

# East Route 66 Sector Development Plan

## Zoning Code Language

The East Route 66 Sector Development Plan, adopted by the Board of County Commissioners in June 2018, establishes a new, optional zoning category, SD-E66-CC. Property owners that adopt this zoning may develop their property according to the stipulations set forth by the document, as listed below.

Many zoning categories refer to the permissive uses allowed in other zoning categories. As stated in “Permissive Uses” below, the SD-E66-CC allows any use “allowed and as regulated in the Zoning Code’s C-1 Neighborhood Commercial Zone.” The C-1 zoning category allows uses stated as permissive in O-1, which in turn allows permissive uses from R-1 zoning. Uses allowed in each of these zoning categories appear below. Note that the language from these zoning categories has been truncated to show only permissive uses.

### 6.2 Special Use Permits

If a Special Use Permit (SUP) exists for a property or properties in the Plan area, the property owner may keep it and continue to operate as regulated by the Zoning Code and under the terms and conditions of the SUP.

New Special Use Permits may be requested within the Plan area only for the following uses, as further regulated in Zoning Code Section 18:

1. Contractor’s yard, Contractor’s equipment storage.
2. Public building, Public utility structure, power plant, transformer yard or technical operations essential to the public health, safety and welfare, if utilized for uses that are not otherwise permissive in the SD-R66-CC Zone.
3. School bus operation and school bus parking lot.
4. Winery, provided it is associated with an on-site vineyard.
5. Specific use. Pursuant to Zoning Code Section 18.b.32.a, in certain situations, and based on unique conditions, the owner may apply for any of the permissive uses set forth in Section 15 (C-2) of the Zoning Code, not otherwise listed as permissive in this zone and provided the use is not prohibited in this zone. The special use permit for a specific use may be granted if the owner/applicant proves by clear and convincing evidence that: (1) unique conditions exist that justify the request and (2) there is substantial support from property owners within 200 feet (200’) of the site for the proposed special use.

### 6.3 Non-Conforming Uses

Uses lawfully existing within the East Route 66 Sector Development Plan area, prior to the adoption of the Plan, shall be allowed to remain, in accordance with Section 23 of the Zoning Code.

### 6.4 The Sector Development Zone (SD-E66-CC)

For properties within the East Route 66 Sector Development Plan area, the SD-E66-CC zone is OPTIONAL. Property owners MAY apply for it OR they may retain the existing zoning. The SD-E66-CC zone is as follows:

- A. The regulations set forth in this section, or set forth elsewhere in this Sector Development Plan, when referred to in this section, are the regulations in the East Route 66-Commercial Corridor Zone (SD-E66-CC). The purpose of this zone is to allow for retail, service and limited commercial and light industrial uses that primarily serve the daily needs of East Mountain residents while minimizing any adverse effects on adjacent residential development.
- B. Use Regulations. A building or premises shall be used only for the following purposes. All uses customarily incidental to the building or premises shall be maintained on site.
  1. *Prohibited Uses.* The following uses are prohibited in this zone:
    - a. Any use not designated as a permissive use or conditional use in this zone, unless otherwise authorized by this Sector Development Plan; or
    - b. Any use not recognized as customarily incidental to a permitted use in the zone.
    - c. Amateur radio antenna/tower greater than sixty-five feet (65') in height.
    - d. Billboard.
    - e. Car wash.
    - f. Drive-thru or drive-in facilities.
    - g. Laundromat.
    - h. Mobile Home.
    - i. Mortuary.
    - j. Multiple single-family dwellings on one lot.
    - k. Off-premise sign.
    - l. Package liquor store.
    - m. Parking lot.
    - n. Restaurant serving liquor.
    - o. Service station.

