City of Las Cruces
PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 4 **Ordinance/Resolution#** 2541 **Council District:** ALL

For Meeting of October 19, 2009
(Adoption Date)

TITLE: AN ORDINANCE TO AMEND THE CITY OF LAS CRUCES MUNICIPAL CODE, CHAPTER 36 – SIGN CODE. THE AMENDMENT INCLUDES (1) THE ADDITION OF REGULATIONS FOR ON-PREMISE AND OFF-PREMISE ELECTRONIC VARIABLE MESSAGE DISPLAYS; (2) THE ADDITION OF REGULATIONS FOR THE PUD AND R-4 ZONING DISTRICT; (3) INCORPORATES NEW DEFINITIONS; (4) THE ADDITION OF REGULATIONS FOR NEIGHBORHOOD SIGNS; (5) CLARIFIES THE ENFORCEMENT AUTHORITY FOR THE REMOVAL OF ILLEGAL SIGNS; AND (6) CHANGES THE MAXIMUM ALLOWED HEIGHT FOR FREESTANDING SIGNS IN BOTH THE C-3 AND M-3 ZONING DISTRICT. SUBMITTED BY THE CITY OF LAS CRUCES (SICA-09-01).

PURPOSE(S) OF ACTION: To amend the City of Las Cruces Municipal Code, Chapter 36 – Sign Code to address deficiencies in the Code and update the Code to better govern signage in the City.

Name of Drafter: Adam Ochoa		**Department:** Community Development		**Phone:** 528-3204	
Department	**Signature**	**Phone**	**Department**	**Signature**	**Phone**
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			Assistant City Manager		541-2271
Legal		541-2128	City Manager		541-2076

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

Staff has identified deficiencies in the current City of Las Cruces Municipal Code, Chapter 36 – Sign Code. In early 2009, Staff began the process of amending the Sign Code to fix some existing problems and to update the Code to better govern changes in the sign industry. On June 16, 2009, Staff held a work session with the Planning & Zoning Commission to outline the proposed changes and updates and to allow the Commission to voice their concerns and comments about the proposed amendments. Minutes from this meeting are attached.

On July 9, 2009, Staff held a public input meeting inviting the community to attend and provide comments on the proposed changes. During the meeting representatives from the sign industry and the public were presented the proposed amendment to the Sign Code and they were invited to comment on it. The representatives of the sign industry voiced their approval for the proposal as did members from the public. Minutes from this meeting are also attached.

In addition public comment and input on the Sign Code Amendment was accepted until August 7, 2009. Most comments received from the public were concerns about establishing more control and restrictions for signs in Las Cruces. Staff also received public comment that was positive and supportive of the proposed Sign Code Amendment. These public comments are attached.

The proposed amendment to the Sign Code includes the following:

(1) **The addition of regulations for on-premise and off-premise electronic variable message displays.** The sign industry has begun using electronic variable message displays (digital signs) throughout Las Cruces in various ways. Currently, the Sign Code does not contain any language to govern these new signs. The proposed regulations are meant to help limit the size, number, location, and brightness of the new signs. Staff is proposing limiting the number of on-premise electronic variable message displays to one attached sign and one double-sided freestanding sign. Any type of display is allowed for these types of on-premises signs except for animated displays. Off-premise electronic variable message displays are limited to a double sided message as well but only static displays are allowed for off-premises signs. Other things such as the brightness of the signs, the minimum length of time messages must be displayed and the elimination of flashing lights on the signs are also being introduced in the proposed amendment. Electronic variable message displays will not be allowed as temporary signs. The proposed Sign Code amendment is meant to regulate the new type of signage and not prevent it.

(2) **The addition of regulations for the PUD (Planned Unit Development) and R-4 (Multi-Family High Density) zoning district.** Under the 1981 Zoning Code, a PUD would have an underlying zoning designation that would have its designated sign regulations, but under the 2001 Zoning Code, as amended, a PUD is considered to be its own zoning district. The proposed amendment would now require a PUD to develop its own sign regulations under the concept plan. An existing PUD would use existing sign regulations of the sign code. A PUD with residential land uses shall follow sign regulations for residential zones; a PUD with commercial land uses shall follow sign regulations for commercial zones; and a PUD with industrial land uses shall follow sign regulations for industrial zones. A mixed-use PUD shall follow sign regulations of the appropriate zone that fits the subject land use.

The R-4 zoning district allows some limited retail and office use, but the current sign regulations for that zoning district are very restrictive when it comes to the size and type of the signage allowed in it. The proposed amendment would allow a greater variety of signage for the R-4 zoning district which would allow property owners to better identify their place of business.

(3) **The incorporation of new definitions.** The addition of the electronic variable message display regulations requires some clarification of the language used in the new regulations. The proposed new definitions would help define and clarify the new language found in the on-premise and off-premise electronic variable message

display regulations. Some existing definitions have also been updated, changed, and clarified in the proposed amendment.

(4) **The addition of regulations for neighborhood signs.** Neighborhood signs have always been allowed in the City of Las Cruces, but the current regulations need some clarification. The new regulations for neighborhood signs limit their size, number, height and location. The proposed amendment would also require the submittal of an annually renewed sign permit for the proposed neighborhood signs and would require the applicant to maintain the desired neighborhood signs at their expense.

(5) **Clarity to the enforcement authority for the removal of illegal signs.** Currently the Sign Code does not clearly state who has the authority to remove an illegal sign on public property in the City of Las Cruces. The proposed amendment allows the designated Sign Code Administrator or official designee to remove any illegal sign placed on any public property in Las Cruces. The owner of the illegally placed sign would be contacted about the situation and would be allowed 30 calendar days to collect the removed sign or signs from staff. After set time, any remaining sign or signs will be properly recycled or disposed of.

(6) **Change the maximum allowed height for freestanding signs in both the C-3 and M-3 zoning districts.** Currently the Sign Code allows a property zoned either C-3 or M-3 to erect a freestanding sign with a height that is the "same as the building height." This means that a sign can potentially be as tall as sixty (60) feet in height since a building in the C-3 and M-3 zoning district is allowed to be as tall as sixty (60) feet in height. A sign with this potential height is unnecessary since attached signage to the building would serve the purpose of identifying the business just as well as a freestanding sign. The proposed amendment would limit the maximum height of a freestanding sign in these two zoning districts to thirty (30) feet.

On August 25, 2009, the Planning and Zoning Commission recommended approval with a recommendation for the proposed amendment by a vote of 4-0-0 (three commissioners absent). The recommendation proposed by the Commission was to incorporate more specific guidelines and regarding levels of brightness that should be followed with the use of photovoltaic dimmer switches on all electronic variable message displays.

The proposed amendment to the Sign Code defers to the Las Cruces Outdoor Lighting Ordinance (Chapter 39, City of Las Cruces Municipal Code). Guidelines may be found in the proposed revision of the Las Cruces Outdoor Lighting Ordinance (Chapter 39, Las Cruces Municipal Code). Comment was also taken from the public at the meeting on the need for regulations of political signs in the City. Staff pointed out that Section 36-86 of the Sign Code currently outlines regulations for political signs in the City and that any violations would be handled by Code Enforcement.

SUPPORT INFORMATION:

Fund Name / Account Number	Amount of Expenditure	Budget Amount
N/A	N/A	N/A

1. Ordinance
2. Exhibit "A"- Sign Code with proposed amendments
3. Attachment "A"- Sign Code in legislative format
4. Attachment "B"- Staff Report to the Planning and Zoning Commission
5. Attachment "C"- Minutes from the August 25, 2009 Planning and Zoning Commission

OPTIONS / ALTERNATIVES:

1. Vote **YES** to approve the Ordinance. This action affirms the Planning and Zoning Commission recommendation for approval. The Sign Code will be amended with all proposed amendments.

2. Vote **NO** to deny the Ordinance. This action will not facilitate any amendment to the Sign Code.

3. **Modify** the Ordinance and vote **YES** to approve the modified Ordinance. The Council may modify the Ordinance as deemed appropriate.

4. Table/Postpone the Ordinance and direct staff accordingly.

COUNCIL BILL NO. 10-012
ORDINANCE NO. 2541

AN ORDINANCE TO AMEND THE CITY OF LAS CRUCES MUNICIPAL CODE, CHAPTER 36 – SIGN CODE. THE AMENDMENT INCLUDES (1) THE ADDITION OF REGULATIONS FOR ON-PREMISE AND OFF-PREMISE ELECTRONIC VARIABLE MESSAGE DISPLAYS; (2) THE ADDITION OF REGULATIONS FOR THE PUD AND R-4 ZONING DISTRICT; (3) INCORPORATES NEW DEFINITIONS; (4) THE ADDITION OF REGULATIONS FOR NEIGHBORHOOD SIGNS; (5) CLARIFIES THE ENFORCEMENT AUTHORITY FOR THE REMOVAL OF ILLEGAL SIGNS; AND (6) CHANGES THE MAXIMUM ALLOWED HEIGHT FOR FREESTANDING SIGNS IN BOTH THE C-3 AND M-3 ZONING DISTRICT. SUBMITTED BY THE CITY OF LAS CRUCES (SICA-09-01).

The City Council is informed that:

WHEREAS, the City of Las Cruces Municipal Code, Chapter 36 – Sign Code requires corrections to deficiencies to better govern the sign industry in the City of Las Cruces; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on August 25, 2009, recommended that said amendment be approved by a vote of 4-0-0 (three Commissioners absent).

NOW, THEREFORE, Be it ordained by the governing body of the City of Las Cruces:

(I)

THAT Section 36 of the City of Las Cruces Municipal Code is hereby amended as shown in Exhibit "A," attached hereto and made part of this Ordinance.

(II)

THAT City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE AND APPROVED this_____ day of _____ 2009.

APPROVED:

(SEAL)

_____
Mayor

ATTEST:

_____
City Clerk

VOTE:
Mayor Miyagishima: ____
Councillor Silva: ____
Councillor Connor: ____
Councillor Archuleta: ____
Councillor Small: ____
Councillor Jones: ____
Councillor Thomas: ____

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:

_____
City Attorney

Exhibit "A"

CITY OF LAS CRUCES

SIGN CODE

LCMC Chapter 36

Chapter 36
SIGNS*

* **Cross References:** Advertising, ch. 3; merchandising, advertising and signs in parks, § 20-37; streets and sidewalks, ch. 26; buildings and building regulations, ch. 30; development impact fee, ch. 33; subdivisions, ch. 37; zoning, ch. 38.

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Article II. On-Premises Signs

Sec. 36-41. General conditions.	Art 2 - 1
Sec. 36-42. Single Family Residential zones REM, RE, EE, R-1aM, R-1bM, R-1cM, R-1a, R-1b, R-1c.	Art 2 - 4
Sec. 36-43. Multi-family Residential zones R-2, R-3, R-4.	Art 2 - 4
Sec. 36-44. Flood Control zones FC.	Art 2 - 4
Sec. 36-45. Office, neighborhood commercial zones O-1, O-2, C-1.	Art 2 - 4
Sec. 36-46. Commercial and Industrial zones C-2, C-3, MTech, M-1M-2, M-3.	Art 2 - 6
Sec. 36-47. Business centers (various zones).	Art 2 - 7
Sec. 36-48. Sign regulations in overlay zone districts.	Art 2 – 7
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Article III. Off-Premises Signs

Sec. 36-81. Attached signs.	Art 3 - 1
Sec. 36-82. Public area signs.	Art 3 - 1
Sec. 36-83. Billboards.	Art 3 - 2
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Article IV. Temporary Signs

Sec. 36-116. Construction/renovation signs.	Art 4 - 1
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Appendix 1. Development Standards

Appendix 2. Examples and Illustrations

ARTICLE I.

IN GENERAL

Sec. 36-1. Purpose.

The purpose of this chapter is to permit signs that will not, by their size, location, or construction, endanger the public health and safety of individuals or confuse, mislead, or obstruct the vision necessary for traffic safety. Furthermore, it is the purpose of this chapter to maintain property values and to create a more aesthetically pleasing community, through the preservation of the natural beauty and environment of the city, by preventing the over concentration, improper placement, and density of signs, but keeping in mind the importance of signage to the business community, and the vital element it is to the free enterprise system.
(Ord. No. 1128, § A.1, 5-18-90)

Sec. 36-2. Scope.

This chapter shall apply to all signs, as that term is defined in section 36-3, within the city limits.
(Ord. No. 1128, § A.2, 5-18-90)

Sec. 36-3. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning (see appendix 2 for examples and illustrations):

Abandoned sign means an on- or off-premises sign that no longer directs, promotes, or advertises a bona fide business, lessee, owner, product, or activity conducted or product or service available on the premises where such sign is displayed.

Accessory use sign means any sign that is printed on or included in the design of any object which cannot be construed as being a building or freestanding sign. (i.e. vending machines, menu signs, ATM machines, etc.)

Advertising means the action of calling something to the attention of the public by verbal or visual presentation.

Animation means the rapid display of a sequence of images of 2-D or 3-D artwork or model positions in order to create an illusion of movement.

Athletic field means a wide stretch of open land used for outdoor games such as baseball, football and soccer.

Attached sign means any sign which is fastened to, connected to, or painted on and wholly or partially supported by a building.

Awning means a hood or cover which projects from the wall of a building and is composed of rigid or nonrigid materials.

Awning sign means a sign which is fastened to or painted on an awning.

Banner means a sign composed of lightweight, flexible material on which letters, symbols or pictures are painted or printed.

Bench sign means any sign affixed to or painted on a functional bench.

Billboard means an off-premises sign directing attention to a business, activity, commodity, service, entertainment, or communication, none of which may be conducted, sold or offered on the premises where the billboard is located.

Bonus means an allowance for additional sign area as an incentive to reduce the legal height permitted, or to remove nonconforming signs.

Business/service center means a group of two or more businesses planned, constructed, owned and managed independently or as a total entity which share access, parking, or landscaping.

Canopy or marquee means a permanent roof-like shelter extending from part or all of a building or independent of a building.

Canopy sign means a sign attached to or painted on a canopy.

Clear sight triangle means a triangular area of unobstructed vision at street intersections and at entrances/exits, permitting a vehicle driver to see approaching vehicles to the right or left. Refer to Article VI, Division 3 of the City of Las Cruces Design Standards.

Codes means any other applicable city, state or federal codes.

Collector street means a street which collects traffic from local streets and connects with major and minor arterials.

Construction/renovation sign means any temporary sign erected on the premises where construction/renovation is taking place and indicating the names of the architects, engineers, landscape architects, financial institutions, contractors or similar artisans, and the owners, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

Copy means the verbal, visual or pictorial portion of any sign.

Corporate pertains to any organization incorporated pursuant to law.

Decorations means any display which calls attention to a community-organized event or to a state or national holiday.

Development identification sign means a permanent sign installed or constructed at the entrance/exit to a residential or commercial development to identify the development name and logo only.

Directional sign means any sign erected for the convenience of the public, such as the directing traffic movement, parking or identifying restrooms, public telephones, walkways and other similar features or facilities, and bearing no advertising message, excluding those erected by the United States Department of Transportation and the state highway and transportation department.

Electronic Variable Message Display means any sign capable of displaying words, symbols, figures, or images that can be electronically changed by remote or automatic means. Such signs may **only** include the following modes of operations:

1. Static. Signs which include no animation or effects simulating animation except for the transition to a completely new message.
2. Travel. Signs where the message is changed by the apparent horizontal movement of the letters or graphic elements of the message.
3. Scrolling. Signs where the message is changed by the apparent vertical movement of the letters or graphic elements of the message.

Flag/decorative means any rectangular display constructed of lightweight material having no logo or advertising message printed or painted on it.

Freestanding sign means any sign attached to or supported from the ground, and not attached to a building.

Garage sale sign. See *Private sale or event sign.*

Gate entrance sign means any sign installed or constructed over the entrance to the premises in specific zoning districts as described in this chapter.

Government sign means any sign erected by any city, county, state or federal agency or its designee, setting forth information pursuant to law.

Ground sign means any sign which is attached to either the ground or to a footing set flush with the ground.

House or building sign or nameplate means a sign limited to identifying the street name, building or property number, and the name of the owner or occupant of the building or property.

Illuminated sign means any sign which is lighted internally, externally or by lights directed towards the sign by any light source.

Information sign means any sign whose purpose is to indicate the business, hours of operation or similar identification information.

Legal notice means any sign required by law or pursuant to a court order.

Local street means a street designed to provide access to abutting property and local streets, and to discourage through traffic.

Logo means an identifying symbol used for advertising purposes.

Maintenance means the total upkeep of a sign, structurally and electrically, in terms of safety, and cosmetically, in terms of visual attractiveness.

Major arterial means a street with access control, channelized intersections, restrictive parking, and which distributes and collects traffic to and from minor arterials.

Marquee or canopy. See *Canopy.*

Marquee sign means a sign attached to, mounted on or painted on a marquee.

Minor arterial means a street with signals at important intersections and stop signs on side streets and which collects and distributes traffic to and from collector streets.

Model complex sign means any sign located on a complex site, limited in time until the complex ceases to be a model complex.

Mural means a picture or graphic illustration applied directly to a wall of a building or structure which does not advertise or promote a particular business, service or product.

National, state and corporate flags means any rectangular display constructed of lightweight material used to identify a nation, state or corporation.

Neighborhood Sign means a sign erected for the convenience of the public, directing traffic to and/or identifying specific neighborhoods and bearing no logo, tagline or advertising message,

Nonconforming sign means any sign legally erected and permitted in compliance with codes at the time it was erected and permitted, but which does not conform to current codes or this chapter.

Off-premises sign means a sign which advertises or directs attention to a business, product, service or activity which is not available on the premises where the sign is located.

On-premises sign means a sign which advertises or directs attention to a business, product, service or activity which is available on the premises where the sign is located.

Pennant means a display made of a lightweight material which tapers to a point, having no logo or advertising message printed on it.

Point-of-sale sign means any sign which is located or attached directly to the product to be sold.

Pole sign means any sign whose primary means of support is one or more poles set into a concrete footing, located at or below ground level.

Political sign means a sign pertaining to any national, state or local election and/or caucus.

Portable sign means a freestanding sign not permanently affixed, anchored or secured to the ground or a building, which may be rolled or moved about.

Private sale or event sign means a temporary sign advertising private sales of personal property at garage, yard or estate sales and the like; private fundraising events, such as a nonprofit carwash, or food/clothing drive, etc.

Product identification sign means any sign used to identify the supplier/contractor of the construction product being used.

Prohibited sign means any sign not expressly permitted within this chapter, or any sign which is specifically prohibited in this chapter, as provided in section 36-10.

Promotional display, commercial means special advertising for grand openings, anniversaries, special or seasonal events, and which are for a limited time, in addition to the legal signage permitted.

Promotional display, residential means special advertising using pennants, flags, streamers, banners, open house signs and other similar signs, the duration of an open house or similar showing.

Public area means any bus bench, bus shelter, landscaped median, trail, park, or arroyo duly recognized by the city.

Real estate broker identification sign means a sign used at a broker's residence for identification purposes as prescribed by state law.

Real estate directional sign means a sign which advertises or directs attention to real property not available on the premises where the sign is located.

Real estate sign means a sign intended to advertise the financing, development, sale, transfer, lease, exchange or rent of real property.

Roof sign means any sign which is attached to the roof of a building or structure.

Setback means the distance required from the property line or from other buildings/structures or businesses.

Shopping center means a group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements.

Sign means any advertisement, announcement, direction or communication produced in whole or in part by the construction, erection, attachment or placing of a structure or object on any land, or on any other structure, or produced by painting on, posting or placing any printed, lettered, pictured, figured or colored material on any building, structure or surface.

Sign administrator means a city employee so designated to administer and enforce the terms and conditions of this chapter, the codes, and all other provisions of laws pertaining to signs.

Special use sign means any sign intended for use by establishments requiring a special use permit pursuant to chapter 38.

Streamers means a display made of light, flexible material, consisting of long, narrow, wavy strips having no logo or advertising message printed or painted on it.

Street Segment means the length of a roadway located between intersections of two collector or higher classified roadways based upon the Las Cruces Metropolitan Planning Organization designation.

Structural requirements means the safety standards that apply to those signs governed by the requirements in the Building Code and other companion documents.

Temperature/time/date sign means any sign with the purpose of displaying the temperature, time, date and logo/name.

Temporary sign means any sign intended for a limited period of display.

Total front footage means the total length of a property fronting on any side of a public street, or the total length of a building on which a sign is allowed.

Trademark/label/name means identification applied or attached to each permitted sign to designate the manufacturer and installer.

Unlawful sign means any sign ever erected which does not have a valid permit or, after erection, did not comply with all applicable provisions of the permit under which it was constructed and erected, or did not comply with all provisions of codes, or which does or did not meet the necessary requirements to be considered nonconforming.

Unlicensed commercial sign means any sign erected by an individual, group, organization or club for fundraising or other monetary gain.

Unsafe sign means any sign identified by the sign administrator as being improperly constructed and installed, erected or secured, thereby subject to falling or creating a safety hazard, with supported findings.

Variance means an authorization granted to a property owner to depart from the numerical requirements of the zoning regulations (as applied here, this chapter).

Vehicle sign means a sign painted on or attached to either a vehicle or to a trailer designed to be pulled behind a motorized vehicle, which relates to a business, activity, use, service or product.

Wall sign means any sign affixed flush to or painted upon the wall of any building.

Window sign means any sign that is applied or attached to the exterior or interior of a window or a window frame.
(Ord. No. 1128, § B, 5-18-90; Ord. No. 1292, 12-21-92; Ord. No. 1526, 4-1-96; Ord. No. 2111, §§ I, II, 6-21-04; Ord. No. 2141, § I, 10-4-04)

Cross References: Definitions generally, § 1-2.

Sec. 36-4. Calculation of sign area.

(a) The area of an attached sign is measured as the area within the smallest rectangle or combination of rectangles which contains all text, symbols or other graphic elements, plus any background area which does not appear as a continuous portion of the building surface that highlights a sign.

(b) The area of a freestanding sign is measured by determining the sign area of all sides that are visible from any one vantage point, except only one side of a sign shall be measured if the two sides are back to back or separated by an angle of 45 degrees or less. If the two sides are not of equal size, the larger side shall be measured.
(Ord. No. 1128, § I.1, 5-18-90; Ord. No. 1292, 12-21-92; Ord. No. 1297, 2-2-93)

Sec. 36-5. Variances.

(a) There shall be no flexible development standards issued for any section addressed in this chapter.

(b) Variance requests shall follow procedures and requirements outlined within chapter 38.
(Ord. No. 1128, § I.2, 5-18-90)

Sec. 36-6. Structural requirements.

(a) All signs shall conform to the structural design requirements set forth in the International Building Code and companion documents.

(b) Sign permit applications for freestanding signs exceeding 20 feet in height, measured from ground level, shall be accompanied by an engineer's design drawing showing the appropriate calculations. The drawing shall be stamped by an engineer certified in the state.
(Ord. No. 1128, § I.3, 5-18-90)

Sec. 36-7. Maintenance and removal.

(a) *Damaged signs.* When any sign is substantially damaged, destroyed, taken down or removed for any purpose other than copy change or normal maintenance operation, it shall not be re-erected, reconstructed or rebuilt except in full compliance with this chapter.

(b) *Unsafe signs.* If, in the opinion of the sign administrator, any sign becomes unsecured, unsafe or subject to fall, the sign administrator upon supported findings shall give written notice of the sign's condition to the person(s) responsible for the sign (the owner or lessee) and the land owner. The person so notified shall correct the unsafe condition of the sign within seven days in conformance with this chapter.

(c) *Maintenance.*

(1) All signs shall be kept in good repair, both structurally and in appearance. All braces, bolts, clips, fastenings and the supporting frame shall be securely affixed to the support structure or wall and shall be free from insect infestation, rot or other deterioration.

(2) If the message portion of a sign is not maintained or if it is removed, leaving only the supporting shell of a sign or the supporting braces, anchors or similar components, the owner of the sign or the owner of the property where the sign is located or other person having control over such sign shall, within 30 days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign. This subsection shall not be construed to alter the prohibition on the replacement of a nonconforming sign, nor shall

this subsection be construed to prevent the changing of the message of a sign.

(d) *Repair, alteration or removal.* Any written notice to repair, alter or to remove a sign will be sent via certified mail by the sign administrator to the land owner and to the sign owner lessee, or person(s) responsible for the sign. If such order is not acted on within seven days, the sign administrator may initiate proceedings contained in this chapter to revoke the permit and remove the sign at the expense of the land owner, sign owner, lessee, or person(s) responsible for the sign.

(e) *Unlawful signs.* If any sign is installed, erected, constructed or maintained in violation of any of the terms of this chapter, or the applicable code the sign was erected under, the city may issue a written warning to the sign owner, lessee, property manager or landowner. This warning shall outline the violation and order the designated responsible party to bring the sign into compliance with this chapter and any other applicable codes within 14 days from the date of the warning. Only one warning per violation will be issued. The warning shall remain in effect for the duration of the business.
(Ord. No. 1128, § I.4, 5-18-90)

Sec. 36-8. Nonconforming signs.

(a) Subject to the remaining restrictions of this section, nonconforming signs that were otherwise lawful on the effective date of the ordinance from which this chapter derives may be continued.

(b) No person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming sign. Without limiting the generality of this statement, no nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition, nor may illumination be added to any nonconforming sign.

(c) Any change in the use of any building or property on which a nonconforming sign is located will require that all nonconforming signs on that property be brought into compliance with all applicable sections of this chapter within nine months of the change.

(d) A nonconforming billboard may be reconstructed on the same property so as to meet the size, height, configuration, **and** support requirements of this code without losing its legal nonconforming status. To the extent possible, setback and separation requirements will be met. A non-conforming billboard being converted into an electronic variable message display sign shall come into **full compliance** with all off-premise electronic variable message display billboard provisions. A sign permit is required in order to rebuild a nonconforming sign under this provision.

(e) A nonconforming on premise sign may not be moved or replaced except to bring the sign into conformity with this chapter to the extent possible. For the purpose of this subsection, the term "replaced" means the replacing of any or all parts of a sign

that would extend the normal life span of the sign. An example is replacing wood pole supports with metal I-beam supports.

(f) If a nonconforming sign is destroyed, damaged or in need of repair, it may not thereafter be repaired, reconstructed or replaced except in conformity with all the sections of this chapter and the remnants of the former sign structure shall be cleared from the land. For purposes of this subsection, a nonconforming sign is destroyed, damaged or in need of repair if damaged up to 50 percent of the cost of repairing the sign to its former stature or if the cost of replacing it equals or exceeds the tax value (tax value if listed for tax purposes)/sign valuation (as stated on the original permit) of the sign so damaged, whichever is less.

(g) The message of a nonconforming sign may be changed so long as this does not create any new nonconforming issues (for example, by creating an off-premises sign under circumstances where such a sign would not be allowed).

(h) If a nonconforming sign other than a billboard advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall be removed within 90 days after such abandonment by the sign owner, owner of the property where the sign is located or other party having control over such sign.

(i) If a nonconforming billboard remains blank for a continuous period of 90 days, that billboard shall be deemed abandoned and shall be altered to comply with this chapter or be removed by the sign owner, owner of the property where the sign is located or other person having control over such sign. For purposes of this subsection, a sign is blank if:

(1) It advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted;

(2) The advertising message it displays becomes illegible in whole or substantial part; or

(3) The advertising copy has been removed.

(j) The city shall reserve the right to remove a nonconforming sign in accordance with state law.

(k) This section shall not apply to any benches placed under the terms of any contract in effect on the date effective date of the ordinance from which this chapter derives.

(Ord. No. 1128, § I.5, 5-18-90; Ord. No. 1509, 2-5-96)

Sec. 36-9. Permits.

(a) Sign permits shall be required for all signs unless otherwise stated in this chapter.

(b) Signs not requiring permits under this chapter shall be as follows:

(1) Accessory use signs.

(2) Change of copy on legally established signs.

(3) Construction/renovation signs (those not exceeding 16 square feet in sign area).

(4) Decorations for national holidays or communitywide festivals and fiestas.

(5) Directional signs.

(6) Flags/decorations.

(7) Garage sale signs.

(8) Government signs.

(9) House or building signs or nameplates.

(10) Information signs.

(11) Legal notices.

(12) Model complex signs (those not exceeding 16 square feet in sign area).

(13) National, state and corporate flags following accepted flag protocol.

(14) Pennants.

(15) Point-of-sale signs.

(16) Political signs, except billboards.

(17) Private sale or event signs.

(18) Product identification signs.

(19) Promotional displays, residential.

(20) Railroad signs.

(21) Real estate broker identification signs.

(22) Real estate directional signs.

(23) Real estate signs (those not exceeding 16 square feet in sign area).

(24) Streamers.

(25) Vehicle signs.

(Ord. No. 1128, §§ G, I.6, 5-18-90)

Sec. 36-10. Prohibited signs.

(a) Any sign not expressly permitted within this chapter is prohibited.

(b) A sign placed or painted on any motor vehicle, recreational vehicle, trailer or other movable device that reasonably indicates the use of such vehicle, trailer or device as a sign is prohibited. This includes the parking of such vehicle, trailer or device in such a manner as to constitute a sign. This does not include vehicles, etc., used in the course of normal business activities.

(c) Any sign constructed to resemble any official marker or sign normally erected by a city, state or federal government agency or a sign using words, phrases, symbols or characters in such a manner as to interfere with, mislead or confuse traffic is prohibited.

(d) A sign advertising activities that are illegal according to federal or state laws, rules or regulations and county or city ordinances or resolutions is prohibited.

(e) Any sign erected on, attached to or painted on retaining walls, fences, rocks or natural features is prohibited. This prohibition shall not include development identification signs placed on walls used for landscaping purposes and athletic field signs as defined in section 36-88.

(f) Any sign illegally placed, constructed or maintained is prohibited.

(Ord. No. 1128, § H, 5-18-90; Ord. No. 1526, 4-1-96; Ord. No. 1854, § II, 2-5-01)

Sec. 36-11. Placement.

(a) No sign shall be permitted to violate the clear sight triangle as referenced in Article VI, Division 3 of the City of Las Cruces Design Standards.

(b) No sign shall obstruct any door, stairway, fire escape or opening intended to provide ingress and egress for any building or structure.

(c) Signs may not be located in a manner that obscures or interferes with the effectiveness of any official sign, signal or device. A sign shall not be placed at any location where it obstructs or interferes with the clear view of any traveler on any street.

(d) No sign shall be constructed within any public right-of-way or sidewalk nor shall any portion of any sign extend onto or over a public right-of-way or sidewalk unless a specific exception is provided for in this chapter.

(e) No permit for a sign that extends beyond private property onto a public street, public sidewalk or public alley will constitute a permanent easement. Every such permit shall be revocable by the sign administrator. The city shall not be liable for any damages to the owner because of such revocation.

(f) The city, civic groups and non-profit entities who desire to utilize the city utility poles for placement of banners or other signs or attachments may do so only for a large event, celebration or festival of city-wide interest or other community or county-wide attraction. Such events, celebrations, festival or attraction are those events, celebrations, festivals or attractions which are designed to attract large numbers of city residents and tourists, may occur on an annual or semi-annual basis and which promote the city's history, natural and cultural beauty, art, cuisine and/or athletic events (e.g. The Whole Enchilada Festival, Gus Macker Basketball Tournament, Border Book Festival, The Renaissance Fair, the Fourth of July).

(1) A special sign permit shall be obtained, indicating the dates of display, number of banners to be displayed, location(s) of display, etc. and must be approved by the city manager or designee.

(2) All banners shall be installed and removed either by the city or the entity requesting the display.

a. If installed and removed by the city, permit fees shall be based on the number of banners to be installed/removed at a rate approved by the city council (Resolution #00-360). Permit fees shall be paid by the applicant upon permit approval and in advance of sign installation.

b. If installed and removed by the entity requesting the display the city requires a minimum of $1,000,000.00 insurance, with the city being named as an additional insured party and the entity must provide a hold harmless indemnity agreement, not holding the city responsible for any accidents or loss in the installation/removal of the banners.

(3) Banners shall be restricted to placement on city-owned utility/light poles only.

(4) Banners shall only be displayed along major arterials, as defined by the city metropolitan planning organization transportation plan.

(5) The maximum length of display shall be determined by the length of the event being advertised. Banners are permitted to be displayed one and one-half times the length of the event being advertised. The one-half amount of days is permitted to be utilized prior to the event. (Example: event is ten days, display permitted 15 days total, banners can be displayed five days prior to event.)

(6) Any aggrieved person, department, commission, board, or bureau that is affected by a decision of an administrative official in the administration of this section may appeal such decision to the city council. Such appeal must be in writing within 15 days after the decision and must be filed with the city clerk.

(g) Any sign extending over an area intended for pedestrian use shall not be less than seven feet, four inches above the finished grade below it.

(h) No sign shall be placed on any property without written consent of the owner or the owner's authorized agent.

(i) No part of any sign may protrude into the setback except as follows:

(1) If the right-of-way extends 15 feet beyond the back of the curb, a sign may be placed on the property line. A written agreement between the city and the property owner shall be initiated to ensure that the sign will be relocated at the owner's expense if the roadway is ever widened at the sign location.

(2) Real estate signs may be located within the setback; however, they shall not encroach in any way into the public right-of-way or clear sight triangles.

(j) Every sign shall be identified by a label, nameplate or trademark designating the manufacturer and installer of the sign. Signs not requiring permits shall be exempt from this subsection.

(k) No temporary or permanent sign shall be placed on public property, with the exception of signs lawfully permitted. Any unlawful sign found in a public right-of-way or on public property shall be seized, and removal is authorized.
(Ord. No. 1128, § I.7, 5-18-90)

Sec. 36-12. Lighting.

(a) Light from any light source intended to illuminate a sign shall be shaded, shielded, or directed in such a way so that the light intensity or brightness shall not adversely affect the safe vision of pedestrian or vehicle operators on public or private streets, driveways, or parking areas, and shall not adversely affect any of the surrounding premises. Illumination from any sign shall not interfere with the effectiveness of any official traffic sign, signal or device. Electronic variable message display signs shall, for the purpose of this chapter, satisfy the requirements of this provision.

(b) Signs which face residentially zoned lots having a linear distance of 75 feet or less from that zone shall not be illuminated.

(c) Signs in residential zones shall not be illuminated with the exception of a house or building sign or nameplate.
(Ord. No. 1128, § I.8, 5-18-90)

Sec. 36-13. Enforcement.

(a) *Violations and penalties.* Any person who shall violate any section of this chapter shall be guilty of an offense and shall, upon conviction, be punished by a fine of not less than $50.00 and not more than $300.00 for each violation. Each day in which any violation shall occur shall constitute a separate offense. In addition, the city attorney is authorized to take all actions, both legal and equitable, necessary to ensure compliance with this chapter.

(b) *Enforcement authority.*

(1) The Sign Code Administrator or designee shall have the authority to remove any sign that is in the public right-of-way and in violation of Code. The sign owner will be contacted about the situation and will be allowed 30 calendar days to collect the removed sign or signs. After set time, any remaining sign or signs shall be recycled.

(2) The police department, through its codes enforcement division, is authorized to issue citations for violations of this chapter and to file criminal complaints in municipal court alleging violations of this chapter.

(3) The municipal court may impose a fine for each offense, not to exceed $300.00 for each day the violation is found to have occurred. In addition to any fines thus imposed, the municipal court is authorized to issue orders of the court to remove structures it finds in violation of this chapter. Failure to comply with any such orders for removal or other judgments of the municipal court, including failure to pay fines previously imposed, shall constitute

contempt of court and may be separately punished at the discretion of the municipal court.

(Ord. No. 1128, § I.4.f, 5-18-90)

Secs. 36-14--36-40. Reserved.

ARTICLE II.
ON-PREMISES SIGNS*

* **Cross References:** Licenses, taxation and miscellaneous business regulations, ch. 16.

Sec. 36-41. General conditions.
The following general conditions apply to on-premises signs:

(1) *Accessory use sign.*

a. The primary purpose of the sign must be corporate/business identification and not advertising per se.

b. The object into which the sign is incorporated must serve a functional purpose and be an item which is normally associated with the type of business or enterprise for which it is being used.

(2) *Attached sign.* No attached sign shall extend beyond the highest point of a roofline, or project beyond the edge of any wall.

(3) *Decorations.* Any display shall be removed no later than five days after the event/holiday.

(4) *Development identification sign (permanent.).*

a. The maximum sign area shall not exceed 32 square feet.

b. The maximum height shall not exceed ten feet.

c. The sign may be placed in the public right-of-way, provided prior approval has been granted by city manager or designee.

d. This sign may be used in addition to any other freestanding sign allowed pursuant to this chapter.

(5) *Directional sign.* Directional signs visible from the public right-of-way (i.e., entrance/exit) shall not exceed six square feet in sign area and four feet in height.

(6) Electronic variable message display sign

(a) On-premise electronic variable message display signs are only permitted along a collector or higher category of street classification based upon the Las Cruces Metropolitan Planning Organization designation.

