

CITY of ALBUQUERQUE
TWENTY THIRD COUNCIL

COUNCIL BILL NO. O-19-52 ENACTMENT NO. _____

SPONSORED BY: Isaac Benton

1 ORDINANCE
2 AMENDING THE INTEGRATED DEVELOPMENT ORDINANCE (IDO) SECTION
3 §14-16-3-5(J)(3) OLD TOWN HPO 5, OTHER DEVELOPMENT STANDARDS TO
4 ALLOW INCREASED TYPES AND AMOUNT OF SIGNAGE IN OLD TOWN AND
5 TO INCORPORATE OUTDOOR DISPLAY AND DEMONSTRATION INTO OLD
6 TOWN HPO 5; AND AMENDING SECTION §13-3-2-1 OLD TOWN
7 SOLICITATIONS ORDINANCE TO REPLACE ALL REFERENCES TO THE H1
8 HISTORIC OLD TOWN ZONE WITH OLD TOWN HPO 5.
9 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
10 ALBUQUERQUE:

11 SECTION 1. FINDINGS

- 12 (A) In 2010, the City Council amended (F/S O-10-34) the H-1 Historic
13 Old Town to allow limited outdoor demonstrations and displays in
14 Old Town, and sought to strike a balance between the need to
15 increase visibility of retail shops in Old Town and the interest in
16 maintaining the historic nature and integrity of Old Town.
- 17 (B) In 2018, an online Task Force was convened of Old Town property
18 owners, residents, and business owners to review the sign
19 regulations that apply to Old Town.
- 20 (C) The Task Force recommended that:
 - 21 a. More types of signage be allowed in Old Town HPO 5, particularly
 - 22 Portable signs, commonly known as sandwich boards;
 - 23 b. More signage be allowed in terms of size and number;
 - 24 c. Outdoor Display language in the IDO be clarified to allow for the
 - 25 display of retail goods; and

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1 d. Outdoor Demonstration provisions be carried over from the H-1
2 zone to the IDO Old Town HPO 5.

3 (D) The following amendments seek to continue to balance the need to
4 increase visibility of retail shops in Old Town and the interest in
5 maintaining the historic nature and integrity of Old Town, while
6 also ensuring that the language is clear and enforceable.

7 SECTION 2. Section §13-3-2-1 Old Town Solicitations Ordinance, find and
8 replace all references to the “H1 Historic Old Town Zone” with “Old Town HPO
9 5”.

10 SECTION 3. IDO Section §14-16-7-1. Definitions. Add a definition for
11 “Streamers” in the Sign category as follows: “A strand of pennants, triangular
12 flags, or fringe made of any material other than paper.”

13 SECTION 4. IDO Section §14-16-4-3(D)(34)(a)(2) Outdoor retail sales and
14 display in Old Town, delete this section.

15 SECTION 5. IDO Section §14-16-5-12(F)(4)(b)(2) Portable Signs. Delete Old
16 Town – HPO 5 from the list of areas where Portable Signs are prohibited.

17 SECTION 6. IDO Section §14-16-3-5(J)(3)(c) Old Town – HPO 5, Other
18 Development Standards, Signs, replace with the text in the attached Exhibit 1.

19 SECTION 7. IDO Section §14-16-3-5(J)(3), add a new sub section (d)
20 Outdoor Display, per Exhibit 1.

21 Section 8. IDO Section §14-16-3-5(J)(3), add a new sub section (e) Outdoor
22 Demonstration, per Exhibit 1.

23 SECTION 9. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
24 clause, work or phrase of this ordinance is for any reason held to be invalid or
25 unenforceable by any court of competent jurisdiction, such decision shall not
26 affect the validity of the remaining provisions of this ordinance and each
27 section, paragraph, sentence, clause, word, or phrase thereof irrespective of
28 any provision being declared unconstitutional or otherwise invalid.

29 SECTION 10. COMPILATION. Section 2 of this ordinance shall be
30 incorporated in and made part of the Revised Ordinance of Albuquerque, New
31 Mexico, 1994. Sections 3 through 8 of this ordinance shall be incorporated in
32 and made part of the Revised Ordinance of Albuquerque, New Mexico, 1994
33 and shall occur in conjunction with the Effective Date for Sections 3 through 8.

