

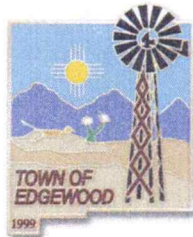
TOWN OF EDGEWOOD

Sign Ordinance

TOWN OF EDGEWOOD, SANTA FE COUNTY, NEW MEXICO ORDINANCE NO 2009-02, THIS
ORDINANCE SUPERCEDES ORDINANCE NO. 2004-5

Community Planning & Development

3/9/2009



**AN ORDINANCE REGULATING SIGNS; REQUIRING PERMITS; SETTING FORTH DEFINITIONS;
GENERAL REGULATIONS; EXEMPTIONS; DESCRIBING PROHIBITED SIGNS; REGULATING
COMMERCIAL HANDBILLS AND PROVIDING A PENALTY FOR VIOLATION**

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SECTION 1. PURPOSE

It is the purpose of this code provide for an orderly and equitable means for the presentation and assimilation of signage throughout the Town of Edgewood and of the messages that such signs contain.

1. To preserve and protect the public health, safety and welfare of the citizens of the Town of Edgewood.
2. To promote and accomplish the goals, policies and objectives of the *Edgewood Comprehensive Plan*.
3. To balance public and private objectives by allowing adequate signage for business identification.
4. To promote the free flow of traffic and protect pedestrians and motorists from injury and property damage caused by, or which may be fully or partially attributable to cluttered, distracting, and/or illegible signage.
5. To prevent property damage and personal injury from signs, which are improperly constructed or poorly maintained.
6. To promote the use of signs that are aesthetically pleasing, have appropriate scale, and integrated with surrounding buildings and landscape, in order to meet the community's expressed desire for quality development.
7. To protect property values, the local economy, and the quality of life by preserving and enhancing the appearance of the streetscape that affects the image of the Town of Edgewood.
8. To provide sign design standards that are consistent with the Edgewood Lighting Regulations, and other applicable provisions of the Edgewood Municipal codes.
9. To encourage signs that will enable consumer traffic traveling the roadways at posted speed limit to locate our local businesses easily and safely.

SECTION 2. APPLICABILITY

A. APPLICABILITY AND SCOPE.

This Ordinance applies to all signs, of whatever nature and wherever located, within the Town of Edgewood. All signs not specifically permitted or excepted by this Ordinance are prohibited.

B. EXCEPTIONS.

The provisions of this Ordinance do not apply to the following, which are therefore excepted from these provisions:

1. Governmental, hospital signs and legal notices.
2. Traffic signs on private property, such as Stop, Yield and similar signs, which meet Department of Transportation standards and contain no commercial message.
3. One directional sign per legal driveway; not to exceed 4 square feet.
4. Temporary signage erected as part of a Town-recognized event.
5. Signs not visible beyond the boundaries of the lot or parcel upon which they are located, or from any public right-of-way.
6. Flags.
7. Political or Campaign Signs. In addition to signage otherwise authorized by this chapter, political or campaign signs on behalf of candidates for public office or measures on election ballots are allowed as follows:
 - a. Said signs for all candidates or other referenda, regardless of participation in a primary election, shall be removed by the Monday following the primary election and/or general election. Signs relating to elections on special issues may be installed and must be removed on the same basis.
 - b. Political signs placed in single-family residential zones shall not exceed eight (8) square feet each in area.
 - c. Political signs placed in commercial zones shall not exceed 64 square feet in aggregate area and, if freestanding, shall not exceed 8 feet in height. Such sign shall not be erected in a manner as to constitute a roof sign.
 - d. No political signs shall be erected upon any private property without the permission of the resident or owner thereof, and in cases where there is no occupied structure on the property; no political sign shall be placed thereon without the written consent of the owner of the property.
 - e. Signs may not be placed on public property, fastened upon any utility pole, street sign, lamppost, or in a public right-of-way or in any place that would impede traffic visibility or safety. Signs on

roadways without curb and gutter may not be placed closer than 10 feet to the edge of the paved surface.