(b) A maximum of one (1) attached on-premise electronic variable message display sign is permitted per property. One (1) on-premise electronic variable message display sign is permitted on each side of a freestanding sign provided that the sides of the sign are parallel to each other or at no more than a 45 degree angle. Any freestanding sign with more than a 45 degree angle shall only be allowed a total of one (1) electronic variable message display sign.

(c) No on-premise electronic variable message display sign shall be located on the same property as an off-premise electronic variable message display billboard.

(d) Animated messages are not permitted. Scrolling or traveling signs are permitted, provided that they do not exceed two lines.

(e) On-premise electronic variable message display signs that are static shall not contain flashing lights as part of the display.

(f) Static messages on an on-premise electronic variable message display sign shall be displayed for a minimum of eight (8) seconds and a change of message shall be accomplished instantly with no transition between messages.

(g) Static messages on an on-premise electronic variable message display sign shall occur simultaneously all at once on the entire sign face.

(h) An on-premise electronic variable message display sign shall have an automatic dimmer control to produce distinct illumination change from the highest allowed illumination level to the lowest level meeting the illumination standards of the City of Las Cruces Outdoor Lighting Ordinance, Chapter 39 of the City of Las Cruces Municipal Code. A default mechanism must be installed that shall freeze the sign in one position or static message if a malfunction occurs.

(7) *Flags.*

a. Displays incorporating the identification of a nation, state or corporation shall follow accepted flag protocol. Only one corporate flag will be allowed per lot.

b. Displays used to serve as decoration, exclusive of decorations used in fiestas, communitywide festivals or national holidays, shall have

no logo or advertising message printed or painted on them. These may be used in addition to the regular signage allowed per business.

(8) *Freestanding sign.* All signs classified as freestanding are limited to locations along street segments meeting specific zoning criteria further defined elsewhere in this chapter.

(9) *Gate entrance sign.*

a. The sign may identify the owner, resident or name of a certain parcel of property (i.e., John Doe Ranch, etc.).

b. Total sign height, including poles, shall not exceed 20 feet. The sign face itself shall not exceed three feet in height and 30 feet in width.

(10) *Information sign.* Signs visible from the public right-of-way shall have a maximum size of four square feet in sign area.

(11) *Legal notices.* These signs are exempt from the requirements of this chapter; however, they must comply with provisions for the clear sight triangle.

(12) *Pennant.* These displays may be used in addition to the regular signage allowed per business.

(13) *Point-of-sale sign.*

a. This sign shall limit its advertisement to the product, its price, and its manufacturer.

b. The cumulative sign area for these signs shall not exceed 20 square feet.

c. Each sign shall be no larger than two square feet in sign area.

(14) *Portable sign.*

a. Portable signs, although not incorporating a permanent footing in their design, shall be securely anchored to the ground to prevent overturning in high winds.

b. Portable signs shall be placed on level ground only or leveled during setup.

c. Portable signs shall for purposes of this chapter be subject to all on-premises provisions governing freestanding signs.

(15) *Product identification sign.* The sign shall be placed on the structure and shall not exceed one-third square foot in sign area.

(16) *Real estate broker identification sign.* The sign area shall not exceed two square feet.

(17) *Special use sign.*

a. The maximum number of signs allowed for each location shall be limited to one freestanding sign and one attached sign.

b. Height requirements are established in appendix 1 to this chapter. Each sign shall not exceed 20 square feet in sign area.

c. Examples where the sign requirements of this subsection would apply include the following:

1. Cemeteries located within R-1 zones.

2. Golf courses and country clubs located within an R-3 zone.

d. When special use permits are granted pursuant to chapter 38, the requirements of this subsection shall apply.

Exception. If a special use permit is granted for a location within a zone designation (i.e., C-2, M-1) that allows greater signage, the requirements specific to that zone shall apply.

(18) *Streamers.* These displays may be used in addition to the regular signage allowed per business.

(19) *Wall sign.* No wall sign flush mounted may be extend more than 12 inches in depth out from the wall to which it is attached.

(20) *Window sign.*

a. Permanent window signs may be substituted for wall signage with a corresponding reduction of wall signage.

b. A window sign does not include merchandise or models of products or services incorporated in a window display.

(Ord. No. 1128, § C.1, 5-18-90)

Sec. 36-42. Residential zones REM, RE, EE, R-1aM, R-1bM, R-1cM, R-1a, R-1b, R-1c.

The following sign types are permitted: development identification sign; directional sign; garage sale sign; gate entrance sign, government sign; house or building sign or nameplate; legal notices; model complex sign; national, state and corporate flags; neighborhood sign; political sign; private sale or event sign; real estate broker identification sign; real estate sign; and a special use sign, pursuant to requirements stated elsewhere in this chapter.
(Ord. No. 1128, § C.2, 5-18-90; Ord. No. 1444, 4-3-95)

Sec. 36-43. Residential zones R-2, R-3, R-4.

The following sign types are permitted: development identification sign; directional sign; flags/decorative; garage sale sign; government sign; house or building sign or nameplate; legal notices; model complex sign; national, state and corporate flags; neighborhood sign; political sign; private sale or event sign; real estate broker identification sign; real estate sign; and a special use sign, pursuant to requirements stated elsewhere in this chapter.

(Ord. No. 1128, § C.4, 5-18-90)

Sec. 36-44. Flood Control zones FC.

The following signs are permitted:

(1) One freestanding sign, one attached sign or a combination of both shall be permitted for advertising purposes only. In no event shall the total square footage of both signs exceed 32 square feet in sign area.

(2) Sign types allowed include: development identification sign; directional sign; flags/decorative; government sign; legal notices; national, state and corporate flags; point-of-sale sign; political sign; private sale or event sign; real estate broker identification sign; real estate sign; and a special use sign, pursuant to requirements stated elsewhere in this chapter.
(Ord. No. 1128, § C.5, 5-18-90)

Sec. 36-45. Residential, Office and Commercial zones R-4, O-1, O-2, C-1.

(a) *Attached signage.* One square foot of on-premises signage for each linear foot of exterior wall shall be allowed. The sign shall be placed on the side of the building used to calculate the square footage of the sign. The following are considered attached signs: awnings signs, canopy or marquee signs, banners, roof signs, window signs and wall signs. These attached signs are subject to the design standards of all applicable codes.

(b) *Freestanding signs.* These signs must comply with the following conditions:

(1) Locations which permit freestanding signs are determined by zoning districts along specific segments of streets. When the percentage of office, commercial or industrial zoning equals or exceeds 60 percent of the total street frontage for that segment, all criteria governing freestanding signs shall apply. When the percentage is less than 60 percent, the maximum height of freestanding signs shall be 12 feet, unless a more restrictive height limitation is mentioned elsewhere in this chapter, in which case the more restrictive height limitation shall apply.

(2) The maximum height and minimum setbacks for freestanding signs are determined by street classification. See appendix 1 to this chapter pertaining to development standards.

(3) Individual freestanding signs shall be limited to those businesses that own direct, unobstructed (on-site) access to the public street.

(4) Frontage on a controlled access public street, where under normal conditions a driveway permit would not be granted to that business, shall not be included in the calculation for freestanding signage.

(5) The size of freestanding signs is determined as follows:

Linear Street Frontage (feet)	Size Allowed (square feet)
0--100	50
101--300	75
301--600	100
>600 (see subsection (b)(6) of this section)	100

On lots with more than one street frontage, only one street frontage shall be used to calculate the permitted sign size, height and number of signs.

(6) The number of freestanding signs is limited to one per lot, except where the frontage of the lot exceeds 600 linear feet. For those lots, two freestanding signs are permitted, provided there is a minimum distance of 200 feet between the signs.

(Ord. No. 1128, § C.6, 5-18-90; Ord. No. 1476, 9-3-95)

Sec. 36-46. Commercial and Industrial zones C-2, C-3, MTech, M-1/M-2, M-3.

(a) *Attached signage.* 1 1/2 square feet of on-premises signage for each linear foot of exterior wall is permitted. The sign shall be placed on the side of the building used to calculate the square footage of the sign. The following are considered attached signs: awning signs, canopy or marquee signs, banners, roof signs, window signs and wall signs. These attached signs are subject to the design standards of all applicable codes.

(b) *Freestanding signage.* These signs must comply with the following conditions:

(1) Locations which permit freestanding signs are determined by zoning districts along specific segments of streets. When the percentage of office, commercial or industrial zoning equals or exceeds 60 percent of the total street frontage for that segment, all criteria governing freestanding signs shall apply. When the percentage is less than 60 percent, the maximum height of freestanding signs shall be 12 feet, unless a more restrictive height limitation is mentioned elsewhere in this chapter, in which case the more restrictive height limitation shall apply.

(2) The maximum height and minimum setbacks for freestanding signs are determined by street classification. See appendix 1 to this chapter pertaining to development standards.

(3) Individual freestanding signs shall be limited to those businesses that own direct, unobstructed (on-site) access to the public street.

(4) Frontage on a controlled access public street, where under normal conditions a driveway permit would not be granted to that business, shall not be included in the calculation for freestanding signage.

(5) The size of freestanding signs is determined as follows:

Linear Street Frontage (feet)	Size Allowed (square feet)
0--100	100
101--300	150
301--600	200
>600	200

On lots with more than one street frontage, only one street frontage shall be used to calculate the permitted sign size, height and number of signs.

(6) The number of freestanding signs is limited to one per lot, except where the frontage of the lot exceeds 600 linear feet. For those lots, two freestanding signs are permitted, provided there is a minimum distance of 200 feet between the signs.

(Ord. No. 1128, § C.7, 5-18-90; Ord. No. 1476, 9-3-95)

Sec. 36-47. Business centers (various zones).

(a) *Attached signage.* For business center, 1 1/2 square feet of on-premises signage for each linear foot of exterior wall is permitted, provided that any business shall be allowed a minimum of 100 square feet of signage. The sign shall be placed on the side of the building used to calculate the square footage of the sign. The following are considered attached signs: awning signs, canopy or marquee signs, banners, roof signs, window signs and wall signs. These attached signs are subject to the design standards of all applicable codes.

(b) *Freestanding signage.* Freestanding signs must comply with the applicable freestanding sign criteria for the district they are located in.

Sec. 36-48. Sign regulations in overlay zone districts.

Refer to the following Zoning Code for information regarding signs that are located within the overlay districts throughout Las Cruces including the Central Business District, the University Avenue corridor overlay zone, and others.

Sec. 36-49. Planned Unit Development Zones PUD.

(a) A newly submitted Planned Unit Development (PUD) will provide a plan for signage that is desired in the new development during the PUD review process.

(b) Any changes to the signage plan of a PUD shall provide a minor PUD amendment.

(c) A previously approved and existing PUD or any newly submitted PUD that does not present a plan for signage shall use existing sign regulations of the Sign Code. A PUD with residential land uses shall follow sign regulations for residential zones; a PUD with commercial land uses shall follow sign regulations for commercial zones; and a PUD with industrial land uses shall follow sign regulations for industrial zones. A mixed-use PUD shall follow sign regulations of the appropriate zone that fits the land use of the PUD.
(Res. No. 92-084, § C.10, 10-19-92; Ord. No. 1725, § I, 3-1-99)

Secs. 36-50--36-80. Reserved.

ARTICLE III.

OFF-PREMISES SIGNS

Sec. 36-81. Attached signs.

No attached off-premises signs shall be permitted.
(Ord. No. 1128, § D.1, 5-18-90)

Sec. 36-82. Public area signs.

(a) With the approval of the city manager, bus benches and bus shelters may be placed in the public right-of-way along bus routes or in areas frequented by pedestrians. In addition, signs may be placed on benches and shelters and in landscaped medians, parks, trails, and arroyos that are adopted public areas.

(b) No commercial (other than a business name as specified in (c) below) or political advertising shall be placed upon bus benches, bus shelters, or in other public areas.

(c) Benches, shelters, and medians donated or maintained by individuals or businesses may have signs designed by the city with the inscription "adopted by..." and further regulated by:

(1) The sign on benches shall be no larger than three inches high by 18 inches long.

(2) The sign on shelters shall be no larger than 12 inches high by 48 inches long.

(3) The sign in medians shall be no larger than 12 inches high by 18 inches long.

(4) The sign in parks, trails, and arroyos shall be no larger than 18 inches high by 24 inches wide.

(d) Bus benches are exempt from the location restrictions for freestanding signs only when they are located at designated bus stops.

(e) This section shall not apply to any benches placed under the terms of any contract in effect on the effective date of the ordinance from which this chapter derives.
(Ord. No. 1128, § D.2, 5-18-90; Ord. No. 2141, § I, 10-4-04)

Sec. 36-83. Billboards.

(a) Billboards shall be located only in areas zoned C-2, C-3, M-1/M-2, or M-3.

(b) Billboards may be located only along the following roadways and only along street segments having a minimum of 75 percent office, commercial or industrial zoning. (A street segment is defined as that length of a roadway located between intersections of two collector or higher classified roadways.)

Interstate 10
Interstate 25
Bataan Memorial East and West (west of Porter Drive)
Main Street
Picacho Avenue
Amador Avenue
Lohman Avenue (west of Interstate 25)
Solano Drive
El Paseo Road
Valley Drive
Motel Blvd (south of Picacho)
Telshor Blvd (north of Lohman)

(c) Total sign area, spacing, height and setbacks shall be subject to the following requirements:

(1) Billboards located along interstate highways shall not exceed 400 square feet of total sign area, shall be spaced a minimum of 1,000 feet away from any other billboard and shall not exceed 40 feet in height measured from ground level.

(2) All other billboards shall not exceed 300 square feet of total sign area, shall be spaced a minimum of 1,000 feet away from any other billboard and shall not exceed 30 feet in height measured from ground level. There shall be a minimum clearance of 15 feet measured from the ground level to the bottom of the billboard face.

(3) A maximum of two faces, parallel back-to-back is permitted, provided both faces are of the same size and attached to the same pole for support. Sign faces must be relatively perpendicular to the designated roadway and each face shall not advertise more than one message.

(4) Billboards shall be supported by a maximum of two upright poles.

(5) Vertical or horizontal stacking of billboards is prohibited.

(6) Billboards shall be set back a minimum of 15 feet from the property line fronting along the designated roadway. Except for billboards fronting along interstate highways, the setback from the designated roadway shall not exceed one third of the property

depth. In each case there shall be a minimum of five feet from all other property lines measured from the property line to any portion of the billboard structure.

(7) Billboards shall have a minimum sign area of 72 square feet.

(d) A legally permitted billboard which follows all associated standards for billboards is allowed to advertise a business, product, service, or activity that is located on the same premises.

(e) Electronic variable message display billboards:

(1) Electronic variable message display billboards shall be separated a minimum distance of one thousand (1,000) feet from any other electronic variable message display billboard.

(2) No off-premise electronic variable message display billboard shall be located on the same property as an on-premise electronic variable message display sign.

(3) Off-premise electronic variable message display billboards are limited to static messages of display. No scrolling, traveling, animated, or moving messages are allowed. Public information such as current temperatures, climate, and time are permitted.

(4) One (1) off-premise electronic variable message display is permitted on each side of a billboard.

(5) Each message on an off-premise electronic variable message display billboard shall be displayed for a minimum of eight (8) seconds and a change of message shall be accomplished instantly with no transition between messages. Only one (1) message per side is allowed at any given time.

(6) A change of message on an off-premise electronic variable message display billboard shall occur simultaneously all at once on the entire face.

(7) The owner of an off-premise electronic variable message display billboard shall provide access to the sign to the governing body for the purpose of announcing critical public information such as Amber Alerts, and major emergencies when needed.

(8) An off-premise electronic variable message display billboard shall have an automatic dimmer control to produce distinct illumination change from the highest allowed illumination level to the lowest

level meeting the illumination standards of the City of Las Cruces Outdoor Lighting Ordinance, Chapter 39 of the City of Las Cruces Municipal Code. A default mechanism must also be installed that shall freeze the sign in one position or static message if a malfunction occurs.

(Ord. No. 1128, § D.3, 5-18-90)

Sec. 36-84. Garage, private sale or event signs.

(a) Off-premises signs may be used to advertise any garage sale, private sale or event, provided that the signs are not over three square feet in sign area and are used only during the duration of the event.

(b) The person erecting the sign and the property owner at the sign location shall be responsible for sign removal and all other requirements concerning signs.
(Ord. No. 1128, § D.4, 5-18-90)

Sec. 36-85. Government signs.

(a) Traffic control and similar signs are exempt from all requirements of this chapter.

(b) Building identification signs and similar signs do not require permits; however, they must meet the numerical requirements of this chapter.
(Ord. No. 1128, § D.5, 5-18-90)

Sec. 36-86. Political signs.

(a) No individual political sign shall exceed 32 square feet in sign area.

(b) All political signs may be erected no sooner than 90 days before the election and/or caucus to which they pertain and shall be removed within ten days following the same election and/or caucus.

(c) Advertising on a duly permitted billboard shall be exempt from the size and time limits stated in this section.

(d) Political signs are permitted to be placed on fences/walls (e.g. chain link fences, retaining walls, rock walls), but are not permitted to be placed in clear sight triangles or in a manner that would prevent clear sight of vehicles (See section 32-405 of the Municipal Code).
(Ord. No. 1128, § D.6, 5-18-90; Ord. No. 2111, §§ I, II, 6-21-04)

Sec. 36-87. Vehicle signs.

Off-premises vehicle signs are permitted provided the vehicle is:

(1) For sale and the purpose of the sign relates to its sale;

(2) Placed and is for some purpose other than advertising; or

(3) Contributing to the legitimate purposes of the business for which it is used.

(Ord. No. 1128, § D.7, 5-18-90)

Cross References: Traffic, ch. 27.

Sec. 36-88. Athletic field signs.

(a) Signs shall be permitted to be displayed on the inside of fences surrounding individual athletic fields, with the side facing the playing field.

(b) Each sign shall not exceed 32 square feet in sign area.

(c) The signs shall not be permitted to extend above or beyond the edges of the fence.

(d) Freestanding signs and attached signs are not permitted.

(Ord. No. 1128, § D.8, 5-18-90; Ord. No. 1526, 4-1-96)

Sec. 36-89. Neighborhood Signs.

(a) The sign may be placed on private property, provided prior approval has been granted by the property owner.

(b) The maximum sign area shall not exceed 4 square feet. The maximum height shall not exceed 3 feet.

(c) A maximum of one (1) sign is allowed per property.

(d) Signs shall not conflict with any traffic control nor the clear sight triangle.

(e) Signs may not be placed any further than one-half (1/2) a mile from the neighborhood to which they pertain to.

(f) A maximum of four (4) signs shall be permitted per neighborhood.

(g) Valid sign permits shall be obtained or renewed annually for each sign.

(h) Signs will be maintained by the party responsible for erecting the signs.

Sec. 36-90--36-115. Reserved.

ARTICLE IV.

TEMPORARY SIGNS

Sec. 36-116. Construction/renovation signs.

(a) Construction/renovation signage shall not exceed 64 square feet in sign area, and shall not be erected until a building permit has been secured. The sign shall be removed not later than 14 days after the issuance of a certificate of occupancy or the building permit expires.

(b) Signs less than 16 square feet in sign area do not require a sign permit and shall not be assessed a permit fee.

(c) Signs which exceed 16 square feet in sign area require a sign permit and shall be assessed the applicable permit fee.
(Ord. No. 1128, § E.1, 5-18-90)

Cross References: Buildings and building regulations, ch. 30.

Sec. 36-117. Real estate signs.

(a) *Residentially zoned lots or parcels.* Real estate signs are permitted for residentially zoned lots or parcels as follows:

(1) For less than 1.00 acre: one sign per street frontage not to exceed four square feet in sign area per sign. The sign shall not exceed seven feet in height.

(2) For 1.01 to 5.00 acres: one sign per street frontage not to exceed 32 square feet in sign area per sign. The sign shall not exceed eight feet in height.

(3) For 5.01 to 10.00 acres: two signs not to exceed 32 square feet in sign area per sign. The sign shall not exceed eight feet in height.

(4) For greater than 10.00 acres: three signs not to exceed 32 square feet in sign area per sign. The sign shall not exceed eight feet in height.

(b) *All other zoned lots or parcels.* Real estate signs for all other zoned lots or parcels are permitted as follows:

(1) For less than 1.00 acre: one sign per street frontage not to exceed 16 square feet in sign area per sign. The sign shall not exceed eight feet in height.

(2) For 1.01 to 5.00 acres: one sign per street frontage not to exceed 32 square feet in sign area per sign. The sign shall not exceed ten feet in height.

(3) For 5.01 to 10.00 acres: two signs not to exceed 32 square feet in sign area per sign. The sign shall not exceed 15 feet in height.

(4) For greater than 10.00 acres: three signs not to exceed 64 square feet in sign area per sign or two signs not to exceed 128 square feet in sign area per sign. The sign shall not exceed 15 feet in height.

(c) *Real estate directional signs.* These signs shall not exceed six square feet in sign area.

(d) *Model complex signs.* Model complex signs shall be located on the project site and shall conform to the following:

(1) One sign per complex not to exceed 32 square feet in sign area.

(2) One sign per model not to exceed four square feet in sign area.

(3) Signs are to be removed when the complex ceases to be a model home complex.

(e) *Removal.* Signs shall be removed 72 hours after closing of sale or lease of property.

(f) *Location.* No real estate sign shall be erected in the public right-of-way or in the clear sight triangle.

(g) *Permits.*

(1) Signs which do not exceed 16 square feet in sign area do not require a sign permit and shall not be assessed a permit fee.

(2) Signs which exceed 16 square feet in sign area require a sign permit and shall be assessed the applicable permit fee.

(Ord. No. 1128, § E.2, 5-18-90)

Sec. 36-118. Commercial promotional displays.

In addition to authorized attached and freestanding signs, occasional events for commercial promotional displays requiring special advertising shall be subject to the following:

(1) Each business shall be limited to one freestanding and three attached signs. Each sign shall not exceed 100 square feet in size.

(2) Displays incorporating balloons, streamers, flags and pennants will be permitted and are not limited in size and number.

(3) Each business shall be allowed one permit for a grand opening display during its first six months of operation. The permit for this display shall be for 20 consecutive days.

(4) Each business shall be allowed four promotional displays during each calendar year. The permit for each of these displays shall be for ten consecutive days.

(5) Each business shall be allowed one bona fide going out of business display. The permit for this display shall be for 60 consecutive days.

(6) The applicant shall provide to the sign administrator the name and address of the business where the display is to be placed and the first day of the display. No portion of a display (i.e., structure or sign) shall be erected prior to the first day of the event as stated on the permit. All displays shall be removed not later than the permissible time limit stated in this section. A permit will be issued to the applicant and will remain in effect for the duration of that event. No permit fee will be assessed. A new permit is required for each event.

(Ord. No. 1128, § E.3, 5-18-90; Ord. No. 1508, 2-5-96)

Cross References: Licenses, taxation and miscellaneous businesses regulations, ch. 16.

Sec. 36-119. Residential promotional displays.

For an open house or other similar showing, the following residential promotional displays and conditions shall apply:

(1) Displays incorporating pennants, flags, streamers, banners, open house signs, welcome signs and other like signs will be allowed.

(2) The sign display may be erected any time on the day prior to the event and must be removed within 24 hours following the event.

Sec. 36-120. Electronic variable message display signs.

A temporary electronic variable message display sign is **not** permitted.

(Ord. No. 1128, § E.4, 5-18-90)

APPENDIX 1.

DEVELOPMENT STANDARDS

TABLE 1
MAXIMUM SIGN HEIGHT BY STREET CLASSIFICATION (IN FEET)

Zone → ↓ Street Class		R-3	R-4, O-1	O-2, C-1	C-2, MT, M-1/M-2,	C-3, M-3	all other zones
local		0	6	6	18	30	0
collector		6	12	18	18	30	6
minor arterial		6	12	18	18	30	6
principal arterial		12	18	18	30	30	6

NOTE: Freestanding signs which are allowed by right and erected in the zones listed in table 1 shall follow those height requirements enumerated in the table, unless specific height requirements are stated elsewhere in this chapter.
(Ord. No. 1128, app. 1, table 1, 5-18-90; Ord. No. 1444, 4-3-95)

TABLE 2
MINIMUM SETBACK BY STREET CLASSIFICATION

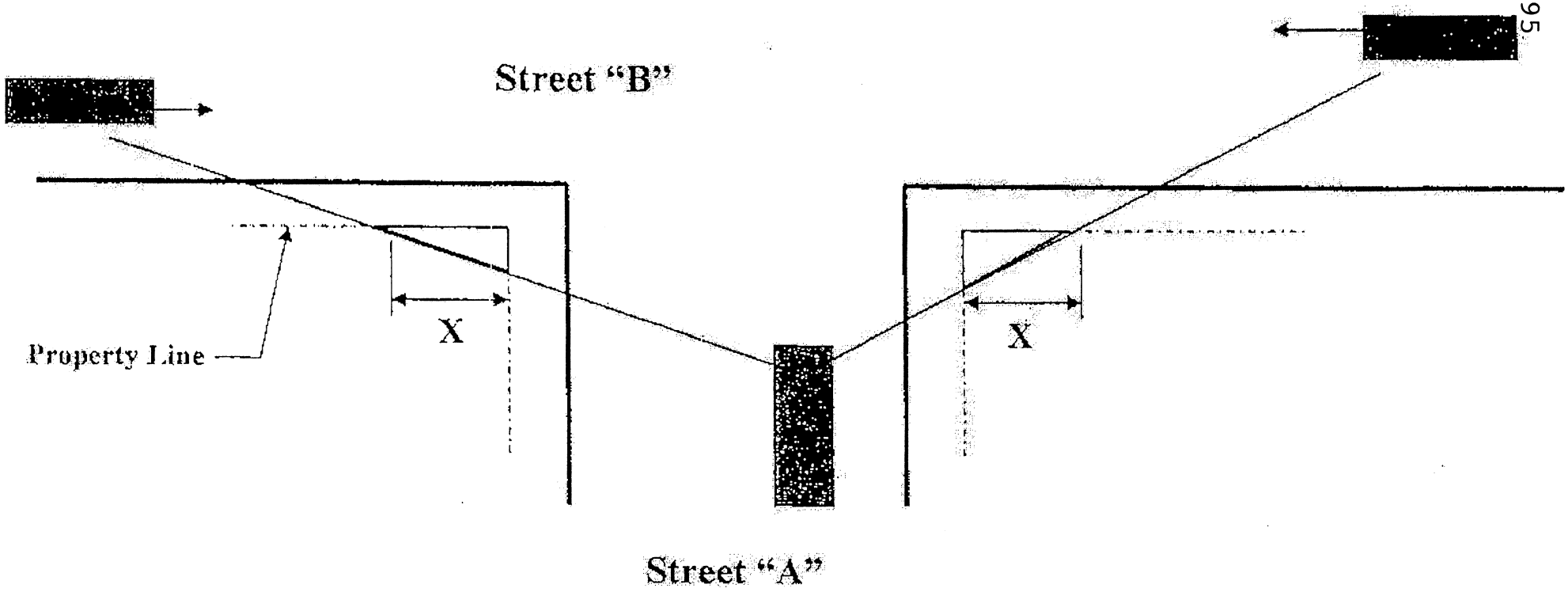
Street Class	Setback	Setback
Local	10 feet from property line	5 feet side yard
Collector	12 feet from property line	5 feet side yard
Minor arterial	15 feet from property line	5 feet side yard
Principal arterial	15 feet from property line	5 feet side yard

(Ord. No. 1128, art. 1, table 2, 5-18-90)

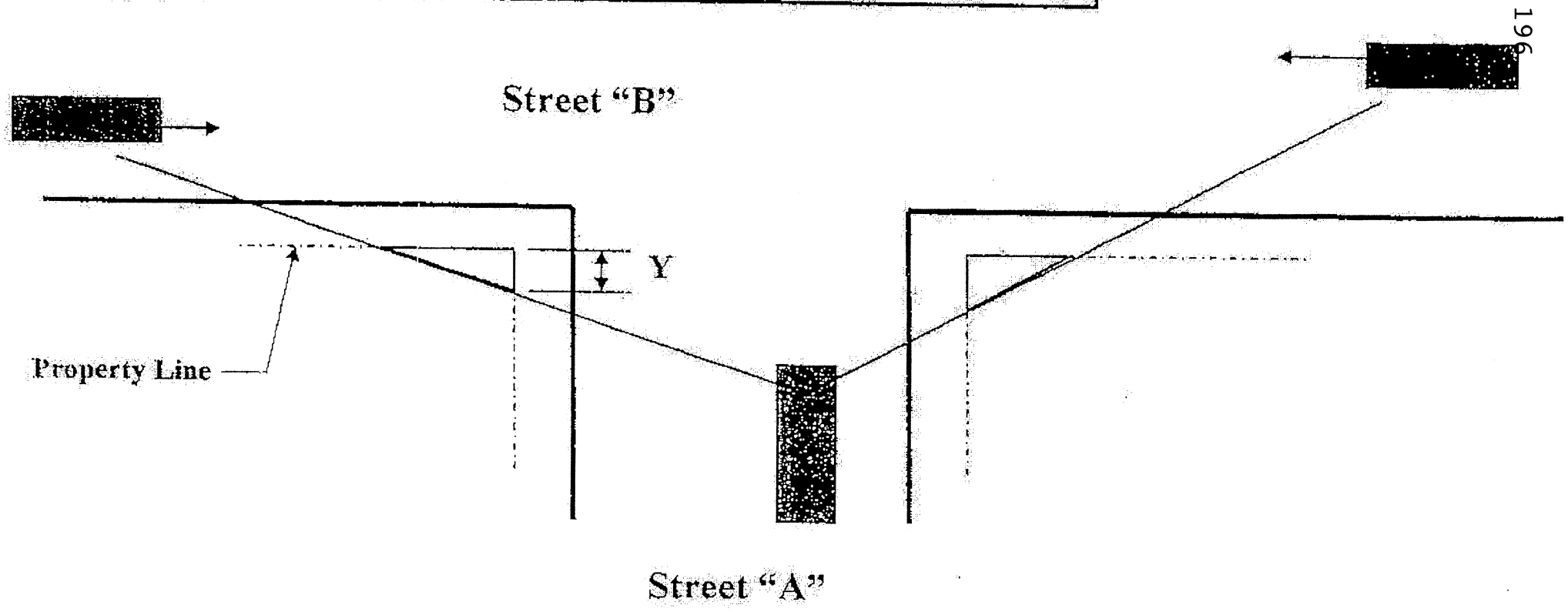
APPENDIX 2.

EXAMPLES AND ILLUSTRATIONS

Classification of Street "A"	Posted Speed of Street "B" 25 MPH	30 MPH	35 MPH	40 MPH	45 MPH	50 MPH
	"X" (FT.)					
Local	20	30	40	50	60	65
Major Local	20	25	35	45	55	60
Collector	20	20	30	30	40	50
Arterial	20	20	20	20	20	20

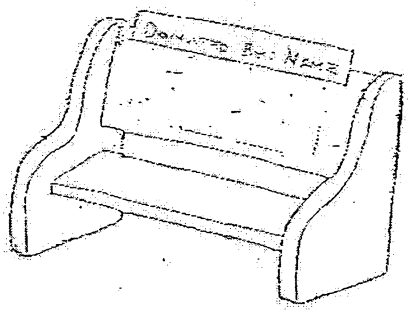


Classification of Street "B"	Posted Speed of Street "A" 25 MPH	30 MPH	35 MPH	40 MPH	45 MPH	50 MPH
	"Y" (FT.)					
Local	20	30	40	50	60	65
Major Local	20	25	35	45	55	60
Collector	20	20	30	30	40	50
Arterial	20	20	20	20	20	20

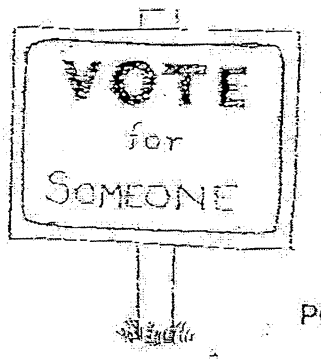


OFF-PREMISES SIGNS

(FOR ILLUSTRATIVE PURPOSES ONLY)



BENCH SIGN



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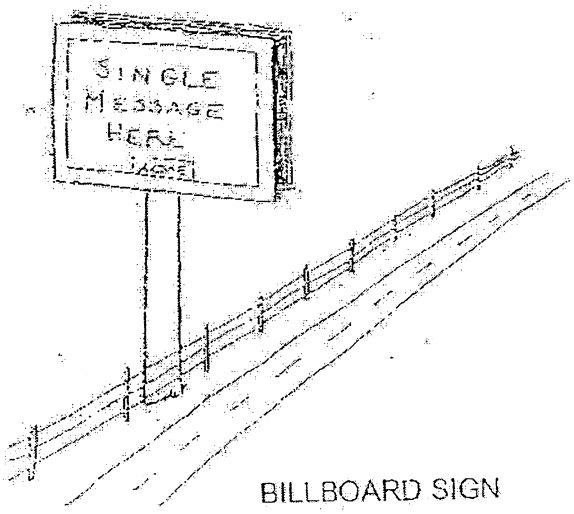
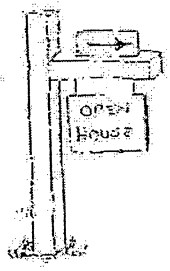
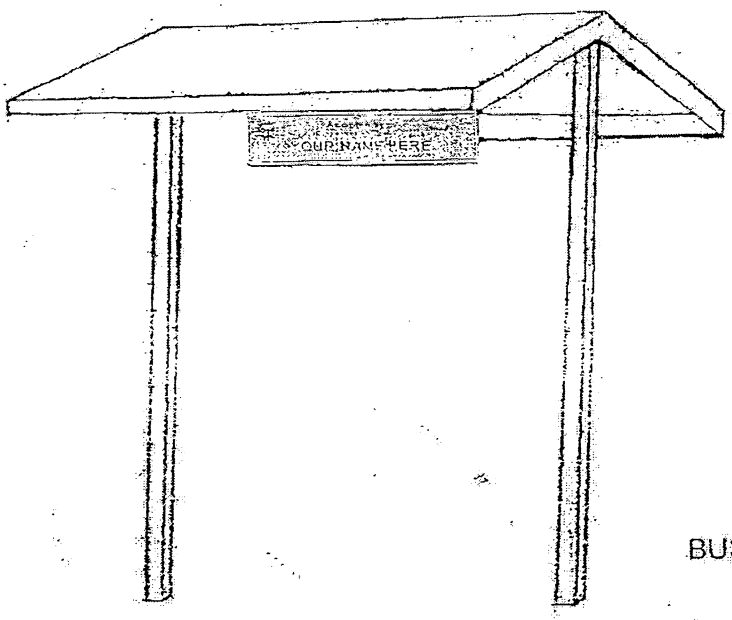


BILLBOARD SIGN



REAL ESTATE DIRECTIONAL SIGN

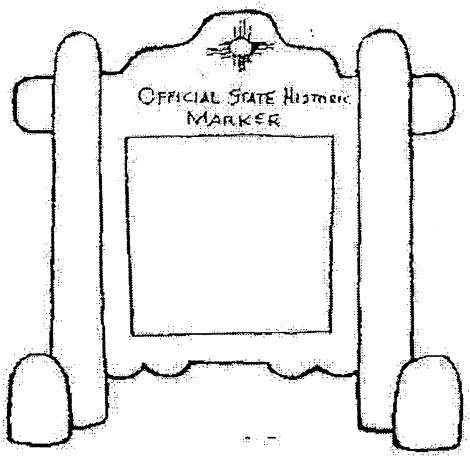


BUS SHELTER SIGN

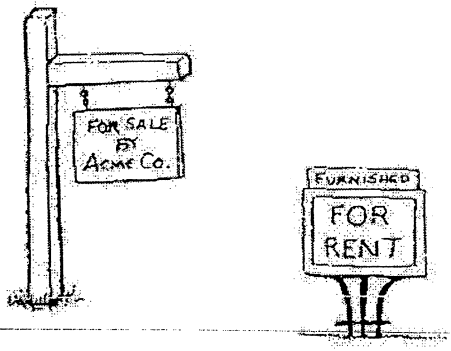
ON – OR OFF-PREMISE SIGNS

(FOR ILLUSTRATIVE PURPOSES ONLY

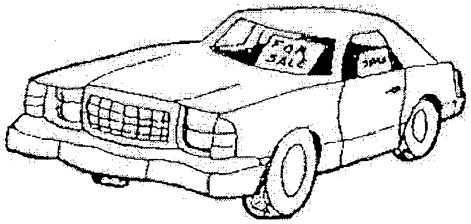
GARAGE SALE SIGN



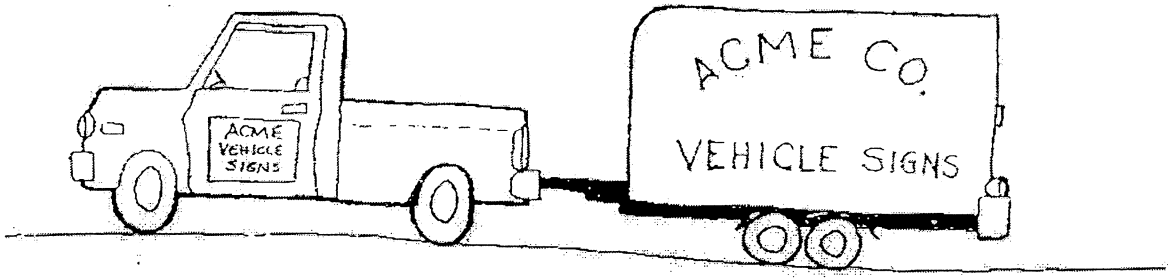
GOVERNMENT SIGNS



REAL ESTATE SIGNS



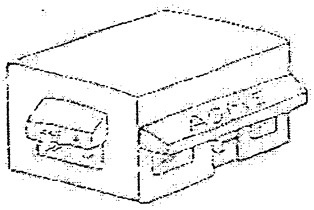
VEHICLE SIGN



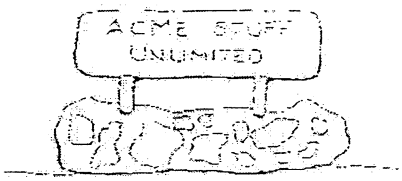
VEHICLE SIGNS

ON-PREMISES SIGNS

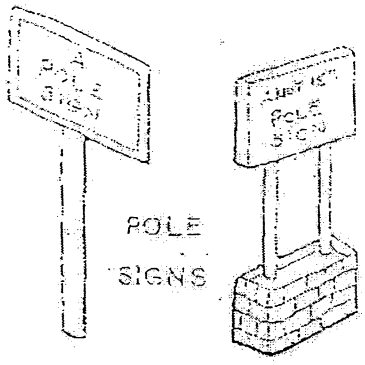
(FOR ILLUSTRATIVE PURPOSES ONLY)