1 SECTION 11. EFFECTIVE DATE AND PUBLICATION OF SECTION 2.
2 Section 2 of this ordinance shall take effect five days after publication by title
3 and general summary.

4 SECTION 12. EFFECTIVE DATE AND PUBLICATION OF SECTIONS 3
5 THROUGH 8. Sections 3 through 8 of this ordinance shall take effect after
6 publication by title and general summary upon the sooner of the effective date
7 of the 2019 IDO Annual Update or January 31st, 2020.

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Exhibit 1 – O-19-52

IDO Section 14-16-3-5(J)(3) HPO 5 Old Town Other Development Standards: Replace existing Subsection 14-16-3-5(J)(3)(c) with the following and add new Subsections 14-16-3-5(J)(3)(d) and 14-16-3-5(J)(3)(e) as follows to incorporate changes for signs, outdoor display, and outdoor demonstration.

3-5(J)(3)(c) Signs

All regulations in IDO Section 14-16-5-12 apply unless modified by this Subsection 14-16-3-5(J).

1. Prohibited Signs

- a. Internally lit signs.¹
- b. Signs that flash or blink or signs with visible bulbs, neon tubing, luminous paint, or plastics (with the exception of vinyl lettering), except for neon signs allowed pursuant to Subsection 14-16-3-5(J)(3)(c)3.c.
- c. Signs with wind-activated parts or that rotate or move in any manner.²
- d. Signs or any part of any sign that changes its message or picture.³
- e. Streamers.

2. Total Number of Signs

A total of 3 signs⁴ are allowed for any 1 establishment, pursuant to Table X-X-X, with the following exceptions.

- a. Portable signs, allowed pursuant to Subsection 14-16-5-12(F)(4)(b), count toward this total.
- b. Window signs, allowed pursuant to Table X-X-X, do not count toward this total.
- c. Temporary signs displayed on the day of an outdoor demonstration of retail goods, allowed pursuant to Subsection 14-16-3-5(J)(3)(e)2, do not count toward this total.
- d. Additional signs are allowed as follows:
 - i. Restaurants are allowed an additional wall sign not to exceed 6 square feet.
 - ii. An establishment with frontage on 2 or more streets is allowed 1 additional sign.
 - iii. Premises with 2 or more establishments, at least 1 of which does not face the public right-of-way, are allowed additional signs as follows:
 - a. Total sign area of any additional sign(s) shall not exceed 25 square feet⁵.
 - b. Within the sign sub-area established pursuant to Subsection 14-16-3-5(J)(3)(c)3.b. below, establishments are allowed 1 additional wall sign.
 - c. Establishments in other locations are allowed either 1 additional wall sign or 1 additional freestanding sign that shall not exceed a height of 10 feet above finished grade.
 - d. The LC may approve 1 additional sign per premises where the LC determines that there is not reasonable visibility of the establishment(s) on the premises from the public right-of-way or adjacent property without such an additional

¹ Added to clarify current practice, since these would otherwise be allowed per IDO Subsection 14-16-5-12(E)(5)(a)1 but have not been allowed in practice.

² Language updated to be consistent with terminology used in the IDO.

³ Language updated to be consistent with terminology used in the IDO, since these would otherwise be allowed per IDO Subsection 14-16-5-12(E)((5)(a)3-4.

⁴ Increased from 2 signs.

⁵ Increased from 20 s.f.

- sign or signs. Such signs shall meet the dimensional standards in Subsection d.iii.a through c above as relevant to the location of the establishment(s).⁶
- iv. An additional wall or freestanding sign is allowed no more than 20 feet from the intersection of the public rights-of-way of 2 streets or alleys or the intersection of a public right-of-way and a parking lot with over 20 parking spaces.
- a. The sign area shall not exceed 3 square feet per establishment⁷ or 18 square feet total.⁸
 - b. The sign may advertise establishments on- or off-premises, as determined by the property owner where the sign is located, but all establishments advertised must be located within the HPO-5 boundary.⁹
 - c. Sign height for a freestanding sign shall not exceed 9 feet.¹⁰

3. On-premises Signs

- a. Sign types are allowed pursuant to Table X-X-X.
- b. Within a sign sub-area established within a 150-foot radius of the Plaza Park, different allowable sign types and other standards apply.



- c. Neon signs are allowed as window signs but shall not flash or blink.¹¹

⁶ Revised for consistency.