2. *Permissive Uses.* The following uses are permissive in this zone:
- a. Any permissive use allowed and as regulated in the Zoning Code's C-1 Neighborhood Commercial Zone, except those uses listed as prohibited in Section B.1 above, and the following:
  - b. Bank, without drive-thru.
  - c. Drugstore, without drive thru.
  - d. Feed or fruit storage or sales (wholesale), provided all outside storage is enclosed by a solid or semi-solid wall or fence six feet (6') high on all sides abutting A-1, A-2, R-1, R-2, or M-H property.
  - e. Hospital for animals, and kennel, provided it is in a completely enclosed building.
  - f. Machine shop, blacksmith shop, ornamental iron shop or welding shop in a completely enclosed building or within an area enclosed on all sides by a wall or fence at least six feet high, which must be solid (not semi-solid) along the sides of the site facing or abutting land zoned A-1, A-2, R-1, R-2 or M-H and further provided, that products, items or materials stored on the site are not stacked to a height above the height of the required wall or fence.
  - g. Public building, including fire and police stations, if used only for a permissive use in this zone.
  - h. Retail sale of trailers, provided that any such area be surfaced with higher-type paving, and a solid or semi-solid wall or fence six feet (6') high shall be maintained along any side of such area abutting or contiguous to any A-1, A-2, R-1, R-2 or M-H zone.
  - i. Roof-mounted wireless telecommunications facility, up to twenty feet (20') above the parapet of the building on which it is placed, provided that it satisfies the requirements of section 22.5 of this ordinance.
  - j. Sale of liquefied petroleum gas (including propane), but not for resale (wholesale).
  - k. Sheet metal working (light), including the making of heating or ventilating products or equipment, cornices, and eaves in a completely enclosed building or within an area enclosed on all sides by a wall or fence at least six feet (6') high, which must be solid (not semi-solid) along the sides of the site facing or abutting land zoned A-1, A-2, R-1, R-2 or M-H and further provided, that products, items or materials stored on the site are not stacked to a height above the height of the required wall or fence.
  - l. Sign, on-premises. As regulated in Bernalillo County Zoning Code Section 14 (C-1 Neighborhood Commercial Zone).
  - m. School and related facilities.

- n. Stand for the sale of fruit, vegetables, or nursery stock.
- o. Transfer or storage of household goods including self-storage and mini-warehouses, provided:
  - i. Ingress and egress is available from an arterial or collector street shown on the adopted Long Range Roadway System Map.
  - ii. Parking and maneuvering of vehicles is permitted only off the street in a parking area approved by the Zoning Administrator.
  - iii. Outside lighting is so located, screened, or shaded so as not to reflect off the premises.
  - iv. All storage is within completely enclosed one-story structures not to exceed twelve feet (12') in height.
  - v. The site must be enclosed by a solid or semi-solid wall or fence on all sides facing or abutting A-1, A-2, R-1, R-2 or M-H zoning.
- p. Warehouse.

3. *Conditional Uses.* The following uses may be permitted if approved by the Zoning Administrator, in accordance with the procedures and under the conditions set forth in the Administration Section of the Zoning Code, with additional requirements deemed necessary to safeguard the best interest of the adjoining property, neighborhood and the community:

- a. Apartments and townhouses as regulated in the R-2 zone.
- b. Hospital for human beings or sanatorium nursing home.
- c. Park Model Travel Trailer as a Watchman or Caretaker Residence.
- d. Temporary storage building or yard for equipment, material or activity incidental to a specific construction project but not to exceed one year, unless the time is extended by the Zoning Administrator.
- e. The retail sale of beer or/and wine, without a restaurant, with a Small Brewers Liquor License, including manufacturing of beer for on-site consumption or sale and a Winegrowers Liquor License, including manufacturing (excluding vineyard) of wine on site for on-site consumption or sale.

C. Height Regulations. Buildings and structures shall not exceed twenty-six (26') feet in height, except as provided in the Supplementary Height and Area Regulation Section of the Bernalillo County Zoning Code.

For purposes of this document, the term “height” or “building height” means “the vertical distance from the contiguous, natural grade to (a) the highest point of a flat roof, (b) the declivity of a mansard roof, or (c) the average height between eaves and ridge for gable, hip and gambrel roofs.”