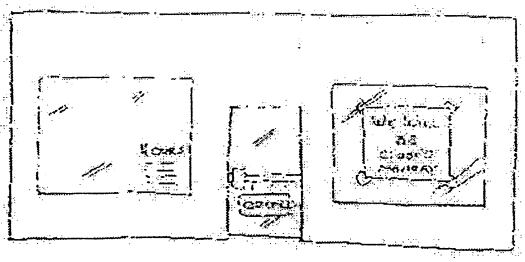
AWNING/CANOPY/MARQUEE SIGNS



GROUND SIGN

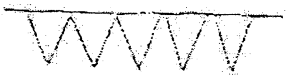


POLE SIGNS

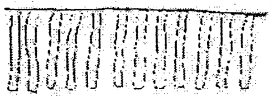


INFORMATION SIGNS

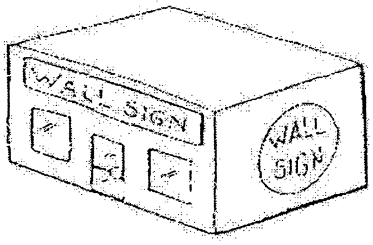
BANNER



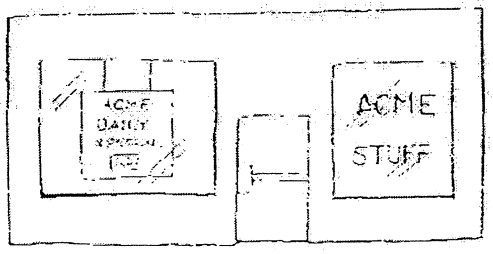
PENNANTS



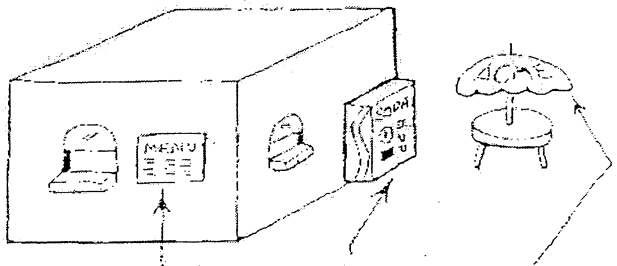
STREAMERS



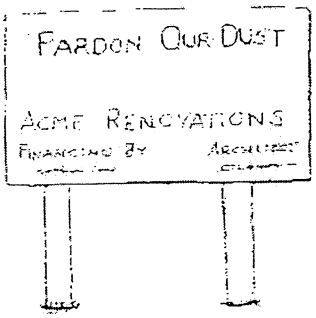
WALL SIGNS



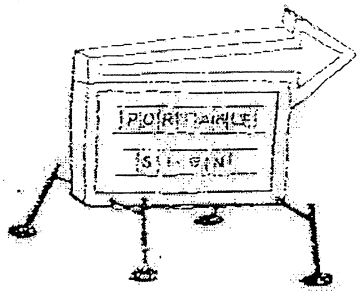
WINDOW SIGNS



ACCESSORY USE SIGNS

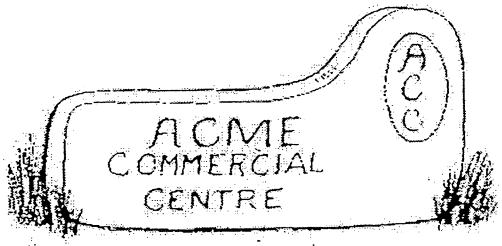


CONSTRUCTION/RENOVATION SIGN



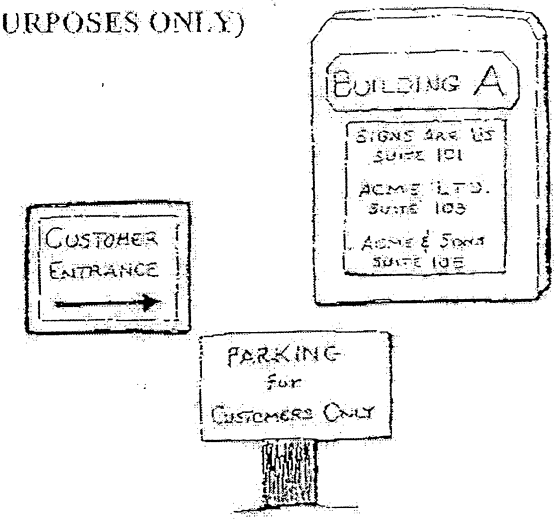
PORTABLE SIGN

ON-PREMISES SIGNS
200
(FOR ILLUSTRATIVE PURPOSES ONLY)

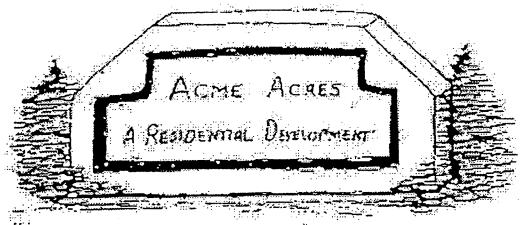


DEVELOPMENT IDENTIFICATION SIGN

(COMMERCIAL)

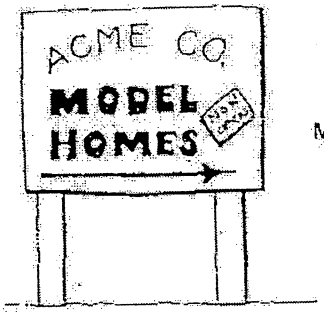


DIRECTIONAL SIGNS

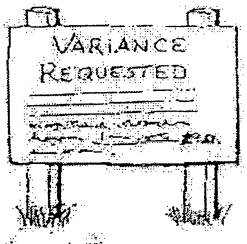


DEVELOPMENT IDENTIFICATION SIGN

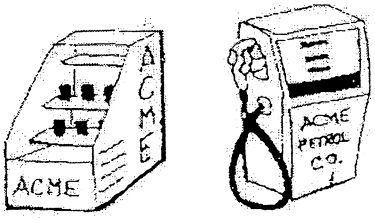
(RESIDENTIAL)



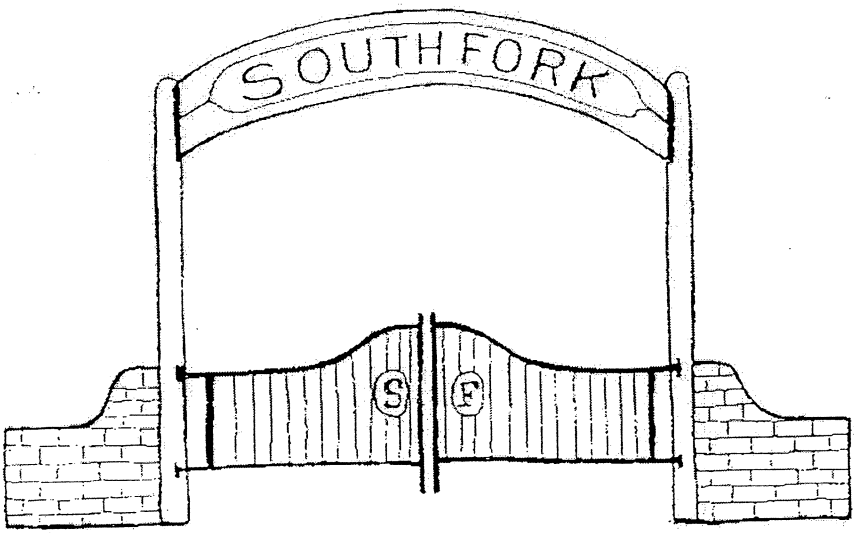
MODEL COMPLEX SIGN



LEGAL NOTICES

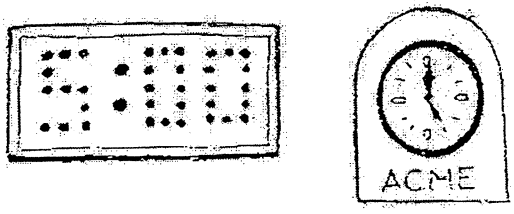


POINT-OF-SALE SIGNS



GATE ENTRANCE SIGN

TIME-AND-TEMPERATURE SIGNS



Attachment "A"

CITY OF LAS CRUCES

SIGN CODE

LCMC Chapter 36

Chapter 36
SIGNS*

* **Cross References:** Advertising, ch. 3; merchandising, advertising and signs in parks, § 20-37; streets and sidewalks, ch. 26; buildings and building regulations, ch. 30; development impact fee, ch. 33; subdivisions, ch. 37; zoning, ch. 38.

Article I. In General

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Sec. 36-2. Scope.	Art 1 - 1
Sec. 36-3. Definitions.	Art 1 - 1
Sec. 36-4. Calculation of sign area.	Art 1 - 7
Sec. 36-5. Variances.	Art 1 - 7
Sec. 36-6. Structural requirements.	Art 1 - 7
Sec. 36-7. Maintenance and removal.	Art 1 - 8
Sec. 36-8. Nonconforming signs.	Art 1 - 9
Sec. 36-9. Permits.	Art 1 - 10
Sec. 36-10. Prohibited signs.	Art 1 - 12
Sec. 36-11. Placement.	Art 1 - 13
Sec. 36-12. Lighting.	Art 1 - 14
Sec. 36-13. Enforcement.	Art 1 - 15
Secs. 36-14--36-40. Reserved.	

Article II. On-Premises Signs

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Sec. 36-42. Single Family Residential zones REM, RE, EE, R-1aM, R-1bM, R-1cM, R-1a, R-1b, R-1c.	Art 2 - 4
Sec. 36-43. Multi-family Residential zones R-2, R-3, R-4.	Art 2 - 4
Sec. 36-44. Flood Control zones FC.	Art 2 - 4
Sec. 36-45. Office, neighborhood commercial zones O-1, O-2, C-1.	Art 2 - 4
Sec. 36-46. Commercial and Industrial zones C-2, C-3, MTech, M-1M-2, M-3.	Art 2 - 6
Sec. 36-47. Business centers (various zones).	Art 2 - 7
Sec. 36-48. Sign regulations in overlay zone districts.	Art 2 - 7
Sec. 36-49. Planned Unit Development zones PUD	Art 2 - 7
Secs. 36-50--36-80. Reserved.	

Deleted: 49

Article III. Off-Premises Signs

Sec. 36-81. Attached signs.	Art 3 - 1
Sec. 36-82. Public area signs.	Art 3 - 1
Sec. 36-83. Billboards.	Art 3 - 2
Sec. 36-84. Garage, private sale or event signs.	Art 3 - 3
Sec. 36-85. Government signs.	Art 3 - 3
Sec. 36-86. Political signs.	Art 3 - 3
Sec. 36-87. Vehicle signs.	Art 3 - 4
Sec. 36-88. Athletic field signs.	Art 3 - 4
Sec. 36-89. Neighborhood signs.	Art 3 - 4
Secs. 36-90--36-115. Reserved.	

Article IV. Temporary Signs

Sec. 36-116. Construction/renovation signs.	Art 4 - 1
Sec. 36-117. Real estate signs.	Art 4 - 1
Sec. 36-118. Commercial promotional displays.	Art 4 - 3
Sec. 36-119. Residential promotional displays.	Art 4 - 3
Sec. 36-120. Electronic variable message displays.	Art 4 - 3

Appendix 1. Development Standards

Appendix 2. Examples and Illustrations

ARTICLE I.

IN GENERAL

Sec. 36-1. Purpose.

The purpose of this chapter is to permit signs that will not, by their size, location, or construction, endanger the public health and safety of individuals or confuse, mislead, or obstruct the vision necessary for traffic safety. Furthermore, it is the purpose of this chapter to maintain property values and to create a more aesthetically pleasing community, through the preservation of the natural beauty and environment of the city, by preventing the over concentration, improper placement, and density of signs, but keeping in mind the importance of signage to the business community, and the vital element it is to the free enterprise system.
(Ord. No. 1128, § A.1, 5-18-90)

Sec. 36-2. Scope.

This chapter shall apply to all signs, as that term is defined in section 36-3, within the city limits.
(Ord. No. 1128, § A.2, 5-18-90)

Sec. 36-3. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning (see appendix 2 for examples and illustrations):

Abandoned sign means an on- or off-premises sign that no longer directs, promotes, or advertises a bona fide business, lessee, owner, product, or activity conducted or product or service available on the premises where such sign is displayed.

Accessory use sign means any sign that is printed on or included in the design of any object which cannot be construed as being a building or freestanding sign. (i.e. vending machines, menu signs, ATM machines, etc.)

Advertising means the action of calling something to the attention of the public by verbal or visual presentation.

Animation means the rapid display of a sequence of images of 2-D or 3-D artwork or model positions in order to create an illusion of movement.

Athletic field means a wide stretch of open land used for outdoor games such as baseball, football and soccer.

Attached sign means any sign which is fastened to, connected to, or painted on and wholly or partially supported by a building.

Awning means a hood or cover which projects from the wall of a building and is composed of rigid or nonrigid materials.

Awning sign means a sign which is fastened to or painted on an awning.

Banner means a sign composed of lightweight, flexible material on which letters, symbols or pictures are painted or printed.

Bench sign means any sign affixed to or painted on a functional bench.

Billboard means an off-premises sign directing attention to a business, activity, commodity, service, entertainment, or communication, none of which may be conducted, sold or offered on the premises where the billboard is located.

Bonus means an allowance for additional sign area as an incentive to reduce the legal height permitted, or to remove nonconforming signs.

Business/service center means a group of two or more businesses planned, constructed, owned and managed independently or as a total entity which share access, parking, or landscaping.

Canopy or marquee means a permanent roof-like shelter extending from part or all of a building or independent of a building.

Canopy sign means a sign attached to or painted on a canopy.

Clear sight triangle means a triangular area of unobstructed vision at street intersections ~~and at the curb cut entrance and exists~~. and at entrances/exits, permitting a vehicle driver to see approaching vehicles to the right or left. Refer to Article VI, Division 3 of the City of Las Cruces Design Standards.

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Codes means any other applicable city, state or federal codes.

Collector street means a street which collects traffic from local streets and connects with major and minor arterials.

Construction/renovation sign means any temporary sign erected on the premises where construction/renovation is taking place and indicating the names of the architects, engineers, landscape architects, financial institutions, contractors or similar artisans, and the owners, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

Copy means the verbal, visual or pictorial portion of any sign.

Corporate pertains to any organization incorporated pursuant to law.

Decorations means any display which calls attention to a community-organized event or to a state or national holiday.

Development identification sign means a permanent sign installed or constructed at the entrance/exit to a residential or commercial development to identify the development name and logo only.

Directional sign means any sign erected for the convenience of the public, such as the directing traffic movement, parking or identifying restrooms, public telephones, walkways and other similar features or facilities, and bearing no advertising message, excluding those erected by the United States Department of Transportation and the state highway and transportation department.

Electronic Variable Message Display means any sign capable of displaying words, symbols, figures, or images that can be electronically changed by remote or automatic means. Such signs may **only** include the following modes of operations:

1. Static. Signs which include no animation or effects simulating animation except for the transition to a completely new message.
2. Travel. Signs where the message is changed by the apparent horizontal movement of the letters or graphic elements of the message.
3. Scrolling. Signs where the message is changed by the apparent vertical movement of the letters or graphic elements of the message.

Flag/decorative means any rectangular display constructed of lightweight material having no logo or advertising message printed or painted on it.

Freestanding sign means any sign attached to or supported from the ground, and not attached to a building.

Garage sale sign. See *Private sale or event sign.*

Gate entrance sign means any sign installed or constructed over the entrance to the premises in specific zoning districts as described in this chapter.

Government sign means any sign erected by any city, county, state or federal agency or its designee, setting forth information pursuant to law.

Ground sign means any sign which is attached to either the ground or to a footing set flush with the ground.

House or building sign or nameplate means a sign limited to identifying the street name, building or property number, and the name of the owner or occupant of the building or property.

Illuminated sign means any sign which is lighted internally, externally or by lights directed towards the sign by any light source.

Information sign means any sign whose purpose is to indicate the business, hours of operation or similar identification information.

Legal notice means any sign required by law or pursuant to a court order.

Local street means a street designed to provide access to abutting property and local streets, and to discourage through traffic.

Logo means an identifying symbol used for advertising purposes.

Maintenance means the total upkeep of a sign, structurally and electrically, in terms of safety, and cosmetically, in terms of visual attractiveness.

Major arterial means a street with access control, channelized intersections, restrictive parking, and which distributes and collects traffic to and from minor arterials.

Marquee or canopy. See *Canopy.*

Marquee sign means a sign attached to, mounted on or painted on a marquee.

Minor arterial means a street with signals at important intersections and stop signs on side streets and which collects and distributes traffic to and from collector streets.

Model complex sign means any sign located on a complex site, limited in time until the complex ceases to be a model complex.

Mural means a picture or graphic illustration applied directly to a wall of a building or structure which does not advertise or promote a particular business, service or product.

National, state and corporate flags means any rectangular display constructed of lightweight material used to identify a nation, state or corporation.

Neighborhood Sign means a sign erected for the convenience of the public, directing traffic to and/or identifying specific neighborhoods and bearing no logo, tagline or advertising message,

Nonconforming sign means any sign legally erected and permitted in compliance with codes at the time it was erected and permitted, but which does not conform to current codes or this chapter.

Off-premises sign means a sign which advertises or directs attention to a business, product, service or activity which is not available on the premises where the sign is located.

On-premises sign means a sign which advertises or directs attention to a business, product, service or activity which is available on the premises where the sign is located.

Pennant means a display made of a lightweight material which tapers to a point, having no logo or advertising message printed on it.

Point-of-sale sign means any sign which is located or attached directly to the product to be sold.

Pole sign means any sign whose primary means of support is one or more poles set into a concrete footing, located at or below ground level.

Political sign means a sign pertaining to any national, state or local election and/or caucus.

Portable sign means a freestanding sign not permanently affixed, anchored or secured to the ground or a building, which may be rolled or moved about.

Private sale or event sign means a temporary sign advertising private sales of personal property at garage, yard or estate sales and the like; private fundraising events, such as a nonprofit carwash, or food/clothing drive, etc.

Product identification sign means any sign used to identify the supplier/contractor of the construction product being used.

Prohibited sign means any sign not expressly permitted within this chapter, or any sign which is specifically prohibited in this chapter, as provided in section 36-10.

Promotional display, commercial means special advertising for grand openings, anniversaries, special or seasonal events, and which are for a limited time, in addition to the legal signage permitted.

Promotional display, residential means special advertising using pennants, flags, streamers, banners, open house signs and other similar signs, the duration of an open house or similar showing.

Public area means any bus bench, bus shelter, landscaped median, trail, park, or arroyo duly recognized by the city.

Real estate broker identification sign means a sign used at a broker's residence for identification purposes as prescribed by state law.

Real estate directional sign means a sign which advertises or directs attention to real property not available on the premises where the sign is located.

Real estate sign means a sign intended to advertise the financing, development, sale, transfer, lease, exchange or rent of real property.

Roof sign means any sign which is attached to the roof of a building or structure.

Setback means the distance required from the property line or from other buildings/structures or businesses.

Shopping center means a group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements.

Sign means any advertisement, announcement, direction or communication produced in whole or in part by the construction, erection, attachment or placing of a structure or object on any land, or on any other structure, or produced by painting on, posting or placing any printed, lettered, pictured, figured or colored material on any building, structure or surface.

Sign administrator means a city employee so designated to administer and enforce the terms and conditions of this chapter, the codes, and all other provisions of laws pertaining to signs.

Special use sign means any sign intended for use by establishments requiring a special use permit pursuant to chapter 38.

Streamers means a display made of light, flexible material, consisting of long, narrow, wavy strips having no logo or advertising message printed or painted on it.

Street Segment means the length of a roadway located between intersections of two collector or higher classified roadways based upon the Las Cruces Metropolitan Planning Organization designation.

Structural requirements means the safety standards that apply to those signs governed by the requirements in the Building Code and other companion documents.

Temperature/time/date sign means any sign with the purpose of displaying the temperature, time, date and logo/name.

Temporary sign means any sign intended for a limited period of display.

Total front footage means the total length of a property fronting on any side of a public street, or the total length of a building on which a sign is allowed.

Trademark/label/name means identification applied or attached to each permitted sign to designate the manufacturer and installer.

Unlawful sign means any sign ever erected which does not have a valid permit or, after erection, did not comply with all applicable provisions of the permit under which it was constructed and erected, or did not comply with all provisions of codes, or which does or did not meet the necessary requirements to be considered nonconforming.

Unlicensed commercial sign means any sign erected by an individual, group, organization or club for fundraising or other monetary gain.

Unsafe sign means any sign identified by the sign administrator as being improperly constructed and installed, erected or secured, thereby subject to falling or creating a safety hazard, with supported findings.

Variance means an authorization granted to a property owner to depart from the numerical requirements of the zoning regulations (as applied here, this chapter).

Vehicle sign means a sign painted on or attached to either a vehicle or to a trailer designed to be pulled behind a motorized vehicle, which relates to a business, activity, use, service or product.

Wall sign means any sign affixed flush to or painted upon the wall of any building.

Window sign means any sign that is applied or attached to the exterior or interior of a window or a window frame.
(Ord. No. 1128, § B, 5-18-90; Ord. No. 1292, 12-21-92; Ord. No. 1526, 4-1-96; Ord. No. 2111, §§ I, II, 6-21-04; Ord. No. 2141, § I, 10-4-04)

Cross References: Definitions generally, § 1-2.

Sec. 36-4. Calculation of sign area.

~~(a) Sign size area is considered the area within the smallest rectangle or combination of rectangles which contains all advertising surfaces, background, framing and ornamentation, but not including sign supports or pole covers which contain nonsign copy.~~

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(a) The area of an attached sign is measured as the area within the smallest rectangle or combination of rectangles which contains all text, symbols or other graphic elements, plus any background area which does not appear as a continuous portion of the building surface that highlights a sign.

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(b) The area of a freestanding sign is measured by determining the sign area of all sides that are visible from any one vantage point, except only one side of a sign shall be measured if the two sides are back to back or separated by an angle of 45 degrees or less. If the two sides are not of equal size, the larger side shall be measured.
(Ord. No. 1128, § I.1, 5-18-90; Ord. No. 1292, 12-21-92; Ord. No. 1297, 2-2-93)

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Sec. 36-5. Variances.

(a) There shall be no ~~administrative variances~~ flexible development standards issued for any section addressed in this chapter.

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(b) Variance requests shall follow procedures and requirements outlined within chapter 38.
(Ord. No. 1128, § I.2, 5-18-90)

Sec. 36-6. Structural requirements.

(a) All signs shall conform to the structural design requirements set forth in the International Building Code and companion documents.

(b) Sign permit applications for freestanding signs exceeding 20 feet in height, measured from ground level, shall be accompanied by an engineer's design drawing showing the appropriate calculations. The drawing shall be stamped by an engineer certified in the state.
(Ord. No. 1128, § I.3, 5-18-90)

Sec. 36-7. Maintenance and removal.

(a) *Damaged signs.* When any sign is substantially damaged, destroyed, taken down or removed for any purpose other than copy change or normal maintenance operation, it shall not be re-erected, reconstructed or rebuilt except in full compliance with this chapter.

(b) *Unsafe signs.* If, in the opinion of the sign administrator, any sign becomes unsecured, unsafe or subject to fall, the sign administrator upon supported findings shall give written notice of the sign's condition to the person(s) responsible for the sign (the owner or lessee) and the land owner. The person so notified shall correct the unsafe condition of the sign within seven days in conformance with this chapter.

(c) *Maintenance.*

(1) All signs shall be kept in good repair, both structurally and in appearance. All braces, bolts, clips, fastenings and the supporting frame shall be securely affixed to the support structure or wall and shall be free from insect infestation, rot or other deterioration.

(2) If the message portion of a sign is not maintained or if it is removed, leaving only the supporting shell of a sign or the supporting braces, anchors or similar components, the owner of the sign or the owner of the property where the sign is located or other person having control over such sign shall, within 30 days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign. This subsection shall not be construed to alter the prohibition on the replacement of a nonconforming sign, nor shall

this subsection be construed to prevent the changing of the message of a sign.

(d) *Repair, alteration or removal.* Any written notice to repair, alter or to remove a sign will be sent via certified mail by the sign administrator to the land owner and to the sign owner lessee, or person(s) responsible for the sign. If such order is not acted on within seven days, the sign administrator may initiate proceedings contained in this chapter to revoke the permit and remove the sign at the expense of the land owner, sign owner, lessee, or person(s) responsible for the sign.

(e) *Unlawful signs.* If any sign is installed, erected, constructed or maintained in violation of any of the terms of this chapter, or the applicable code the sign was erected under, the city may issue a written warning to the sign owner, lessee, property manager or landowner. This warning shall outline the violation and order the designated responsible party to bring the sign into compliance with this chapter and any other applicable codes within 14 days from the date of the warning. Only one warning per violation will be issued. The warning shall remain in effect for the duration of the business.
(Ord. No. 1128, § I.4, 5-18-90)

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Sec. 36-8. Nonconforming signs.

(a) Subject to the remaining restrictions of this section, nonconforming signs that were otherwise lawful on the effective date of the ordinance from which this chapter derives may be continued.

(b) No person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming sign. Without limiting the generality of this statement, no nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition, nor may illumination be added to any nonconforming sign.

(c) Any change in the use of any building or property on which a nonconforming sign is located will require that all nonconforming signs on that property be brought into compliance with all applicable sections of this chapter within nine months of the change.

(d) A nonconforming billboard may be reconstructed on the same property so as to meet the size, height, configuration, **and** support requirements of this code without losing its legal nonconforming status. To the extent possible, setback and separation requirements will be met. A non-conforming billboard being converted into an electronic variable message display sign shall come into **full compliance** with all off-premise electronic variable message display billboard provisions. A sign permit is required in order to rebuild a nonconforming sign under this provision.

(e) A nonconforming on premise sign may not be moved or replaced except to bring the sign into conformity with this chapter to the extent possible. For the purpose of this subsection, the term "replaced" means the replacing of any or all parts of a sign

that would extend the normal life span of the sign. An example is replacing wood pole supports with metal I-beam supports.

(f) If a nonconforming sign is destroyed, damaged or in need of repair, it may not thereafter be repaired, reconstructed or replaced except in conformity with all the sections of this chapter and the remnants of the former sign structure shall be cleared from the land. For purposes of this subsection, a nonconforming sign is destroyed, damaged or in need of repair if damaged up to 50 percent of the cost of repairing the sign to its former stature or if the cost of replacing it equals or exceeds the tax value (tax value if listed for tax purposes)/sign valuation (as stated on the original permit) of the sign so damaged, whichever is less.

(g) The message of a nonconforming sign may be changed so long as this does not create any new nonconforming issues (for example, by creating an off-premises sign under circumstances where such a sign would not be allowed).

_____(h)_____If a nonconforming sign other than a billboard advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall be removed within 90 days after such abandonment by the sign owner, owner of the property where the sign is located or other party having control over such sign.

(i) If a nonconforming billboard remains blank for a continuous period of 90 days, that billboard shall be deemed abandoned and shall be altered to comply with this chapter or be removed by the sign owner, owner of the property where the sign is located or other person having control over such sign. For purposes of this subsection, a sign is blank if:

(1) It advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted;

(2) The advertising message it displays becomes illegible in whole or substantial part; or

(3) The advertising copy has been removed.

(j) The city shall reserve the right to remove a nonconforming sign in accordance with state law.

(k) This section shall not apply to any benches placed under the terms of any contract in effect on the date effective date of the ordinance from which this chapter derives.

(Ord. No. 1128, § I.5, 5-18-90; Ord. No. 1509, 2-5-96)

Sec. 36-9. Permits.

(a) Sign permits shall be required for all signs unless otherwise stated in this chapter.

(b) Signs not requiring permits under this chapter shall be as follows:

_____(1) Accessory use signs.

_____(2) Change of copy on legally established signs.

_____(3) Construction/renovation signs (those not exceeding 16 square feet _____in sign area).

_____(4) Decorations for national holidays or communitywide festivals and _____fiestas.

_____(5) Directional signs.

_____(6) Flags/decorations.

_____(7) Garage sale signs.

_____(8) Government signs.

_____(9) House or building signs or nameplates.

_____(10) Information signs.

_____(11) Legal notices.

_____(12) Model complex signs (those not exceeding 16 square feet in sign _____area).

_____ (13) National, state and corporate flags following accepted flag _____protocol.

_____ (14) Pennants.

_____ (15) Point-of-sale signs.

_____ (16) Political signs, except billboards.

_____ (17) Private sale or event signs.

_____ (18) Product identification signs.

_____ (19) Promotional displays, residential.

_____ (20) Railroad signs.

_____ (21) Real estate broker identification signs.

_____(22) Real estate directional signs.

_____(23) Real estate signs (those not exceeding 16 square feet in sign area).

_____(24) Streamers.

_____(25) Vehicle signs.

(Ord. No. 1128, §§ G, I.6, 5-18-90)

Sec. 36-10. Prohibited signs.

(a) Any sign not expressly permitted within this chapter is prohibited.

(b) A sign placed or painted on any motor vehicle, recreational vehicle, trailer or other movable device that reasonably indicates the use of such vehicle, trailer or device as a sign is prohibited. This includes the parking of such vehicle, trailer or device in such a manner as to constitute a sign. This does not include vehicles, etc., used in the course of normal business activities.

(c) Any sign constructed to resemble any official marker or sign normally erected by a city, state or federal government agency or a sign using words, phrases, symbols or characters in such a manner as to interfere with, mislead or confuse traffic is prohibited.

(d) A sign advertising activities that are illegal according to federal or state laws, rules or regulations and county or city ordinances or resolutions is prohibited.

(e) Any sign erected on, attached to or painted on retaining walls, fences, rocks or natural features is prohibited. This prohibition shall not include development identification signs placed on walls used for landscaping purposes and athletic field signs as defined in section 36-88.

(f) Any sign illegally placed, constructed or maintained is prohibited.

(Ord. No. 1128, § H, 5-18-90; Ord. No. 1526, 4-1-96; Ord. No. 1854, § II, 2-5-01)

Sec. 36-11. Placement.

(a) No sign shall be permitted to violate the clear sight triangle ~~as defined in this chapter~~ as referenced in Article VI, Division 3 of the City of Las Cruces Design Standards.

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(b) No sign shall obstruct any door, stairway, fire escape or opening intended to provide ingress and egress for any building or structure.

(c) Signs may not be located in a manner that obscures or interferes with the effectiveness of any official sign, signal or device. A sign shall not be placed at any location where it obstructs or interferes with the clear view of any traveler on any street.

(d) No sign shall be constructed within any public right-of-way or sidewalk nor shall any portion of any sign extend onto or over a public right-of-way or sidewalk unless a specific exception is provided for in this chapter.

(e) No permit for a sign that extends beyond private property onto a public street, public sidewalk or public alley will constitute a permanent easement. Every such permit shall be revocable by the sign administrator. The city shall not be liable for any damages to the owner because of such revocation.

(f) The city, civic groups and non-profit entities who desire to utilize the city utility poles for placement of banners or other signs or attachments may do so only for a large event, celebration or festival of city-wide interest or other community or county-wide attraction. Such events, celebrations, festival or attraction are those events, celebrations, festivals or attractions which are designed to attract large numbers of city residents and tourists, may occur on an annual or semi-annual basis and which promote the city's history, natural and cultural beauty, art, cuisine and/or athletic events (e.g. The Whole Enchilada Festival, Gus Macker Basketball Tournament, Border Book Festival, The Renaissance Fair, the Fourth of July).

(1) A special sign permit shall be obtained, indicating the dates of display, number of banners to be displayed, location(s) of display, etc. and must be approved by the city manager or designee.

(2) All banners shall be installed and removed either by the city or the entity requesting the display.

_____a. If installed and removed by the city, permit fees shall be _____based on the number of banners to be installed/removed at _____a rate approved by the city council (Resolution #00-360). _____Permit fees shall be paid by the applicant upon permit _____approval and in advance of sign installation.

_____b. If installed and removed by the entity requesting the _____display the city requires a minimum of $1,000,000.00 _____insurance, with the city being named as an additional _____insured party and the entity must provide a hold harmless _____indemnity agreement, not holding the city responsible for _____any accidents or loss in the installation/removal of the _____banners.

(3) Banners shall be restricted to placement on city-owned utility/light poles only.

(4) Banners shall only be displayed along major arterials, as defined by the city metropolitan planning organization transportation plan.

(5) The maximum length of display shall be determined by the length of the event being advertised. Banners are permitted to be displayed one and one-half times the length of the event being advertised. The one-half amount of days is permitted to be utilized prior to the event. (Example: event is ten days, display permitted 15 days total, banners can be displayed five days prior to event.)

(6) Any aggrieved person, department, commission, board, or bureau that is affected by a decision of an administrative official in the administration of this section may appeal such decision to the city council. Such appeal must be in writing within 15 days after the decision and must be filed with the city clerk.

(g) Any sign extending over an area intended for pedestrian use shall not be less than seven feet, four inches above the finished grade below it.

(h) No sign shall be placed on any property without written consent of the owner or the owner's authorized agent.

(i) No part of any sign may protrude into the setback except as follows:

(1) If the right-of-way extends 15 feet beyond the back of the curb, a sign may be placed on the property line. A written agreement between the city and the property owner shall be initiated to ensure that the sign will be relocated at the owner's expense if the roadway is ever widened at the sign location.

(2) Real estate signs may be located within the setback; however, they shall not encroach in any way into the public right-of-way or clear sight triangles.

(j) Every sign shall be identified by a label, nameplate or trademark designating the manufacturer and installer of the sign. Signs not requiring permits shall be exempt from this subsection.

(k) No temporary or permanent sign shall be placed on public property, with the exception of signs lawfully permitted. Any unlawful sign found in a public right-of-way or on public property shall be seized, and removal is authorized.
(Ord. No. 1128, § I.7, 5-18-90)

Sec. 36-12. Lighting.

(a) Light from any light source intended to illuminate a sign shall be shaded, shielded, or directed in such a way so that the light intensity or brightness shall not adversely affect the safe vision of pedestrian or vehicle operators on public or private streets, driveways, or parking areas, and shall not adversely affect any of the surrounding premises. Illumination from any sign shall not interfere with the effectiveness of any official traffic sign, signal or device. Electronic variable message display signs shall, for the purpose of this chapter, satisfy the requirements of this provision.

(b) Signs which face residentially zoned lots having a linear distance of 75 feet or less from that zone shall not be illuminated.

(c) Signs in residential zones shall not be illuminated with the exception of a house or building sign or nameplate.
(Ord. No. 1128, § I.8, 5-18-90)

Sec. 36-13. Enforcement.

(a) *Violations and penalties.* Any person who shall violate any section of this chapter shall be guilty of an offense and shall, upon conviction, be punished by a fine of not less than $50.00 and not more than $300.00 for each violation. Each day in which any violation shall occur shall constitute a separate offense. In addition, the city attorney is authorized to take all actions, both legal and equitable, necessary to ensure compliance with this chapter.

(b) *Enforcement authority.*

(1) The Sign Code Administrator or designee shall have the authority to remove any sign that is in the public right-of-way and in violation of Code. The sign owner will be contacted about the situation and will be allowed 30 calendar days to collect the removed sign or signs. After set time, any remaining sign or signs shall be recycled.

(2) The police department, through its codes enforcement division, is authorized to issue citations for violations of this chapter and to file criminal complaints in municipal court alleging violations of this chapter.