⁷ Increased from .5 s.f. per establishment

⁸ Added to provide a maximum total area.

⁹ New to clarify that these signs are for Old Town establishments only.

¹⁰ Reduced from 10 ft. to be consistent with IDO standard in the MX-T zone district.

¹¹ New.

- d. No sign shall exceed the height of the façade, eaves, or fire wall of a building, whichever is lower.
- e. The display of signs on railings is prohibited.

Table X-X-X: On-premises Signs in Old Town HPO-5		
Sign Type	All Zone Districts	
	Sign Sub-area	All Other Locations
Wall Sign		
<i>Size, maximum</i>	On a façade facing a street that is designated as an arterial or a collector street in the LRTS Guide and that is wholly visible from an arterial street: 20 s.f. ¹² Other locations: 10 s.f. ¹³	
Window Sign		
<i>Size, maximum</i>	A total of 2 s.f. ¹⁴	
Canopy Sign		
<i>Size, maximum</i>	Ground floor: 4 s.f. ¹⁵ Other floors: 5 s.f. ¹⁶	
Projecting Sign		
<i>Size, maximum</i>	Not allowed	Ground floor: 4 s.f. ¹⁷ Other floors: 5 s.f. ¹⁸
Freestanding Sign		
<i>Size, maximum</i>	Not allowed	4 s.f. ¹⁹
Temporary Sign on the Day of an Outdoor Demonstration of Retail Goods		
<i>Size, maximum</i>	3 s.f. each	

3-5(J)(3)(d) Outdoor Display

1. Outdoor retail sales and related display of “handcrafted items” are allowed on specified portions of the public sidewalk in accordance with Section 13-3-2-4 of ROA 1994 (Old Town Solicitations).
2. The display of retail goods is allowed on private premises on tables, cases, racks, kiosks, boards, or chairs,²⁰ provided that all of the following requirements are met:
 - i. The tables, cases, racks, kiosks, boards, or chairs shall be removed outside of business hours, unless they are allowed to be permanently affixed to a structure pursuant to the procedures for a Certificate of Appropriateness - Minor in Subsection 14-16-6-5(D).
 - iii. The display of retail goods on metal and/or plastic freestanding racks is prohibited.²¹
 - iv. The display of retail goods on railings is prohibited.²²

¹² Increased from 16 s.f.

¹³ Increased from 8 s.f.

¹⁴ Increased from 1.5 s.f.

¹⁵ Increased from 3 s.f.

¹⁶ Added new allowance for upper floors and increased from 3 s.f.

¹⁷ Increased from 3 s.f.

¹⁸ Added new allowance for upper floors and increased from 3 s.f.

¹⁹ Increased from 3 s.f.

²⁰ Blankets removed.

²¹ New.

²² Prohibition of display of retail goods on second-story railings changed to be all railings.

v. The area of any one surface of an individual item or the total (cumulative) surface area of more than one item displayed by any one establishment shall not exceed 15 square feet.

3. The display of chile ristras is not restricted.

3-5(J)(3)(e) Outdoor Demonstration

Outdoor demonstrations of the creation of retail goods that are for sale within the associated establishment are allowed, provided that all of the following requirements are met:

1. Only one demonstration is allowed at an establishment at any given time.
2. The demonstration shall take place in an outdoor area on the same premises as the establishment selling the item being demonstrated.
3. A demonstration is limited to any combination of the following elements:
 - i. People demonstrating the creation of retail goods that are for sale within the associated establishment.
 - ii. Tables or other functional items associated with the demonstration.
 - iii. The display of items created on the day of the demonstration.
 - iv. Temporary signs, which can only be displayed on the day of the demonstration and must be removed at the end of the demonstration.
4. A demonstration shall not be conducted within the public right-of-way or in a location that obstructs the public right-of-way.
5. A demonstration shall not obstruct any entrance to an establishment or access to any establishment.²³
6. All sales shall be conducted entirely indoors within the associated establishment.

Cross References:

- Subsection 14-16-5-12(F)(4)(b) for Portable Signs
- Subsection 14-16-5-12(I) Temporary Signs and Table 5-12-6 Temporary Sign Standards
- Subsection 14-16-5-12(F) On-premises Signs and Table 5-12-2 On-premises Signs in Mixed-use and Non-residential Zone Districts
- Subsection 14-16-5-12(G) Off-premises Signs

²³ Added access to any establishment.