable materials in such a manner as to resist movement by high winds.
- (10) The sign may consist of a changeable writing board, chalkboard, or surface that accommodates changeable letters.
- (11) No sign that requires electricity or any other power source shall be permitted.
- (12) Signs shall be constructed in a manner that incorporates a base from which no supports or feet extend which may cause pedestrians to trip. No external cables, brackets, wires or props shall be permitted.
- (13) A sign shall be replaced when the sign becomes defaced or tattered in whole or in part, at the determination of the Zoning Enforcement Officer or his/her designee.
- (14) No more than one portable sign as described in this sub-section shall be permitted per business. In the case of events such as flea markets, craft fairs or other events where there are several small businesses, portable signs are not allowed except for one portable sign to advertise the event.

(‘74 Code, §7-14-40E; Am. Ord. 31-1995; Am. Ord. 23-2001; Am. Ord. 39-2001; Am. Ord. 30-2002; Am. Ord. 31-2002; Am. Ord. 43-2005; Am. Ord. 52-2005; Am. Ord. 46-2006; Am. Ord. 6-2009; Am. Ord. 7-2009; Am. Ord. 17-2011; Am. Ord. 31-2011; Am. Ord. 2012-012; Am. Ord. 2013-013)

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