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(3) The municipal court may impose a fine for each offense, not to exceed $300.00 for each day the violation is found to have occurred. In addition to any fines thus imposed, the municipal court is authorized to issue orders of the court to remove structures it finds in violation of this chapter. Failure to comply with any such orders for removal or other judgments of the municipal court, including failure to pay fines previously imposed, shall constitute

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contempt of court and may be separately punished at the discretion of the municipal court.

(Ord. No. 1128, § I.4.f, 5-18-90)

Secs. 36-14--36-40. Reserved.

ARTICLE II.
ON-PREMISES SIGNS*

* **Cross References:** Licenses, taxation and miscellaneous business regulations, ch. 16.

Sec. 36-41. General conditions.
The following general conditions apply to on-premises signs:

(1) *Accessory use sign.*

a. The primary purpose of the sign must be corporate/business identification and not advertising per se.

b. The object into which the sign is incorporated must serve a functional purpose and be an item which is normally associated with the type of business or enterprise for which it is being used.

(2) *Attached sign.* No attached sign shall extend beyond the highest point of a roofline, or project beyond the edge of any wall.

(3) *Decorations.* Any display shall be removed no later than five days after the event/holiday.

(4) *Development identification sign (permanent.).*

a. The maximum sign area shall not exceed 32 square feet.

b. The maximum height shall not exceed ten feet.

c. The sign may be placed in the public right-of-way, provided prior approval has been granted by city manager or designee.

d. This sign may be used in addition to any other freestanding sign allowed pursuant to this chapter.

(5) *Directional sign.* Directional signs visible from the public right-of-way (i.e., entrance/exit) shall not exceed six square feet in sign area and four feet in height.

(6) Electronic variable message display sign

(a) On-premise electronic variable message display signs are only permitted along a collector or higher category of street classification based upon the Las Cruces Metropolitan Planning Organization designation.

(b) A maximum of one (1) attached on-premise electronic variable message display sign is permitted per property. One (1) on-premise electronic variable message display sign is permitted on each side of a freestanding sign provided that the sides of the sign are parallel to each other or at no more than a 45 degree angle. Any freestanding sign with more than a 45 degree angle shall only be allowed a total of one (1) electronic variable message display sign.

(c) No on-premise electronic variable message display sign shall be located on the same property as an off-premise electronic variable message display billboard.

(d) Animated messages are not permitted. Scrolling or traveling signs are permitted, provided that they do not exceed two lines.

(e) On-premise electronic variable message display signs that are static shall not contain flashing lights as part of the display.

(f) Static messages on an on-premise electronic variable message display sign shall be displayed for a minimum of eight (8) seconds and a change of message shall be accomplished instantly with no transition between messages.

(g) Static messages on an on-premise electronic variable message display sign shall occur simultaneously all at once on the entire sign face.

(h) An on-premise electronic variable message display sign shall have an automatic dimmer control to produce distinct illumination change from the highest allowed illumination level to the lowest level meeting the illumination standards of the City of Las Cruces Outdoor Lighting Ordinance, Chapter 39 of the City of Las Cruces Municipal Code. A default mechanism must be installed that shall freeze the sign in one position or static message if a malfunction occurs.

(7) *Flags.*

a. Displays incorporating the identification of a nation, state or corporation shall follow accepted flag protocol. Only one corporate flag will be allowed per lot.

b. Displays used to serve as decoration, exclusive of decorations used in fiestas, communitywide festivals or national holidays, shall have

no logo or advertising message printed or painted on them. These may be used in addition to the regular signage allowed per business.

(8) *Freestanding sign.* All signs classified as freestanding are limited to locations along street segments meeting specific zoning criteria further defined elsewhere in this chapter.

(9) *Gate entrance sign.*

a. The sign may identify the owner, resident or name of a certain parcel of property (i.e., John Doe Ranch, etc.).

b. Total sign height, including poles, shall not exceed 20 feet. The sign face itself shall not exceed three feet in height and 30 feet in width.

(10) *Information sign.* Signs visible from the public right-of-way shall have a maximum size of four square feet in sign area.

(11) *Legal notices.* These signs are exempt from the requirements of this chapter; however, they must comply with provisions for the clear sight triangle.

(12) *Pennant.* These displays may be used in addition to the regular signage allowed per business.

(13) *Point-of-sale sign.*

a. This sign shall limit its advertisement to the product, its price, and its manufacturer.

b. The cumulative sign area for these signs shall not exceed 20 square feet.

c. Each sign shall be no larger than two square feet in sign area.

(14) *Portable sign.*

a. Portable signs, although not incorporating a permanent footing in their design, shall be securely anchored to the ground to prevent overturning in high winds.

b. Portable signs shall be placed on level ground only or leveled during setup.

c. Portable signs shall for purposes of this chapter be subject to all on-premises provisions governing freestanding signs.

(15) *Product identification sign.* The sign shall be placed on the structure and shall not exceed one-third square foot in sign area.

(16) *Real estate broker identification sign.* The sign area shall not exceed two square feet.

(17) *Special use sign.*

a. The maximum number of signs allowed for each location shall be limited to one freestanding sign and one attached sign.

b. Height requirements are established in appendix 1 to this chapter. Each sign shall not exceed 20 square feet in sign area.

c. Examples where the sign requirements of this subsection would apply include the following:

1. Cemeteries located within R-1 zones.

2. Golf courses and country clubs located within an R-3 zone.

d. When special use permits are granted pursuant to chapter 38, the requirements of this subsection shall apply.

Exception. If a special use permit is granted for a location within a zone designation (i.e., C-2, M-1) that allows greater signage, the requirements specific to that zone shall apply.

(18) *Streamers.* These displays may be used in addition to the regular signage allowed per business.

(19) *Wall sign.* No wall sign flush mounted may be extend more than 12 inches in depth out from the wall to which it is attached.

(20) *Window sign.*

a. Permanent window signs may be substituted for wall signage with a corresponding reduction of wall signage.

b. A window sign does not include merchandise or models of products or services incorporated in a window display.

(Ord. No. 1128, § C.1, 5-18-90)

Sec. 36-42. ~~Single Family~~ Residential zones REM, RE, EE, R-1aM, R-1bM, R-1cM, R-1a, R-1b, R-1c.

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The following sign types are permitted: development identification sign; directional sign; garage sale sign; gate entrance sign, government sign; house or building sign or nameplate; legal notices; model complex sign; national, state and corporate flags; neighborhood sign; political sign; private sale or event sign; real estate broker identification sign; real estate sign; and a special use sign, pursuant to requirements stated elsewhere in this chapter.
(Ord. No. 1128, § C.2, 5-18-90; Ord. No. 1444, 4-3-95)

Sec. 36-43. ~~Multi-family~~ Residential zones R-2, R-3, ~~R-4.~~

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The following sign types are permitted: development identification sign; directional sign; flags/decorative; garage sale sign; government sign; house or building sign or nameplate; legal notices; model complex sign; national, state and corporate flags; neighborhood sign; political sign; private sale or event sign; real estate broker identification sign; real estate sign; and a special use sign, pursuant to requirements stated elsewhere in this chapter.

(Ord. No. 1128, § C.4, 5-18-90)

Sec. 36-44. Flood Control zones FC.

The following signs are permitted:

(1) One freestanding sign, one attached sign or a combination of both shall be permitted for advertising purposes only. In no event shall the total square footage of both signs exceed 32 square feet in sign area.

(2) Sign types allowed include: development identification sign; directional sign; flags/decorative; government sign; legal notices; national, state and corporate flags; point-of-sale sign; political sign; private sale or event sign; real estate broker identification sign; real estate sign; and a special use sign, pursuant to requirements stated elsewhere in this chapter.

(Ord. No. 1128, § C.5, 5-18-90)

Sec. 36-45. ~~Office, neighborhood commercial~~ Residential, Office and Commercial zones R-4, O-1, O-2, C-1.

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(a) *Attached signage.* One square foot of on-premises signage for each linear foot of exterior wall shall be allowed. The sign shall be placed on the side of the building used to calculate the square footage of the sign. The following are considered attached signs: awnings signs, canopy or marquee signs, banners, roof signs, window signs and wall signs. These attached signs are subject to the design standards of all applicable codes.

(b) *Freestanding signs.* These signs must comply with the following conditions:

(1) Locations which permit freestanding signs are determined by zoning districts along specific segments of streets. When the percentage of office, commercial or industrial zoning equals or exceeds 60 percent of the total street frontage for that segment, all criteria governing freestanding signs shall apply. When the percentage is less than 60 percent, the maximum height of freestanding signs shall be 12 feet, unless a more restrictive height limitation is mentioned elsewhere in this chapter, in which case the more restrictive height limitation shall apply.

(2) The maximum height and minimum setbacks for freestanding signs are determined by street classification. See appendix 1 to this chapter pertaining to development standards.

(3) Individual freestanding signs shall be limited to those businesses that own direct, unobstructed (on-site) access to the public street.

(4) Frontage on a controlled access public street, where under normal conditions a driveway permit would not be granted to that business, shall not be included in the calculation for freestanding signage.

(5) The size of freestanding signs is determined as follows:

Linear Street Frontage (feet)	Size Allowed (square feet)
0--100	50
101--300	75
301--600	100
>600 (see subsection (b)(6) of this section)	100

On lots with more than one street frontage, only one street frontage shall be used to calculate the permitted sign size, height and number of signs.

(6) The number of freestanding signs is limited to one per lot, except where the frontage of the lot exceeds 600 linear feet. For those lots, two freestanding signs are permitted, provided there is a minimum distance of 200 feet between the signs.

(Ord. No. 1128, § C.6, 5-18-90; Ord. No. 1476, 9-3-95)

Sec. 36-46. Commercial and Industrial zones C-2, C-3, MTech, M-1/M-2, M-3.

(a) *Attached signage.* 1 1/2 square feet of on-premises signage for each linear foot of exterior wall is permitted. The sign shall be placed on the side of the building used to calculate the square footage of the sign. The following are considered attached signs: awning signs, canopy or marquee signs, banners, roof signs, window signs and wall signs. These attached signs are subject to the design standards of all applicable codes.

(b) *Freestanding signage.* These signs must comply with the following conditions:

(1) Locations which permit freestanding signs are determined by zoning districts along specific segments of streets. When the percentage of office, commercial or industrial zoning equals or exceeds 60 percent of the total street frontage for that segment, all criteria governing freestanding signs shall apply. When the percentage is less than 60 percent, the maximum height of freestanding signs shall be 12 feet, unless a more restrictive height limitation is mentioned elsewhere in this chapter, in which case the more restrictive height limitation shall apply.

(2) The maximum height and minimum setbacks for freestanding signs are determined by street classification. See appendix 1 to this chapter pertaining to development standards.

(3) Individual freestanding signs shall be limited to those businesses that own direct, unobstructed (on-site) access to the public street.

(4) Frontage on a controlled access public street, where under normal conditions a driveway permit would not be granted to that business, shall not be included in the calculation for freestanding signage.

(5) The size of freestanding signs is determined as follows:

Linear Street Frontage (feet)	Size Allowed (square feet)
0--100	100
101--300	150
301--600	200
>600	200

On lots with more than one street frontage, only one street frontage shall be used to calculate the permitted sign size, height and number of signs.

(6) The number of freestanding signs is limited to one per lot, except where the frontage of the lot exceeds 600 linear feet. For those lots, two freestanding signs are permitted, provided there is a minimum distance of 200 feet between the signs.

(Ord. No. 1128, § C.7, 5-18-90; Ord. No. 1476, 9-3-95)

Sec. 36-47. Business centers (various zones).

(a) *Attached signage.* For business center, 1 1/2 square feet of on-premises signage for each linear foot of exterior wall is permitted, provided that any business shall be allowed a minimum of 100 square feet of signage. The sign shall be placed on the side of the building used to calculate the square footage of the sign. The following are considered attached signs: awning signs, canopy or marquee signs, banners, roof signs, window signs and wall signs. These attached signs are subject to the design standards of all applicable codes.

(b) *Freestanding signage.* Freestanding signs must comply with the applicable freestanding sign criteria for the district they are located in.

Sec. 36-48. Sign regulations in overlay zone districts.

Refer to the following Zoning Code for information regarding signs that are located within the overlay districts throughout Las Cruces including the Central Business District, the University Avenue corridor overlay zone, and others.

Sec. 36-49. Planned Unit Development Zones PUD.

(a) A newly submitted Planned Unit Development (PUD) will provide a plan for signage that is desired in the new development during the PUD review process.

(b) Any changes to the signage plan of a PUD shall provide a minor PUD amendment.

(c) A previously approved and existing PUD or any newly submitted PUD that does not present a plan for signage shall use existing sign regulations of the Sign Code. A PUD with residential land uses shall follow sign regulations for residential zones; a PUD with commercial land uses shall follow sign regulations for commercial zones; and a PUD with industrial land uses shall follow sign regulations for industrial zones. A mixed-use PUD shall follow sign regulations of the appropriate zone that fits the land use of the PUD.

(Res. No. 92-084, § C.10, 10-19-92; Ord. No. 1725, § I, 3-1-99)

Secs. 36-50--36-80. Reserved.

ARTICLE III.

OFF-PREMISES SIGNS

Sec. 36-81. Attached signs.

No attached off-premises signs shall be permitted.
(Ord. No. 1128, § D.1, 5-18-90)

Sec. 36-82. Public area signs.

(a) With the approval of the city manager, bus benches and bus shelters may be placed in the public right-of-way along bus routes or in areas frequented by pedestrians. In addition, signs may be placed on benches and shelters and in landscaped medians, parks, trails, and arroyos that are adopted public areas.

(b) No commercial (other than a business name as specified in (c) below) or political advertising shall be placed upon bus benches, bus shelters, or in other public areas.

(c) Benches, shelters, and medians donated or maintained by individuals or businesses may have signs designed by the city with the inscription "adopted by..." and further regulated by:

_____(1) The sign on benches shall be no larger than three inches high by _____18 inches long.

_____(2) The sign on shelters shall be no larger than 12 inches high by 48 _____inches long.

_____(3) The sign in medians shall be no larger than 12 inches high by 18 _____inches long.

_____(4) The sign in parks, trails, and arroyos shall be no larger than 18 _____inches high by 24 inches wide.

(d) Bus benches are exempt from the location restrictions for freestanding signs only when they are located at designated bus stops.

(e) This section shall not apply to any benches placed under the terms of any contract in effect on the effective date of the ordinance from which this chapter derives.
(Ord. No. 1128, § D.2, 5-18-90; Ord. No. 2141, § I, 10-4-04)

Sec. 36-83. Billboards.

_____(a) Billboards shall be located only in areas zoned C-2, C-3, M-1/M-2, or M-3.

_____(b) Billboards may be located only along the following roadways and only along street segments having a minimum of 75 percent office, commercial or industrial zoning. (A street segment is defined as that length of a roadway located between intersections of two collector or higher classified roadways.)

Interstate 10	Interstate 25
Bataan Memorial East and West (west of Porter Drive)	
Main Street	Picacho Avenue
Amador Avenue	Lohman Avenue (west of Interstate 25)
Solano Drive	El Paseo Road
Valley Drive	Motel Blvd (south of Picacho)
Telshor Blvd (north of Lohman)	

_____(c) Total sign area, spacing, height and setbacks shall be subject to the following requirements:

_____(1) Billboards located along interstate highways shall not exceed 400 _____square feet of total sign area, shall be spaced a minimum of 1,000 _____feet away from any other billboard and shall not exceed 40 feet in _____height measured from ground level.

_____(2) All other billboards shall not exceed 300 square feet of total sign _____area, shall be spaced a minimum of 1,000 feet away from any other _____billboard and shall not exceed 30 feet in height measured from _____ground level. There shall be a minimum clearance of 15 feet _____measured from the ground level to the bottom of the billboard face.

_____(3) A maximum of two faces, parallel back-to-back is permitted, _____provided both faces are of the same size and attached to the same _____pole for support. Sign faces must be relatively perpendicular to the _____designated roadway and each face shall not advertise more than _____one message.

_____(4) Billboards shall be supported by a maximum of two upright poles.

_____(5) Vertical or horizontal stacking of billboards is prohibited.

_____(6) Billboards shall be set back a minimum of 15 feet from the _____property line fronting along the designated roadway. Except for _____billboards fronting along interstate highways, the setback from the _____designated roadway shall not exceed one third of the property

depth. In each case there shall be a minimum of five feet from all other property lines measured from the property line to any portion of the billboard structure.

(7) Billboards shall have a minimum sign area of 72 square feet.

(d) A legally permitted billboard which follows all associated standards for billboards is allowed to advertise a business, product, service, or activity that is located on the same premises.

(e) Electronic variable message display billboards:

(1) Electronic variable message display billboards shall be separated a minimum distance of one thousand (1,000) feet from any other electronic variable message display billboard.

(2) No off-premise electronic variable message display billboard shall be located on the same property as an on-premise electronic variable message display sign.

(3) Off-premise electronic variable message display billboards are limited to static messages of display. No scrolling, traveling, animated, or moving messages are allowed. Public information such as current temperatures, climate, and time are permitted.

(4) One (1) off-premise electronic variable message display is permitted on each side of a billboard.

(5) Each message on an off-premise electronic variable message display billboard shall be displayed for a minimum of eight (8) seconds and a change of message shall be accomplished instantly with no transition between messages. Only one (1) message per side is allowed at any given time.

(6) A change of message on an off-premise electronic variable message display billboard shall occur simultaneously all at once on the entire face.

(7) The owner of an off-premise electronic variable message display billboard shall provide access to the sign to the governing body for the purpose of announcing critical public information such as Amber Alerts, and major emergencies when needed.

(8) An off-premise electronic variable message display billboard shall have an automatic dimmer control to produce distinct illumination change from the highest allowed illumination level to the lowest

level meeting the illumination standards of the City of Las Cruces Outdoor Lighting Ordinance, Chapter 39 of the City of Las Cruces Municipal Code. A default mechanism must also be installed that shall freeze the sign in one position or static message if a malfunction occurs.

(Ord. No. 1128, § D.3, 5-18-90)

Sec. 36-84. Garage, private sale or event signs.

(a) Off-premises signs may be used to advertise any garage sale, private sale or event, provided that the signs are not over three square feet in sign area and are used only during the duration of the event.

(b) The person erecting the sign and the property owner at the sign location shall be responsible for sign removal and all other requirements concerning signs.
(Ord. No. 1128, § D.4, 5-18-90)

Sec. 36-85. Government signs.

(a) Traffic control and similar signs are exempt from all requirements of this chapter.

(b) Building identification signs and similar signs do not require permits; however, they must meet the numerical requirements of this chapter.
(Ord. No. 1128, § D.5, 5-18-90)

Sec. 36-86. Political signs.

(a) No individual political sign shall exceed 32 square feet in sign area.

(b) All political signs may be erected no sooner than 90 days before the election and/or caucus to which they pertain and shall be removed within ten days following the same election and/or caucus.

(c) Advertising on a duly permitted billboard shall be exempt from the size and time limits stated in this section.

(d) Political signs are permitted to be placed on fences/walls (e.g. chain link fences, retaining walls, rock walls), but are not permitted to be placed in clear sight triangles or in a manner that would prevent clear sight of vehicles (See section 32-405 of the Municipal Code).
(Ord. No. 1128, § D.6, 5-18-90; Ord. No. 2111, §§ I, II, 6-21-04)

Sec. 36-87. Vehicle signs.

Off-premises vehicle signs are permitted provided the vehicle is:

_____(1) For sale and the purpose of the sign relates to its sale;

_____(2) Placed and is for some purpose other than advertising; or

_____(3) Contributing to the legitimate purposes of the business for which it _____is used.

(Ord. No. 1128, § D.7, 5-18-90)

Cross References: Traffic, ch. 27.

Sec. 36-88. Athletic field signs.

(a) Signs shall be permitted to be displayed on the inside of fences surrounding individual athletic fields, with the side facing the playing field.

(b) Each sign shall not exceed 32 square feet in sign area.

(c) The signs shall not be permitted to extend above or beyond the edges of the fence.

(d) Freestanding signs and attached signs are not permitted.

(Ord. No. 1128, § D.8, 5-18-90; Ord. No. 1526, 4-1-96)

Sec. 36-89. Neighborhood Signs.

(a) The sign may be placed on private property, provided prior approval has been granted by the property owner.

(b) The maximum sign area shall not exceed 4 square feet. The maximum height shall not exceed 3 feet.

(c) A maximum of one (1) sign is allowed per property.

(d) Signs shall not conflict with any traffic control nor the clear sight triangle.

(e) Signs may not be placed any further than one-half (1/2) a mile from the neighborhood to which they pertain to.

(f) A maximum of four (4) signs shall be permitted per neighborhood.

(g) Valid sign permits shall be obtained or renewed annually for each sign.

(h) Signs will be maintained by the party responsible for erecting the signs.

Sec. 36-90--36-115. Reserved.

ARTICLE IV.

TEMPORARY SIGNS

Sec. 36-116. Construction/renovation signs.

(a) Construction/renovation signage shall not exceed 64 square feet in sign area, and shall not be erected until a building permit has been secured. The sign shall be removed not later than 14 days after the issuance of a certificate of occupancy or the building permit expires.

(b) Signs less than 16 square feet in sign area do not require a sign permit and shall not be assessed a permit fee.

(c) Signs which exceed 16 square feet in sign area require a sign permit and shall be assessed the applicable permit fee.
(Ord. No. 1128, § E.1, 5-18-90)

Cross References: Buildings and building regulations, ch. 30.

Sec. 36-117. Real estate signs.

(a) *Residentially zoned lots or parcels.* Real estate signs are permitted for residentially zoned lots or parcels as follows:

(1) For less than 1.00 acre: one sign per street frontage not to exceed four square feet in sign area per sign. The sign shall not exceed seven feet in height.

(2) For 1.01 to 5.00 acres: one sign per street frontage not to exceed 32 square feet in sign area per sign. The sign shall not exceed eight feet in height.

(3) For 5.01 to 10.00 acres: two signs not to exceed 32 square feet in sign area per sign. The sign shall not exceed eight feet in height.

(4) For greater than 10.00 acres: three signs not to exceed 32 square feet in sign area per sign. The sign shall not exceed eight feet in height.

(b) *All other zoned lots or parcels.* Real estate signs for all other zoned lots or parcels are permitted as follows:

(1) For less than 1.00 acre: one sign per street frontage not to exceed 16 square feet in sign area per sign. The sign shall not exceed eight feet in height.

(2) For 1.01 to 5.00 acres: one sign per street frontage not to exceed 32 square feet in sign area per sign. The sign shall not exceed ten feet in height.

(3) For 5.01 to 10.00 acres: two signs not to exceed 32 square feet in sign area per sign. The sign shall not exceed 15 feet in height.

(4) For greater than 10.00 acres: three signs not to exceed 64 square feet in sign area per sign or two signs not to exceed 128 square feet in sign area per sign. The sign shall not exceed 15 feet in height.

(c) *Real estate directional signs.* These signs shall not exceed six square feet in sign area.

(d) *Model complex signs.* Model complex signs shall be located on the project site and shall conform to the following:

(1) One sign per complex not to exceed 32 square feet in sign area.

(2) One sign per model not to exceed four square feet in sign area.

(3) Signs are to be removed when the complex ceases to be a model home complex.

(e) *Removal.* Signs shall be removed 72 hours after closing of sale or lease of property.

(f) *Location.* No real estate sign shall be erected in the public right-of-way or in the clear sight triangle.

(g) *Permits.*

(1) Signs which do not exceed 16 square feet in sign area do not require a sign permit and shall not be assessed a permit fee.

(2) Signs which exceed 16 square feet in sign area require a sign permit and shall be assessed the applicable permit fee.

(Ord. No. 1128, § E.2, 5-18-90)

Sec. 36-118. Commercial promotional displays.

In addition to authorized attached and freestanding signs, occasional events for commercial promotional displays requiring special advertising shall be subject to the following:

(1) Each business shall be limited to one freestanding and three attached signs. Each sign shall not exceed 100 square feet in size.

(2) Displays incorporating balloons, streamers, flags and pennants will be permitted and are not limited in size and number.

(3) Each business shall be allowed one permit for a grand opening display during its first six months of operation. The permit for this display shall be for 20 consecutive days.

(4) Each business shall be allowed four promotional displays during each calendar year. The permit for each of these displays shall be for ten consecutive days.

(5) Each business shall be allowed one bona fide going out of business display. The permit for this display shall be for 60 consecutive days.

(6) The applicant shall provide to the sign administrator the name and address of the business where the display is to be placed and the first day of the display. No portion of a display (i.e., structure or sign) shall be erected prior to the first day of the event as stated on the permit. All displays shall be removed not later than the permissible time limit stated in this section. A permit will be issued to the applicant and will remain in effect for the duration of that event. No permit fee will be assessed. A new permit is required for each event.

(Ord. No. 1128, § E.3, 5-18-90; Ord. No. 1508, 2-5-96)

Cross References: Licenses, taxation and miscellaneous businesses regulations, ch. 16.

Sec. 36-119. Residential promotional displays.

For an open house or other similar showing, the following residential promotional displays and conditions shall apply:

(1) Displays incorporating pennants, flags, streamers, banners, open house signs, welcome signs and other like signs will be allowed.

(2) The sign display may be erected any time on the day prior to the event and must be removed within 24 hours following the event.

Sec. 36-120. Electronic variable message display signs.

A temporary electronic variable message display sign is **not** permitted.

(Ord. No. 1128, § E.4, 5-18-90)

APPENDIX 1.

DEVELOPMENT STANDARDS

TABLE 1
MAXIMUM SIGN HEIGHT BY STREET CLASSIFICATION (IN FEET)

Zone → ↓ Street Class	R-3	R-4, O-1	O-2, C-1	C-2, MT, M-1/M-2, M-3	C-3, M-3	all other zones
local	0	6	6	18	30	0
collector	6	12	18	18	30	6
minor arterial	6	12	18	18	30	6
principal arterial	12	18	18	30	30	6

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NOTE: Freestanding signs which are allowed by right and erected in the zones listed in table 1 shall follow those height requirements enumerated in the table, unless specific height requirements are stated elsewhere in this chapter.
(Ord. No. 1128, app. 1, table 1, 5-18-90; Ord. No. 1444, 4-3-95)

TABLE 2
MINIMUM SETBACK BY STREET
CLASSIFICATION

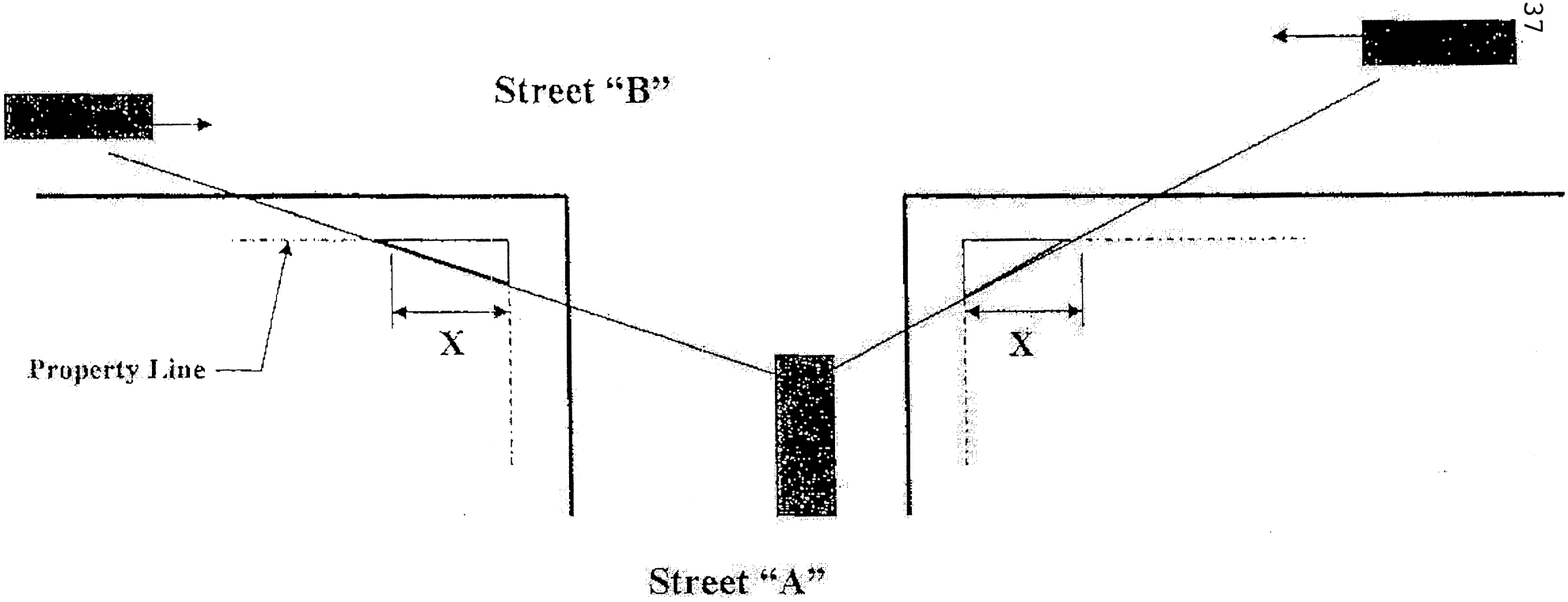
Street Class	Setback	Setback
Local	10 feet from property line	5 feet side yard
Collector	12 feet from property line	5 feet side yard
Minor arterial	15 feet from property line	5 feet side yard
Principal arterial	15 feet from property line	5 feet side yard

(Ord. No. 1128, art. 1, table 2, 5-18-90)

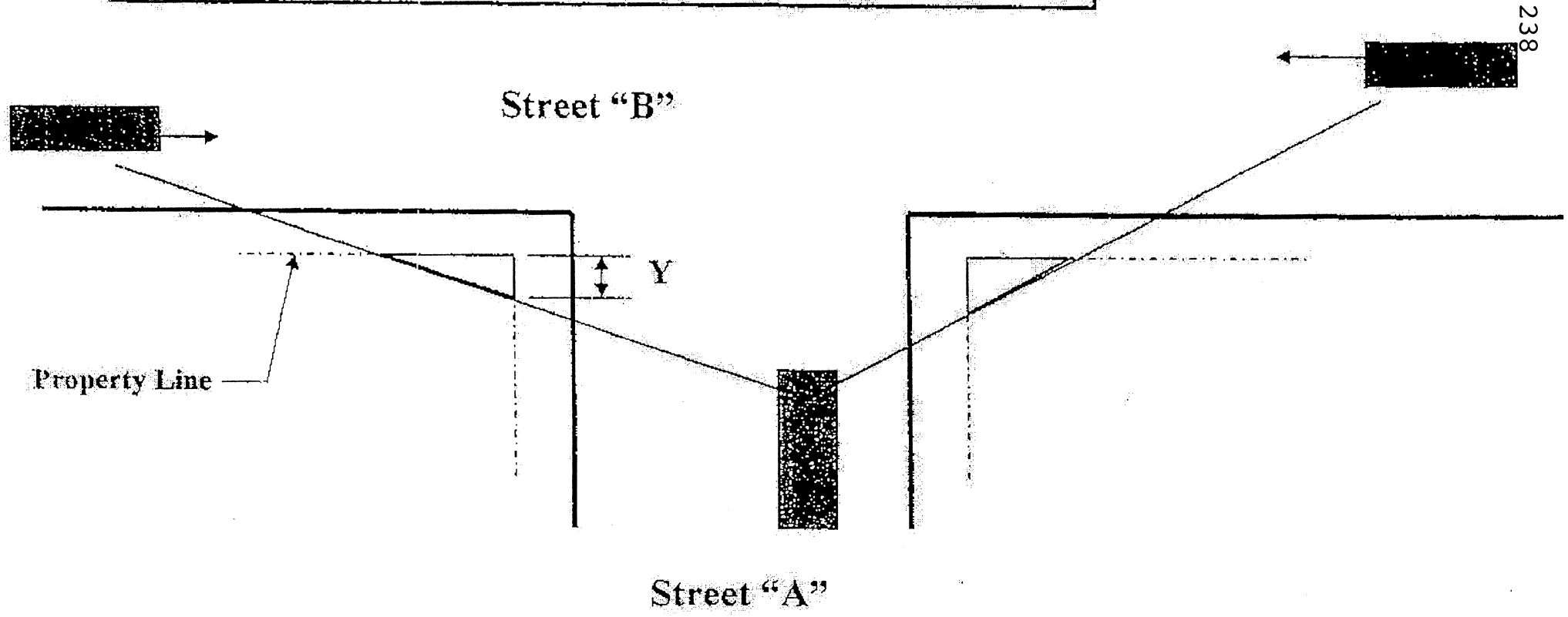
APPENDIX 2.