- f. Campaign signs may not be placed closer than 150 feet to any building where an official voting station is located.

C. SIGN MESSAGE.

Any sign allowed herein may contain, in lieu of any other message or copy, any lawful noncommercial message, so long as said sign complies with the size, height, area and other requirements of this Ordinance and the Edgewood Municipal codes.

D. INTERPRETATIONS/DEFINITIONS.

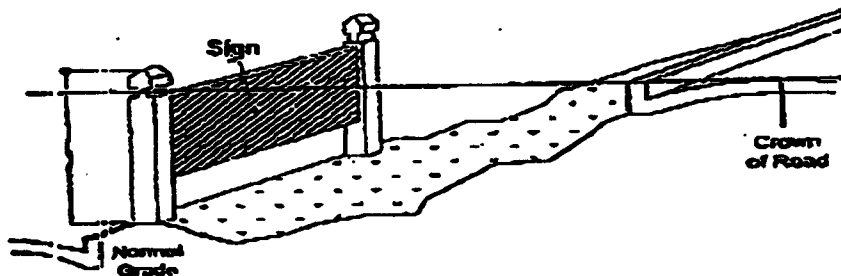
1. **SEVERABILITY:** If any section, sentence, clause, phrase, word, portion, or provision of the Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect, impair, or invalidate any other section, sentence, clause, phrase, word, portion, or provision of this Ordinance which can be given effect without the invalid provision.

2. **INTERPRETATION:** Where a particular type of sign is proposed in a sign permit application that is neither expressly allowed nor prohibited by this Ordinance, or where a sign is proposed on a structure that is not a "building" as per the definitions, the Community Planning & Development Office shall have discretion to approve or disapprove the proposed sign based on whether it is more similar to a type of sign that is expressly allowed or to one that is expressly prohibited. Appeal from such interpretation may be made in accordance with Section 7, (Appeals) of this Ordinance.

SECTION 3. GENERAL PROVISIONS

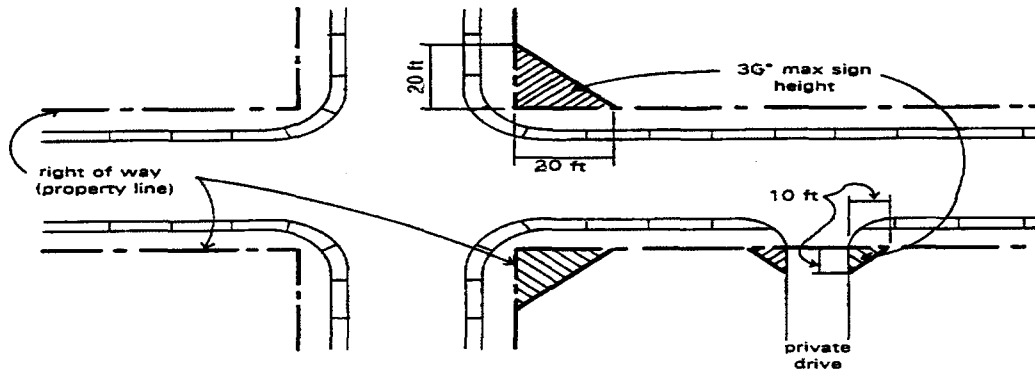
A. SIGN HEIGHT MEASUREMENT.

FREESTANDING SIGNS: Sign height shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely for locating the sign. In cases where the normal grade is below grade at street level, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public or private street.



B. SIGN PLACEMENT AT INTERSECTION.

Signs proposed to be located within the triangular area on a corner lot formed by measuring twenty (20) feet along both street side property lines from their intersection, or ten (10) feet from the intersection of a property line adjacent and parallel to a public street and a private street or driveway, shall maintain a maximum thirty-six (36) inch top height.