- D. Area Regulations. Except as provided in the Supplementary Height and Area Regulation Section of the Bernalillo County Zoning Code, area regulations shall be:
1. Front Yard. There shall be a front yard having a depth of not less than twenty-five (25') feet.
  2. Side Yard. There shall be a side yard on both sides of a building the width of which shall not be less than ten (10') feet.
  3. Rear Yard.
    - a. For lots north of NM 333, there shall be a rear yard having a depth of not less than fifteen (15') feet.
    - b. For lots south of NM 333, there shall be a rear yard having a depth of not less than twenty-five (25') feet.
- E. Landscape and Buffer Landscaping. In order to further Bernalillo County goals and objectives related to water conservation, especially in the East Mountain area where water is a scarce resource, the provision of landscaping in the Plan area shall be provided in accordance with requirements set forth in Section 19, Landscaping and Buffer Landscaping Section of the Bernalillo County Zoning Code, and as further regulated in the Design Standards section of this Plan.
- F. Off-Street Parking Spaces, Loading and Unloading Spaces. Off-street parking spaces and loading and unloading spaces shall be provided in accordance with requirements for specific uses set forth in Section 21, Off-Street Parking, Loading and Unloading Regulations Section of the Bernalillo County Zoning Code, and as further regulated in the Design Standards section of this Plan.

## Section 9. - R-1 Single-Family Residential Zone.

- A. [Removed].
- B. Use Regulations. A building or premises shall be used only for the following purposes, all uses customarily incidental to the building or premises shall be maintained on site:
1. Prohibited Uses. [Removed]
  2. Permissive Uses:
    - a. Agricultural activity, including truck gardening and nurseries, fur bearing animal farm, the raising of poultry or rabbits, dairy farming, livestock grazing, feeding, and the raising of livestock on lots containing three acres or more. On lots of less than three acres, there shall be at least 10,000 square feet of lot area for each cow or horse, and/or at least 4,000 square feet of lot area for each sheep, pig, or goat, provided that any structure/building, pen, or corral where such animal is located is at least 20 feet from any existing dwelling unit. In addition, lots one-half acre or less shall maintain a 20' setback from any property line for any structure/building where such animal is located. (This amendment shall apply to existing buildings/structures one year from the effective date, July 10, 2014.) Stands for the display or sale of home-raised agricultural products, including poultry or rabbits raised on the premises.
    - b. One single-family dwelling or H.U.D. Zone Code II manufactured home per lot.
    - c. Accessory building, structure, or use customarily incidental to the above uses, such building or structure shall be limited to an area of 600 square feet or less. However, greenhouses are limited to 25 percent of the rear plus side yard areas in addition to other types of accessory structures.
    - d. Noncommercial library, museum, and art gallery.
    - e. Recreational vehicle or boat storage in the rear yard when such recreational vehicle or boat is not to be used as accessory living quarters, and is not connected to utilities, other than temporarily to a source of electricity. Recreational vehicle used for dwelling purposes served only by electricity for lighting purposes, the use of such recreational vehicle shall be limited to a maximum of two weeks in any calendar year.
      1. In the event where rear yard access is not available, outside parking in the front yard is allowed, provided:
        - (a) The body of the recreational vehicle or boat is at least 11 feet from the front property line.
        - (b) No part of the unit extends onto the public right-of-way.
        - (c) A corner lot is always deemed to have reasonable access to the rear yard; a fence or wall is not necessarily deemed to prevent reasonable access.
    - f. Signs not exceeding eight square feet in area pertaining to the lease, hire, or sale of a premises or sale of home-raised products, provided there shall be no more than one such sign on each lot and provided further that, if illuminated, the source of such illumination shall be nonoscillating and nonflashing.
    - g. Parking incidental to uses permitted in this zone, provided all vehicles which are not parked inside a building are operative and are not wholly or partially dismantled.
    - h. Home occupation.
    - i. Concealed Wireless Telecommunications Facility, provided that it satisfies the requirements of section 22.5 of this ordinance.