EXAMPLES AND ILLUSTRATIONS

Classification of Street "A"	Posted Speed of Street "B" 25 MPH	30 MPH	35 MPH	40 MPH	45 MPH	50 MPH
	"X" (FT.)					
Local	20	30	40	50	60	65
Major Local	20	25	35	45	55	60
Collector	20	20	30	30	40	50
Arterial	20	20	20	20	20	20

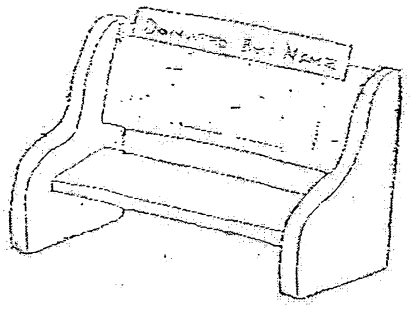


	Posted Speed of Street "A"					
	25 MPH	30 MPH	35 MPH	40 MPH	45 MPH	50 MPH
Classification of Street "B"	"Y" (FT.)					
Local	20	30	40	50	60	65
Major Local	20	25	35	45	55	60
Collector	20	20	30	30	40	50
Arterial	20	20	20	20	20	20

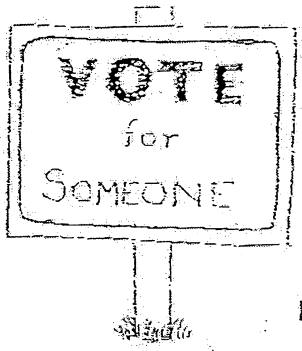


OFF-PREMISES SIGNS

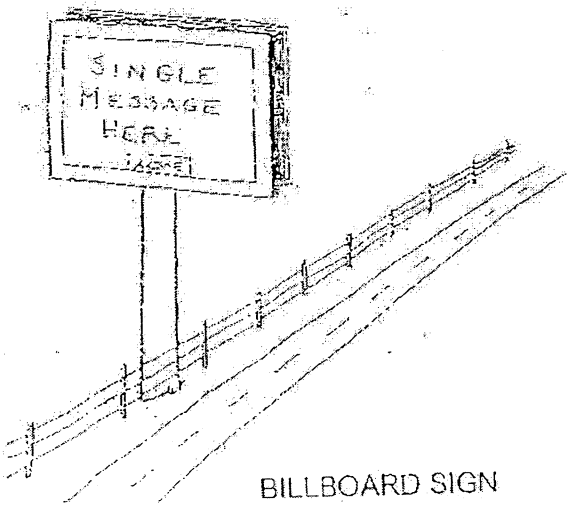
(FOR ILLUSTRATIVE PURPOSES ONLY)



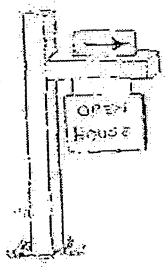
BENCH SIGN



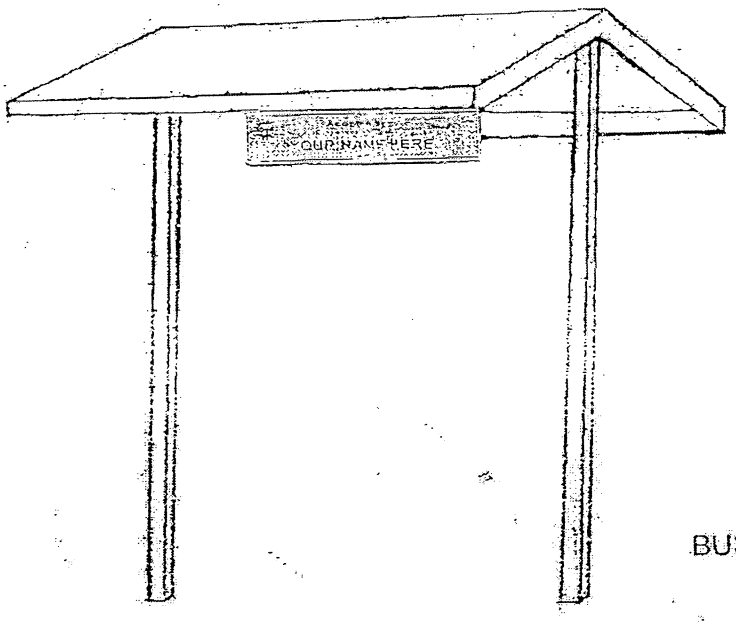
POLITICAL SIGN



BILLBOARD SIGN



REAL ESTATE DIRECTIONAL SIGN

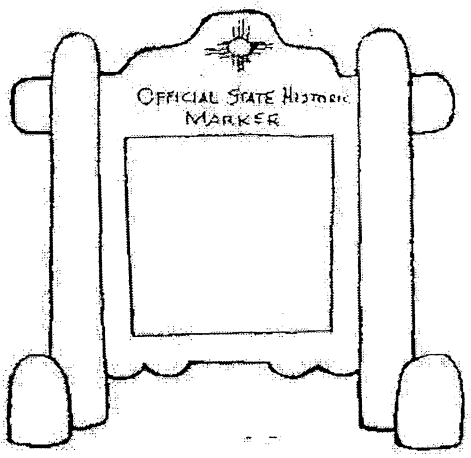


BUS SHELTER SIGN

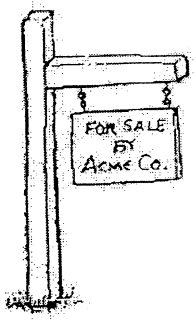
ON – OR OFF-PREMISE SIGNS

(FOR ILLUSTRATIVE PURPOSES ONLY

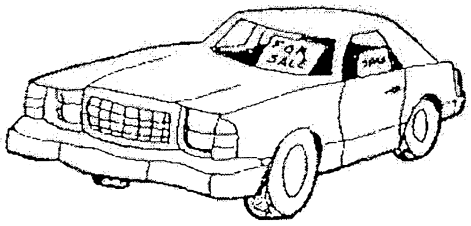
GARAGE SALE SIGN



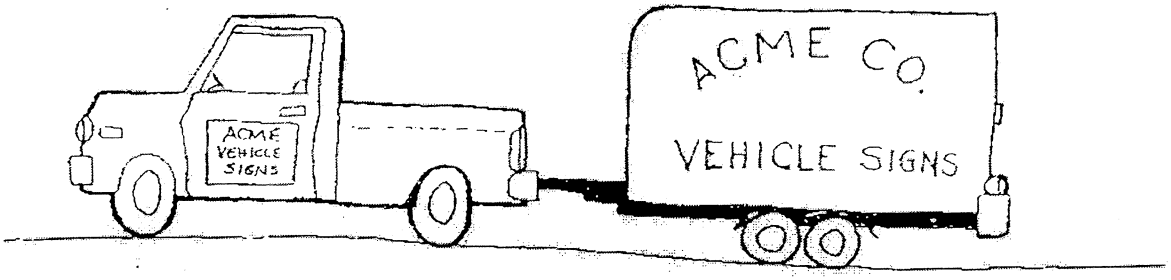
GOVERNMENT SIGNS



REAL ESTATE SIGNS



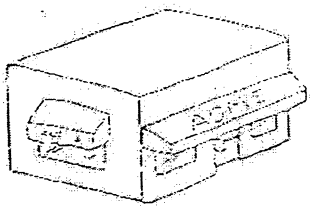
VEHICLE SIGN



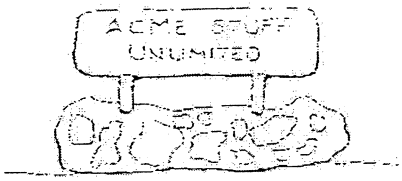
VEHICLE SIGNS

ON-PREMISES SIGNS

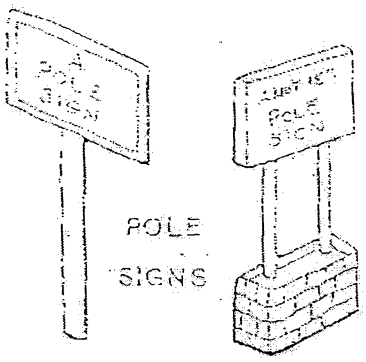
(FOR ILLUSTRATIVE PURPOSES ONLY)



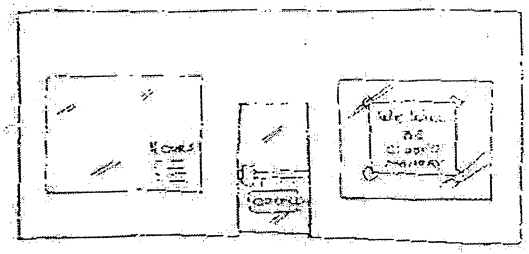
AWNING/CANOPY/MARQUEE SIGNS



GROUND SIGN



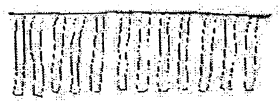
POLE SIGNS



INFORMATION SIGNS

BANNER

PENNANTS



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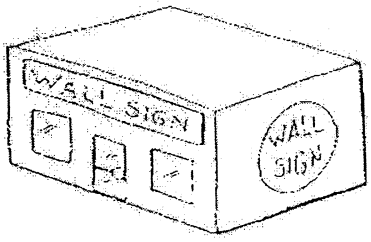
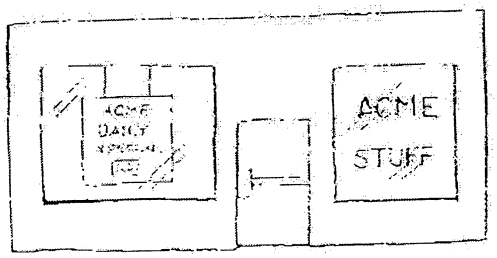
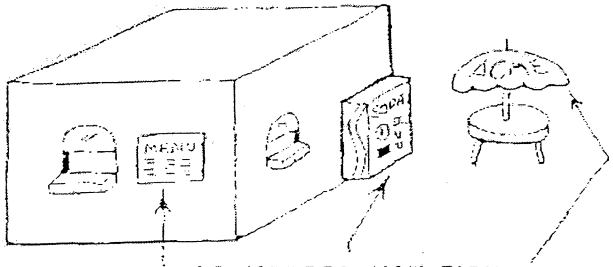


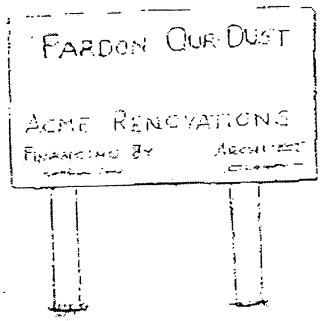
WALL SIGNS



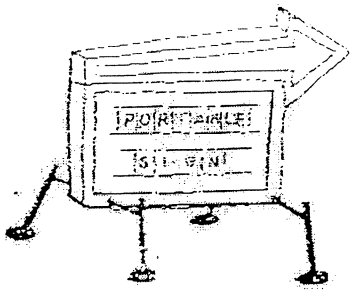
WINDOW SIGNS



ACCESSORY USE SIGNS



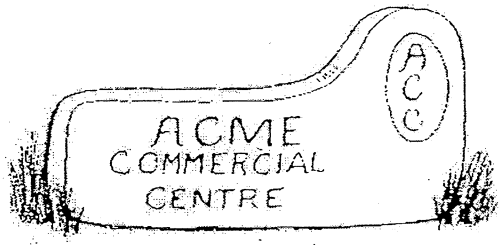
CONSTRUCTION/RENOVATION SIGN



PORTABLE SIGN

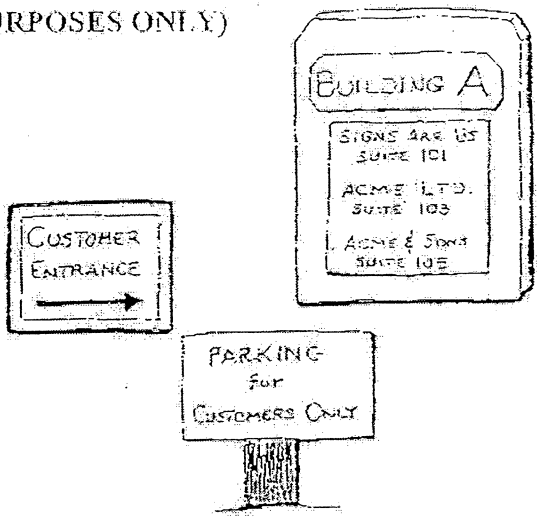
ON-PREMISES SIGNS

(FOR ILLUSTRATIVE PURPOSES ONLY)

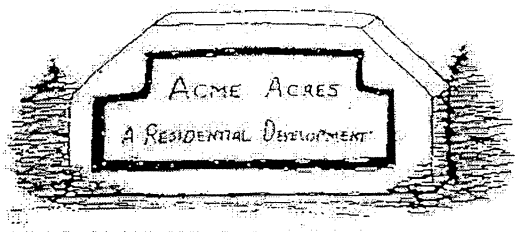


DEVELOPMENT IDENTIFICATION SIGN

(COMMERCIAL)

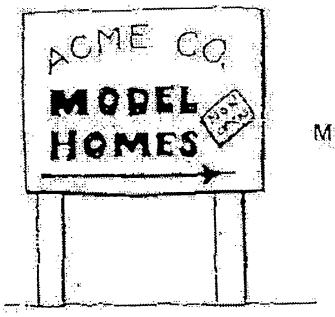


DIRECTIONAL SIGNS

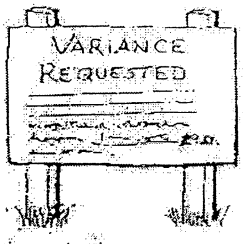


DEVELOPMENT IDENTIFICATION SIGN

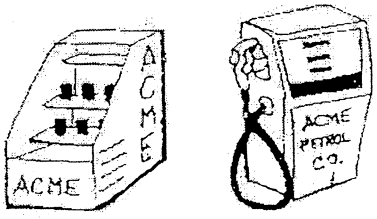
(RESIDENTIAL)



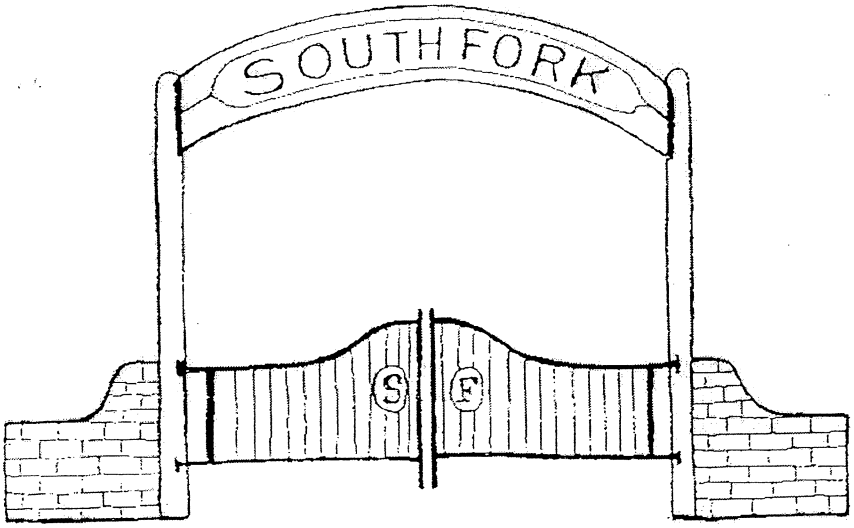
MODEL COMPLEX SIGN



LEGAL NOTICES

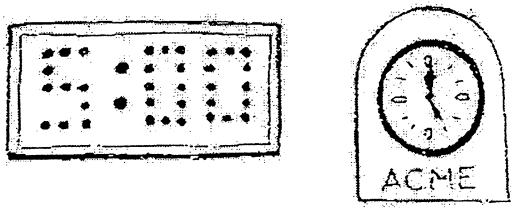


POINT-OF-SALE SIGNS



GATE ENTRANCE SIGN

TIME-AND-TEMPERATURE SIGNS



Attachment "B"

City of Las Cruces®

TO: Planning and Zoning Commission

PREPARED BY: Adam Ochoa, Associate Planner AO

DATE: August 25, 2009

SUBJECT: SiCA-09-01

RECOMMENDATION: Approval

SiCA-09-01: A request to amend the City of Las Cruces Municipal Code, Chapter 36 – Sign Code. The amendment includes (1) the addition of regulations for on-premise and off-premise electronic variable message displays; (2) the addition of regulations for the PUD and R-4 zoning district; (3) incorporates new definitions; (4) the addition of regulations for neighborhood signs; (5) clarifies the enforcement authority for the removal of illegal signs; and (6) changes the maximum allowed height for freestanding signs in both the C-3 and M-3 zoning district. Submitted by the City of Las Cruces.

BACKGROUND

Over the last six months Staff has recognized some deficiencies in the current City of Las Cruces Municipal Code, Chapter 36 – Sign Code. Three months ago Staff began the process of amending the Sign Code to fix some of the existing problems in it and to update the Code to better govern the evolving sign industry in the City. On June 16, 2009, Staff held a work session with the Planning and Zoning Commission outlining the proposed changes and updates for the Commission and to allow the Commission to voice their concerns and comments about the proposed amendment. Minutes from this meeting are attached. Soon after on July 9, 2009, staff held a public input meeting inviting all from the community to attend and provide comments on the proposed changes. During the meeting representatives form the sign industry and the public were presented the proposed amendment to the Sign Code and they were allowed to comment on it. The representatives of the sign industry voiced their approval for the proposal and members from the public did so as well. Minutes from this meeting are attached as well. Public comment and input on the Sign Code Amendment was taken until August 7, 2009. Most comments received from the public were concerns about establishing more control and restrictions for signs in Las Cruces. Some comments received were positive and supportive of the proposed Sign Code Amendment. Public comments received during this time are attached to this staff report.

The amendment to the Sign Code includes the following:

(1) **The addition of regulations for on-premise and off-premise electronic variable message displays.** The sign industry has begun using electronic variable message displays (digital signs) throughout Las Cruces in various ways. Currently, the Sign Code does not contain any language to govern these new signs. The proposed regulations are meant to help limit the size, number, location, and brightness of the new signs. Staff is proposing limiting the number of on-premise electronic variable message displays to one attached sign and one double-sided freestanding sign. Any type of display is allowed for these types of on-premises signs except for animated displays. Off-premise electronic variable message displays are limited to a double sided message as well but only static displays are allowed for off-premises signs. Other things such as the brightness of the signs, the minimum length of time messages must be displayed and the elimination of flashing lights on the signs are also being introduced in the proposed amendment. The proposed Sign Code amendment is meant to regulate the new type of signage and not prevent it.

(2) **The addition of regulations for the PUD (Planned Unit Development) and R-4 (Multi-Family High Density) zoning district.** Under the 1981 Zoning Code, a PUD would have an underlying zoning designation that would have its designated sign regulations, but under the 2001 Zoning Code as amended a PUD is considered to be its own zoning district. The proposed amendment would now require a PUD to develop its own sign regulations under the concept plan. An existing PUD would use existing sign regulations of the sign code. A PUD with residential land uses shall follow sign regulations for residential zones; a PUD with commercial land uses shall follow sign regulations for commercial zones; and a PUD with industrial land uses shall follow sign regulations for industrial zones. A mixed-use PUD shall follow sign regulations of the appropriate zone that fits the subject land use. The R-4 zoning district allows some limited retail and office use, but the current sign regulations for that zoning district are very restrictive when it comes to the size and type of the signage allowed in it. The proposed amendment would allow a greater variety of signage for the R-4 zoning district which would allow property owners to better identify their place of business.

(3) **The incorporation of new definitions.** The addition of the electronic variable message display regulations requires some clarification of the language used in the new regulations. The proposed new definitions would help define and clarify the new language found in the on-premise and off-premise electronic variable message display regulations. Some existing definitions have also been updated, changed, and clarified in the proposed amendment.

(4) **The addition of regulations for neighborhood signs.** Neighborhood signs have always been allowed in the City of Las Cruces, but the current regulations need some clarification. The new regulations for neighborhood signs limit their size, number, height and location. The proposed amendment would also require the submittal of an annually renewed sign permit for the proposed neighborhood signs and would require the applicant to maintain the desired neighborhood signs at their expense.

(5) **Clarity to the enforcement authority for the removal of illegal signs.** Currently the Sign Code does not clearly state who has the authority to remove an illegal sign on public property in the City of Las Cruces. The proposed amendment allows the designated Sign Code Administrator or official designee to remove any illegal sign placed on any public property in Las Cruces. The owner of the illegally placed sign would be contacted about the situation and would be allowed 30 calendar days to collect the removed sign or signs from staff. After set time, any remaining sign or signs will be properly recycled or disposed of.

(6) **Change the maximum allowed height for freestanding signs in both the C-3 and M-3 zoning districts.** Currently the Sign Code allows a property zoned either C-3 or M-3 to erect a freestanding sign with a height that is the "same as the building height." This means that a sign can potentially be as tall as sixty (60) feet in height since a building in the C-3 and M-3 zoning district is allowed to be as tall as sixty (60) feet in height. A sign with this potential height is unnecessary since attached signage to the building would serve the purpose of identifying the business just as well as a freestanding sign. The proposed amendment would limit the maximum height of a freestanding sign in these two zoning districts to thirty (30) feet.

Attached to this staff report is a legislative copy of the Sign Code. The legislative copy identifies where the proposed changes are within the Sign Code and references the proposed new text.

FINDINGS

1. The last amendment to the Sign Code was in May of 2006 through Ordinance 2304.

2. A work session was held on June 16, 2009, with the Planning & Zoning Commission on the proposed amendment.

3. A public meeting was held on July 9, 2009, where public comments were made about the proposed amendment.

4. Public input was taken for the proposed amendment until August 7, 2009. Comments were received from the public on this issue and are attached for your review.

RECOMMENDATION

Given the findings, and issues identified, Staff requests the Commission recommend approval of the proposed amendment to City Council. City Council will have final authority on this matter.

OPTIONS

1. Vote YES and recommend approval of the amendment. This action will seek to incorporate the proposed changes into the Sign Code.

2. Vote NO and recommend denial of the amendment. This action proposes to Council to not incorporate any of the proposed changes to the Sign Code.

3. Vote YES and amend the proposal. This action seeks to establish additional modifications as determined by the Planning & Zoning Commission.

4. Vote to POSTPONE/TABLE the proposed amendment.

ATTACHMENTS

1. Sign Code with proposed amendments (In legislative format)
2. Public comments received through August 7, 2009
3. Public meeting minutes from June 16, 2009 & July 9, 2009

Attachment #1

CITY OF LAS CRUCES

SIGN CODE

LCMC Chapter 36

Chapter 36
SIGNS*

* **Cross References:** Advertising, ch. 3; merchandising, advertising and signs in parks, § 20-37; streets and sidewalks, ch. 26; buildings and building regulations, ch. 30; development impact fee, ch. 33; subdivisions, ch. 37; zoning, ch. 38.

Article I. In General

Sec. 36-1. Purpose.	**Art 1 - 1**
Sec. 36-2. Scope.	**Art 1 - 1**
Sec. 36-3. Definitions.	**Art 1 - 1**
Sec. 36-4. Calculation of sign area.	**Art 1 - 7**
Sec. 36-5. Variances.	**Art 1 - 7**
Sec. 36-6. Structural requirements.	**Art 1 - 7**
Sec. 36-7. Maintenance and removal.	**Art 1 - 8**
Sec. 36-8. Nonconforming signs.	**Art 1 - 9**
Sec. 36-9. Permits.	**Art 1 - 10**
Sec. 36-10. Prohibited signs.	**Art 1 - 12**
Sec. 36-11. Placement.	**Art 1 - 13**
Sec. 36-12. Lighting.	**Art 1 - 14**
Sec. 36-13. Enforcement.	**Art 1 - 15**
Secs. 36-14–36-40. Reserved.	

Article II. On-Premises Signs

Sec. 36-41. General conditions.	**Art 2 - 1**
Sec. 36-42. Single Family Residential zones REM, RE, EE, R-1aM, R-1bM, R-1cM, R-1a, R-1b, R-1c.	**Art 2 - 4**
Sec. 36-43. Multi-family Residential zones R-2, R-3, R-4.	**Art 2 - 4**
Sec. 36-44. Flood Control zones FC.	**Art 2 - 4**
Sec. 36-45. Office, neighborhood commercial zones O-1, O-2, C-1.	**Art 2 - 4**
Sec. 36-46. Commercial and Industrial zones C-2, C-3, MTech, M-1M-2, M-3.	**Art 2 - 6**
Sec. 36-47. Business centers (various zones).	**Art 2 - 7**
Sec. 36-48. Sign regulations in overlay zone districts.	**Art 2 - 7**
Sec. 36-49. Planned Unit Development zones PUD	Art 2 - 7
Secs. 36-50–36-80. Reserved.	

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Article III. Off-Premises Signs

Sec. 36-81. Attached signs.	**Art 3 - 1**
Sec. 36-82. Public area signs.	**Art 3 - 1**
Sec. 36-83. Billboards.	**Art 3 - 2**
Sec. 36-84. Garage, private sale or event signs.	**Art 3 - 3**
Sec. 36-85. Government signs.	**Art 3 - 3**
Sec. 36-86. Political signs.	**Art 3 - 3**
Sec. 36-87. Vehicle signs.	Art 3 - 4
Sec. 36-88. Athletic field signs.	Art 3 - 4
Sec. 36-89. Neighborhood signs.	Art 3 - 4
Secs. 36-90–36-115. Reserved.	

Article IV. Temporary Signs

Sec. 36-116. Construction/renovation signs.	**Art 4 - 1**
Sec. 36-117. Real estate signs.	**Art 4 - 1**
Sec. 36-118. Commercial promotional displays.	**Art 4 - 3**
Sec. 36-119. Residential promotional displays.	**Art 4 - 3**
Sec. 36-120. Electronic variable message displays.	Art 4 - 3

Appendix 1. Development Standards

Appendix 2. Examples and Illustrations

ARTICLE I.

IN GENERAL

Sec. 36-1. Purpose.

The purpose of this chapter is to permit signs that will not, by their size, location, or construction, endanger the public health and safety of individuals or confuse, mislead, or obstruct the vision necessary for traffic safety. Furthermore, it is the purpose of this chapter to maintain property values and to create a more aesthetically pleasing community, through the preservation of the natural beauty and environment of the city, by preventing the over concentration, improper placement, and density of signs, but keeping in mind the importance of signage to the business community, and the vital element it is to the free enterprise system.
(Ord. No. 1128, § A.1, 5-18-90)

Sec. 36-2. Scope.

This chapter shall apply to all signs, as that term is defined in section 36-3, within the city limits.
(Ord. No. 1128, § A.2, 5-18-90)

Sec. 36-3. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning (see appendix 2 for examples and illustrations):

Abandoned sign means an on- or off-premises sign that no longer directs, promotes, or advertises a bona fide business, lessee, owner, product, or activity conducted or product or service available on the premises where such sign is displayed.

Accessory use sign means any sign that is printed on or included in the design of any object which cannot be construed as being a building or freestanding sign. (i.e. vending machines, menu signs, ATM machines, etc.)

Advertising means the action of calling something to the attention of the public by verbal or visual presentation.

Animation means the rapid display of a sequence of images of 2-D or 3-D artwork or model positions in order to create an illusion of movement.

Athletic field means a wide stretch of open land used for outdoor games such as baseball, football and soccer.

Attached sign means any sign which is fastened to, connected to, or painted on and wholly or partially supported by a building.

Awning means a hood or cover which projects from the wall of a building and is composed of rigid or nonrigid materials.

Awning sign means a sign which is fastened to or painted on an awning.

Banner means a sign composed of lightweight, flexible material on which letters, symbols or pictures are painted or printed.

Bench sign means any sign affixed to or painted on a functional bench.

Billboard means an off-premises sign directing attention to a business, activity, commodity, service, entertainment, or communication, none of which may be conducted, sold or offered on the premises where the billboard is located.

Bonus means an allowance for additional sign area as an incentive to reduce the legal height permitted, or to remove nonconforming signs.

Business/service center means a group of two or more businesses planned, constructed, owned and managed independently or as a total entity which share access, parking, or landscaping.

Canopy or marquee means a permanent roof-like shelter extending from part or all of a building or independent of a building.

Canopy sign means a sign attached to or painted on a canopy.

Clear sight triangle means a triangular area of unobstructed vision at street intersections ~~and at the curb cut entrance and exists~~. and at entrances/exits, permitting a vehicle driver to see approaching vehicles to the right or left. Refer to Article VI, Division 3 of the City of Las Cruces Design Standards.

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Codes means any other applicable city, state or federal codes.

Collector street means a street which collects traffic from local streets and connects with major and minor arterials.

Construction/renovation sign means any temporary sign erected on the premises where construction/renovation is taking place and indicating the names of the architects, engineers, landscape architects, financial institutions, contractors or similar artisans, and the owners, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

Copy means the verbal, visual or pictorial portion of any sign.

Corporate pertains to any organization incorporated pursuant to law.

Decorations means any display which calls attention to a community-organized event or to a state or national holiday.

Development identification sign means a permanent sign installed or constructed at the entrance/exit to a residential or commercial development to identify the development name and logo only.

Directional sign means any sign erected for the convenience of the public, such as the directing traffic movement, parking or identifying restrooms, public telephones, walkways and other similar features or facilities, and bearing no advertising message, excluding those erected by the United States Department of Transportation and the state highway and transportation department.

Electronic Variable Message Display means any sign capable of displaying words, symbols, figures, or images that can be electronically changed by remote or automatic means. Such signs may only include the following modes of operations:

1. Static. Signs which include no animation or effects simulating animation except for the transition to a completely new message.
2. Travel. Signs where the message is changed by the apparent horizontal movement of the letters or graphic elements of the message.
3. Scrolling. Signs where the message is changed by the apparent vertical movement of the letters or graphic elements of the message.

Flag/decorative means any rectangular display constructed of lightweight material having no logo or advertising message printed or painted on it.

Freestanding sign means any sign attached to or supported from the ground, and not attached to a building.

Garage sale sign. See *Private sale or event sign.*

Gate entrance sign means any sign installed or constructed over the entrance to the premises in specific zoning districts as described in this chapter.

Government sign means any sign erected by any city, county, state or federal agency or its designee, setting forth information pursuant to law.

Ground sign means any sign which is attached to either the ground or to a footing set flush with the ground.

House or building sign or nameplate means a sign limited to identifying the street name, building or property number, and the name of the owner or occupant of the building or property.

Illuminated sign means any sign which is lighted internally, externally or by lights directed towards the sign by any light source.

Information sign means any sign whose purpose is to indicate the business, hours of operation or similar identification information.

Legal notice means any sign required by law or pursuant to a court order.

Local street means a street designed to provide access to abutting property and local streets, and to discourage through traffic.

Logo means an identifying symbol used for advertising purposes.

Maintenance means the total upkeep of a sign, structurally and electrically, in terms of safety, and cosmetically, in terms of visual attractiveness.

Major arterial means a street with access control, channelized intersections, restrictive parking, and which distributes and collects traffic to and from minor arterials.

Marquee or canopy. See *Canopy.*

Marquee sign means a sign attached to, mounted on or painted on a marquee.

Minor arterial means a street with signals at important intersections and stop signs on side streets and which collects and distributes traffic to and from collector streets.

Model complex sign means any sign located on a complex site, limited in time until the complex ceases to be a model complex.

Mural means a picture or graphic illustration applied directly to a wall of a building or structure which does not advertise or promote a particular business, service or product.

National, state and corporate flags means any rectangular display constructed of lightweight material used to identify a nation, state or corporation.

Neighborhood Sign means a sign erected for the convenience of the public, directing traffic to and/or identifying specific neighborhoods and bearing no logo, tagline or advertising message,

Nonconforming sign means any sign legally erected and permitted in compliance with codes at the time it was erected and permitted, but which does not conform to current codes or this chapter.

Off-premises sign means a sign which advertises or directs attention to a business, product, service or activity which is not available on the premises where the sign is located.

On-premises sign means a sign which advertises or directs attention to a business, product, service or activity which is available on the premises where the sign is located.

Pennant means a display made of a lightweight material which tapers to a point, having no logo or advertising message printed on it.

Point-of-sale sign means any sign which is located or attached directly to the product to be sold.

Pole sign means any sign whose primary means of support is one or more poles set into a concrete footing, located at or below ground level.

Political sign means a sign pertaining to any national, state or local election and/or caucus.

Portable sign means a freestanding sign not permanently affixed, anchored or secured to the ground or a building, which may be rolled or moved about.

Private sale or event sign means a temporary sign advertising private sales of personal property at garage, yard or estate sales and the like; private fundraising events, such as a nonprofit carwash, or food/clothing drive, etc.

Product identification sign means any sign used to identify the supplier/contractor of the construction product being used.

Prohibited sign means any sign not expressly permitted within this chapter, or any sign which is specifically prohibited in this chapter, as provided in section 36-10.

Promotional display, commercial means special advertising for grand openings, anniversaries, special or seasonal events, and which are for a limited time, in addition to the legal signage permitted.

Promotional display, residential means special advertising using pennants, flags, streamers, banners, open house signs and other similar signs, the duration of an open house or similar showing.

Public area means any bus bench, bus shelter, landscaped median, trail, park, or arroyo duly recognized by the city.

Real estate broker identification sign means a sign used at a broker's residence for identification purposes as prescribed by state law.

Real estate directional sign means a sign which advertises or directs attention to real property not available on the premises where the sign is located.

Real estate sign means a sign intended to advertise the financing, development, sale, transfer, lease, exchange or rent of real property.

Roof sign means any sign which is attached to the roof of a building or structure.

Setback means the distance required from the property line or from other buildings/structures or businesses.

Shopping center means a group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements.

Sign means any advertisement, announcement, direction or communication produced in whole or in part by the construction, erection, attachment or placing of a structure or object on any land, or on any other structure, or produced by painting on, posting or placing any printed, lettered, pictured, figured or colored material on any building, structure or surface.

Sign administrator means a city employee so designated to administer and enforce the terms and conditions of this chapter, the codes, and all other provisions of laws pertaining to signs.

Special use sign means any sign intended for use by establishments requiring a special use permit pursuant to chapter 38.

Streamers means a display made of light, flexible material, consisting of long, narrow, wavy strips having no logo or advertising message printed or painted on it.

Street Segment means the length of a roadway located between intersections of two collector or higher classified roadways based upon the Las Cruces Metropolitan Planning Organization designation.

Structural requirements means the safety standards that apply to those signs governed by the requirements in the Building Code and other companion documents.

Temperature/time/date sign means any sign with the purpose of displaying the temperature, time, date and logo/name.

Temporary sign means any sign intended for a limited period of display.

Total front footage means the total length of a property fronting on any side of a public street, or the total length of a building on which a sign is allowed.

Trademark/label/name means identification applied or attached to each permitted sign to designate the manufacturer and installer.

Unlawful sign means any sign ever erected which does not have a valid permit or, after erection, did not comply with all applicable provisions of the permit under which it was constructed and erected, or did not comply with all provisions of codes, or which does or did not meet the necessary requirements to be considered nonconforming.

Unlicensed commercial sign means any sign erected by an individual, group, organization or club for fundraising or other monetary gain.

Unsafe sign means any sign identified by the sign administrator as being improperly constructed and installed, erected or secured, thereby subject to falling or creating a safety hazard, with supported findings.

Variance means an authorization granted to a property owner to depart from the numerical requirements of the zoning regulations (as applied here, this chapter).

Vehicle sign means a sign painted on or attached to either a vehicle or to a trailer designed to be pulled behind a motorized vehicle, which relates to a business, activity, use, service or product.

Wall sign means any sign affixed flush to or painted upon the wall of any building.

Window sign means any sign that is applied or attached to the exterior or interior of a window or a window frame.
(Ord. No. 1128, § B, 5-18-90; Ord. No. 1292, 12-21-92; Ord. No. 1526, 4-1-96; Ord. No. 2111, §§ I, II, 6-21-04; Ord. No. 2141, § I, 10-4-04)

Cross References: Definitions generally, § 1-2.

Sec. 36-4. Calculation of sign area.

~~(a) Sign size area is considered the area within the smallest rectangle or combination of rectangles which contains all advertising surfaces, background, framing and ornamentation, but not including sign supports or pole covers which contain nonsign copy.~~

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(a) The area of an attached sign is measured as the area within the smallest rectangle or combination of rectangles which contains all text, symbols or other graphic elements, plus any background area which does not appear as a continuous portion of the building surface that highlights a sign.

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(b) The area of a freestanding sign is measured by determining the sign area of all sides that are visible from any one vantage point, except only one side of a sign shall be measured if the two sides are back to back or separated by an angle of 45 degrees or less. If the two sides are not of equal size, the larger side shall be measured.

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(Ord. No. 1128, § I.1, 5-18-90; Ord. No. 1292, 12-21-92; Ord. No. 1297, 2-2-93)

Sec. 36-5. Variances.

(a) There shall be no ~~administrative variances~~ flexible development standards issued for any section addressed in this chapter.

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(b) Variance requests shall follow procedures and requirements outlined within chapter 38.
(Ord. No. 1128, § I.2, 5-18-90)

Sec. 36-6. Structural requirements.

(a) All signs shall conform to the structural design requirements set forth in the International Building Code and companion documents.

(b) Sign permit applications for freestanding signs exceeding 20 feet in height, measured from ground level, shall be accompanied by an engineer's design drawing showing the appropriate calculations. The drawing shall be stamped by an engineer certified in the state.
(Ord. No. 1128, § I.3, 5-18-90)

Sec. 36-7. Maintenance and removal.

(a) *Damaged signs.* When any sign is substantially damaged, destroyed, taken down or removed for any purpose other than copy change or normal maintenance operation, it shall not be re-erected, reconstructed or rebuilt except in full compliance with this chapter.

(b) *Unsafe signs.* If, in the opinion of the sign administrator, any sign becomes unsecured, unsafe or subject to fall, the sign administrator upon supported findings shall give written notice of the sign's condition to the person(s) responsible for the sign (the owner or lessee) and the land owner. The person so notified shall correct the unsafe condition of the sign within seven days in conformance with this chapter.

(c) *Maintenance.*

(1) All signs shall be kept in good repair, both structurally and in appearance. All braces, bolts, clips, fastenings and the supporting frame shall be securely affixed to the support structure or wall and shall be free from insect infestation, rot or other deterioration.

(2) If the message portion of a sign is not maintained or if it is removed, leaving only the supporting shell of a sign or the supporting braces, anchors or similar components, the owner of the sign or the owner of the property where the sign is located or other person having control over such sign shall, within 30 days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign. This subsection shall not be construed to alter the prohibition on the replacement of a nonconforming sign, nor shall

this subsection be construed to prevent the changing of the message of a sign.

(d) *Repair, alteration or removal.* Any written notice to repair, alter or to remove a sign will be sent via certified mail by the sign administrator to the land owner and to the sign owner lessee, or person(s) responsible for the sign. If such order is not acted on within seven days, the sign administrator may initiate proceedings contained in this chapter to revoke the permit and remove the sign at the expense of the land owner, sign owner, lessee, or person(s) responsible for the sign.

(e) *Unlawful signs.* If any sign is installed, erected, constructed or maintained in violation of any of the terms of this chapter, or the applicable code the sign was erected under, the city may issue a written warning to the sign owner, lessee, property manager or landowner. This warning shall outline the violation and order the designated responsible party to bring the sign into compliance with this chapter and any other applicable codes within 14 days from the date of the warning. Only one warning per violation will be issued. The warning shall remain in effect for the duration of the business.
(Ord. No. 1128, § I.4, 5-18-90)

Sec. 36-8. Nonconforming signs.

(a) Subject to the remaining restrictions of this section, nonconforming signs that were otherwise lawful on the effective date of the ordinance from which this chapter derives may be continued.

(b) No person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming sign. Without limiting the generality of this statement, no nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition, nor may illumination be added to any nonconforming sign.

(c) Any change in the use of any building or property on which a nonconforming sign is located will require that all nonconforming signs on that property be brought into compliance with all applicable sections of this chapter within nine months of the change.

(d) A nonconforming billboard may be reconstructed on the same property so as to meet the size, height, configuration, **and** support requirements of this code without losing its legal nonconforming status. To the extent possible, setback and separation requirements will be met. A non-conforming billboard being converted into an electronic variable message display sign shall come into **full compliance** with all off-premise electronic variable message display billboard provisions. A sign permit is required in order to rebuild a nonconforming sign under this provision.

(e) A nonconforming on premise sign may not be moved or replaced except to bring the sign into conformity with this chapter to the extent possible. For the purpose of this subsection, the term "replaced" means the replacing of any or all parts of a sign

that would extend the normal life span of the sign. An example is replacing wood pole supports with metal I-beam supports.

(f) If a nonconforming sign is destroyed, damaged or in need of repair, it may not thereafter be repaired, reconstructed or replaced except in conformity with all the sections of this chapter and the remnants of the former sign structure shall be cleared from the land. For purposes of this subsection, a nonconforming sign is destroyed, damaged or in need of repair if damaged up to 50 percent of the cost of repairing the sign to its former stature or if the cost of replacing it equals or exceeds the tax value (tax value if listed for tax purposes)/sign valuation (as stated on the original permit) of the sign so damaged, whichever is less.

(g) The message of a nonconforming sign may be changed so long as this does not create any new nonconforming issues (for example, by creating an off-premises sign under circumstances where such a sign would not be allowed).

(h) If a nonconforming sign other than a billboard advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall be removed within 90 days after such abandonment by the sign owner, owner of the property where the sign is located or other party having control over such sign.