C. SIGN ILLUMINATION.

All permanent signs may be non-illuminated, illuminated by internal, internal indirect (halo), or lit by external indirect illumination, unless otherwise specified. All illuminated signs shall be extinguished at 11:00 P.M. or when the use or activity closes, whichever is later. Consistency with, the Zoning Ordinance lighting regulations, is required.

a. INTERNAL ILLUMINATION. Outdoor, internally illuminated signs, including but not limited to awning/canopy signs, cabinet signs (whether freestanding or building mounted), changeable copy panels or service island signs, shall be constructed with an opaque background and translucent letters and symbols, or with a colored background and lighter letters and symbols.

b. EXTERNAL INDIRECT ILLUMINATION. Externally lit signs are permitted to be illuminated only with steady, stationary, down directed and shielded light sources directed solely onto the sign. Light bulbs or light tubes, excluding neon, used for illuminating a sign shall not be visible from adjacent public rights-of-way or residential properties.

c. NEON. Exposed neon tube illumination is permitted on permanent signs in non-residential zoning districts only.

D. SIGN MAINTENANCE.

1. **MAINTENANCE.** Complete maintenance is required for all signs, whether or not in existence prior to adoption of this Ordinance. Maintenance of a sign shall include periodic cleaning, replacement of flickering, burned out or broken light bulbs or fixtures, repair or replacement of any faded, peeled, cracked, or otherwise damaged or broken parts of a sign, and any other activity necessary to restore the sign so that it continues to conform to the requirements and contents of the sign permit issued for its installation and provisions of this Ordinance.
2. **LANDSCAPE MAINTENANCE.** Replacement of plant materials that do not survive after installation in required landscaped areas is required within the next planting season or within six months of the plant's demise. Required landscaped areas contained by a fixed border, curbed area, or other perimeter structure shall receive regular repair and maintenance.
3. **REMOVAL OF UNUSED SIGN SUPPORT STRUCTURES.** Removal is required of any vacant and/or unused sign support structures, angle irons, sign poles or other remnants of old signs, which are not currently in use, or proposed for reuse.
4. **REMOVAL OF OBSOLETE SIGNS.** Signs which conform to the provisions of this Ordinance, but which reflect obsolete sign copy may remain in place, provided the sign copy is left unlit and/or blank, however if the building in which the use existed is demolished and no new building permit has been applied for, for a time period up to one hundred eighty (180) consecutive days after the building has been removed) the sign must be removed. An extension may be granted by the Planning Office, provided the copy has been left unlit and/or blank, and when the owner or person in control of the vacant property requests such extension, in writing.
5. **REMOVAL OF UNSAFE SIGN STRUCTURES.** The Planning Office shall have the authority to order the repair, maintenance or removal of any sign or sign structure which has become dilapidated or represents a hazard to safety, health, or public welfare. If such a condition is determined by the Planning Office to exist, the Manager or his/her designee shall give notice thereof by certified mail, return receipt requested, to the sign owner at the address shown on the sign permit, unless more recent

information is available. If, within thirty (30) days from service of notice, the order is not complied with, the Planning Office may cause the sign to be removed or repaired, and the cost of such removal or repair to be charged against the sign owner and/or the property owner.

E. NONCONFORMING SIGNS.

1. GENERAL:

a. If at the time of the adoption of this Ordinance, or of any extension resulting from annexation, or of any amendment to the Edgewood Town Code, any sign which is being used in a manner or for a purpose which was otherwise lawful, but does not conform to the provisions of this Chapter, shall be deemed nonconforming.

b. Any sign that becomes nonconforming subsequent to the effective date of this Ordinance, either through annexation to the Town, or amendment of this Ordinance, or other provisions of the Municipal Codes so as to render a sign nonconforming, shall be subject to the provisions of this Ordinance.

2. **MAINTENANCE:** Nonconforming signs are required to be maintained in good condition in accordance with Section 3.D.1. of this Ordinance.