- j. Wireless Telecommunications Antenna located on a public utility structure, provided that it satisfies the requirements of section 22.5 of this ordinance.
  - k. Amateur Radio Antenna/Tower up to 65 feet as measured from grade.
  - l. Garage and yard sale, provided:
    - 1. No more than four events are allowed at a given dwelling in any calendar year. The duration of the garage or yard sale shall not exceed three consecutive days.
    - 2. No items shall be purchased for a garage or yard sale for the purpose of resale; items shall be of the type normally accumulated by a household.
    - 3. One non-illuminated, on-premises sign, not exceeding four square feet in area shall be permitted. The sign shall pertain to the garage or yard sale only and shall be permitted only for the three-day period of the sale.
3. Conditional Uses. [Removed]

## **Section 12. - O-1 Office and Institutional Zone.**

- A. [Removed].
- B. Use Regulations. A building or premises shall be used only for the following purposes. All uses customarily incidental to the building or premises shall be maintained on site:
  - 1. Prohibited Uses: [Removed]
  - 2. Permissive Uses:
    - a. Any permissive use as allowed and as regulated in the R-1 Single-Family Residential Zone and the following:
      - (1) Beauty shop, barber shop.
      - (2) Bed and Breakfast House.
      - (3) Boarding[house] and Lodging- house.
      - (4) Church, or other place of worship, including the usual incidental facilities.
      - (5) Club, provided there is no liquor license.
      - (6) Day spa.
      - (7) Group Home.
      - (8) Incidental uses within a building, most of which is occupied by offices and/or dwelling units, such as news, cigar or candy stand, restaurant, personal service shop, and the like, provided the incidental uses comply with the following:
        - (a) The use is intended primarily for the use of the occupants of the structure.
        - (b) At least 10,000 square feet of floor area are contained in the structure.
        - (c) The use is limited to a maximum of ten percent of the total floor area.
        - (d) The use is so situated within the structure that it is not directly accessible from a public right-of-way.
      - (9) Institution, including library, museum, nursing or rest home, day care center, and family day care center.
      - (10) Medical supplies and services, such as drug prescription and supply shop, physical therapy office, or shop for fabricating and fitting prosthetic or correction devices, or medical or dental laboratory.
      - (11) Office.

- (12) Parking lot, providing it complies with the following:
- (a) If street curbs and gutters exist adjacent to the parking lot property on a side where lot egress is allowed, the surfacing shall be blacktop for the width of the egress drive(s) and shall extend inward from the property line a minimum of 25 feet along all normal lines of egress traffic flow from the lot.
  - (b) The lot shall have barriers which prevent vehicles from extending over the sidewalk or abutting lots, or beyond the sides of a parking structure.
  - (c) A solid wall or fence at least six feet high shall be erected on sides which abut or face land in a R-1, R-2, A-1, A-2, or M-H residential zone. However:
    - 1. Such wall or fence shall be three feet high in the area within 11 feet of a public sidewalk or planned public sidewalk location.
    - 2. If the wall or fence plus retaining wall would have an effective height of over eight feet on the residential side, the Zoning Administrator shall decide the required height; such decision shall be made by the same process and criteria required for a conditional use.
  - (d) In a parking structure there shall be a six-foot solid wall on every parking level where the structure is within 19 feet of privately owned land in a residential zone.
  - (e) Ingress and egress shall be designed to discourage parking lot traffic from using local residential streets for more than 150 feet, unless no reasonable alternative is available.
  - (f) A parking lot hereafter developed shall include landscaping planted and maintained according to a Landscaping Plan approved by the Zoning Administrator; however, the Planning Commission may waive this requirement where it is found not useful to achieving the intent of this ordinance.
- (13) Photocopy, photography studio, (except adult photo studio).
- (14) Public utility structure (such as a transformer, switching, pumping, or similar technical installation) essential to the operation of a public utility.
- (15) Radio or television studio.
- (16) Sign provided:
- (a) Location Criteria. It is located on private property and advertises, identifies, or directs to a use currently conducted on the same premises. The location of such signs must comply with the following requirements:
    - 1. One freestanding, two-sided sign no higher than 16 feet.
    - 2. The outer edge of a wall sign may protrude up to one foot over the property line into the public right-of-way provided the bottom edge of the sign is eight feet or more above the curb or sidewalk grade.
  - (b) Number of Signs. Not more than one sign is permitted for any one premises with street frontage of 50 feet or less. A composite group of small signs integrated into one framed unit shall constitute one sign.
  - (c) Size of Signs:
    - 1. The total area of any one sign face shall not exceed 32 square feet.
    - 2. The total aggregate of all faces of signs or combination of signs allowed for the property on which the use is located shall not exceed 130 square feet of sign area.

3. Business fronting on more than one street will be allowed additional square footage of sign area to the extent of 50 percent of that allowed for their main street frontage.
- (d) Exceptions:
1. Signs having less than four square feet in area per sign face and manufacturer's product display racks are considered as exceptions to Subsection (17)(b) and (c) supra, provided no customer service area shall extend closer than ten feet to the nearest right-of-way line of a public street.
  2. On-premises signs without advertising, directing on-premises customer traffic or directing to specific customer service areas, shall be allowed in excess of the number and sign face square footage limitations in Subsection (17)(b) and (c) supra, provided the aggregate area of such signs shall not exceed 20 square feet per business location.
- (e) Illuminated Signs. Illuminated signs, except illuminated clocks, thermometers, and illuminated signs within a building, shall be turned off at 11:00 p.m. or closing, whichever is later. No illuminated signs shall be so located as to shine directly into adjacent conforming residential property.
- (f) Blinking and Revolving Signs. No flashing, oscillating, osculating, revolving or blinking signs shall be allowed.
- (g) Audible Devices. No sign shall have audible devices.
- (h) Amortization. See Nonconforming Uses.
- (i) Determination of Sign Size. The sign area shall be measured as follows:
1. Square or Rectangular Sign. Length times the height of the face of the sign.
  2. Irregularly Shaped Sign. Area of rectangles, circles, ovals, triangles, or a combination thereof, necessary to enclose the face of the sign.
  3. Sign Made of Individual Cutout Letters. Sum of the area of the rectangles or triangles necessary to enclose each letter.
- (17) Wireless Telecommunications Facility, provided that it satisfies the requirements of section 22.5 of this ordinance, and as specifically allowed below:
- (a) Freestanding wireless telecommunications facility, up to 65 feet in height.
  - (b) Collocated freestanding wireless telecommunications facility, up to 75 feet in height.
  - (c) Face-mounted wireless telecommunications facility.
  - (d) Roof-mounted wireless telecommunications facility, up to 6 feet above the parapet of the building on which it is placed.
  - (e) Concealed wireless telecommunications facility.
  - (f) Wireless telecommunications facility for which all antennas are mounted on an existing vertical structure.
- (18) Farmers Market, provided the event is issued a Special Event's permit by Bernalillo County.
- (19) Community Garden.

## **Section 14. - C-1 Neighborhood Commercial Zone.**

A. [Removed].

B. Use Regulations. A building or premises shall be used only for the following purposes. All uses customarily incidental to the building or premises shall be maintained on site.

1. *Prohibited Uses.* [Removed]

2. *Permissive Uses:*

a. Any permissive use allowed and as regulated in the O-1 Office and Institutional Zone and the following:

- (1) Automobile, motorcycle, bicycle, motorized bicycle (moped), all terrain vehicle, and small engine repairing, including emissions testing, but no bodywork. Repairing shall be done within a completely enclosed building at least 20 feet from any residential zone. Storage of not more than five automobiles awaiting repair shall be permitted provided that the outdoor area in which such cars are stored shall be enclosed by a solid wall or fence at least six feet high.
- (2) Banking and loaning money.
- (3) Car wash.
- (4) Commercial animal establishments and nonprofit animal facility.
- (5) Delivery service.
- (6) Drive-thru facilities such as banks, drugstores, dry cleaners, restaurants and similar uses provided there is adequate on-site space for vehicle queuing and the vehicle movement plan is approved by the county.
- (7) Drugstore.
- (8) Dry cleaning, laundry, clothes pressing, provided:
  - (a) Only nonflammable or noncombustible materials are used in the cleaning process.
  - (b) The number of persons employed in the establishment is limited to three, excluding pressers, office, clerical, or delivery personnel.
  - (c) That portion of the structure in which any cleaning process is done is at least 50 feet from A-1, A-2, R-1, R-2, or M-H zone.
- (9) Health gymnasiums.
- (10) Interior decorating.
- (11) Laundromat.
- (12) Medical clinic.
- (13) Retail sales of the following goods, plus incidental retailing of related goods and incidental service or repair, provided it is not listed as a conditional use in this zone, and with the following limitations:
  - (a) Arts and crafts objects retail sales, supplies plus their incidental creation, provided there is little or no reproduction of substantially identical objects.
  - (b) Auto parts and supply retail sales.
  - (c) Bakery goods shop or confectionery store wherein a majority of the products are sold on the premises and at retail costs.
  - (d) Bicycle and motorized bicycle (moped) sales and rental, provided that outdoor display is permitted only 50 feet or more from any residential zone.
  - (e) Books, magazines, newspapers, stationery for retail sales, but not an adult bookstore.
  - (f) Clothing, shoes, drygoods for retail sales.

- (g) Cosmetics, notions, hobby supplies for retail sales.
  - (h) Feed store (retail) provided all outside storage is enclosed by a solid wall or fence six feet high on all sides abutting A-1, A-2, R-1, R-2, or M-H property.
  - (i) Flowers and plants, including minor and incidental outdoor sales.
  - (j) Grocery store.
  - (k) Hardware store.
  - (l) Jewelry.
  - (m) Musical instruments and supplies.
  - (n) Nursery or greenhouse provided all outside storage other than plant material is enclosed by a six-foot high solid wall or fence on all sides.
  - (o) Package Liquor Store.
  - (p) Paint store.
  - (q) Pet shop and/or pet grooming, provided there are no outside pens.
  - (r) Photographic equipment.
  - (s) Sporting goods.
  - (t) Service station, including the sale of liquefied petroleum gas, but not for resale, provided any tube or tire repairing, minor auto repair or battery charging shall be conducted within a completely enclosed building.
  - (u) Tailoring, dressmaking.
- (14) Restaurant provided:
- (a) There shall be no drive-in restaurant; and
  - (b) The sale of beer and/or wine may be sold under a Restaurant Liquor License, Small Brewers Liquor License or a Winegrowers Liquor License (Without a vineyard), including manufacturing of beer or wine for on-site consumption or package sale, as provided by NMSA 1978 60-6A-4.
- (15) Shoe repair shop, shoeshine stand.
- (16) Small animal clinic.
- (17) Sign, on-premises provided:
- (a) Location Criteria. It is located on private property and advertises, identifies, or directs to a use currently conducted on the same premises. The location of such signs must comply with the following requirements:
    - 1. One freestanding, two-sided sign no higher than 16 feet.
    - 2. The outer edge of a wall sign may protrude up to one foot over the property line into the public right-of-way, provided the bottom edge of the sign is eight feet or more above the curb or sidewalk grade.
  - (b) Number of Signs. Not more than one sign is permitted for any one premises with street frontage of 50 feet or less. A composite group of small signs integrated into one framed unit shall constitute one sign.
  - (c) Size of Signs:
    - 1. The total area of any one sign face shall not exceed 32 square feet.