(i) If a nonconforming billboard remains blank for a continuous period of 90 days, that billboard shall be deemed abandoned and shall be altered to comply with this chapter or be removed by the sign owner, owner of the property where the sign is located or other person having control over such sign. For purposes of this subsection, a sign is blank if:

(1) It advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted;

(2) The advertising message it displays becomes illegible in whole or substantial part; or

(3) The advertising copy has been removed.

(j) The city shall reserve the right to remove a nonconforming sign in accordance with state law.

(k) This section shall not apply to any benches placed under the terms of any contract in effect on the date effective date of the ordinance from which this chapter derives.

(Ord. No. 1128, § I.5, 5-18-90; Ord. No. 1509, 2-5-96)

Sec. 36-9. Permits.

(a) Sign permits shall be required for all signs unless otherwise stated in this chapter.

(b) Signs not requiring permits under this chapter shall be as follows:

_____(1) Accessory use signs.

_____(2) Change of copy on legally established signs.

_____(3) Construction/renovation signs (those not exceeding 16 square feet _____in sign area).

_____(4) Decorations for national holidays or communitywide festivals and _____fiestas.

_____(5) Directional signs.

_____(6) Flags/decorations.

_____(7) Garage sale signs.

_____(8) Government signs.

_____(9) House or building signs or nameplates.

_____(10) Information signs.

_____(11) Legal notices.

_____(12) Model complex signs (those not exceeding 16 square feet in sign _____area).

_____ (13) National, state and corporate flags following accepted flag _____protocol.

_____ (14) Pennants.

_____ (15) Point-of-sale signs.

_____ (16) Political signs, except billboards.

_____ (17) Private sale or event signs.

_____ (18) Product identification signs.

_____ (19) Promotional displays, residential.

_____ (20) Railroad signs.

_____ (21) Real estate broker identification signs.

_____(22) Real estate directional signs.

_____(23) Real estate signs (those not exceeding 16 square feet in sign area).

_____(24) Streamers.

_____(25) Vehicle signs.

(Ord. No. 1128, §§ G, I.6, 5-18-90)

Sec. 36-10. Prohibited signs.

(a) Any sign not expressly permitted within this chapter is prohibited.

(b) A sign placed or painted on any motor vehicle, recreational vehicle, trailer or other movable device that reasonably indicates the use of such vehicle, trailer or device as a sign is prohibited. This includes the parking of such vehicle, trailer or device in such a manner as to constitute a sign. This does not include vehicles, etc., used in the course of normal business activities.

(c) Any sign constructed to resemble any official marker or sign normally erected by a city, state or federal government agency or a sign using words, phrases, symbols or characters in such a manner as to interfere with, mislead or confuse traffic is prohibited.

(d) A sign advertising activities that are illegal according to federal or state laws, rules or regulations and county or city ordinances or resolutions is prohibited.

(e) Any sign erected on, attached to or painted on retaining walls, fences, rocks or natural features is prohibited. This prohibition shall not include development identification signs placed on walls used for landscaping purposes and athletic field signs as defined in section 36-88.

(f) Any sign illegally placed, constructed or maintained is prohibited.

(Ord. No. 1128, § H, 5-18-90; Ord. No. 1526, 4-1-96; Ord. No. 1854, § II, 2-5-01)

Sec. 36-11. Placement.

(a) No sign shall be permitted to violate the clear sight triangle ~~as defined in this chapter~~ as referenced in Article VI, Division 3 of the City of Las Cruces Design Standards.

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(b) No sign shall obstruct any door, stairway, fire escape or opening intended to provide ingress and egress for any building or structure.

(c) Signs may not be located in a manner that obscures or interferes with the effectiveness of any official sign, signal or device. A sign shall not be placed at any location where it obstructs or interferes with the clear view of any traveler on any street.

(d) No sign shall be constructed within any public right-of-way or sidewalk nor shall any portion of any sign extend onto or over a public right-of-way or sidewalk unless a specific exception is provided for in this chapter.

(e) No permit for a sign that extends beyond private property onto a public street, public sidewalk or public alley will constitute a permanent easement. Every such permit shall be revocable by the sign administrator. The city shall not be liable for any damages to the owner because of such revocation.

(f) The city, civic groups and non-profit entities who desire to utilize the city utility poles for placement of banners or other signs or attachments may do so only for a large event, celebration or festival of city-wide interest or other community or county-wide attraction. Such events, celebrations, festival or attraction are those events, celebrations, festivals or attractions which are designed to attract large numbers of city residents and tourists, may occur on an annual or semi-annual basis and which promote the city's history, natural and cultural beauty, art, cuisine and/or athletic events (e.g. The Whole Enchilada Festival, Gus Macker Basketball Tournament, Border Book Festival, The Renaissance Fair, the Fourth of July).

(1) A special sign permit shall be obtained, indicating the dates of display, number of banners to be displayed, location(s) of display, etc. and must be approved by the city manager or designee.

(2) All banners shall be installed and removed either by the city or the entity requesting the display.

_____a. If installed and removed by the city, permit fees shall be _____based on the number of banners to be installed/removed at _____a rate approved by the city council (Resolution #00-360). _____Permit fees shall be paid by the applicant upon permit _____approval and in advance of sign installation.

_____b. If installed and removed by the entity requesting the _____display the city requires a minimum of $1,000,000.00 _____insurance, with the city being named as an additional _____insured party and the entity must provide a hold harmless _____indemnity agreement, not holding the city responsible for _____any accidents or loss in the installation/removal of the _____banners.

(3) Banners shall be restricted to placement on city-owned utility/light poles only.

(4) Banners shall only be displayed along major arterials, as defined by the city metropolitan planning organization transportation plan.

(5) The maximum length of display shall be determined by the length of the event being advertised. Banners are permitted to be displayed one and one-half times the length of the event being advertised. The one-half amount of days is permitted to be utilized prior to the event. (Example: event is ten days, display permitted 15 days total, banners can be displayed five days prior to event.)

(6) Any aggrieved person, department, commission, board, or bureau that is affected by a decision of an administrative official in the administration of this section may appeal such decision to the city council. Such appeal must be in writing within 15 days after the decision and must be filed with the city clerk.

(g) Any sign extending over an area intended for pedestrian use shall not be less than seven feet, four inches above the finished grade below it.

(h) No sign shall be placed on any property without written consent of the owner or the owner's authorized agent.

(i) No part of any sign may protrude into the setback except as follows:

(1) If the right-of-way extends 15 feet beyond the back of the curb, a sign may be placed on the property line. A written agreement between the city and the property owner shall be initiated to ensure that the sign will be relocated at the owner's expense if the roadway is ever widened at the sign location.

(2) Real estate signs may be located within the setback; however, they shall not encroach in any way into the public right-of-way or clear sight triangles.

(j) Every sign shall be identified by a label, nameplate or trademark designating the manufacturer and installer of the sign. Signs not requiring permits shall be exempt from this subsection.

(k) No temporary or permanent sign shall be placed on public property, with the exception of signs lawfully permitted. Any unlawful sign found in a public right-of-way or on public property shall be seized, and removal is authorized.
(Ord. No. 1128, § I.7, 5-18-90)

Sec. 36-12. Lighting.

(a) Light from any light source intended to illuminate a sign shall be shaded, shielded, or directed in such a way so that the light intensity or brightness shall not adversely affect the safe vision of pedestrian or vehicle operators on public or private streets, driveways, or parking areas, and shall not adversely affect any of the surrounding premises. Illumination from any sign shall not interfere with the effectiveness of any official traffic sign, signal or device. Electronic variable message display signs shall, for the purpose of this chapter, satisfy the requirements of this provision.

(b) Signs which face residentially zoned lots having a linear distance of 75 feet or less from that zone shall not be illuminated.

(c) Signs in residential zones shall not be illuminated with the exception of a house or building sign or nameplate.
(Ord. No. 1128, § I.8, 5-18-90)

Sec. 36-13. Enforcement.

(a) *Violations and penalties.* Any person who shall violate any section of this chapter shall be guilty of an offense and shall, upon conviction, be punished by a fine of not less than $50.00 and not more than $300.00 for each violation. Each day in which any violation shall occur shall constitute a separate offense. In addition, the city attorney is authorized to take all actions, both legal and equitable, necessary to ensure compliance with this chapter.

(b) *Enforcement authority.*

(1) The Sign Code Administrator or designee shall have the authority to remove any sign that is in the public right-of-way and in violation of Code. The sign owner will be contacted about the situation and will be allowed 30 calendar days to collect the removed sign or signs. After set time, any remaining sign or signs shall be recycled.

(2) The police department, through its codes enforcement division, is authorized to issue citations for violations of this chapter and to file criminal complaints in municipal court alleging violations of this chapter.

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(3) The municipal court may impose a fine for each offense, not to exceed $300.00 for each day the violation is found to have occurred. In addition to any fines thus imposed, the municipal court is authorized to issue orders of the court to remove structures it finds in violation of this chapter. Failure to comply with any such orders for removal or other judgments of the municipal court, including failure to pay fines previously imposed, shall constitute

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contempt of court and may be separately punished at the discretion of the municipal court.

(Ord. No. 1128, § I.4.f, 5-18-90)

Secs. 36-14--36-40. Reserved.

ARTICLE II.
ON-PREMISES SIGNS*

* **Cross References:** Licenses, taxation and miscellaneous business regulations, ch. 16.

Sec. 36-41. General conditions.
The following general conditions apply to on-premises signs:

(1) *Accessory use sign.*

a. The primary purpose of the sign must be corporate/business identification and not advertising per se.

b. The object into which the sign is incorporated must serve a functional purpose and be an item which is normally associated with the type of business or enterprise for which it is being used.

(2) *Attached sign.* No attached sign shall extend beyond the highest point of a roofline, or project beyond the edge of any wall.

(3) *Decorations.* Any display shall be removed no later than five days after the event/holiday.

(4) *Development identification sign (permanent.).*

a. The maximum sign area shall not exceed 32 square feet.

b. The maximum height shall not exceed ten feet.

c. The sign may be placed in the public right-of-way, provided prior approval has been granted by city manager or designee.

d. This sign may be used in addition to any other freestanding sign allowed pursuant to this chapter.

(5) *Directional sign.* Directional signs visible from the public right-of-way (i.e., entrance/exit) shall not exceed six square feet in sign area and four feet in height.

(6) Electronic variable message display sign

(a) On-premise electronic variable message display signs are only permitted along a collector or higher category of street classification based upon the Las Cruces Metropolitan Planning Organization designation.

(b) A maximum of one (1) attached on-premise electronic variable message display sign is permitted per property. One (1) on-premise electronic variable message display sign is permitted on each side of a freestanding sign provided that the sides of the sign are parallel to each other or at no more than a 45 degree angle. Any freestanding sign with more than a 45 degree angle shall only be allowed a total of one (1) electronic variable message display sign.

(c) No on-premise electronic variable message display sign shall be located on the same property as an off-premise electronic variable message display billboard.

(d) Animated messages are not permitted. Scrolling or traveling signs are permitted, provided that they do not exceed two lines.

(e) On-premise electronic variable message display signs that are static shall not contain flashing lights as part of the display.

(f) Static messages on an on-premise electronic variable message display sign shall be displayed for a minimum of eight (8) seconds and a change of message shall be accomplished instantly with no transition between messages.

(g) Static messages on an on-premise electronic variable message display sign shall occur simultaneously all at once on the entire sign face.

(h) An on-premise electronic variable message display sign shall have an automatic dimmer control to produce distinct illumination change from the highest allowed illumination level to the lowest level meeting the illumination standards of the City of Las Cruces Outdoor Lighting Ordinance, Chapter 39 of the City of Las Cruces Municipal Code. A default mechanism must be installed that shall freeze the sign in one position or static message if a malfunction occurs.

(7) *Flags.*

a. Displays incorporating the identification of a nation, state or corporation shall follow accepted flag protocol. Only one corporate flag will be allowed per lot.

b. Displays used to serve as decoration, exclusive of decorations used in fiestas, communitywide festivals or national holidays, shall have

no logo or advertising message printed or painted on them. These may be used in addition to the regular signage allowed per business.

(8) *Freestanding sign.* All signs classified as freestanding are limited to locations along street segments meeting specific zoning criteria further defined elsewhere in this chapter.

(9) *Gate entrance sign.*

a. The sign may identify the owner, resident or name of a certain parcel of property (i.e., John Doe Ranch, etc.).

b. Total sign height, including poles, shall not exceed 20 feet. The sign face itself shall not exceed three feet in height and 30 feet in width.

(10) *Information sign.* Signs visible from the public right-of-way shall have a maximum size of four square feet in sign area.

(11) *Legal notices.* These signs are exempt from the requirements of this chapter; however, they must comply with provisions for the clear sight triangle.

(12) *Pennant.* These displays may be used in addition to the regular signage allowed per business.

(13) *Point-of-sale sign.*

a. This sign shall limit its advertisement to the product, its price, and its manufacturer.

b. The cumulative sign area for these signs shall not exceed 20 square feet.

c. Each sign shall be no larger than two square feet in sign area.

(14) *Portable sign.*

a. Portable signs, although not incorporating a permanent footing in their design, shall be securely anchored to the ground to prevent overturning in high winds.

b. Portable signs shall be placed on level ground only or leveled during setup.

c. Portable signs shall for purposes of this chapter be subject to all on-premises provisions governing freestanding signs.

(15) *Product identification sign.* The sign shall be placed on the structure and shall not exceed one-third square foot in sign area.

(16) *Real estate broker identification sign.* The sign area shall not exceed two square feet.

(17) *Special use sign.*

a. The maximum number of signs allowed for each location shall be limited to one freestanding sign and one attached sign.

b. Height requirements are established in appendix 1 to this chapter. Each sign shall not exceed 20 square feet in sign area.

c. Examples where the sign requirements of this subsection would apply include the following:

1. Cemeteries located within R-1 zones.

2. Golf courses and country clubs located within an R-3 zone.

d. When special use permits are granted pursuant to chapter 38, the requirements of this subsection shall apply.

Exception. If a special use permit is granted for a location within a zone designation (i.e., C-2, M-1) that allows greater signage, the requirements specific to that zone shall apply.

(18) *Streamers.* These displays may be used in addition to the regular signage allowed per business.

(19) *Wall sign.* No wall sign flush mounted may be extend more than 12 inches in depth out from the wall to which it is attached.

(20) *Window sign.*

a. Permanent window signs may be substituted for wall signage with a corresponding reduction of wall signage.

b. A window sign does not include merchandise or models of products or services incorporated in a window display.

(Ord. No. 1128, § C.1, 5-18-90)

Sec. 36-42. ~~Single Family~~ Residential zones REM, RE, EE, R-1aM, R-1bM, R-1cM, R-1a, R-1b, R-1c.

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The following sign types are permitted: development identification sign; directional sign; garage sale sign; gate entrance sign, government sign; house or building sign or nameplate; legal notices; model complex sign; national, state and corporate flags; neighborhood sign; political sign; private sale or event sign; real estate broker identification sign; real estate sign; and a special use sign, pursuant to requirements stated elsewhere in this chapter.
(Ord. No. 1128, § C.2, 5-18-90; Ord. No. 1444, 4-3-95)

Sec. 36-43. ~~Multi-family~~ Residential zones R-2, R-3, ~~R-4.~~

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The following sign types are permitted: development identification sign; directional sign; flags/decorative; garage sale sign; government sign; house or building sign or nameplate; legal notices; model complex sign; national, state and corporate flags; neighborhood sign; political sign; private sale or event sign; real estate broker identification sign; real estate sign; and a special use sign, pursuant to requirements stated elsewhere in this chapter.

(Ord. No. 1128, § C.4, 5-18-90)

Sec. 36-44. Flood Control zones FC.

The following signs are permitted:

(1) One freestanding sign, one attached sign or a combination of both shall be permitted for advertising purposes only. In no event shall the total square footage of both signs exceed 32 square feet in sign area.

(2) Sign types allowed include: development identification sign; directional sign; flags/decorative; government sign; legal notices; national, state and corporate flags; point-of-sale sign; political sign; private sale or event sign; real estate broker identification sign; real estate sign; and a special use sign, pursuant to requirements stated elsewhere in this chapter.

(Ord. No. 1128, § C.5, 5-18-90)

Sec. 36-45. ~~Office, neighborhood commercial~~ Residential, Office and Commercial zones R-4, O-1, O-2, C-1.

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(a) *Attached signage.* One square foot of on-premises signage for each linear foot of exterior wall shall be allowed. The sign shall be placed on the side of the building used to calculate the square footage of the sign. The following are considered attached signs: awnings signs, canopy or marquee signs, banners, roof signs, window signs and wall signs. These attached signs are subject to the design standards of all applicable codes.

(b) *Freestanding signs.* These signs must comply with the following conditions:

(1) Locations which permit freestanding signs are determined by zoning districts along specific segments of streets. When the percentage of office, commercial or industrial zoning equals or exceeds 60 percent of the total street frontage for that segment, all criteria governing freestanding signs shall apply. When the percentage is less than 60 percent, the maximum height of freestanding signs shall be 12 feet, unless a more restrictive height limitation is mentioned elsewhere in this chapter, in which case the more restrictive height limitation shall apply.

(2) The maximum height and minimum setbacks for freestanding signs are determined by street classification. See appendix 1 to this chapter pertaining to development standards.

(3) Individual freestanding signs shall be limited to those businesses that own direct, unobstructed (on-site) access to the public street.

(4) Frontage on a controlled access public street, where under normal conditions a driveway permit would not be granted to that business, shall not be included in the calculation for freestanding signage.

(5) The size of freestanding signs is determined as follows:

Linear Street Frontage (feet)	Size Allowed (square feet)
0--100	50
101--300	75
301--600	100
>600 (see subsection (b)(6) of this section)	100

On lots with more than one street frontage, only one street frontage shall be used to calculate the permitted sign size, height and number of signs.

(6) The number of freestanding signs is limited to one per lot, except where the frontage of the lot exceeds 600 linear feet. For those lots, two freestanding signs are permitted, provided there is a minimum distance of 200 feet between the signs.

(Ord. No. 1128, § C.6, 5-18-90; Ord. No. 1476, 9-3-95)

Sec. 36-46. Commercial and Industrial zones C-2, C-3, MTech, M-1/M-2, M-3.

(a) *Attached signage.* 1 1/2 square feet of on-premises signage for each linear foot of exterior wall is permitted. The sign shall be placed on the side of the building used to calculate the square footage of the sign. The following are considered attached signs: awning signs, canopy or marquee signs, banners, roof signs, window signs and wall signs. These attached signs are subject to the design standards of all applicable codes.

(b) *Freestanding signage.* These signs must comply with the following conditions:

(1) Locations which permit freestanding signs are determined by zoning districts along specific segments of streets. When the percentage of office, commercial or industrial zoning equals or exceeds 60 percent of the total street frontage for that segment, all criteria governing freestanding signs shall apply. When the percentage is less than 60 percent, the maximum height of freestanding signs shall be 12 feet, unless a more restrictive height limitation is mentioned elsewhere in this chapter, in which case the more restrictive height limitation shall apply.

(2) The maximum height and minimum setbacks for freestanding signs are determined by street classification. See appendix 1 to this chapter pertaining to development standards.

(3) Individual freestanding signs shall be limited to those businesses that own direct, unobstructed (on-site) access to the public street.

(4) Frontage on a controlled access public street, where under normal conditions a driveway permit would not be granted to that business, shall not be included in the calculation for freestanding signage.

(5) The size of freestanding signs is determined as follows:

Linear Street Frontage (feet)	Size Allowed (square feet)
0--100	100
101--300	150
301--600	200
>600	200

On lots with more than one street frontage, only one street frontage shall be used to calculate the permitted sign size, height and number of signs.

(6) The number of freestanding signs is limited to one per lot, except where the frontage of the lot exceeds 600 linear feet. For those lots, two freestanding signs are permitted, provided there is a minimum distance of 200 feet between the signs.

(Ord. No. 1128, § C.7, 5-18-90; Ord. No. 1476, 9-3-95)

Sec. 36-47. Business centers (various zones).

(a) *Attached signage.* For business center, 1 1/2 square feet of on-premises signage for each linear foot of exterior wall is permitted, provided that any business shall be allowed a minimum of 100 square feet of signage. The sign shall be placed on the side of the building used to calculate the square footage of the sign. The following are considered attached signs: awning signs, canopy or marquee signs, banners, roof signs, window signs and wall signs. These attached signs are subject to the design standards of all applicable codes.

(b) *Freestanding signage.* Freestanding signs must comply with the applicable freestanding sign criteria for the district they are located in.

Sec. 36-48. Sign regulations in overlay zone districts.

Refer to the following Zoning Code for information regarding signs that are located within the overlay districts throughout Las Cruces including the Central Business District, the University Avenue corridor overlay zone, and others.

Sec. 36-49. Planned Unit Development Zones PUD.

(a) A newly submitted Planned Unit Development (PUD) will provide a plan for signage that is desired in the new development during the PUD review process.

(b) Any changes to the signage plan of a PUD shall provide a minor PUD amendment.

(c) A previously approved and existing PUD or any newly submitted PUD that does not present a plan for signage shall use existing sign regulations of the Sign Code. A PUD with residential land uses shall follow sign regulations for residential zones; a PUD with commercial land uses shall follow sign regulations for commercial zones; and a PUD with industrial land uses shall follow sign regulations for industrial zones. A mixed-use PUD shall follow sign regulations of the appropriate zone that fits the land use of the PUD.

(Res. No. 92-084, § C.10, 10-19-92; Ord. No. 1725, § I, 3-1-99)

Secs. 36-50--36-80. Reserved.

ARTICLE III.

OFF-PREMISES SIGNS

Sec. 36-81. Attached signs.

No attached off-premises signs shall be permitted.
(Ord. No. 1128, § D.1, 5-18-90)

Sec. 36-82. Public area signs.

(a) With the approval of the city manager, bus benches and bus shelters may be placed in the public right-of-way along bus routes or in areas frequented by pedestrians. In addition, signs may be placed on benches and shelters and in landscaped medians, parks, trails, and arroyos that are adopted public areas.

(b) No commercial (other than a business name as specified in (c) below) or political advertising shall be placed upon bus benches, bus shelters, or in other public areas.

(c) Benches, shelters, and medians donated or maintained by individuals or businesses may have signs designed by the city with the inscription "adopted by..." and further regulated by:

_____(1) The sign on benches shall be no larger than three inches high by _____18 inches long.

_____(2) The sign on shelters shall be no larger than 12 inches high by 48 _____inches long.

_____(3) The sign in medians shall be no larger than 12 inches high by 18 _____inches long.

_____(4) The sign in parks, trails, and arroyos shall be no larger than 18 _____inches high by 24 inches wide.

(d) Bus benches are exempt from the location restrictions for freestanding signs only when they are located at designated bus stops.

(e) This section shall not apply to any benches placed under the terms of any contract in effect on the effective date of the ordinance from which this chapter derives.
(Ord. No. 1128, § D.2, 5-18-90; Ord. No. 2141, § I, 10-4-04)

Sec. 36-83. Billboards.

_____(a) Billboards shall be located only in areas zoned C-2, C-3, M-1/M-2, or M-3.

_____(b) Billboards may be located only along the following roadways and only along street segments having a minimum of 75 percent office, commercial or industrial zoning. (A street segment is defined as that length of a roadway located between intersections of two collector or higher classified roadways.)

Interstate 10	Interstate 25
Bataan Memorial East and West (west of Porter Drive)	
Main Street	Picacho Avenue
Amador Avenue	Lohman Avenue (west of Interstate 25)
Solano Drive	El Paseo Road
Valley Drive	Motel Blvd (south of Picacho)
Telshor Blvd (north of Lohman)	

_____(c) Total sign area, spacing, height and setbacks shall be subject to the following requirements:

_____(1) Billboards located along interstate highways shall not exceed 400 _____square feet of total sign area, shall be spaced a minimum of 1,000 _____feet away from any other billboard and shall not exceed 40 feet in _____height measured from ground level.

_____(2) _All other billboards shall not exceed 300 square feet of total sign _____area, shall be spaced a minimum of 1,000 feet away from any other _____billboard and shall not exceed 30 feet in height measured from _____ground level. There shall be a minimum clearance of 15 feet _____measured from the ground level to the bottom of the billboard face.

_____(3) _A maximum of two faces, parallel back-to-back is permitted, _____provided both faces are of the same size and attached to the same _____pole for support. Sign faces must be relatively perpendicular to the _____designated roadway and each face shall not advertise more than _____one message.

_____(4) _Billboards shall be supported by a maximum of two upright poles.

_____(5) _Vertical or horizontal stacking of billboards is prohibited.

_____(6) _Billboards shall be set back a minimum of 15 feet from the _____property line fronting along the designated roadway. Except for _____billboards fronting along interstate highways, the setback from the _____designated roadway shall not exceed one third of the property

depth. In each case there shall be a minimum of five feet from all other property lines measured from the property line to any portion of the billboard structure.

(7) Billboards shall have a minimum sign area of 72 square feet.

(d) A legally permitted billboard which follows all associated standards for billboards is allowed to advertise a business, product, service, or activity that is located on the same premises.

(e) Electronic variable message display billboards:

(1) Electronic variable message display billboards shall be separated a minimum distance of one thousand (1,000) feet from any other electronic variable message display billboard.

(2) No off-premise electronic variable message display billboard shall be located on the same property as an on-premise electronic variable message display sign.

(3) Off-premise electronic variable message display billboards are limited to static messages of display. No scrolling, traveling, animated, or moving messages are allowed. Public information such as current temperatures, climate, and time are permitted.

(4) One (1) off-premise electronic variable message display is permitted on each side of a billboard.

(5) Each message on an off-premise electronic variable message display billboard shall be displayed for a minimum of eight (8) seconds and a change of message shall be accomplished instantly with no transition between messages. Only one (1) message per side is allowed at any given time.

(6) A change of message on an off-premise electronic variable message display billboard shall occur simultaneously all at once on the entire face.

(7) The owner of an off-premise electronic variable message display billboard shall provide access to the sign to the governing body for the purpose of announcing critical public information such as Amber Alerts, and major emergencies when needed.

(8) An off-premise electronic variable message display billboard shall have an automatic dimmer control to produce distinct illumination change from the highest allowed illumination level to the lowest

level meeting the illumination standards of the City of Las Cruces Outdoor Lighting Ordinance, Chapter 39 of the City of Las Cruces Municipal Code. A default mechanism must also be installed that shall freeze the sign in one position or static message if a malfunction occurs.
(Ord. No. 1128, § D.3, 5-18-90)

Sec. 36-84. Garage, private sale or event signs.

(a) Off-premises signs may be used to advertise any garage sale, private sale or event, provided that the signs are not over three square feet in sign area and are used only during the duration of the event.

(b) The person erecting the sign and the property owner at the sign location shall be responsible for sign removal and all other requirements concerning signs.
(Ord. No. 1128, § D.4, 5-18-90)

Sec. 36-85. Government signs.

(a) Traffic control and similar signs are exempt from all requirements of this chapter.

(b) Building identification signs and similar signs do not require permits; however, they must meet the numerical requirements of this chapter.
(Ord. No. 1128, § D.5, 5-18-90)

Sec. 36-86. Political signs.

(a) No individual political sign shall exceed 32 square feet in sign area.

(b) All political signs may be erected no sooner than 90 days before the election and/or caucus to which they pertain and shall be removed within ten days following the same election and/or caucus.

(c) Advertising on a duly permitted billboard shall be exempt from the size and time limits stated in this section.

(d) Political signs are permitted to be placed on fences/walls (e.g. chain link fences, retaining walls, rock walls), but are not permitted to be placed in clear sight triangles or in a manner that would prevent clear sight of vehicles (See section 32-405 of the Municipal Code).
(Ord. No. 1128, § D.6, 5-18-90; Ord. No. 2111, §§ I, II, 6-21-04)

Sec. 36-87. Vehicle signs.

Off-premises vehicle signs are permitted provided the vehicle is:

_____(1) For sale and the purpose of the sign relates to its sale;

_____(2) Placed and is for some purpose other than advertising; or

_____(3) Contributing to the legitimate purposes of the business for which it _____is used.

(Ord. No. 1128, § D.7, 5-18-90)

Cross References: Traffic, ch. 27.

Sec. 36-88. Athletic field signs.

(a) Signs shall be permitted to be displayed on the inside of fences surrounding individual athletic fields, with the side facing the playing field.

(b) Each sign shall not exceed 32 square feet in sign area.

(c) The signs shall not be permitted to extend above or beyond the edges of the fence.

(d) Freestanding signs and attached signs are not permitted.

(Ord. No. 1128, § D.8, 5-18-90; Ord. No. 1526, 4-1-96)

Sec. 36-89. Neighborhood Signs.

(a) The sign may be placed on private property, provided prior approval has been granted by the property owner.

(b) The maximum sign area shall not exceed 4 square feet. The maximum height shall not exceed 3 feet.

(c) A maximum of one (1) sign is allowed per property.

(d) Signs shall not conflict with any traffic control nor the clear sight triangle.

(e) Signs may not be placed any further than one-half (1/2) a mile from the neighborhood to which they pertain to.

(f) A maximum of four (4) signs shall be permitted per neighborhood.

(g) Valid sign permits shall be obtained or renewed annually for each sign.

(h) Signs will be maintained by the party responsible for erecting the signs.

Sec. 36-90--36-115. Reserved.

ARTICLE IV.

TEMPORARY SIGNS

Sec. 36-116. Construction/renovation signs.

(a) Construction/renovation signage shall not exceed 64 square feet in sign area, and shall not be erected until a building permit has been secured. The sign shall be removed not later than 14 days after the issuance of a certificate of occupancy or the building permit expires.

(b) Signs less than 16 square feet in sign area do not require a sign permit and shall not be assessed a permit fee.

(c) Signs which exceed 16 square feet in sign area require a sign permit and shall be assessed the applicable permit fee.
(Ord. No. 1128, § E.1, 5-18-90)

Cross References: Buildings and building regulations, ch. 30.

Sec. 36-117. Real estate signs.

(a) *Residentially zoned lots or parcels.* Real estate signs are permitted for residentially zoned lots or parcels as follows:

(1) For less than 1.00 acre: one sign per street frontage not to exceed four square feet in sign area per sign. The sign shall not exceed seven feet in height.

(2) For 1.01 to 5.00 acres: one sign per street frontage not to exceed 32 square feet in sign area per sign. The sign shall not exceed eight feet in height.

(3) For 5.01 to 10.00 acres: two signs not to exceed 32 square feet in sign area per sign. The sign shall not exceed eight feet in height.

(4) For greater than 10.00 acres: three signs not to exceed 32 square feet in sign area per sign. The sign shall not exceed eight feet in height.

(b) *All other zoned lots or parcels.* Real estate signs for all other zoned lots or parcels are permitted as follows:

(1) For less than 1.00 acre: one sign per street frontage not to exceed 16 square feet in sign area per sign. The sign shall not exceed eight feet in height.

(2) For 1.01 to 5.00 acres: one sign per street frontage not to exceed 32 square feet in sign area per sign. The sign shall not exceed ten feet in height.

(3) For 5.01 to 10.00 acres: two signs not to exceed 32 square feet in sign area per sign. The sign shall not exceed 15 feet in height.

(4) For greater than 10.00 acres: three signs not to exceed 64 square feet in sign area per sign or two signs not to exceed 128 square feet in sign area per sign. The sign shall not exceed 15 feet in height.

(c) *Real estate directional signs.* These signs shall not exceed six square feet in sign area.

(d) *Model complex signs.* Model complex signs shall be located on the project site and shall conform to the following:

(1) One sign per complex not to exceed 32 square feet in sign area.

(2) One sign per model not to exceed four square feet in sign area.

(3) Signs are to be removed when the complex ceases to be a model home complex.

(e) *Removal.* Signs shall be removed 72 hours after closing of sale or lease of property.

(f) *Location.* No real estate sign shall be erected in the public right-of-way or in the clear sight triangle.

(g) *Permits.*

(1) Signs which do not exceed 16 square feet in sign area do not require a sign permit and shall not be assessed a permit fee.

(2) Signs which exceed 16 square feet in sign area require a sign permit and shall be assessed the applicable permit fee.

(Ord. No. 1128, § E.2, 5-18-90)

Sec. 36-118. Commercial promotional displays.

In addition to authorized attached and freestanding signs, occasional events for commercial promotional displays requiring special advertising shall be subject to the following:

(1) Each business shall be limited to one freestanding and three attached signs. Each sign shall not exceed 100 square feet in size.

(2) Displays incorporating balloons, streamers, flags and pennants will be permitted and are not limited in size and number.

(3) Each business shall be allowed one permit for a grand opening display during its first six months of operation. The permit for this display shall be for 20 consecutive days.

(4) Each business shall be allowed four promotional displays during each calendar year. The permit for each of these displays shall be for ten consecutive days.

(5) Each business shall be allowed one bona fide going out of business display. The permit for this display shall be for 60 consecutive days.

(6) The applicant shall provide to the sign administrator the name and address of the business where the display is to be placed and the first day of the display. No portion of a display (i.e., structure or sign) shall be erected prior to the first day of the event as stated on the permit. All displays shall be removed not later than the permissible time limit stated in this section. A permit will be issued to the applicant and will remain in effect for the duration of that event. No permit fee will be assessed. A new permit is required for each event.

(Ord. No. 1128, § E.3, 5-18-90; Ord. No. 1508, 2-5-96)

Cross References: Licenses, taxation and miscellaneous businesses regulations, ch. 16.

Sec. 36-119. Residential promotional displays.

For an open house or other similar showing, the following residential promotional displays and conditions shall apply:

(1) Displays incorporating pennants, flags, streamers, banners, open house signs, welcome signs and other like signs will be allowed.

(2) The sign display may be erected any time on the day prior to the event and must be removed within 24 hours following the event.

Sec. 36-120. Electronic variable message display signs.

A temporary electronic variable message display sign is **not** permitted.

(Ord. No. 1128, § E.4, 5-18-90)

APPENDIX 1.