3. **REMOVAL:** Removal of a nonconforming sign, or replacement of a nonconforming sign with a conforming sign, is required when:

a. Any such sign or substantial part is blown down, destroyed, or for any reason or by any means is taken down, altered, and/or removed. For the purpose of this Chapter, "substantial" is defined as fifty percent (50%) or more of the entire sign structure; or

b. The condition of the sign or sign structure has deteriorated, and/or the sign structure or building it is mounted on is destroyed or damaged by a fire, flood, windstorm, or similar abnormal event, and the cost of restoration of the sign to its condition immediately prior to such deterioration or event exceeds fifty (50) percent of the cost of reconstruction of the sign structure; or

SECTION 4. SIGNS PERMITTED

A. PURPOSE AND APPLICABILITY.

This section is intended to provide for the establishment of sign criteria related to sign size, height, and numbers of signs permitted for uses within the Town of Edgewood. Uses identified in this section are permitted sign size, height, and numbers of permanent signs.

1. SIGNS FOR RESIDENTIAL USES IN ALL ZONING DISTRICTS.

a. **DETACHED SINGLE FAMILY DWELLINGS AND DUPLEXES.** Such uses are permitted one (1) permanent unlit wall mounted sign, six (6) square feet in area and six (6) feet in height on the building wall, or six (6) square feet in area and three (3) feet in height, if detached.

b. **SINGLE-FAMILY PLANNED, AND MULTI-FAMILY DEVELOPMENTS, MANUFACTURED HOME PARKS, BED & BREAKFAST.** Except as permitted elsewhere, such uses are permitted one (1) low profile freestanding sign or landscape wall sign per development site frontage at a major vehicular entrance, twenty-four (24) square feet in area, and four (4) feet in height.

c. **MASTER PLANNED COMMUNITY.** Permanent master planned community signs are permitted as follows. One (1) such sign is permitted for each major vehicular entrance to the development located on an arterial street. Such signs shall not exceed thirty-six (36) square feet in sign area, or eight (8) feet in height. Where the size and/or complexity of the master planned community requires multiple signs, a list of all proposed signs is required as part of a Comprehensive Sign Program in accordance with Section 4.B. of this Ordinance. Permanent master planned community signs are permitted to be installed after completion of public improvements required for such development. Other signs within a Master Planned Community are permitted as in the respective underlying zoning districts and/or as part of an approved Comprehensive Sign Program.

- d. **Detached single family dwellings and duplexes.** Such uses are permitted one (1) permanent unlit wall mounted sign, six (6) square feet in area and six (6) feet in height on the building wall, or six (6) square feet in area and three (3) feet in height, if detached.

B. ZONE 1. COMMERCIAL OVERLAY ZONE

EDGEWOOD COMMERCIAL OVERLAY DISTRICT.

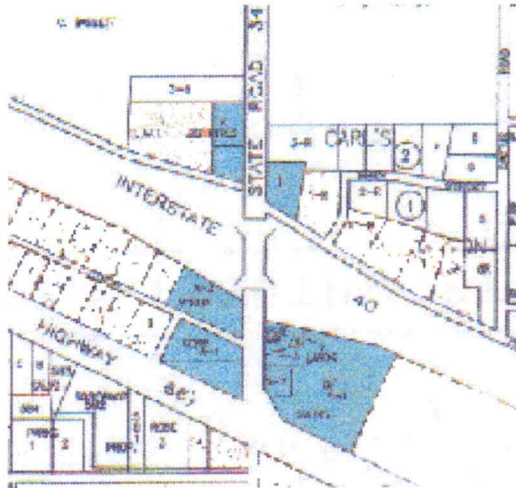
This area shall be defined on the sign overlay map as a darkened area.

This zone shall be allowed two (2) freestanding signs:

1-58 foot tall pylon sign no greater than 120 square feet and.

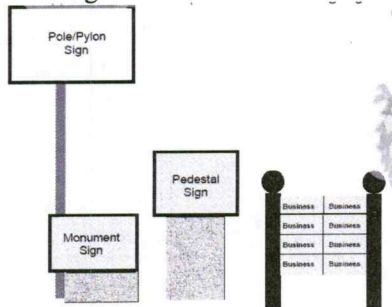
1-36 foot tall freestanding sign no greater than 140 square feet.

In addition to the above, elevations which provide a non-customer service entry, are permitted a non-illuminated building mounted wall sign of no greater than six (6) square feet in area, located adjacent to such entry.