2. The total aggregate of all faces of signs or combination of signs allowed for the property on which the use is located shall not exceed 130 square feet of sign area.
  3. Business fronting on more than one street will be allowed additional square footage of sign area to the extent of 50 percent of that allowed for its main street frontage.
- (d) Exceptions:
1. Signs having less than four square feet in area per sign face and manufacturer's product display racks are considered as exceptions to subsection (17)(b) and (c) supra, provided no customer service area shall extend closer than ten feet to the nearest right-of-way line of a public street.
  2. On-premises signs without advertising, directing on-premises customer traffic or directing to specific customer service areas, shall be allowed in excess of the number and sign face square footage limitations in Subsection (17)(b) and (c) supra, provided the aggregate area of such signs shall not exceed 20 square feet per business.
- (e) Illuminated Signs. Illuminated signs, except illuminated clocks, thermometers, and illuminated signs within a building, shall be turned off at 11:00 p.m. or closing, whichever is later. No illuminated signs shall be so located as to shine directly into adjacent conforming residential property.
- (f) Blinking and Revolving Signs. No flashing or blinking signs except time and temperature signs shall be allowed within 200 feet of any residential zone. Revolving signs shall not revolve at speeds exceeding eight RPM. No power pack units shall be allowed.
- (g) Audible devices. No sign shall have audible devices.
- (h) Amortization. See Nonconforming Uses.
- (i) Determination of Sign Size. The sign area shall be measured as follows:
1. Square or Rectangular Sign. Length times the height of the face of the sign.
  2. Irregularly-shaped Sign. Area of rectangles, circles, ovals, triangles, or a combination thereof, necessary to enclose the face of the sign.
  3. Sign Made of Individual Cutout Letters. Sum of the area of the rectangles or triangles necessary to enclose each letter.

(18) Sign, Off-premises Provided:

- (a) It is located on private property outside the established public right-of-way as it may apply to properties along freeways or the Interstate system. When located on private property other than as described above, the following setback measurement from the property line along the abutting street or highway shall be as follows:

Total Sign Area	Setback
301 to 400 square feet	25 feet
150 to 300 square feet	12 feet

Less than 150 square feet	8 feet
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- (b) The maximum height of the top of the sign shall not exceed 30 feet from grade level at the base of the sign. Allowable cutouts or extensions shall not constitute the top of the sign providing they do not extend more than five feet above the top of the sign surface, and total square footage of such cutouts extending beyond the sign facing shall not result in total square area exceeding 400 feet for the entire sign and cutouts. Advertising structures which are oriented toward freeway traffic and are located within 200 feet of [a] freeway right-of-way may not exceed 30 feet above the ground level at the base of the sign or 26 feet above the elevation of the freeway at its closest point to the advertising structure, whichever is higher. (No sign shall have its lowest point less than 12 feet above ground over public right-of-way. No sign except a wall sign, shall be between three and eight feet above the grade line within ten feet of a street public right-of-way line.)
- (c) No flashing, blinking or intermittent lights shall be permitted, and no sign shall be illuminated by red, green, or amber lights which interfere with a traffic control signal or device. No power pack units shall be allowed.
- (d) The total area of all signs on the property does not exceed the combined total area permitted for on-premises signs, plus the area permitted for one off-premises sign in that zone, and in no event shall any one sign exceed 400 square feet. Sign area shall not include an ornamental base or skirt area provided it does not display advertising copy or exceed 36 inches in its vertical dimension; however, the sign owner's name may be displayed thereon in accordance with State Law.
- (e) No billboard within 660 feet of the nearest public right-of-way of a major street or highway shall be nearer than 500 feet to any other off-premises sign or billboard if both signs are designed to be read by traffic moving in the same direction. But this spacing requirement shall not apply to the distance between two off-premises signs which are separated by a building or other obstruction in such a manner that only one display located within the minimum spacing distances set forth herein is visible from the highway at any one time. This provision shall not prevent the installation of double-faced, back-to-back or V-type advertising displays, providing the maximum separation of sign faces does not exceed ten feet.
- (f) No freestanding billboard or advertising sign shall be nearer than 100 feet to any occupied residential zone.
- (g) Signs installed contrary to zoning regulations in force at the time of installation are subject to immediate removal under the terms of the Administrative Subsection A.2.g. of this ordinance.

(19) School and related facilities.

(20) Farmers Market, provided the event is issued a Special Event's permit by Bernalillo County.

(21) Community Garden.

3. *Conditional Uses:* [Removed]