DEVELOPMENT STANDARDS

TABLE 1
MAXIMUM SIGN HEIGHT BY STREET CLASSIFICATION (IN FEET)

Zone → ↓ Street Class	R-3	R-4, O-1	O-2, C-1	C-2, MT, M-1/M-2, M-3	C-3, M-3	all other zones
local	0	6	6	18	30	0
collector	6	12	18	18	30	6
minor arterial	6	12	18	18	30	6
principal arterial	12	18	18	30	30	6

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NOTE: Freestanding signs which are allowed by right and erected in the zones listed in table 1 shall follow those height requirements enumerated in the table, unless specific height requirements are stated elsewhere in this chapter.
(Ord. No. 1128, app. 1, table 1, 5-18-90; Ord. No. 1444, 4-3-95)

TABLE 2
MINIMUM SETBACK BY STREET
CLASSIFICATION

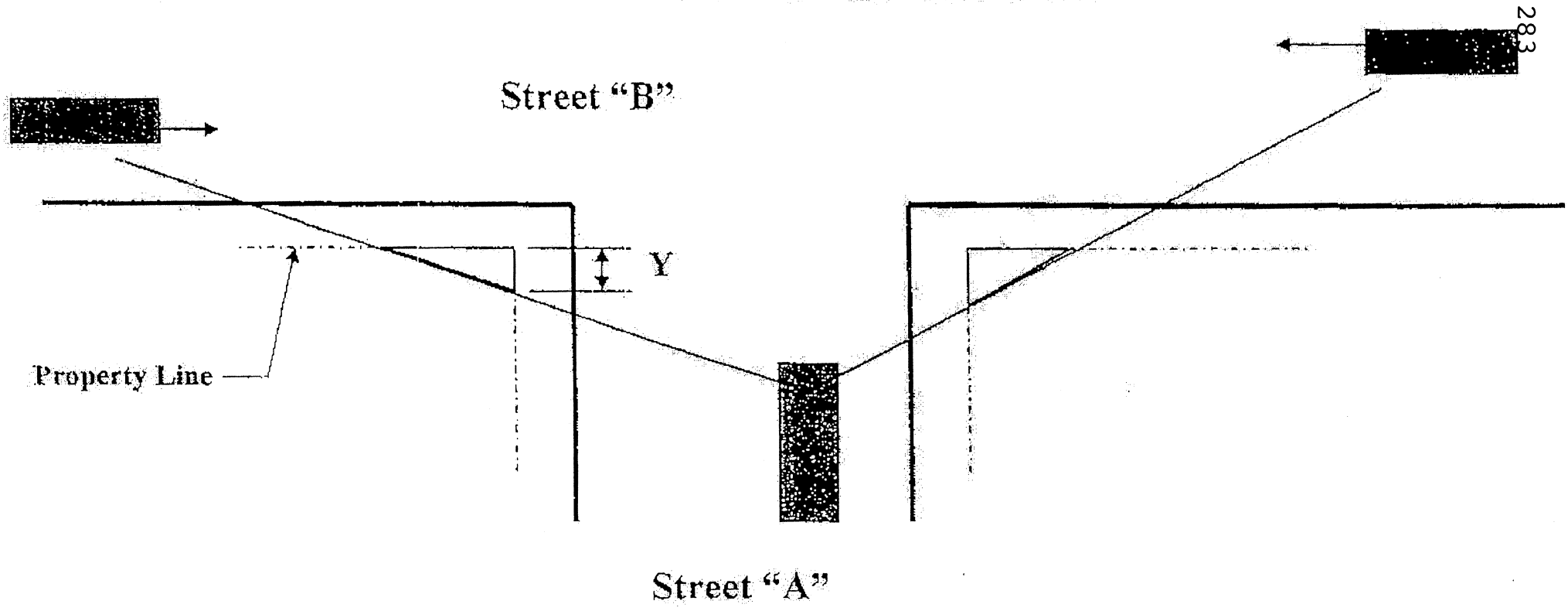
Street Class	Setback	Setback
Local	10 feet from property line	5 feet side yard
Collector	12 feet from property line	5 feet side yard
Minor arterial	15 feet from property line	5 feet side yard
Principal arterial	15 feet from property line	5 feet side yard

(Ord. No. 1128, art. 1, table 2, 5-18-90)

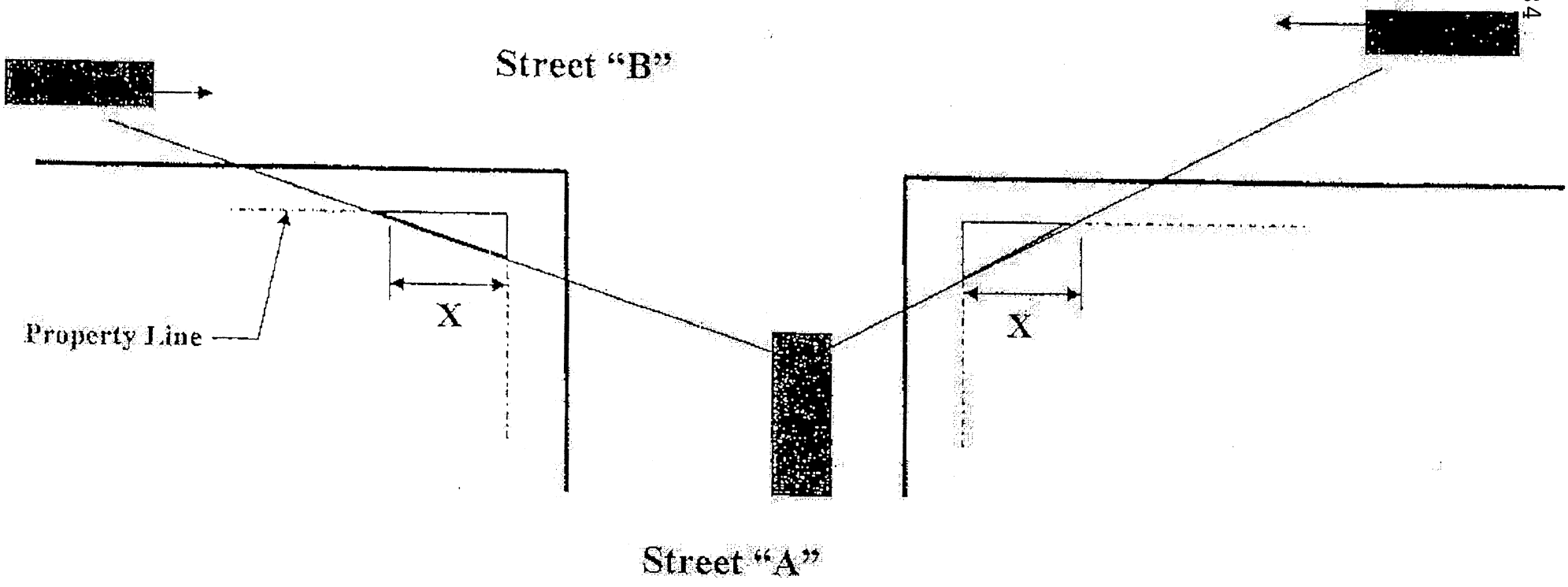
APPENDIX 2.

EXAMPLES AND ILLUSTRATIONS

	Posted Speed of Street "A"	25 MPH	30 MPH	35 MPH	40 MPH	45 MPH	50 MPH
Classification of Street "B"		"Y" (FT.)					
Local		20	30	40	50	60	65
Major Local		20	25	35	45	55	60
Collector		20	20	30	30	40	50
Arterial		20	20	20	20	20	20

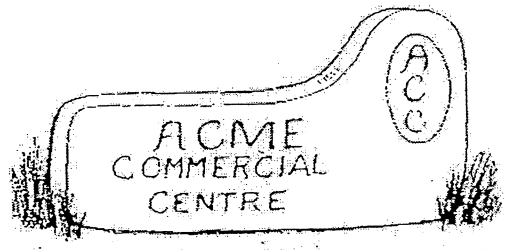


Classification of Street "A"	Posted Speed of Street "B"					
	25 MPH	30 MPH	35 MPH	40 MPH	45 MPH	50 MPH
	"X" (FT.)					
Local	20	30	40	50	60	65
Major Local	20	25	35	45	55	60
Collector	20	20	30	30	40	50
Arterial	20	20	20	20	20	20



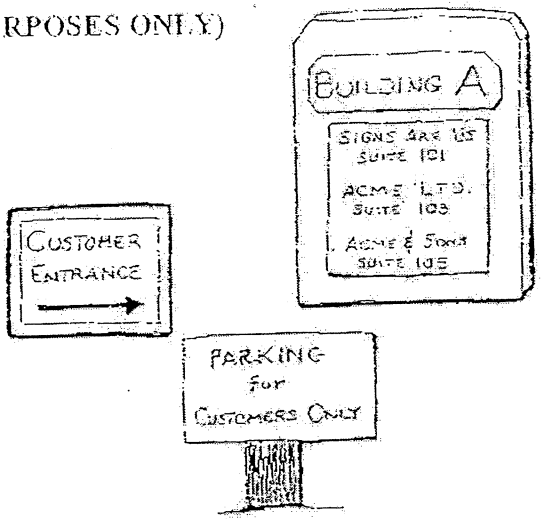
ON-PREMISES SIGNS

(FOR ILLUSTRATIVE PURPOSES ONLY)

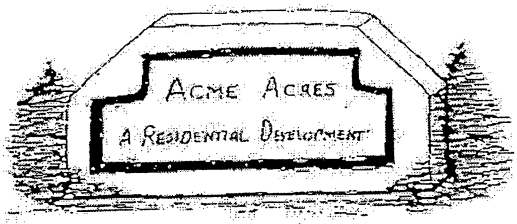


DEVELOPMENT IDENTIFICATION SIGN

(COMMERCIAL)

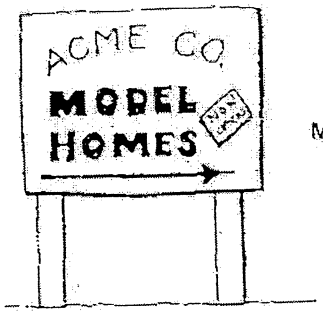


DIRECTIONAL SIGNS

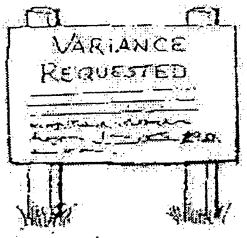


DEVELOPMENT IDENTIFICATION SIGN

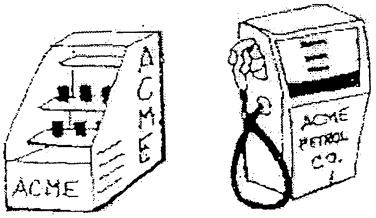
(RESIDENTIAL)



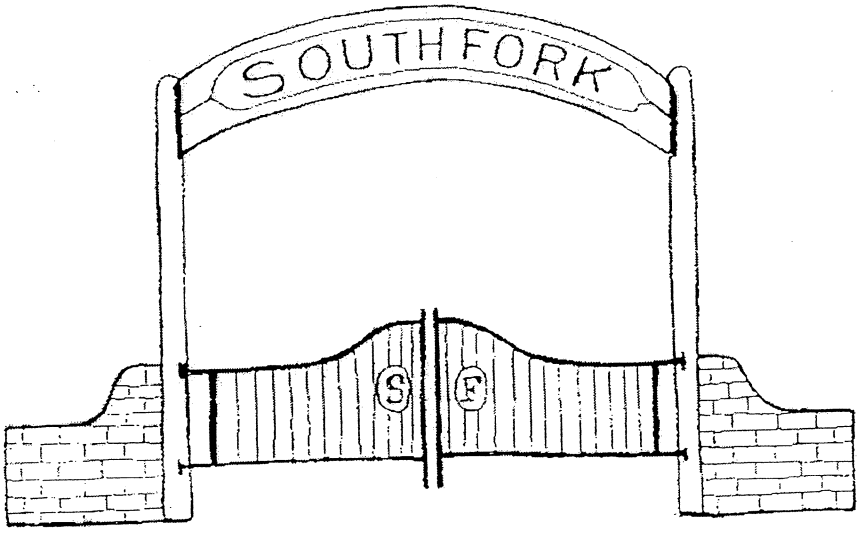
MODEL COMPLEX SIGN



LEGAL NOTICES

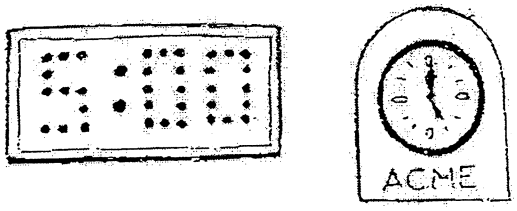


POINT-OF-SALE SIGNS



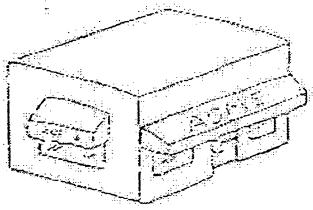
GATE ENTRANCE SIGN

TIME-AND-TEMPERATURE SIGNS

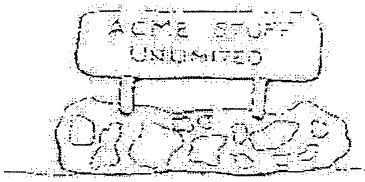


ON-PREMISES SIGNS

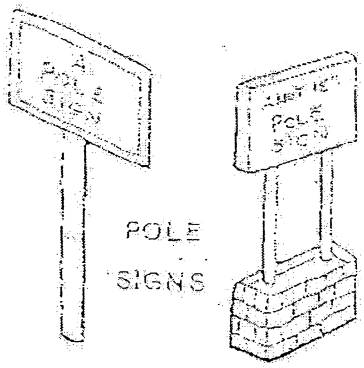
(FOR ILLUSTRATIVE PURPOSES ONLY)



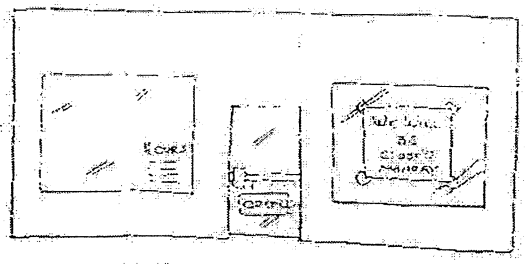
AWNING/CANOPY/MARQUEE SIGNS



GROUND SIGN



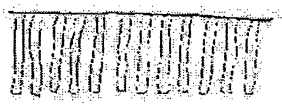
POLE SIGNS



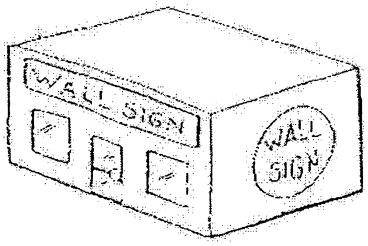
INFORMATION SIGNS

BANNER

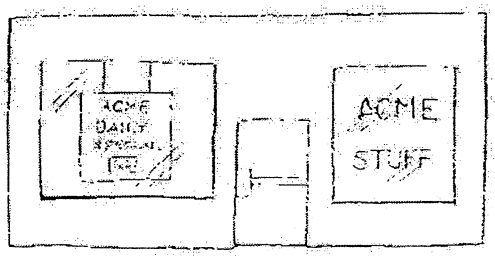
PENNANTS



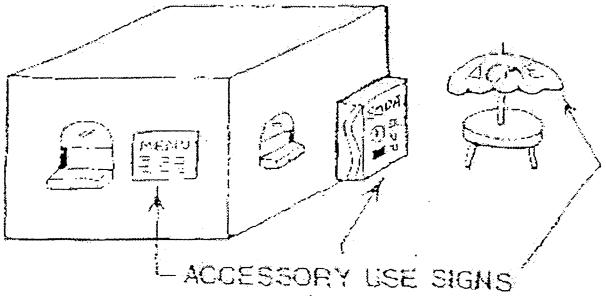
STREAMERS



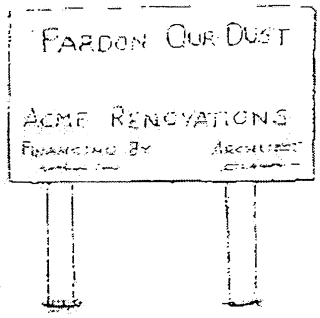
WALL SIGNS



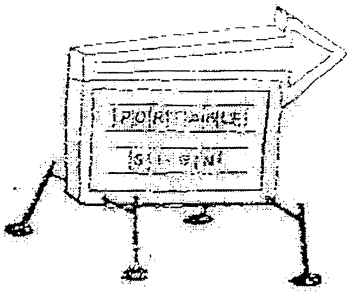
WINDOW SIGNS



ACCESSORY USE SIGNS



CONSTRUCTION/RENOVATION SIGN

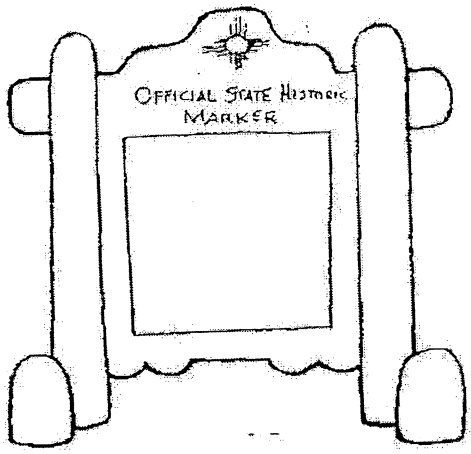


PORTABLE SIGN

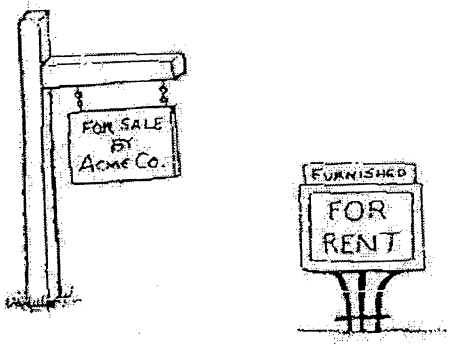
ON – OR OFF-PREMISE SIGNS

(FOR ILLUSTRATIVE PURPOSES ONLY

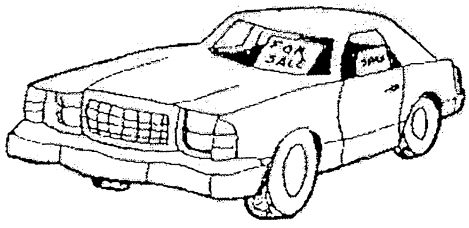
GARAGE SALE SIGN



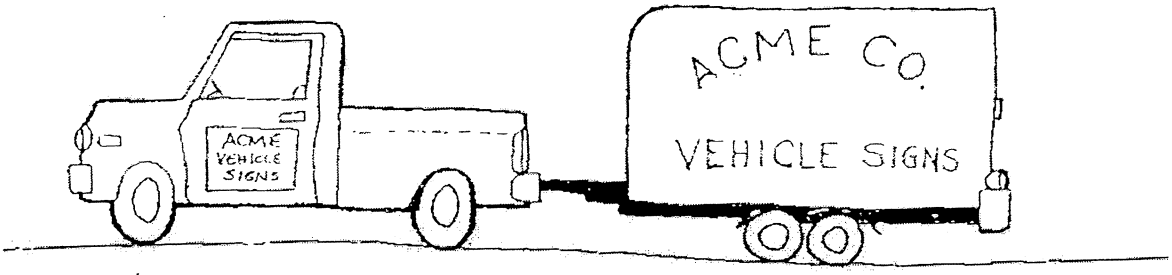
GOVERNMENT SIGNS



REAL ESTATE SIGNS



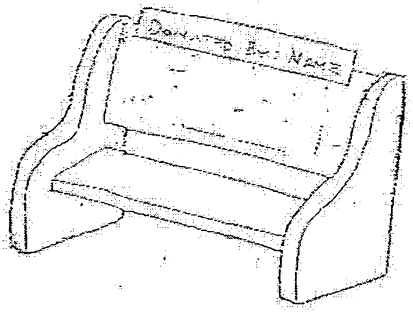
VEHICLE SIGN



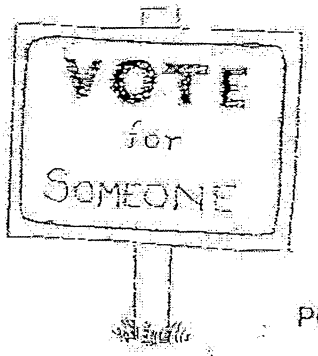
VEHICLE SIGNS

OFF-PREMISES SIGNS

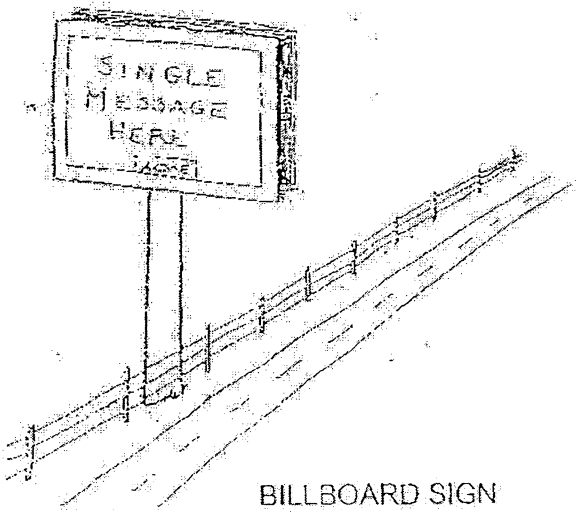
(FOR ILLUSTRATIVE PURPOSES ONLY)



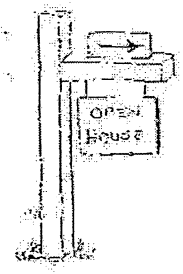
BENCH SIGN



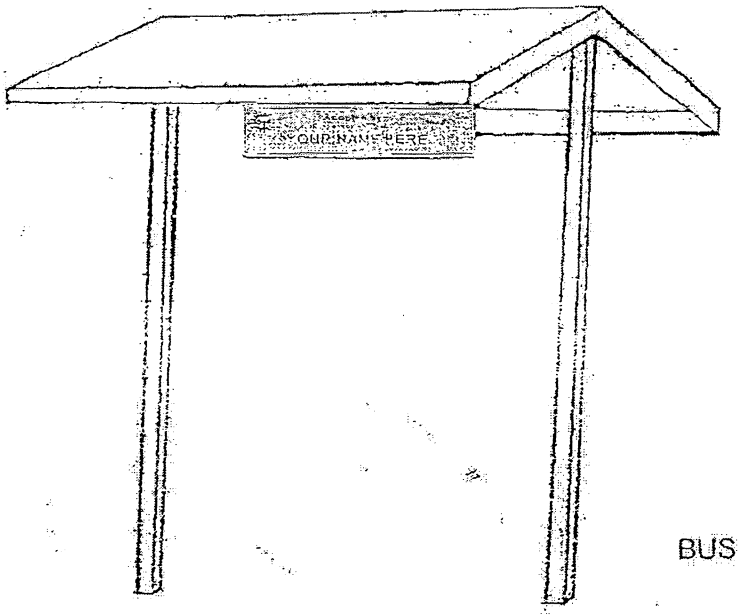
POLITICAL SIGN



BILLBOARD SIGN



REAL ESTATE DIRECTIONAL SIGN



BUS SHELTER SIGN

289

Attachment #2

Adam Ochoa

From: Mary Lou Chavez [vinceandmarylou@hotmail.com]
Sent: Tuesday, August 04, 2009 11:49 AM
To: Adam Ochoa
Subject: billboards

August 4, 2009

Mayor and Council Members

City of Las Cruces

Dear Mayor and Council Members:

I lived near Spitz and Rosalie for four years and thoroughly enjoyed the City while there. We decided to move to an historic property in Rodey, NM one mile south of Hatch and I am very busy and happy.

You might recall while in Las Cruces I became active in trying to stop any new billboard permits from being issued. Hatch like Mesilla does not permit any off premise signs or billboards. I have read the new proposed sign and billboard ordinance, it is quit lengthy.

My suggestion is for Las Cruces to simplify the ordinance and reduce the management of it by stopping the issuing of any new permits for new billboards, also for the conversion from regular to electronic billboards. The streets in your fine City that are billboard free - i.e. Roadrunner, Telshor South of Lohman and University – are so much more visually friendly for your citizens and visitors like me.

If this change is not acceptable to you I would suggest that you allow the Billboard Companies to help finance the administration of billboards by imposing appropriate fees considering they have been getting a free ride.

1. A new standard or electronic billboard permit - $500.00 for each face.
2. All existing boards annual fee of $250.00 per face.
3. Electronic billboards annual fee of $250.00 per number of subscribers.
4. Fees can be increased if adjustments need to be made at the end of the fiscal year.

Sincerely,

Vincent L. Chavez – 575-640-8039
PO Box 1282
Hatch NM 87937

Cc: Adam Ochoa, Terrence Moore, Robert Garza

Get your vacation photos on your phone! Click here.

Adam Ochoa

From: tamie.s@gmail.com

Sent: Monday, July 20, 2009 2:08 PM

To: Adam Ochoa

Cc: Miguel G. Silva; Sharon Thomas; Mayor; Dolores Connor; Dolores Archuleta; Nathan Small; Gil Jones; Connie Sharpe; Dan Townsend; Don Kurtz; Vince Gutschick; Larry Gionnina; John Stevens; Charlotte Lipson; Terry Miller; Jane Asche; Marnie Leverett; Vince Gutschick; Bob Hearn; Connie Falk; Sandy Geiger; Steve Ramirez

Subject: sign code comments

Hello Mr. Ochoa -Re. my conversation w/ you last week, I'd like to add a few more observations regarding our sign code revisions. I've copied below, a recent report ab't signs in El Paso and the decision to ban billboards. I'm sure that you are aware of all this, but as you see, I'm copying this email to other persons who may not be(aware). Good luck w/ your efforts.

Sincerely, tamie smith.

Many years ago, Lucille Nolen and I (co-chair persons on the now defunct BofA) spent many hours researching sign codes in various cities in order to provide material for the LC Sign Code. We were unsuccesssful in getting rid of billboards which much of the public had been asking be done, but flashing signs, and flashing lighted signs and 60' hi signs were banned, and cloth banners were allowed for only a short, specified length of time. When a business either closed down or moved, the owners were given a limited time in which to remove their signs.

Over time these rules and requirements were either ignored or abandoned, the results being what we see now - a variety of signs cluttering our town and environs - billboards and other signs superimposed upon the view of the Organ Mtns.,cloth advertising banners drooping off buildings or stretched between supports, fascinating, but very dangerous (because of both distraction and blindness to the driver) flashing LED signs and other types of moving signs.

I am especially familiar w/ what is and is not allowed for signs in many northern California towns - 15' max. signs, no billboards and in some towns, only monument (ab't 3') signs are permitted. Businesses seem to have no trouble attracting customers and these rules seem not to have affected growth in these cities. In fact, I suspect our local leaders would be delighted if LC had half the growrh that these towns continue to experience. Aesthetic appeal is a huge attraction.

I hope you will read the following report on what the city of El Paso leaders have just just approved in order to improve the aesthetic appeal of their town. Could we do likewise, perhaps?

tamie smith

El Paso City OKs billboard ban

After more than a year of debate, committee meetings and discussions with business leaders and neighborhood groups, the City Council moved Tuesday to crack down on billboards.

The council voted 5-3 to pass a controversial ordinance that will **ban new billboard construction in the city limits and the 5-mile extraterritorial jurisdiction, which extends into the unincorporated parts of the county.**

The ordinance also puts tough new restrictions on high-tech electronic billboards that flash full-color images every

eight seconds.

"I'm ecstatic," said West Side Rep. Ann Morgan Lilly, who spearheaded the effort. **"It's a big step forward in the quality of life for this city."**

Because of a floor amendment from Lilly, the city will no longer advertise on billboards and will **limit digital boards to 15,** about the number already operating or planned in the city. The original version of the ordinance would have set a cap of 40.

To put up a new digital billboard, 16 conventional, vinyl ones will need to come down under the new ordinance's terms.

The ordinance also requires that images on digital billboards remain up for a full minute and that these high-tech signs be placed at least a mile apart.

The vote capped more than five hours of public comment and debate. Forty-eight people addressed the council, about evenly split between supporters and opponents of the ordinance.

A handful of business leaders said stricter regulations would hurt smaller companies that rely on billboards for advertising.

Richard Dayoub, president and chief executive officer of the Greater El Paso Chamber of Commerce, compared the new regulations to putting a "razor to the throat" of small businesses.

Tim Anderson, a vice president with Clear Channel Outdoor-Texas, said the ordinance was a backdoor attempt to ban digital billboards by making them economically infeasible.

Business leaders had sought a compromise that would have allowed new billboards to be erected if some older ones were taken down. Under this compromise, a new conventional billboard could be put up if one came down, and a new digital board could be constructed if three conventional ones were removed.

The council rejected that proposal and enacted a set of regulations with more teeth.

Representatives of neighborhood associations spoke in favor of the crackdown.

Mark Benitez, president of the Cielo Vista Neighborhood Association, said that businesses may think that having a nice-looking community isn't important, but that it's an issue that's near and dear to the hearts of many residents.

"What the city is doing is the right thing," he said.

In addition to Lilly, city Reps. Susie Byrd, Emma Acosta, Steve Ortega and Beto O'Rourke voted for the measure. Rachel Quintana, Eddie Holguin Jr. and Carl L. Robinson voted no.

Quintana said she was worried that the tougher regulations could lead to job losses, "and I can't support even one lost job, not in this economic climate."

Holguin said the ordinance was "bad for business" and didn't give billboard companies any incentive to remove aging signs.

Ortega, meanwhile, said that passage of the ordinance was a "step in the right direction." He estimated that the city would see billboards reduced through attrition at a rate of 15 to 25 a year.

"But it doesn't eliminate them," he said.

Ortega noted that existing billboards would be grandfathered in and would not be torn down.

Byrd said the new set of regulations showed the "city is serious about reducing sign clutter."

David Burge may be reached at dburge@elpasotimes.com; 546-6126.

tamie smith

Adam Ochoa

From: Robert Kyle
Sent: Saturday, July 11, 2009 11:18 AM
To: Adam Ochoa; Cheryl Rodriguez
Subject: FW: Sign Code Ammendment

FYI

From: Sharon K. Thomas
Sent: Sat 7/11/2009 7:54 AM
To: Robert Kyle
Cc: Robert Garza; Terrence R. Moore
Subject: FW: Sign Code Ammendment

FYI,

Sherry

-----Original Message-----
From: NIDA MC CONNELL [mailto:mcconnelljc@msn.com]
Sent: Thu 7/9/2009 6:39 PM
To: City Council
Subject: FW: Sign Code Ammendment

From: mcconnelljc@msn.com
To: citycouncil@las-cruces.org
Subject: FW: Sign Code Ammendment
Date: Thu, 9 Jul 2009 18:38:39 -0600

From: mcconnelljc@msn.com
To: citycouncil@lascruces.org
Subject: Sign Code Ammendment
Date: Thu, 9 Jul 2009 18:36:46 -0600

Sign Code Ammendment Needed to Resolve Business Signage on Business that have Relocated or Closed and gone out of business. The signage on vacant business properties creates confusion, traffic problems and lost revenue and reduced gross receipts from the good business owners who have complied with the sign code. Landlords should be required to pay a fee because they have collected rent from a business who has moved or quit but left their business sign intact.

James McConnell, former sign painter, business owner

Adam Ochoa

From: tamie.s@gmail.com
Sent: Wednesday, July 15, 2009 12:19 PM
To: Adam Ochoa
Subject: Case# 1693 Roadrunner sign

Hello again, Mr. Ochoa, tamie smith here. Just read information re. variance request for height increase for a sign on Roadrunner Prkwy. Having served for 9 years on the now-defunct Board of Adjustment, I still support the primary guideline for approving a variance request: **hardship** (as defined in The American Code of Zoning).

That is, w/out a variance to build on a piece of property that no longer satisfies the new setback requirements,for example, use of the property would be worthless, hence a hardship. Similarly, w/ out a variance for a taller sign, a business would have no customers. (Is that the situation w/ this sign request?) I realize you know all this, but I wanted to reiterate this main requrement for a variance approval because I see this often ignored.

When I was studying urban planning in college we learned that a 'good' Board of Adjustment passes very few variance requests, which is also a big help in avoiding precedent setting.

Re. my conversation w/ you earlier today, you know that I would love to see a reduction in the number and the heights of the abundance of signs in Las Cruces.

tamie smith

Attachment #3

Dollahon: No, it actually really depends on the success and the efforts of the campaign and the marketing of the vote. Albuquerque was the last community that I'm aware of that was successful in a GEO bond. It was a specific question that they included on the ballot, but they had an active campaign to get it accomplished. I think it has more to do with your campaigning efforts and how you market it to the community and show the benefits more so than the size of the community.

Scholz: Okay. Yeah, I was thinking of Albuquerque's and obviously Albuquerque's much larger than we are so you know we think of them as a much richer community.

Dollahon: Right, but they've had a lot more success, so has Phoenix in their General Obligation Bonds. Phoenix practically recycles every General Obligation Bond as soon as it comes available, they go out for another vote and they're able to recycle it because they have an active grass roots effort on the campaigning. The City's only passed one GEO bond in my 17 years with the City and that was for a fire station in Council District 6, up there on Roadrunner. But we've had other bonds that have failed, even for drainage improvements. When we did the fire station 6, we had a small drainage improvement General Obligation Bond that passed, but we've had other General Obligation Bonds that have failed. In my opinion it has to do with the marketing effort and the campaign, and getting the word out and addressing the need.

Scholz: Okay. It says on our agenda here that we're supposed to review an adoption of the Las Cruces affordable housing strategies. We can't adopt anything tonight.

Dollahon: That's correct. I just made up the title for the public hearing and then realized after it was published the adoption. We're not asking you to take any action tonight. We'll be back at your July 28th regular hearing.

Scholz: All right any other questions or comments? Gentlemen? Well thank you very much. I appreciate your ... it's a great effort on your part and the committee's part, and I think you did a good job.

Dollahon: All right. Thank you.

IV. REVIEW OF PROPOSED AMENDMENTS TO THE SIGN CODE
Modifications to the Sign Code are being considered to correct errors and to add provisions for digital signage.

Scholz: All right. Next, we're going to review the proposed amendments to the sign code, and here comes Mr. Sign himself, Adam Ochoa. He told me a couple of weeks ago when I was at Community Development, he said, I'm

in charge of the signs. So that's why I'm calling him Mr. Sign. I hope he doesn't mind.

Ochoa: Correct. For the record, Adam Ochoa, Community Development and I'm the current Sign Code Administrator for the City. Tonight we're bringing forward to you a couple of proposed amendments to the City of Las Cruces Sign Code which is Municipal Code Chapter 36. The amendments we're thinking of doing include the addition of new definitions under the definition section of the code. We'll be trying to clarify the clear sight triangle provisions a little bit more, bring some clarity to the enforcement issue of the removal of illegal signs. We'll be adding sign regulations for planned unit development zoning districts, since they are now considered a zoning district. The allowance of a larger variety of options for the R-4 zoning district. We're trying to revise and allow the allowed height for freestanding signs in the C-3 and M-3 zoning districts. We're trying to add regulations for a big one, basically what it is, is adding regulations for the electronic variable message displays, better known as digital signs to everybody. And we're going to try to revise the nonconforming section dealing with billboards, existing billboards.

For the definitions, just basically adding three definitions, definition for animation, electronic variable message display, and street segment. The first two definitions are basically to cover the new additions covering electronic variable message display signs and billboards in the sign code now. Street segment just to clarify for the last I guess Planning and Zoning meeting we had I'm like just trying to clarify what street segments are for freestanding signs and so forth like that. We did some revisions on a couple of definitions, clear sight triangle which I'll cover next. Revised off premises signs and wall signs basically.

Scholz: If I can interrupt you at this point.

Ochoa: Yes, sir.

Scholz: What I'd like us to do is take this by segments.

Ochoa: Sure.

Scholz: And so if you have questions or comments about the definitions. I had one question I think.

Ochoa: Yes, sir.

Scholz: Any one else? You have a question about definitions. Okay, why don't you jump in?

Shipley: It says for use signs. And the first one, what kind of an example do you have for use sign. Accessory use sign means any sign that is printed on or included in the design of any object which cannot be construed as being a building or freestanding sign. So give me an example of what is that?

Ochoa: Accessory use sign would be something like at a bank, the ATM signs on there. Currently those accessory, it's considered kind of an accessory use for commercial purpose. While the bank has its own attached signage and a free standing sign, when they have a drive up ATM, kiosk if you will, the ATM signs or the logo of the bank that's basically kind of what an accessory use sign would be.

Shipley: So my suggestion on this would be, when you have something like that that's not really clear.

Ochoa: Yes, sir.

Shipley: Just give it an i.e., bank ATM sign, or something so that the general public when they read this regulation online they'll be able to understand what we're talking about, because most of it was fairly straight forward, but it's little things like that help clarify.

Ochoa: Yes, sir. Sounds good.

Scholz: My question was could we find a simpler way of saying electronic variable message display sign? That's one of the most complicated definitions I've seen.

Ochoa: Yes, sir. Basically the electronic variable message display actually we ... I'm actually removing the sign part of that. It'll just basically be electronic variable message display, because for on premises signs they'll be considered signs; off premise signs will just be called billboards basically at the end of that. The reason that definition was chosen was basically from an extensive amount of research from surrounding cities, national I guess regulations if you will, this is some kind of variation of this definition is what is being used in the majority of different places like I said and like I said national regulations. That's basically why we went forward with this definition.

Scholz: Okay. So if it's understood you know across the County then yeah we might as well use it.

Ochoa: I hope so, yes, sir.

Scholz: Right. Okay. And then I had one other question about, I wish these pages were numbered. It's on off premises signs, and then you're adding a line which says, a legally permitted billboard which follows all associated standards for billboards is the only exception that is allowed to advertise a business.

Ochoa: Correct. That line right there has actually been moved. There's been, just in this past week we've had a couple I guess planning meetings or ZRT meetings that we have within the department and that sentence has actually been moved to the billboard section under off premise signs.

Scholz: Okay.

Ochoa: Kind of makes a little more sense there. Basically just stating that a billboard on the property, using an example, that's advertising fast food joint that's on that same property, we see no problem with that. You know they're paying for the advertisement on the billboard, so there shouldn't really be an issue with that, we felt.

Scholz: All right. Other questions or comments about definitions? All right. Rave on.

Ochoa: Next we've got clear sight triangle. Revised definition is basically just to be consistent with the City of Las Cruces Design Standards. We reference the Design Standards instead. And by doing that on page to your left where the cursor is, to my left, where the cursor is, is what currently exists. This is I believe it's the old Design Standards for a clear sight triangle the top part, we'll be replacing this top part for clear sight triangles for intersections with what currently exists in the Design Standards on the right hand side. Basically a diagram of speeds, which basically means how many feet you have to be away from that side of the street. Just basically trying to match up with what Design Standards has.

Scholz: Good. I think that's a good thing. I've pulled out of parking lots a number of times in this town trying to see where the traffic is coming from and I've been blocked by walls or shrubbery or in some cases signs.

Ochoa: Trying to be a little more clear there basically.

Scholz: Good. Okay.

Ochoa: Enforcement authority, basically what it's going to say is the Sign Code Administrator or designee shall have the authority to remove any sign that is in the public right-of-way and in violation of code. Basically any sign in the public right-of-way without basically consent or approval with a permit is not legal and this basically just clears the way for the sign code

administrator or designee to remove the sign. The owner of the sign will be contacted and given 30 day kind of grace period to come pick up their sign. After that set time the sign will be recycled or appropriately taken care of.

Scholz: This gives you a lot of authority, doesn't it? I mean you can flex your muscles on this one.

Ochoa: Something like that. It just basically, it's been done in the past already, kind of had an interpretation conflict with code enforcement. By doing this we basically just cover all bases allowing the sign code administrator or whoever's going to go there for the development department and pull signs, basically that's what it is.

Scholz: Okay. All right. Next.