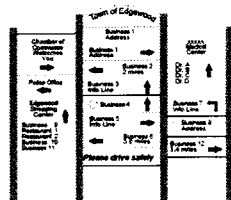
C. ALL OTHER COMMERCIAL ZONES

Freestanding signs shall be limited to one (1) except for a use that fronts on more than one street or other property usage, in which case one (1) such sign shall be permitted for each separate street frontage or frontage on other property usage. If a use exceeds three hundred (300) lineal feet on any frontage, one additional such sign on such frontage shall be permitted; and for each multiple of three hundred (300) lineal feet of frontage thereafter, one additional such sign shall be permitted for each separate street frontage on other property usage. Unless otherwise regulated by specific reference herein, the area of any freestanding sign shall not exceed one hundred (140) square feet per sign face and height above grade thirty-six (36) feet.



D. ALL COMMERCIAL ZONES, INCLUDING ZONE 1

- a) **Accessory Sign:** A permanent on-premise sign that is normally located adjacent to a public right-of-way, or near various points of passage on or within private property. The sign shall not exceed three (3) square feet in area per face and may be double sided.
- b) **Awning Signs:** Signs affixed or applied to the face or side surfaces of an awning or backlit awning provided that the copy area of any such sign, as defined herein, does not exceed an area equal to sixty percent (60%) of the total background area of the awning or backlit awning surface to which it is affixed or applied; or alternatively, does not exceed an amount equal to the amount of copy area permitted for parallel signs as provided herein, whichever is greater.
- c) **Building Mounted Signs:** The area of building mounted signs including wall, fascia, mansard, parapet, awning, roof, service island canopy signs, and suspended signs, shall not exceed 140 square feet or 60 % of the area of the wall on which it is displayed, whichever is less.
- d) **Canopy Signs-also Marquee Signs and Signs on Architectural Projections** applied in an essentially flat plane to the face of a building or freestanding canopy, marquee, or architectural projection provided that the copy area of any such sign, as defined herein, does not exceed an area equal to sixty percent (60%) of the product of the height and length of the face area of the canopy, marquee, or architectural projection to which such sign is affixed or applied.
- e) **Detached single family dwellings and duplexes.** Such uses are permitted one (1) permanent unlit wall mounted sign, six (6) square feet in area and six (6) feet in height on the building wall, or six (6) square feet in area and three (3) feet in height, if detached.
- f) **Directional signs:** Within the environs of a use designated as a shopping center, multi-tenant development or planned industrial park, freestanding signs shall be permitted as required for the primary purpose of promoting traffic safety through the provision of directional information within the environs of the use, provided that any such sign shall not exceed an area of one hundred (100) square feet nor a height above the grade level on which it is placed of sixteen (16) feet to the top of the sign.
- g) **Kiosk signs:** A Kiosk sign is a multi-user directional or location sign, on or off premises, containing individual panels of a prescribed size for that particular kiosk, with each panel to contain an individual business logo, name or message, and/or distance indicator to the advertised business. Kiosk signs will generally be designed with similar formats and be sized to be readable using guidelines from the "United States Sign Council" and/or 2003 Manual on Uniform Traffic Control Devices.
 - 1. Kiosk signs shall be approved by the Planning and Zoning Commission and are exempt from size and height restrictions
 - 2. Any person aggrieved by a decision of the Town Council to approve or disapprove a kiosk sign may file an application for appeal with District Court within thirty (30) calendar days of the decision.



- h) **Projecting Signs:** Projecting signs shall be limited to one (1) per use at an entrance on which any such sign is mounted except for a use that fronts on more than one street, in which case, one (1) such sign shall be permitted per entrance for each separate street frontage.
- i) **Additional Freestanding Sign.** Under this subsection cul-de-sac streets and shopping centers where more than 9 businesses exist are permitted two freestanding signs at the entrance an area of which is one hundred forty square feet per sign face and a height above grade of thirty-six (36) feet.

E. COMPREHENSIVE SIGN PROGRAM.

A comprehensive sign program may voluntarily be developed and maintained by the owner, developer or representative of any new or existing non-residential use. Any adjustment allowances authorized under a Comprehensive Sign Program using the Incentives for increased size and height apply to all building mounted signs and freestanding signs within the boundaries of the subject site.

1. SUBMITTAL REQUIREMENTS.

For a proposed or existing non-residential multi-tenant use or master planned community, submittal of the sign program is required following or in conjunction with the approval of the required site plan for the development, and prior to issuance of a zoning approval on a building permit for the development. For consideration of a Comprehensive Sign Program, a complete application must be submitted to the Planning & Zoning Office, and shall be signed by the property owner(s), and/or their authorized agent(s), if appropriate, of the property covered by the Comprehensive Sign Program. Such application shall contain the following:

- a. An accurate plot plan of the overall development, including all parcels comprising the multi-tenant development or master planned community, at such a scale, as the Planning Office requires.
- b. The location(s) and sizes of existing and proposed buildings, parking lots, driveways, streets and landscaped areas of the development.
- c. The size, location, height, lighting source, and orientation of all proposed signs for the development, with a computation of sign area for each sign type. The Comprehensive Sign Program shall include a complete set of standards, including but not limited to size, placement and number of signs, and sign material(s). A narrative description of the project which may be necessary to demonstrate that the sign program meets the required findings and/or sign design standards is also required.
- d. Any other information deemed necessary to meet the findings noted above.

2. REVIEW.

a. Administrative Review:

- i. Comprehensive sign programs which reflect proposed signage in compliance with the standards of this Ordinance are reviewed by staff in a standard administrative review procedure, and are not subject to additional review requirements.
- ii. The Comprehensive Sign Program submittal is reviewed for compliance with the requirements of this Ordinance, and a recommendation to approve, conditionally approve, or deny the proposed sign program will be made by staff. Upon signature and acceptance of the Sign Program by the Planning & Zoning Office, a copy of the approved Comprehensive Sign Program will be made available to the applicant. The construction and placement of individual signs contained in the approved Comprehensive Sign Program is subject to the issuance of sign permits in accordance with this Ordinance.
- iii. A written appeal of the outcome of a Comprehensive Sign Program review, may be made to the Planning and Zoning Commission within ten (10) days of the outcome of the review, and shall meet the submittal requirements as listed in this Section for use by the Planning and Zoning Commission. The appeal submittal must be received by the Planning & Zoning Office at least sixteen (16) days prior to a regularly scheduled meeting of the Planning and Zoning Commission at which the appeal is to be heard.
- iv. The Commission shall affirm, reverse, or modify the decision of staff in regard to the Comprehensive Sign Program, in accordance with these regulations and any other applicable provisions of the *Edgewood Municipal Codes*.

b. Review by the Commission:

- i. Comprehensive sign programs containing design elements which exceed the permitted height and/or area of signs permitted under Section 4, may be approved upon review by the Planning & Zoning Commission. Requests for such review will be scheduled for the next regularly

scheduled meeting of the Planning and Zoning Commission after submittal of a complete Comprehensive Sign Program package.

- ii. The Commission shall review such comprehensive sign programs in accordance with the Section F. Incentives for Increased Size and Height, and shall approve, approve with conditions, or disapprove the proposed comprehensive sign program.
- iii. Any person aggrieved by a decision of the Planning Commission to approve or disapprove a comprehensive sign program may file an application for appeal with the Town Council within twenty-one (21) calendar days of the decision. If a decision by the Planning and Zoning Commission is appealed, the Town Council shall consider the appeal within three weeks of the appeal request or as soon as is reasonably practical. The Town Council shall affirm, reverse, or modify the decision of the Commission in accordance with the standards referenced above and any other applicable provisions of this Ordinance.

3. SUPPLEMENTAL PROVISIONS.

- a) Modifications to an approved Comprehensive Sign Program may be requested pursuant to the procedures set forth in this Section, as noted above.
- b) Comprehensive Sign Programs required by this Section are subject to the application requirements and conditions as identified herein, however, the implementation of the Comprehensive Sign Program may be done in phases.
- c) No sign identified in this Section may be placed upon real property without the consent of the real property owner(s), who shall either sign and submit the application for a comprehensive sign program or designate in writing an authorized representative.

F. INCENTIVES FOR INCREASED SIZE AND HEIGHT

Increases in the allowable area and/or height of signs may be approved to encourage permanent signs with design features that are preferred by the Town and the Community at large.

1. **Raised Letter Signs:** The purpose of this standard is to encourage the use of individual lettered business and logo design, or where appropriate, signs containing copy, logo and/or decorative embellishments in relief on the face of the sign. Such improved sign design results in enhanced readability of sign copy and a positive image of a business or use.
 - i. A sign area and/or height increase may be given for the use of sign designs which display the following:
 - a. Pan channel letters without raceways, or internal/indirect illuminated (halo) letters, on an unlit or otherwise indistinguishable background on a freestanding sign or building wall.
 - b. Or where appropriate, carved signs with a three (3) dimensional textured surface that is integral to its design, such as extensively carved, routed, and/or sandblasted signs containing the business name and/or logo.

Fifteen percent (15%) area increase and/or a ten percent (10%) height increase

2. **Simplified Letter and/or Logo Copy:** The purpose of this standard is to encourage easily recognizable business identification while simplifying the appearance of the Town streetscape.

Single Tenant Use, or Individual: Occupancy within a Multi-Tenant Building, Development or Shopping Center:

Four (4) Items of Information:

Fifteen percent (15%) area increase and/or a ten percent (10%) height increase.

Multi-Tenant Building, Development or Shopping Center:

Four (4) Items of Information:

Fifteen percent (15%) area increase; ten percent (10%) height increase

Fourteen (14) Items of Information:

Twenty-five (25%) area increase; twenty percent (20%) height increase

- 3. Sign Structure Materials:** The purpose of this standard is to encourage the use of native or natural materials in the construction of sign structures resulting in improved and innovative sign design and an improved image of a business or development.

A sign area and/or height increase may be given for the use of sign designs which display the following: A minimum of seventy-five percent (75%) of the sign structure and face are constructed of native or natural materials, which shall include, flagstone, river rock, redwood, cedar, treated pine, used brick, and/or unpainted or unfinished metals.

Fifteen Percent (15%) Area Increase

Ten Percent (10%) Height Increase

- i. Sign Structure which blends with the Development Site: The purpose of this standard is to encourage sign designs which incorporate the sign and sign structure into a major element of a building facade, or significant landscape feature which can result in the creation of a unique image for a development.
- ii. A sign area and/or height increase may be given for the use of sign designs which display the following: Sign designs which integrate major architectural elements or details of the development site into the building facade for a building mounted wall sign, or the support structure for a freestanding sign.

Fifteen Percent (15%) Area Increase

Fifteen Percent (15%) Height Increase

- 4. Replacement of Nonconforming Signs:** The purpose of this standard is to encourage the replacement of nonconforming freestanding signs with conforming signs which are slightly higher than those normally allowed, while maintaining sign and site compatibility and an improved image of a business or development.

For each nonconforming freestanding sign removed from a subject site, a new replacement sign which otherwise meets all the requirements of this Ordinance may be permitted a sign height increase of ten percent (10%).

- 5. Cumulative Adjustments:** Where more than one (1) feature listed is proposed, the adjustment allowed for each individual feature is cumulative. Such sign area and/or height adjustment is measured and based upon the permitted sign area and height for the applicable site as determined in this chapter.

i. Two (2) to four (4) features:

- a. A sign design which incorporates any two (2) features is allowed a (40%) adjustment in area and/or (35%) increase in sign height for use of applicable features.
- b. A sign design which incorporates any three (3) features is allowed a [55%] sign area and/or (45%) increase in the sign height for use of applicable features.
- c. A sign design which incorporates any four (4) features is allowed a (55%) adjustment in sign area (55%) increase in the sign height for use of applicable features.