Ochoa: This is I guess a more revised sign regulations for PUDs on what you currently have in front of you. Basically the new ones are the same; any newly submitted planned unit development shall provide a plan for signage that is desired for the new development during the PUD review process. We added that any changes to the sign plan of the PUD shall provide a minor PUD amendment to that. On top of that, a previously approved existing PUD or any newly submitted PUD that does not present a plan for signage shall use existing regulations of the sign code. Which basically is if a PUD has residential land uses, they'll use residential zoning for their sign regulations, commercial use, commercial, and industrial, industrial. And for mixed use basically whatever the land use is that's being used on the subject property, that's the sign regulations that they'll have to follow basically.

Scholz: Everyone's clear on that. All right. Next.

Ochoa: R-4 zoning district. This was brought forward because in the R-4 zoning district it allows for limited office and retail uses on those properties zoned R-4. By doing these new things we basically give them an opportunity to have more signage opportunities for their businesses if you will. They'll be allowed the same signage opportunities as the O-1, O-2, and C-1 zoning districts which is somewhat still restrictive but allows freestanding signage and attached signage for the business or office that is on the subject parcel. Freestanding signage, the height regulations will be the same as that of the O-1 zoning district, so there'll still be regulations on that, but just giving them a little more opportunity to do different types of signage on the property.

Shipley: I guess multidwelling high density, you're talking apartments.

Ochoa: R-4 is actually multidwelling high density and limited office and retail use; I believe is what it is. Basically there's no single-family allowed in R-4, so the only real potential land uses that will be using the signage would be apartment complexes. Of course they'll still be regulated for lighting and everything like that simply because of their zoning being residential. So their lighting and everything like that for their signage will still be regulated. It's called limited office and commercial uses will also be allowed.

Shipley: But I guess I didn't want to see 30-foot pole signs out in front of apartments.

Ochoa: Later in my presentation you'll see that we actually cap the height of freestanding signs for that.

Iserman: I have a question.

Scholz: Commissioner Iserman.

Iserman: Thank you. Just off the cuff here, you said this will allow more signage.

Ochoa: Correct.

Iserman: Do we truly need more signage?

Ochoa: Basically this was brought forward because there are a decent amount of office; I guess if you would say developments that are zoned in R-4 zoning districts. They are basically limited to what it would be... a name plate which would be about one square foot sign on their property, on their wall basically and we felt that that's really restrictive for them. Allowing them a little more signage for the O-1 which is the lower end of the office zoning districts and C-1 which is also lower end of a commercial zoning, I felt basically with this revision is that R-4 is basically almost identical if you will or shares the same characteristics of the O-1, O-2, and C-1 zoning districts, that is basically why we're trying to allow that now.

Scholz: Okay. Anything else?

Ochoa: Here is the C-3 and M-3 maximum freestanding signage heights if you will. What we did is currently what it reads on the third to last and second to last columns here, M-3 was in both categories. M-3 was stricken from the third, currently where I have the cursor right now and just left under C-3. What currently exists is C-3 and M-3 you're allowed freestanding signs the same height as the building, which in C-3 and M-3 I believe you can go up to 60-65 feet in height for a building. Trying to get away from that, just kind of keep it in overall 30-foot size sign for everything that's C-3 and M-3. And to answer your question about the 30-foot sign in R-4, R-4 like I

said will be restricted to the same height of a sign for O-1 which on a Local will be six feet tall, a Collector 12-feet fall, and on a Minor Arterial will be 12-feet tall as well, Principal Arterial will be allowed an 18-foot tall sign.

Scholz: Looking at the case we had last month, the auto parts case.

Ochoa: Correct.

Scholz: Would they fit into ... were they a C-2 or a C-3?

Ochoa: They were C-3.

Scholz: Okay, but would that be an increase in height for them then?

Shipley: Yes.

Ochoa: No, because they still were falling into the street segment category. They didn't meet I guess the 60% threshold for industrial and commercial on the same street segment so they weren't allowed. They'd still be stuck at the 12-foot tall sign.

Scholz: Right and that was because the other side of the street is basically residential.

Ochoa: Everything residential, that is correct.

Scholz: Okay.

Shipley: But again this looks like this changes that. This looks like it says C-3, M-3 in all categories; Local, Collector, Minor, 30-feet.

Ochoa: Correct. It says 30-feet. Basically stating that if you meet the street segment of 60% or higher for commercial, office, or industrial, you can go up to 30-feet. Currently what exists is you can up to 30-feet or up to the height of the building is basically how it's been interpreted. So, looking at the C-3 standards for height of a building which is I believe 60-feet, they could potentially have a sign that's 60-feet tall and just 15-feet away from the public right-of-way basically. This is basically being more restrictive for freestanding signs. The street segment thing, it's still there. It's not going to change, so basically if this would pass the case that was here last month would still be restricted to a 12-foot sign.

Scholz: Right. Okay. Thank you. All right, next up. This is the one.

Ochoa: This is the bulk of it. Yes, sir. Electronic variable message displays for on premises electronic variable message display signs which is basically

digital signs on premises. What we're trying to do is we're going to try to limit the areas where they can be located. We're limiting the number of signs of this type on property basically. It'll limit the types of sign allowed. No animation will be allowed. Sets a minimum length of time for the display of a message which will be eight seconds which is a national I guess standard if you will. There will be no transition time allowed between messages. And it sets illumination level standards for the signs that follow the outdoor lighting ordinance that is also being updated.

Scholz: Well this is an interesting one. Commissioner Shipley.

Shipley: I was just going to ask, is this ... you say one sign per property but it can be two sided?

Ochoa: Commissioner Shipley, basically what it is, they're allowed one attached signage per property. In other words one sign that's a digital sign on the wall, and they'd be allowed if it's a freestanding sign, if it's a parallel sign, they'll be allowed two, one on each side, three maximum.

Shipley: So like what I'm trying to say is like Daddy'Os car wash down on Lohman, on East Lohman.

Ochoa: Daddy'Os car wash with the billboard, the digital billboards that we're talking about here.

Shipley: Right.

Ochoa: That potentially would not be allowed.

Shipley: Okay. Because there's one side now is digital, the other side is I'm not sure if it's static or what.

Ochoa: I believe it is static, yes, sir. Or it's just a traditional paper faced billboard. Correct. If we go into the actual regulations for on premises electronic variable message display signs, it states that no on premises. Basically you can't have an off premises billboard on the same area where you have a digital on premises sign.

Shipley: But that doesn't have a digital on premises sign.

Ochoa: Correct.

Shipley: It just has the billboard.

Ochoa: Correct.

Shipley: And it is conforming with our current code?

Ochoa: Yes, it is.

Scholz: Okay. Commissioner Iserman? Commissioner Evans? I'm wondering about the Sonic sign. The Sonic sign has a great deal of animation.

Ochoa: Yes, it does. We're still trying to work on that to see if we're going to require just to allow those signs to be left as they are; nonconforming signs. And when they do come for remodeling or let's say they come for changing out the sign if you will, they'll have to come to full compliance with the sign code, or we're going to give them a timeline basically stating to them you must do this by this required time and we're still working on that as we speak, sir.

Scholz: Okay. What's the concern about animation?

Ochoa: The concern on animation that I've read in many reports is basically the distraction for drivers. Basically on one report that I read if a driver is distracted any more than 2 seconds from the road that's a potential hazard for people on the street and for the driver. We believe animation just kind of draws your attention a lot more than just a static electronic variable message display sign. That's basically why.

Scholz: Okay. Well I'm thinking of all the handheld devices that people use. Which will grow of course you know exponentially now that there's more spectrum space.

Ochoa: Just trying to put a little more limit on that for animation basically.

Scholz: Well I wonder if we're not being too restrictive here.

Ochoa: For on premises electronic variable message display signs, they will still be allowed traveling and scrolling signs which would be for example those black and red signs that you see on Quik-Pic if you will, with the letters scrolling to the side and scrolling up. That would still be allowed on on-premise signs.

Scholz: Okay.

Ochoa: So that's a moving sign, not really animated, but a moving sign. That would still be allowed.

Scholz: And what's the eight second rule?

Ochoa: The eight second rule would just be for static digital messages basically. Eight seconds is basically the sign can pop up, stay there for eight seconds, and then basically switch to the next sign. That's just limiting ... that's a national standard set forth basically just limiting it to the amount of messages that can be flashed on the billboard on a given time basically.

Scholz: Okay. Commissioner Shipley.

Shipley: Is that an eight second maximum time?

Ochoa: Minimum.

Shipley: Minimum. So it has to stay up eight seconds as a minimum.

Ochoa: Correct.

Shipley: It can stay up longer, but not less.

Ochoa: That is correct. And no transition time between messages, so they instantly have to change.

Scholz: All right. Any other comments on this? Okay.

Ochoa: All right, going onto the off-premises electronic variable message display billboards. Basically it sets a minimum distance of separation between billboards of 1,000 feet. That would be required. Limits the area where the billboards may be located, basically kind of reiterating what already exist in the billboard provisions. Limits the type of signs. There will be no animation allowed, no scrolling, no traveling, or moving messages at all. The only type of messages allowed on billboards would be static digital advertisements basically. Basically limits the number of messages displayed allowed on a billboard, so just one electronic digital ... basically just one digital message on a billboard without you know having four of them flashing on there, kind of thing. Sets a minimum length of eight seconds, again the national standard with no transition time allowed between messages. And sets illumination level standards for the billboards that will follow the outdoor lightening ordinances of the City of Las Cruces.

Scholz: Commissioner Shipley.

Shipley: It says no traveling, no animated scrolling, but then it says it gives you eight seconds, so if there ... that can't ... that's ...

Ochoa: That is for transition between static signs basically. Eight seconds between each static sign. So first sign goes up, eight seconds minimum, next sign can pop up.

Shipley: I guess I'm confusing that with scrolling.

Ochoa: No, scrolling basically would be just ... exactly a vertical movement of a wording or pricing or whatever it is that you're talking about. Traveling is the horizontal.

Scholz: Other comments?

Shipley: What's the limit ... it says it limits the number of message displays allowed on a billboard. What is that?

Ochoa: Correct. Basically it limits it to one digital display per side. Instead of giving the opportunity to split the billboard in half and putting two different signs on one side and having them flash at different times if you will, just limiting it to one. Basically it's like if you had a traditional billboard, but you know what the one face on that side and it being able to change, that's basically what it is.

Shipley: Maybe that needs a little clarity.

Ochoa: I will add that sir.

Scholz: Anything else? Gentlemen?

Ochoa: Last but not least, temporary electronic variable message display sign would not be permitted.

Scholz: And you're talking about portable signs, things like that.

Ochoa: Talking about portable signs, election signs, signs that you see like for temporary events on the weekend. That's basically what we mean.

Scholz: Okay.

Iserman: Are the politicians going to let you get by with that?

Ochoa: I guess we'll see.

Scholz: Okay.

Ochoa: This is basically a nonconforming section of the sign code for billboards. It currently states that a nonconforming billboard may be reconstructed on

the same property so as to meet the size, height, configuration, and support requirements of this code without losing its legal nonconforming status. To the extent possible, they could try to meet setbacks and separation requirements will be met, basically. So, in other words if there's an illegal billboard that wants to come into conformance with the height, the square footage, the setback, but they cannot conform to the separation of 1,000 feet between billboards, they'll still be considered a nonconforming billboard. What we will be adding is a nonconforming billboard being converted into an electronic variable message display billboard shall come into full compliance with all off premises electronic variable message display provisions. Basically what we just covered. Stating in other words keeping these billboards 1,000 feet away requiring them to be 1,000 feet away, that's basically what it is.

Scholz: Okay.

Shipley: And I noted you also had some requirements that said if they were to rebuild a billboard and it cost more than 50% of its value, that it would not be allowed?

Ochoa: I believe that is existing sign code, correct.

Shipley: Okay.

Scholz: Questions or comments?

Ochoa: That's basically it. We're looking at a tentative public meeting for July 9, 2009, 5:30 to 7:30 here at City Council chambers. If you have any comments for me, if you read through this and you see anything else that requires for me to look at again, or if you'd like to talk to me about it, there's my phone number and my e-mail address. And I stand for any more questions.

Scholz: All right. Thank you Mr. Ochoa. Good job.

Ochoa: Thank you.

V. REVIEW OF BASIC ELEMENTS OF A TRAFFIC IMPACT ANALYSIS (TIA).

Scholz: Okay, now we're down to section number five, review of basic elements of a traffic impact analysis.

Shipley: I have one more question for Mr. Ochoa. On the O'Reilly sign. What did they elect to do?

Ochoa: They are appealing to City Council.

PUBLIC INPUT MEETING
Proposed Amendment to the City of Las Cruces Sign Code
July 9, 2009

The following are summary minutes of the Public Input meeting - *Proposed Amendment to the City of Las Cruces Sign Code* held on Thursday, July 9, 2009 at 5:30 p.m. in the Las Cruces City Council Chambers, 200 North Church Street, Las Cruces, New Mexico

STAFF PRESENT:

Cheryl Rodriguez, Development Services Administrator
Adam Ochoa, Associate Planner

PUBLIC PRESENT:

Vincent Chavez
Mark Isler
Carol Rehder
Gricel Mendoza
Kenneth Schultz
Anabel Silva
Brandi Leyva

Meeting started at 5:30 p.m.

Adam Ochoa summarized the reasoning for the proposed amendment to the various sections of the 2001 Zoning Code as it pertains to sign code. The proposed amendment includes the addition of regulations for on-premise/off-premise electronic variable message displays, includes sign regulations to both the PUD and the R-4 zoning district, incorporates new definitions, and clarifies the enforcement authority for the removal of illegal signs.

Public Comment:

Chavez: Do you have to be a citizen here in Las Cruces to submit comments?

Ochoa: No, sir.

Isler: My name is Mark Isler. I'm with Newman Outdoor advertising. First of all, I'd just like to complement you on the amendments at lease regarding the outdoor, or the off-premise section of the sign code. I think you're being proactive in taking this on. And Newman Outdoor as well as Lamar Outdoor which are the principal off-premise sign companies in town, we try to be as responsible as we can. Even though animation and scrolling signs and flashing signs are currently allowed, we have decided not to do that. We're glad that you've kind of taken that as well and you know and

put it in the code to restrict other I call them rogue companies from coming in that you know make it difficult for us existing companies to operate our business.

I think there was one correction in here on the definitions of off-premise signs. The last part of that says "exception is to allow to advertise a business, product, service, or activity that is located on the premises." I believe it should say is not. Just a clerical. Or am I reading that wrong?

Ochoa: A sign which advertises or directs attention to a business, product, service, or activity which is not available on the premises where the sign is located. In other words, it's advertising something that is not current on that location.

Isler: Right, my copy does not include the word "not".

Ochoa: Really. That might've been a ... something that was caught earlier and you might have an early version of it. We do have newer versions in the back for you if you want to go ahead and take one of those as well. But that has been addressed. And I believe you might have an additional sentence after that. That has also been taken out of there and actually added to the actual billboard section of off-premise signs.

Isler: My other concern or I guess might warrant additional discussion would be in the off-premise section in the electronic variable message display billboards number two; it says "no off-premise electronic variable message display billboard shall be located on the same property as an on-premise electronic variable display sign". I think since we basically have static in the off-premise side of the sign code, we basically have static images, even though they are electronic, there's no animation; there's no scrolling; whereas the code does allow that in the on-premise. So I don't think that it would create you know any further distraction than a traditional static billboard would. Because of the eight second delay ... typically you've got seven seconds to read a billboard and so you're only going to see one of those faces as you drive by, it's not going to be changing constantly as you're driving past it, so I don't think it's going to create any more distractions. So I'd like to see that ... at least further discussion on it if we can.

Ochoa: I'll take that into consideration. Thank you.

Isler: Other than that I don't have any other objections to the code. I think it's restrictive, but I think it's responsible. I've seen some codes in other cities that I wish would follow your lead and I they probably will after they see the changes and difference that it makes.

Ochoa: Thank you. Anybody else would like to say comments on this? Anything, any section of it?

Rehder: My name is Carol Rehder. I wrote to you about section 36-41 part B, the wording in there about the sides of the billboard are parallel but at no more than 45 degrees. You said that was going to be redone. I haven't found it yet, but did that get changed or...? I didn't understand it.

Ochoa: It is still getting changed, basically to kind of clarify that section for you ... Basically what it is ... I've done some tweaking of it. I haven't added it to this actual version of it yet because I'm still trying to get more input to see if that's a little clearer for people. Basically what we're trying to say here is that you're allowed to have a digital sign if you will on both sides of a freestanding sign that's parallel, that the sides are parallel to each other, and it will also be allowed on signs that are no more than at a 45 degree angle from each other. That's basically what it is. If it's more than a 45 degree angle we feel you can see both sides at the same time, so you'd only be allowed one in that case.

Rehder: That's kind of what I thought you meant, but wasn't sure.

Ochoa: Sorry about the confusion there. But I am still currently working on that section trying to get it a little more clarified for everybody.

Rehder: All right. I have one other question and I don't know maybe you can't do this, but the internally lit signs, there's a restriction about having them opaque on the top, there are no restrictions about having them have a dark background with lighter colored text and symbols? I mean you're doing it here. One the reasons is they're much, much easier to read, but there are several large internally lit signs around that have a white background and then the letters are black or red or something and I don't know whether that's something that can be considered at all or not. Or whether that needs to go in the lighting.

Ochoa: I will go ahead and add that to my comments here and I'll take that into consideration. Thank you ma'am.

Rehder: All right. Thank you.

Meeting ended at 5:51 p.m.

Attachment "C"

MEETING OF PLANNING AND ZONING COMMISSION
FOR THE
CITY OF LAS CRUCES
City Council Chambers
August 25, 2009 at 6:00 p.m.

BOARD MEMBERS PRESENT:
Charles Scholz, Chairman
Shawn Evans, Member
Charles Beard, Member
Ray Shipley, Member

BOARD MEMBERS ABSENT:
Godfrey Crane, Vice Chair
Donald Bustos, Secretary

STAFF PRESENT:
Cheryl Rodriguez, Development Services Administrator
Gary Hembree, Senior Planner
Adam Ochoa, Associate Planner
Helen Revels, Associate Planner
Jennifer Roberston, Planner
Robert Gonzales, Las Cruces Fire
Jared Abrams, CLC Legal Staff
Becky Eich, Recording Secretary

I. CALL TO ORDER 6:00

Scholz: Good evening, and welcome to the Planning and Zoning Commission meeting for August 25, 2009. I'm Charlie Scholz, I'm the Chair. I want to introduce the other members of the Commission who are here with us today. On my far right, Ray Shipley, Commissioner, he is the Mayor's appointee. Next to him is Commissioner Shawn Evans. He represents council district 5. Sitting next to me is Commissioner Charles Beard, who represents council district 2. And I represent council district 6.

Before we begin our regular meeting, we have a special tribute that we'd like to do. I'd like to take a minute to honor a colleague of ours, Clayton Iserman. Mr. Iserman passed away last month. He was a Commissioner representing council district 1. From the time he joined the Commission in 2008, Clayton participated by asking good questions and giving thoughtful comments on the cases he reviewed. I especially appreciated his knowledge and interest in his neighborhood. It was a perspective that was very helpful in our deliberations. And he was a really nice guy. A memorial service for Clayton Iserman will be held Sunday, August 30th, that's this coming Sunday, at 11:00 a.m. at the La Paz Graham Funeral Home, 555 W. Amador. Clayton you will be missed.

Shipley: I second.

Scholz: It's been moved and seconded. I'll call the roll. Commissioner Shipley.

Shipley: Aye findings, discussion, and site visit.

Scholz: Commissioner Evans.

Evans: Aye findings and discussion.

Scholz: Commissioner Beard.

Beard: Aye findings and discussions.

Scholz: And the Chair votes aye findings, discussions, and site visit. So it passed 4-0.

4. **SiCA-09-01:** A request to amend the City of Las Cruces Municipal Code, Chapter 36 – Sign Code. The amendment includes (1) the addition of regulations for on-premise and off-premise electronic variable message displays; (2) the addition of regulations for the PUD and R-4 zoning district; (3) incorporates new definitions; (4) the addition of regulations for neighborhood signs; (5) clarifies the enforcement authority for the removal of illegal signs; and (6) changes the maximum allowed height for freestanding signs in both the C-3 and M-3 zoning district. Submitted by the City of Las Cruces.

Scholz: All right. Our next case is ... oh this fascinating, this is SiCA-09-01, a request to amend the City of Las Cruces Municipal Code Chapter 36 - Sign Code. That's the heavy weight one, right? And Mr. Ochoa, you're up for this too, certainly.

Ochoa: Yes, sir, one more time.

Scholz: Lay it on us.

Ochoa: Like you stated, proposed amendment to the City of Las Cruces Sign Code, which is basically Municipal Code Chapter 36. For the amendment basically what we're going to be doing is adding the sections for electronic variable message displays. For on premise electronic variable message displays, basically what we're going to do, we're going to be trying to limit the areas where they can be located; limit the number of signs allowed on a property; limit the types of signs allowed on a property. In other words, no animated signs will be allowed. Sets a minimum length of time for the display of a message with no transition time allowed between messages. And it sets illumination level standards that will follow the Outdoor Lighting Ordinance. As for off premise electronic variable message display

billboards, it sets a minimum distance of separation between these types of billboards. It will limit the area where the billboards may be located. And it will limit the type of message, basically it'll be limited to static messages with no animation, scrolling, traveling, or moving, blinking parts of the sign will be allowed. It will limit the number of messages displayed on a billboard. It'll be one message at a time. Sets a minimum length of eight seconds for the display of a message and that is a national standard, with no transition time allowed between messages. It'll set illumination level standards as well as on premise signs that'll follow the Outdoor Lighting Ordinance. And electronic variable message displays will not be allowed as temporary signs.

On top of this section under the nonconforming billboards section, basically state a nonconforming billboard that'll be converted into an electronic variable message display billboard shall come into full compliance with all off premise electronic variable message billboard provisions.

Something else we'll be doing with this amendment is adding sign regulations for PUDs. It'll be basically now that PUD is its own zoning designation it needs its own sign ordinance or sign regulations if you will. What we're going to be doing here is any newly submitted Planned Unit Development or PUD will provide a plan for signage that is desired by the new development during the PUD review process. Any change to the sign plan of a PUD shall provide a minor PUD amendment. And any previously approved and existing PUD or any newly submitted PUDs that do not present a plan for signage shall use existing sign regulations of the Sign Code. Basically what it states is a PUD with residential land uses shall follow residential regulations, industrial will follow industrial regulations, commercial, commercial regulations; and mixed use PUD shall follow sign regulations of the appropriate zone that fits the subject property.

What the amendment will be also tweaking the R-4 zoning district regulations, the multi-dwelling high density and limited retail and office zoning district will be allowed the same signage opportunities as the O-1, O-2, and C-1 zoning districts. Basically what that entails is that they will now be allowed to have attached signage and freestanding signage. Free standing signage, the height for freestanding signage on R-4 zoning districts will have the same regulations as O-1 zoning districts and that'll be covered a little later in the presentation so you can see what those heights are.

Scholz: Okay.

Ochoa: With this amendment will also be adding some new definitions. Definition for animation. Definition for electronic variable message display, and for street segment. This is done for the newly entered electronic variable message display sections in the sign code. We've also revised a couple of definitions, accessory use signs has been revised, clear sight triangle definition has been revised, and wall sign has been revised as well.

Another thing we've done is we've kind of redone neighborhood signs. Basically what we have done is a sign now may only be placed on private property provided that prior approval has been granted by the property owner. The maximum sign area shall not exceed four square feet and the maximum height shall not exceed three feet in height. There will be a maximum of one sign per property allowed. Signs shall not conflict with any traffic control nor any clear sight triangle. Signs may not be placed any further than one-half mile from the neighborhood to which they pertain to. There will be a maximum of four signs permitted per neighborhood. Basically north, east, south, west, four signs. A valid sign permit shall be obtained or renewed annually for each sign. The signs will be maintained by the party responsible for erecting the signs, basically leaving out of it for that.

Another thing we're amending is the enforcement authority. Currently it is unclear as to what can be done with legally placed signs on public right-of-way. So basically what we did is, we added that the sign code administer or designee shall have the authority to remove any sign that is in public right-of-way and in violation of code. The sign owner will be contacted about the situation and will given be 30 calendar days to collect and remove sign or signs and after a set time any remaining sign or signs shall be recycled or disposed of properly.

Another thing we'll be doing is we're going to be limiting I guess better yet change in the C-3 and M-3 maximum free standing sign heights. Currently for C-3 and M-3 zoned properties a freestanding sign is allowed to be the same height as a building. Under C-3 and M-3 buildings can be as tall I believe as 60-feet which basically calls for a 60-foot sign would be permitted. What we're doing is limiting the signs to the height of 30-feet all around along any street for C-3 and M-3 zoning districts. And as I said earlier the R-4 zoning district would be limited to the same heights as O-1 zoning districts as you can see down here.

One last thing we'll be doing is just changing out what we have as a illustration or an appendix of what the clear sight triangle is for the Sign Code. Currently this is what exists in the Sign Code. It'll be replaced with what is in the Design Standards of the City of Las Cruces.

Last amendment to the Sign Code was in May 2006 through Ordinance 23-04. A work session was held on June 16 with you all on the proposed amendment. A public meeting was held on July 9, 2009 where public comments were made about the proposed amendment. And public input was taken for the proposed amendment until August 7, 2009. Comments were received from the public on this issue and were attached for your review to your packets.

Recommendation is, given the findings and issues identified, staff requests the Commission recommend approval of the proposed amendment to the City Council. City Council will have final authority on this matter. Your options tonight gentlemen for this case is vote yes and recommend approval of the amendment. This action will seek to incorporate the proposed changes into the Sign Code. Vote no and

recommend denial of the amendment. This action proposes to Council to not incorporate any of the proposed changes to the Sign Code. Vote yes and amend the proposal, basically seeks to establish additional modifications as determined appropriate by the Planning and Zoning Commission; or vote to postpone and table the proposed amendments. That is the conclusion of my presentation. I stand for questions.

Scholz: Okay. Questions about this ordinance.

Shipley: Mr. Ochoa that's a great deal of work there and it's well received. One of the things that I noticed in here was that there is requirement to have a brightness switch on the signs, especially the electronic signs. And one of the things I would ask is could we not specify that there be an automatic sensor or something placed on a sign so that during the day it could be brighter and at night it would be reduced in brightness. It doesn't say anything about that, it just says it has a control, it doesn't say what it.

Ochoa: That issue basically, I'm sorry Commissioner Shipley, that issue will be covered by the Outdoor Lightening Ordinance. Basically what we're doing here is just sticking to overall sign regulations of it, but the brightness of it, the actual functioning of the electrical part of the sign itself will be left to the Outdoor Lightening Ordinance basically.

Shipley: It doesn't say that in this ... should it say that in here? In other words that's ... it doesn't have a number on the page, but it says on the electronic variable message display billboards paragraph eight says an off premise electronic variable message display billboard shall have an automatic dimmer control to produce distinct illumination change from a highest allowed illumination level to the lowest, and that's all it says.

Ochoa: In the back page continues, level meeting the illumination standards of the City of Las Cruces Outdoor Lighting Ordinance.

Shipley: Do the standards now require them to dim at night?

Ochoa: Currently I believe they are amending the Outdoor Lighting Ordinance as well, sir, and it'll be covered by that.

Shipley: So will that come to us as well?

Rodriguez: Mr. Chairman, Commissioner Shipley, the Outdoor Lighting Ordinance isn't something that the Planning and Zoning Commission governs. It will go directly to City Council. And right now they're going through a series of public input meetings. The next public input meeting will be I believe held September 21st. And I will confirm that for you and forward that information.

Shipley: Could we make that a condition of this? In other words what I'm getting at is that a bright sign ... you need a bright sign during the day, but you don't need the same amount of light at night. And if it's really bright then it distracts you and it's more of a distraction. It's more of a safety factor. So that was ... there are automatic dimmers that just like you have on your automobile that your lights get dimmer at night, well it's not so bright in the cockpit more or less.

Rodriguez: Mr. Chairman, Commissioner Shipley, what this body could do is go under option number three, to modify the proposal and make some additional recommendations to Council for final authority.

Scholz: All right. Commissioner Shipley did that answer your question?

Shipley: Yes.

Scholz: Okay. I had one question Mr. Ochoa, well two actually. The signs on private property, as these like identification signs, like the sign by you know High Range, that says High Range, is that what we're talking about?

Ochoa: Chairman Scholz basically neighborhood signs, that's basically what they are if you will. I don't know if any of you all driven down Country Club Road along the median there, there are some examples of what a neighborhood sign would look like. Basically what the amendment of the sign code, what we're trying to do is get them off of those medians and put onto private property, requiring whoever's trying to put those signs up to get approval from that property owner instead of leaving signs on public right-of-way and well possibly leaving the I guess if you will the maintenance of the sign to City since City takes care of those medians.

Scholz: I see. Okay. Yeah I was wondering what the purpose was. Right. Why would they have to renew this every year?

Ochoa: Chairman Scholz basically what it is, is in the past neighborhood signs have been allowed to go in public right-of-way and on private property and they basically just fall apart and left there for dead if you will. This basically forces who ever puts the sign up to keep maintenance up on their signs, if not remove them and give us kind of a guideline to if you will.

Scholz: Gives you a measure of control.

Ochoa: Yes, thank you very much. That's what it is sir.

Scholz: Okay. My second question was you said the signs which are in the public right-of-way I assure we're talking about temporary signs, right? Like political signs, or sales signs, or realtor's signs, or something like that?

Ochoa: Chairman Scholz that's every type of sign that might come up on a public right-of-way from anything from new house for sale this way, to vote for this guy, to puppies for sale. Basically every sign that's on public right-of-way sir, will give us the right to remove that sign without I guess without cause if you will. Giving the right to remove the sign as the Sign Code administrator or official designee.

Scholz: Well you're saying you're allowing 30 days for the person to respond to this. That's probably half the run of most local elections. Okay, I'm just asking. Any other questions for this gentlemen? I assume you are the applicant in this case?

Ochoa: That is correct.

Scholz: Yes. Okay. So you don't have some hidden person in the audience there.

Ochoa: I could slip on a hat if you like.

Scholz: No questions for this gentleman. Okay, any public input on this. Yes, sir.

Gunaji: Mr. Gunaji. Citizen of Las Cruces. I just want to find out or at least make you aware that political (*inaudible*) comes around for two months, you have signs, all kinds of signs all over the place. There is no reference being made into City ordinances. Separate along the line though the enforcement of political signs may not be within the City of Las Cruces. And some reference should be made as to who is going to take care of it when the election gets over. Basically the election code allows sign to go into effect 60 days before the election and they should be removed 15 days after the election. But no candidate follows that. And some other thing that you have in your code are the direct in conflict. So you can only say it is not our job, but at least you should (*inaudible*) that political signs should be done some way and have a reference in City code.

Scholz: Okay are you talking sir about signs that are on the public right-of-way or are you talking about ...

Gunaji: Private property.

Scholz: Signs that are on private property.

Gunaji: Yeah, because there is a code here that you have a four-foot sign on the private property. One sign per property. I as a voter would have five signs of my favorite election on my property. That directly conflict with your regulations. So all I'm saying is that some reference should be made you know, some place along, some reference should be made about political signs because they do play an important role and do occupy three or four months of time in the City and county and federal elections.

Scholz: Thank you. Okay, Mr. Ochoa you care to reply to that?

Ochoa: Chairman Scholz, political signs are covered under Section 38-46 of the Sign Code.

Shipley: 86. 38-86.

Ochoa: Thank you.

Shipley: 36-86.

Ochoa: Thank you very much, 36-86. Basically stating signs can go up starting at a certain time and they must come down at a certain time after that allowed period of time. It's basically a code enforcement issue now.

Shipley: Its 90 days before and 10 days following.

Ochoa: That is correct.

Shipley: Okay.

Scholz: All right, any other questions? Okay, I'm going to close this to public input. Gentlemen, I'll entertain a motion to approve.

Rodriguez: Mr. Chairman, if I may please. In light of Commissioner Shipley's comment regarding the Outdoor Lighting Ordinance. That meeting will be held September 22nd at 9:00 a.m. in City Council Chambers.

Shipley: Twenty-second, 9:00 a.m.

Scholz: Do you want to add a condition to this ordinance Commissioner Shipley?

Shipley: I would move that we approve SiCA-09-01 with ... as written with one additional condition and that condition would be to add a requirement that any electronic signs would have an automatic dimmer or I guess it's a sensor and switch that would reduce the amount of light that's produced at night versus ... a lower brightness. And I think that the City should determine what that brightness is. I don't have that. But it should be looked at from ... there are studies out there that show what it should be. And it should be brighter during the day because it's more difficult to see them, but it should be lower at night. And it ought to be able to go on a photo sensor.

Scholz: Can you say that in one short sentence? Commissioner Evans.

Evans: Mr. Chairman, Commissioner Shipley, I like the intent, but I think that the

lighting guidelines that are given by the City should govern that and whether or not they have a sensor regulating it up and down, it's the maximum admitted light which would govern that.

Shipley: It's a new technology which we're using which can be done. I mean it's not.

Evans: Sure, it can be done, but you know I don't know if the ... the requirement is for them to have ... well to fall within the guidelines of the City lighting ordinance.

Shipley: That's not covered under there at the current time.

Evans: Right, but it will be, and to mandate that they put a light sensor on it I think is you know I don't know, I think that's just a little bit above and beyond what you know ... as long as they comply with the City ordinance lighting code, that shouldn't matter whether or not they have a dimmer switch on that or not.

Scholz: Commissioner Evans you're suggesting that we not dictate technology.

Evans: Yeah. We have a requirement out there. Let's follow the requirement or change the requirement.

Ochoa: Commissioner Shipley, Mr. Chairman, that is inside the Outdoor Lighting Ordinance, the proposed one, stating everything about dimmers and so forth for outdoor lighting. It will be covered sir.

Shipley: Okay. So should we just say that they will comply, it should comply with that?

Evans: Sure.

Shipley: As a condition. And what I'm really trying to say is so that can say well we didn't have that in the requirement before so we ... it's grandfathered under the old way. That's what I'm trying to avoid.

Evans: Sure.

Shipley: So let me see if I can rephrase this.

Ochoa: Mr. Chairman, Commissioner Shipley, you might want to possibly add a condition to encourage that to City Council for them to look at that a little more deeper if you wish. Encouragement would probably be something you might want to think about.

Evans: Right, I think this is going to City Council for final approval.

Shipley: Correct.

Evans: And so if we make a recommendation from the Planning and Zoning Commission to consider that in their final discussions, I think meets your intentions.

Shipley: Yes.

Scholz: So are you going to make that a condition, a recommendation?

Shipley: A recommendation to the City Council to address using dimmer, an automatic photo sensor dimmer on all electronic signs.

Scholz: Well, we're introducing technology again.

Shipley: Well I'm just stating what it is.

Scholz: Right.

Shipley: It's clear as mud.

Ochoa: Mr. Chairman I believe that that should work.

Scholz: All right. Can you repeat that for me while I write that down? Recommendation to City Council that ...Commissioner Shipley?

Shipley: Okay I'm trying to rephrase it now. A recommendation to City Council to review or it's not to review but to ...

Evans: Review and perhaps comply with City lighting codes and regulations.

Shipley: With regards to automatic dimmers for electronic signs.

Evans: Sure.

Scholz: Okay.

Beard: Have we defined what an electronic sign is?

Scholz: It's defined in the ordinance.

Beard: Okay.

Scholz: It's under 36-8 I think. All right. So with that condition, do I hear a motion to approve?

Shipley: That is the motion.

Scholz: That is the motion to approve. Approve with that condition.

Evans: I second.

Scholz: Okay it's been moved and seconded. I'll call the roll. Commissioner Shipley.

Shipley: Aye findings, discussions and ...

Scholz: And you were going to say site visit. Okay. Commissioner Evans.

Evans: Aye findings and discussion.

Scholz: Commissioner Beard.

Beard: Aye findings and discussions.

Scholz: And the Chair votes aye for findings and discussions. So it's approved 4-0 with that condition.

5. **Case S-08-106:** A request for an amendment to the master planned area known as Sonoma Ranch East II. The master plan amendment shows a range of 538 to 2520 dwelling units on 320.98 +/- acres of land. The master planned area is located east of Sonoma Ranch Boulevard and west of the future extension of Mesa Grande Drive. The amendment establishes new boundaries for planning parcels due to the roadway re-alignment of Mesa Grande Drive. Some planning parcels have been combined into one planning parcel and a new planning parcel was created for a dual use facility (park/pond) that is proposed to be dedicated to the City of Las Cruces upon future development. Submitted by Gunaji-Klement & Associates for Sonoma Ranch Subdivision Ltd. Co.

6. **Case Z2792:** A request for multiple zone changes for 12.71 +/- acres within the Sonoma Ranch East II master planned area. The subject area is generally located east of Sonoma Ranch Boulevard and west of the future extension of Mesa Grande Drive. Submitted by Gunaji-Klement & Associates for Sonoma Ranch Subdivision Ltd. Co.

   This request is due to the re-alignment of Mesa Grande Drive and the proposed master plan amendment for Case S-08-106. Planning parcel boundaries must change in order for the master plan to reflect the re-alignment of Mesa Grande Drive; in addition the zoning of these planning parcels must adhere to planning parcel boundaries. The zone changes are identified as follows: