

TOWN OF EDGEWOOD

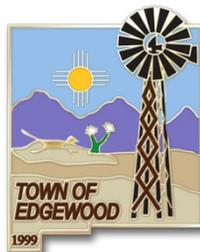
# Sign Ordinance

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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.**

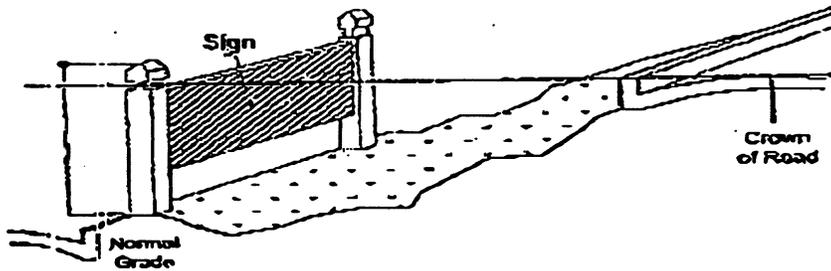
1. **SEVERABILITY:** If any section, sentence, clause, phrase, word, portion, or provision of the Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect, impair, or invalidate any other section, sentence, clause, phrase, word, portion, or 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**

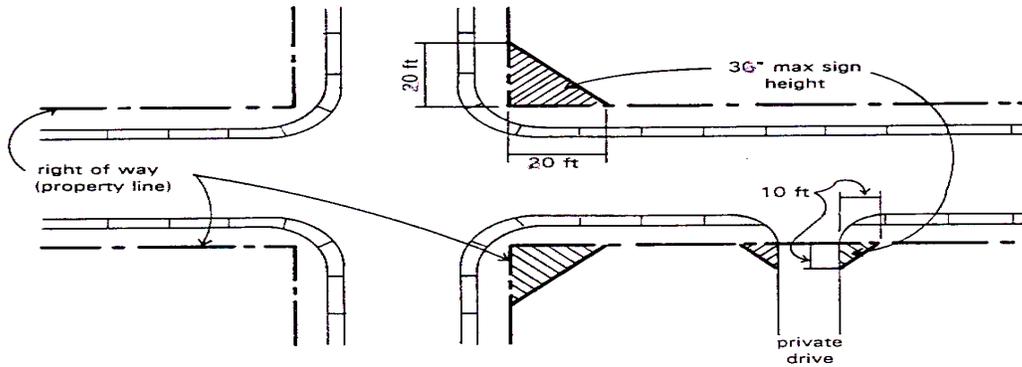
**A. SIGN HEIGHT MEASUREMENT.**

**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.

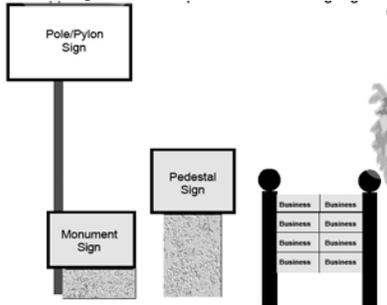
1-36 foot tall freestanding sign no greater than 140 square feet.

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.

<b>Summary of Incentives</b>				
<b>Features</b>		<b>area increase</b>	<b>and/or</b>	<b>height increase</b>
<b>1</b>	<b>Raised Letter Signs</b>	<b>15%</b>	<b>and/or</b>	<b>10%</b>
<b>2</b>	<b>Simplified Letter and /or Logo Copy</b>			
	<b>Single Tenant-4 Items</b>	<b>15%</b>	<b>and/or</b>	<b>10%</b>
	<b>Multi-Tenant-4 Items</b>	<b>15%</b>		<b>10%</b>
	<b>Multi-Tenant-14 Items</b>	<b>25%</b>		<b>20%</b>
<b>3</b>	<b>75% of sign structure and face are of native or natural materials</b>			
		<b>15%</b>		<b>10%</b>
	<b>Blending in with Development Site</b>			
		<b>15%</b>		<b>15%</b>
<b>4</b>	<b>Replacement of Nonconforming Signs</b>			
		<b>0%</b>		<b>10%</b>
<b>Cumulative Adjustment Maximums</b>				
	<b>Features</b>	<b>area increase</b>	<b>and/or</b>	<b>height increase</b>
	<b>2</b>	<b>40%</b>	<b>and/or</b>	<b>35%</b>
	<b>3</b>	<b>55%</b>	<b>and/or</b>	<b>45%</b>
	<b>4</b>	<b>55%</b>		<b>55%</b>

**F. TEMPORARY SIGNS.**

**TEMPORARY SIGNS ARE ALLOWED AS PROVIDED FOR IN THIS SECTION, AND UNLESS SPECIFICALLY INDICATED, TEMPORARY SIGN PERMITS ARE NOT REQUIRED.**

**1. Definitions.**

The following definitions shall apply in the interpretation and enforcement of this article:

**Sign:** Any words, numerals, figures, devices, designs, pictures or trademarks erected on or otherwise affixed to a building, wall board, plate or any other structure for the purpose of making anything known. The definition of a sign shall not include the following:

- a. Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers or names of occupants of premises.
- b. Legal notices, identification information or directional signs erected by governmental bodies.
- c. Decorative holiday displays.

**Temporary freestanding sign:** A sign erected on or affixed to the land and any and every exterior sign that is not attached to a building which is intended for a limited period of display.

**Temporary grand opening sign:** An exterior wall sign or banner or freestanding sign intended for display for a limited period of time to advertise the opening of a new business for which a certificate of occupancy permit has been issued.

**Temporary wall sign:** An exterior sign or banner erected on or affixed to a building which is intended for a limited period of display.

**Temporary window sign:** A sign installed inside a window or door window and intended to be viewed from the adjacent public rights-of-way and not constructed or intended for long-term use, and not to exceed 60% of the window area.

**Motor vehicle Sign:** A sign measuring more than two (2) square feet in size that is mounted, placed written or painted on a vehicle or trailer, whether motorized or not.

**2. Placement of temporary signs.** No temporary sign may be erected in the public right-of-way in violation of the following:

- a. Which would interfere with a motorist's view of vehicular or pedestrian traffic, traffic signs, street signs or street numbers.
- b. Any part of which is within 18 inches of a curbline.
- c. On private property unless the permission of that property owner is first obtained.
- d. Which is on a traffic island not for the use of motor vehicles or on any other area between lanes of traffic.
- e. On public property or in the right-of-way in front of public property.
- f. Which is attached to a permanent pole or structure within the right-of-way or which would constitute an obstruction to those using the right-of-way, including a public sidewalk.

**3. Temporary signs** shall not be illuminated and such signs shall not exceed twenty-four (24) square feet in area or four (4) feet in height per frontage on any parcel in any Non-Residential Zoning District.

- a. **Temporary signs** on designated street lights or display structures on public property to promote civic and community events, and subject to approval of such signs by the Town Council to assure secure attachment and to prevent any safety hazard; or
- b. **Temporary signs advertising special events** and/or promotions of a commercial or non-commercial nature, provided that such signs shall be non-illuminated, shall be displayed during a time period of no more than forty-five (45) days prior to the special event and/or promotion and shall be removed within five (5) days following the special event and/or promotion; and further provided that not more than one (1) such sign shall be placed on any single premises or property unless such premises or property fronts on more than one street in which case one (1) such sign shall be permitted on each separate street frontage.
- c. **Temporary Signs in Windows:** Temporary window signs may be displayed.
- d. **Real Estate Signs**
  - i. **Commercial Real Estate Signs.** One on premise sign per street frontage shall be allowed, no larger than 64 square feet, nor 20 feet in height. Such signs shall carry no commercial message other than information on the lease or sale of the premises on which the sign is displayed.
  - ii. **Residential Real Estate Signs.** One on premise sign per street frontage shall be allowed, no larger than six square feet per side in area and 42 inches in height.
  - iii. **Open House Real Estate Signs.** Open house signs not to exceed 6 square feet in area and 4 feet in height, advertising real estate open for inspection may be placed on private property in the vicinity of the property open for inspection, with the property owner's permission. They shall not be attached to trees, poles or street signs. Open house signs shall be displayed only during those hours/day(s) which the house is open for actual inspection.
- e. **Off-Premise Development Signs.** Signs announcing or identifying a future residential development. Three directional signs may be allowed for a developer to guide traffic to the site and should contain only the name, address, and direction of the development. They are limited to 32 square feet in area and 8 feet in height and must be placed entirely upon private property with the permission of the property owner. Two additional 16 square foot directional signs may be allowed if an unusual circumstance can be demonstrated. They may not encroach upon any public right-of-way and may not be located within the traffic visibility triangle on corners. Such signs shall be removed within 2 years of the issuance of the first building permit in the project or if the lots are sold out before 2 years immediately upon sale of the last lot. An extension of up to 2 years shall be granted by the Planning Office if a substantial number of the lots have not been sold at the end of the 2-year period. A temporary permit shall be obtained from the Planning Office. A permit is required.
- f. **On-Premise Development Identification Signs.** Signs announcing or identifying the future development of commercial or industrial property are allowed one per public or private street frontage. The sign(s) may not be erected before the proposed development has been submitted for site plan review. They must be removed before permanent signs are installed.

## **SECTION 5. PROHIBITED SIGNAGE**

### **A. PURPOSE.**

The purpose of this Section is to specify sign types and other devices which are prohibited within the jurisdiction of the Town of Edgewood.

### **B. APPLICABILITY.**

Any sign not specifically authorized by this ordinance is prohibited unless required by law. The following signs and conditions are prohibited:

1. Any sign located within, on, or projecting over a property line which borders a public or private street, highway, alley, lane, parkway, avenue, road, sidewalk, or other right-of-way, except as provided in this Ordinance. Community Planning & Development personnel may cause to be removed any temporary or portable sign erected or displayed upon, or projecting into public property.
2. Handbills circulated or distributed upon any motor vehicle which is parked upon any public street, alley or public parking area, or upon any such vehicle parked upon any private property.
3. Any sign attached to any public utility pole or structure, streetlight, tree, fence, fire hydrant, bridge, curb, sidewalk, park bench, or other location on public property, except as provided herein.
4. Any sign placed, which by reason of its location, will obstruct the view of any authorized traffic sign, signal or other traffic control device or which by reason of shape, color, or position interferes with or could be confused with any authorized traffic signal or device.
5. Any sign which is placed so as to prevent or inhibit free ingress to or egress from any door, window, or any exit way required by the any Building Codes in adoption, or by the 1997 Uniform Fire Code.
6. Any sign or lighting device, whether on the exterior of the building, or on the inside of a window which is visible beyond the boundaries of the lot or parcel, or from any public right-of-way, with intermittent, flashing, rotating, scintillating, blinking, or strobe light illumination.
7. Any sign with exposed incandescent, metal halide, or fluorescent light bulbs.
8. Any sign which emits audible sound odor, smoke, steam, laser or hologram lights, or other visible matter, including any sign that employs any stereopticon or motion picture projections.
9. Any portable sign or attention getting device including but not limited to: A-frame, tire rim, animated signs, stuffed animal, or vehicle used as a sign or sign structure; and/or string of lights arranged in the shape of a product, arrow, or any commercial message, except as permitted in Section 4.
10. Any sign mounted, attached or painted on a trailer, boat, or motor vehicle when parked, stored, or displayed conspicuously on the public right-of-way or private premises in a manner intended to attract attention of the public for advertising purposes. Such signs or devices are considered portable signs within the meaning of these regulations and are prohibited. This provision expressly excludes business signs that are permanently painted on, or magnetically attached to motor vehicles or rolling stock that are regularly and consistently used to conduct normal business activities.
11. Any sign painted, attached or mounted on fuel tanks, outdoor storage containers and/or solid waste receptacles or their enclosures.
12. Any unauthorized sign attached to existing signs, outdoors light poles, or other structures.

## **SECTION 6. PERMITS**

### **A. PURPOSE.**

The purpose of this Section is to set forth procedures and standards for processing sign permit applications.

### **B. REQUIREMENT.**

**1. SIGN PERMIT REQUIRED,** it shall be unlawful for any person to erect, place, display, alter, or relocate a sign for which a permit is required without first obtaining a permit or permits from the Planning Office of the Town of Edgewood.

#### **2. CONDITIONS OF PERMIT ISSUANCE:**

**a. Application Requirements.** To obtain an approved sign permit, the applicant shall complete and submit an application to the Community Planning & Development Office on a form

prescribed by the Town. The application is to be accompanied by the sign permit application documents, and any other necessary information requested by the department. All applications shall include the written consent of the owner, lessee, agent, or trustee having charge of the property on which the sign is proposed to be located.

**b. Submission Requirements.** The required number of fully dimensional sign plans is to be submitted by the applicant and shall include the following:

- i. Scaled drawings with sign dimensions and locations;
- ii. Sign copy;
- iii. Construction specifications, including electrical components and wiring; method of attachment and design of structured members to which attachment is to be made;
- iv. Location of the foundation or posthole location in relation to the property line and public right-of-way.
- v. All signs for which a sign permit is required are subject to following installation guidelines established by the 1997 Uniform Sign Code.

Permits authorizing the use of any sign structure may be withheld when inadequate information is submitted to determine if the proposed action is in conformance with the provisions of these sign regulations. Applicants will be contacted and made aware of sign permit application information needed to complete the submittal. Community Planning & Development Department personnel shall not be compelled to issue a permit for any sign structure, if such use, construction, reconstruction or alteration is found to be in conflict with the provisions of this Ordinance.

### C. REVIEW AND APPROVAL.

**REVIEW.** Upon submittal, the application will be reviewed for conformance with the standards of this Ordinance, and a permit will be issued within ten (10) days of a complete submittal, if the application meets the applicable standards and the required fees are paid.

**MINOR AMENDMENT.** The Community Planning & Development Office shall review applications for minor amendments to sign permits before any change, modification, alteration, or other deviation from the terms and conditions of the sign permit and before any such change in the use of the sign as originally permitted can be made. Minor changes may be approved, so long as the proposed sign installation will meet all standards or requirements set forth in this section which apply to the sign permit and installation.

**SUBSTITUTION.** At any time after a sign permit is issued, a new owner, tenant, lessee, architect, engineer, or contractor of record, may be substituted for the original applicant, if a record of the new interest is made with the Town of Edgewood and the new interest assumes all obligations he or she would have had under the original permit. The change of interest shall not imply that any fees paid for the permit will be returned to either the interest which has been replaced or the substitute.

## SECTION 7. VARIANCES AND APPEALS

### A. APPEALS

Any person or member of the governing body aggrieved by a decision of the Zoning Officer or the Planning Commission in carrying out the provisions of this Ordinance may appeal that decision to the Planning Commission or Town Council, de novo, provided they are not charge decisions which will proceed to Municipal or Magistrate Court. An appeal must set forth specifically a claim that there was an error or an abuse of discretion, or that a decision was not supported by evidence in the matter.

#### 1. Application

Any appeal following a decision of the Zoning Officer or the Planning Commission shall be made in writing on prescribed forms obtainable at the Town offices, upon payment of an administrative fee, and submitted to the Zoning Officer. Any appeal not submitted within 30 days after the decision which is the subject of the appeal shall not be considered by the Town Council. The Zoning Officer shall transmit all papers involved in the proceedings to the Town Council within seven days after the receipt of the appeal application.

#### 2. Decision

The Planning Commission or Council shall review and discuss the request for appeal and supporting documentation at a regular meeting, and may request comments from Town staff and/or from other governmental and utility agencies. The Planning Commission or Council shall:

- a. Call for Public Hearing
- b. Require posting of yellow public notice signs for a minimum of 15 days prior to Public Hearing.
- c. Approve or Disapprove

## **B. Variance**

Nothing herein shall preclude an applicant from requesting a variance from the provisions of this Ordinance. Such variances shall be referred to as Sign Variances and may be granted only pursuant to and in accordance with the procedure set forth herewith.

1. Neither the Town Council nor the Planning Commission shall grant a sign variance unless it is found that:
  - a. Special circumstances uniquely applicable to the subject property deprive such property of the ability to display signs enjoyed by other property in the vicinity of the subject property and in the same zoning district or special sign zone. Such special circumstances shall include without limitation the size, shape, location or surroundings of the subject property, and the orientation of the buildings thereon, but shall expressly exclude any consideration of the personal circumstances of the applicant for variance; or
  - b. The Sign Variance, subject to such conditions as may be imposed thereon by the Town Council or the commission:
    - i. Will not impair the utility or value of adjacent properties or the general welfare of the neighborhood;
    - ii. Will not impair the integrity and character of the zoning district or special sign zone in which the subject property is located;

## **2. Application**

- a. Any person requesting a Variance shall complete an application on prescribed forms available from the Town Offices, pay any required administrative fee, and submit any other required supporting documentation.
- b. Supporting documentation shall include, but not be limited to a written statement specifying any and all regulations or standards from which a variance is requested; and the reason(s) for the requested variance; and any and all proposed alternative regulations or standards.

## **3. Decision**

The Planning Commission shall review and discuss the request for variance and supporting documentation at a regular meeting, and may request comments from Town staff and/or from other governmental and utility agencies.

The Planning Commission shall:

- a. Call for Public Hearing
- b. Require posting of yellow public notice signs for a minimum of 15 days prior to Public Hearing.
- c. Approve or Disapprove

## **SECTION 8. FEES**

**PERMANENT SIGN PERMIT FEES:** Before issuance of any sign permit required by this Ordinance, the Town shall collect a \$25.00 permit fee for each Sign.

**VARIANCES AND APPEALS.** Requests for a variance and/or appeal authorized under this Ordinance shall be accompanied by a fee of \$25.00 for the first sign listed as part of the variance or appeal request and \$25.00 for each sign thereafter.

**WORK WITHOUT A PERMIT:** No work shall be started for the installation of any sign, for which a permit is required by this Ordinance without first obtaining a sign permit. Any work done without a permit, or any work beyond the authorized scope of a sign permit constitutes a violation and is grounds for the Community

Planning & Development Office to issue a correction notice and/or stop all work on the sign until appropriate permits are obtained.

## **SECTION 9. ENFORCEMENT**

### **A. ENFORCEMENT.**

Enforcement of this Ordinance shall be in accordance with provisions of this Ordinance, and *Edgewood Municipal codes*.

The provisions of this Ordinance are nonexclusive and supplementary to existing rights and remedies authorized in the *Edgewood Municipal codes*. Nothing in this Ordinance shall prevent the Town from commencing any appropriate action to correct a violation and/or abate a nuisance in addition to, alternatively to, or in conjunction with any proceedings authorized in this Ordinance. Nor shall anything in this Ordinance be deemed to prevent the Town from commencing a criminal action with respect to the violation, in addition to, alternatively to, or in conjunction with the proceedings set forth in this Ordinance.

### **B. PERMIT LIMITATIONS.**

**TRANSFERABILITY.** Permits- permit numbers or permit applications and attachments shall not be transferable to other sites. They are valid only for a specific sign at the specifically designated location. If at any time, a sign or sign structure is altered, removed, or relocated in a manner different from the terms of the sign permit, such existing sign permit will become void and a new application made for the new sign installation when necessary.

**REVOCACTION.** Community Planning & Development Office may, in writing, suspend or revoke a permit issued under provisions of this Section, should they determine that the permit was issued on the basis of a material omission or misstatement of facts.

**AUTHORITY.** No permit for a sign issued by the Town of Edgewood may be deemed to constitute permission or authorization to maintain a public or private nuisance, nor shall any permit issued hereunder constitute a defense in any action to abate a nuisance.

## **SECTION 10. VIOLATIONS**

### **A. NOTICE.**

When the Community Planning & Development Office determines that a violation of this ordinance has occurred or is occurring and is unable to secure correction, the Community Planning & Development Office is hereby empowered, and may issue a notice of violation to the person responsible for the violation.

The Community Planning & Development Office may issue a notice of violation without having to secure correction under the following circumstances:

- i. When an emergency exists; or
- ii. When a repeated violation occurs; or
- iii. When the violation creates a situation or condition which cannot be corrected; or
- iv. When the person knows or reasonably should have known that the action is in violation of a Town regulation; or
- v. The person cannot be contacted or refuses to communicate or cooperate with the Town in correcting the violation.

### **B. CONTENT.**

The notice of violation shall contain at least the following information:

- i. A statement indicating which steps are necessary to correct the violation; and
- ii. A statement indicating the time in which the violation is to be corrected; and

- iii. A statement indicating that failure to comply with the notice may subject the owner or person causing the violation to further civil penalties; and
- iv. A statement that failing to comply with the notice may subject the owner or violator to the costs and expenses of abatement incurred by the Town and monetary penalty in an amount per day for each violation as specified in this ordinance.
- v. A notice of violation shall be sent by certified or registered mail, return receipt requested, to the owner of the sign, and/or owner of record of the property upon which the sign is situated.

**C. FAILURE TO COMPLY.**

If no corrective action has been taken within 60 days after notice has been given, the Community Planning & Development Manager shall initiate or cause to be initiated any legal action or proceedings necessary to enforce this Ordinance. The Community Planning & Development Manager may extend the date for compliance for good cause.

Upon written request prior to the date that the violation is to be corrected, good cause may include substantial completion of necessary correction(s) or unforeseeable circumstances that render compliance impossible by the date established.

**SECTION 11. PENALTIES AND REMEDIES**

**A. CRIMINAL PENALTY.**

Any person, firm, corporation, or association placing or erecting any sign in violation of this Ordinance shall be guilty of a petty misdemeanor.

**B. REMOVAL OF ILLEGAL SIGNS.**

Signs placed illegally within public property right-of-way may be removed by enforcement personnel. The first time a sign or signs are removed from public property, the person, business, or service identified on the sign will be contacted. The signs will be stored for 30 days and be available to the owners to pick up. After 30 days they may be disposed of.

**SECTION 12. DEFINITIONS**

When used in this Ordinance, the following terms shall have the meanings herein ascribed to them:

**ABUTTING.** Having a common border with, or being separated from such common border by an alley or easement, other than publicly dedicated and approved rights-of-way.

**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.

**ADJACENT.** Nearby, but not necessarily touching or abutting.

**ADVERTISE.** To inform; to notify; to announce; to attract public attention by emphasizing desirable qualities in order to arouse a desire to purchase or invest.

**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.

**ALTERATION.** Any change in size, shape, character, occupancy, or use of a building or structure.

**ATTENTION GETTING DEVICE.** Any caricature, or other animated or illuminated object used for the purpose of eliciting notice to itself to advertise a business establishment, product, service, or entertainment. Such attention getting devices may include but are not limited to costumed characters, stuffed animals, fixed aerial displays, and strings of lights or other forms of illumination.

**AUTHORIZED AGENT.** A person or firm duly authorized by the property owner to submit applications on his, her, their, or its behalf.

**AWNING.** An architectural feature that:

Projects from, and is totally supported by, the exterior wall of a building;

Provides protection from the elements to pedestrians below, or to occupants within the building;

Is usually positioned above a window or door; is temporary in that, whether stationary or retractable, it can be removed from the building without altering the building structure.

**AWNING/CANOPY SIGN.** A sign which is printed, painted, or affixed to an awning or canopy.

**BANNER.** A sign which is painted or displayed upon a sheet composed of fabric, pliable plastic, paper or other non-rigid material, fastened to the exterior of a building or exterior structure, other than a flag pole. This definition does not include a "flag".

**BILLBOARD.** A sign designated for use with changing copy which may include but is not limited to goods produced or services rendered or sold at locations other than the premises on which the sign is located.

**BUILDING.** A structure built, maintained, or intended to be used for the shelter or enclosure of persons, animals, or property of any kind. The term is inclusive of any part thereof. Where independent units with separate entrances are divided by party walls, each unit is a building.

**BUILDING FRONT.** That exterior wall of a building which faces the front lot line.

**BUILDING FRONTAGE.** The maximum lineal dimension of an exterior wall, excluding canopies and projections, measured on a straight line parallel to the site's street frontage.

**BUILDING HEIGHT.** The vertical distance from the finished floor elevation of the lowest floor of the building, any portion of which floor is at or above finish grade, to the highest point of coping of a flat roof, or the top of a mansard roof, or the height of the highest gable of the pitch of a hip roof, including all appurtenances and projections above the roof. For hillside developments, basements and garages at basement level may be excluded from the measurement of building height.

**BUILDING MOUNTED SIGN.** Any sign which is fastened, attached, connected or supported in whole or in part by a building, or architectural feature.

**BUILDING MOUNTED WALL SIGN.** A sign attached to, painted on, or erected against the wall, parapet, fascia, or mansard roof or a building or structure with the exposed face of the sign in a plane parallel to the vertical face of the building or structure.

**BUILDING, PRINCIPAL.** A building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot on which it is located.

**CHANGE OF USE.** See Use, Change of.

**CHANGEABLE COPY SIGN.** A sign that is designed so that characters, letters, numbers, or illustrations can be manually or mechanically changed or rearranged without altering the face or surface of the sign.

**CLEAR SIGHT TRIANGLE.** The area of unobstructed vision at the intersection of public highways defined by lines of sight between two points twenty (20) feet from the intersection of street rights-of-way. See appendix B for an example.

**COMPREHENSIVE SIGN PROGRAM.** A specific set of design standards established for the purpose of unifying a variety of signs associated with a multi-tenant or multi-use building or complex of buildings. The design standards may include but are not limited to, letter and logo sizes, letter style, colors, texture, lighting methods, sign type and architectural features.

**CONFORMING USE.** See "USE, AUTHORIZED".

**CONSTRUCTION.** Any or all work or operations necessary or incidental to the erection, demolition, assembling, installing, or equipping of buildings, or any alterations and operations incidental thereto. The term "construction" shall include land clearing, grading, excavating, and filling and shall also mean the finished product of any such work or operations.

**CONSTRUCTION, START OF.** The excavation of or installation of foundation footings or grading other than for the installation of materials for road construction.

**COUNCIL.** The Town Council of the Town of Edgewood.

**DAY.** A calendar day; "working day" means the days Monday through Friday, not including holidays recognized by the Town Council.

**DEVELOPER.** The legal or beneficial owner(s) of a lot or parcel of any land proposed for inclusion in a development, including optionee or contract purchaser.

"DEVELOPMENT" includes all other activity customarily associated with it unless otherwise specified. When appropriate to the context, "development" refers to the act of development or to the result of development within the Town. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development. Reference to particular operations is not intended to limit the generality of this definition.

**DEVELOPMENT PAD.** The portion of a lot subject to site disruption from construction activities including construction of principal and accessory buildings, driveways, walkways, loading areas, storage yards, septic or alternative waste disposal areas, and forest removal activities.

**DEVELOPMENT SITE.** Any plot or parcel of land, or combination of contiguous lots or parcels of land, whether under common ownership or multiple ownership, which constitutes a site on which development is proposed, under construction, or exists.

**DIRECT ILLUMINATION.** Illumination resulting from light emitted directly from a lamp or luminaire, not light diffused through translucent signs or reflected from other surfaces such as the ground or building faces.

**DIRECTIONAL SIGNS.** Signs which provide direction and are located entirely on-premise and which do not in any way advertise a business shall not exceed 4 square feet in area or 4 feet in height. These signs may identify rest rooms, public telephones, walkways; or shall provide direction such as parking lot entrance and exit signs and those of a similar nature.

**DIRECTORY SIGN.** A single sign, or a set of similarly designed individual signs placed or displayed in sequence and which may provide information in a list, roster or directory format.

**DRIVEWAY.** A private vehicular access connecting a house, carport, parking area, garage, or other buildings with the street.

**EASEMENT.** A grant of one or more, but less than all, of the property rights by the property owner to, or for the use by, the public, or another person or entity.

**EMBELLISHMENT.** Structural or decorative elements of a sign incorporating representations of the significant architectural features of the associated building or development.

**ENGINEER.** Registered professional engineer in the State of New Mexico.

**ENVIRONS.** Properties which are reached from a common road.

**FIXED AERIAL DISPLAY.** Any aerial advertising medium which is tethered to the ground.

**FLAG.** A fabric sheet of square, rectangular or triangular shape which is mounted on a pole. This category includes the State, United States, and/or flags of foreign nations. This definition does not include "banner".

**FREESTANDING SIGN.** A sign which is erected or mounted between two poles placed at the outermost sides of the sign face, detached from any supporting elements of a building.

**FREEWAY.** A divided arterial highway for through traffic with full control of access.

**FRONTAGE.** All the property fronting on one (1) side of a street between the two (2) nearest intersecting streets, excluding alleys and interstate freeways, measured along the line of the street or, if dead-ended, then all of the property abutting on one (1) side between an intersecting street and the dead-end of the street.

**COMPREHENSIVE PLAN: 2008.** The General Plan of the Town,

**INDIRECT ILLUMINATION.** A source of external illumination located away from the sign, which lights the sign, but which itself is not visible to persons viewing the sign from any street, sidewalk or adjacent property.

**INDIVIDUAL LETTER.** A cutout or etched letter or logo, which is individually mounted on a landscape screen wall, building wall or freestanding sign.

**INSTALLED LIGHTING.** Attached, or fixed in place, whether or not connected to a power source.

**ITEM OF INFORMATION.** One word, logo, symbol, abbreviation, number, illustration or image.

**INTERNAL ILLUMINATION.** A source of illumination contained entirely within the sign which makes the contents of the sign visible at night by means of light being transmitted through a translucent material, but wherein the source of the light is not visible.

**INTERNAL INDIRECT ILLUMINATION.** A source of illumination entirely within an individual letter, cabinet or structure which makes the sign visible at night by means of lighting the background upon which the individual letters are mounted. The letters are typically opaque, and thus are silhouetted against the background.

The sources of illumination are not visible.

**MUNICIPAL CODES:** Town of Edgewood Business License Code, Grading & Drainage Ordinance, Landscape Ordinance, Sign Regulations, Subdivision Ordinance and Zoning Ordinance.

**LANDSCAPE AREA:** For purposes of sign regulation, an area as required by this Code, surrounding the based of a freestanding sign, and containing living plant materials with or without a fixed border.

**LANDSCAPING.** Flowers, shrubs, trees, or other decorative material of unartificial origin.

**LOGO.** A stylized group of letters, words, symbols, or combination thereof used to represent and distinguish a business or product from the competition.

**LOT.** An area of land undivided by any street or private road and occupied by, or designated to be developed for, permitted building(s) or principal use(s) and accessory building(s) or use(s) customarily incidental to such building, use, or development, including such open spaces and yards as are designed and arranged or required by this Ordinance for such building, use, or development.

**LOT, CORNER.** A lot abutting on two (2) or more intersecting streets where the interior angle or intersection does not exceed one hundred thirty-five (135) degrees.

**LOT DEPTH.** The depth (or length) of a lot is:

The shortest distance between the front and rear line if the front and rear lines are parallel.

The shortest distance between the midpoint of the front lot line and the midpoint of the rear lot line if the front and rear lines are not parallel.

The shortest distance between the front lot line and a line parallel to the front lot line, not less than ten (10) feet long lying wholly within the lot if the lot is triangular or is another polygon with an odd number of sides ending in an angle of less than one hundred (100) degrees opposite from the front lot line.

**LOT, DOUBLE FRONTAGE.** A lot having a pair of opposite lot lines along two (2) or more parallel streets, and which is not a corner lot.

**LOT LENGTH.** See "Lot Depth".

**LOT LINE.** The definition of this term changes with the individual sites as follows:

**1. Lot Line, Front**

**a. Corner Lot:** Either of the two (2) lines adjacent to the streets as platted, subdivided, or laid out, except that the front lot line shall be that line which is obviously the front by reason of the prevailing custom of the other buildings on the block. If such front is not evident, then either may be considered the front of the lot, but not both.

**b. Interior Lot:** The line bounding the street frontage.

**c. Through Lot:** That line which is obviously the front by reason of the prevailing custom of the other buildings in the block. Where such front lot line is not obviously evident, the Planning & Zoning Office shall determine the front property line. Such a lot over two hundred (200) feet deep shall be considered, for the purpose of this definition, as two (2) lots, each with its own frontage.

**2. Lot Line, Rear.** That lot line opposite the front lot line. Where the side lot lines meet in a point, the rear lot line shall be assumed to be a line not less than ten (10) feet long lying within the lot and parallel to the front lot line. In the event that the front lot line is a curved line, then the rear lot line shall be assumed to be a line not less than ten (10) feet long, lying within the lot and parallel to a line tangent to the front lot line at its midpoint.

**3. Lot Line, Side.** Those lot lines connecting the front and rear lot lines.

**LOT OF RECORD.** Any validly recorded platted lot of a subdivision, certified survey map, or parcel of land which at the time of its recording complied with all applicable laws, Ordinances, and regulations.

**LOT, REVERSE CORNER.** A lot which abuts three streets.

**LOT, ZONING.** A single tract of land which, at the time of a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. Zoning lot lines shall not cross zoning district boundary lines unless otherwise permitted in these regulations. Therefore, a "zoning lot or lots" may or may not coincide with a "lot of record."

**LUMEN.** The unit used to measure the actual amount of light which is produced by a lamp.

**LUMINAIRE.** The complete lighting assembly, less the support assembly. For purposes of determining total light output from a luminaire, lighting assemblies which include multiple unshielded or partially shielded lamps on a single pole or standard shall be considered as a single unit.

**MAINTENANCE GUARANTEE.** A guarantee of facilities or work to ensure the correction of any failures of any improvements required pursuant to this Ordinance and regulation, or to maintain same.

**MANSARD ROOF.** A sloped wall segment or facade which imitates a building roof.

**MARQUEE.** A permanent roofed structure attached to and supported by the building and projecting over public property.

**MONUMENT SIGN.** A low profile sign with a solid base; any poles or supports must be concealed or architecturally integrated with the building's site.

**MULTI-STORIED BUILDING OR USE.** A commercial, office or industrial development consisting of two or more stories available for occupancy by one or more separate activities, and in which there are appurtenant-shared facilities (i.e. a parking lot). Distinguishing characteristics of a multi-storied building or use may be but need not include, common ownership of the real property upon or within which the uses are located, a common building entry, and multiple occupant use of a single structure.

**MULTI-TENANT BUILDING OR USE.** A commercial, office or industrial development in which there exists two (2) or more separate activities with direct exterior access, and in which there are appurtenant shared facilities (i.e. a parking lot). Distinguishing characteristics of a multi-tenant building or use include, common ownership of the real property upon which the building or use is located, common wall construction and multiple occupant use of a single structure.

**NONCONFORMING SIGN.** Any sign which does not conform to the provisions of this Ordinance at the time of adoption, and other applicable regulations of the Town of Edgewood Municipal codes. Illegal signs shall not be considered nonconforming.

**NONCONFORMING STRUCTURE.** Any building or structure, other than a sign, legally established prior to the effective date of this Ordinance or subsequent amendment to it, which does not fully comply with the standards imposed by the individual sections of this Ordinance.

**NONCONFORMING USE.** An activity, use of land, buildings, signs, and/or structures, which was legally established prior to the effective date of this Ordinance or subsequent amendment to it and which would not be permitted to be established as a new use in the zoning district in which it is located by the regulations of this Ordinance.

**OBSOLETE SIGN.** A sign which no longer directs, advertises or identifies a legal use, product, or activity on the premises where such sign is displayed.

**OFF-PREMISE SIGN.** Any sign that directs attention to a business, commodity, service, entertainment, product, structure, use or property different from a structure or use existing on the property where the sign is located, and/or any sign on which space is rented, donated, or sold by the owner of said sign or property for the purpose of conveying a message.

**ON-PREMISE SIGN.** Any sign that directs attention to an active use of the premises on which it is displayed, and/or any business, commodity, service, entertainment, product, structure, or use conducted therein.

**OPEN SPACE.** Undeveloped land used primarily for resource protection or recreational purposes.

**ORIENT.** To position a single faced sign in a parallel position, or a double faced sign in a perpendicular placement toward a street frontage.

**OUTDOOR ADVERTISING USE OR STRUCTURE.** See: Billboard.

**OUTDOOR LIGHT FIXTURES.** Outdoor electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices, either permanently installed or portable, which are used for illumination or advertisement. Such devices shall include, but are not limited to, search, spot, and floodlights for:

- Buildings and structures
- Recreational areas.
- Parking lot lighting
- Landscape and architectural lighting.
- Billboards and other signs (advertising or other).
- Street lighting.
- Product display area lighting.

**OUTDOOR LIGHT OUTPUT, TOTAL.** The maximum total amount of light, measured in lumens, from all outdoor light fixtures. For lamp types that vary in their output as they age (such as high pressure sodium), the initial output, as defined by the manufacturer, is the value to be considered.

**OWNER.** The persons having the right of legal title to, beneficial interest in, or a contractual right to purchase a lot or parcel of land.

**PAD, DEVELOPMENT.** See "Development Pad."

**PAN CHANNEL.** A letter or shape constructed with side walls and a face making the shape a solid integral unit with a pan-shaped cross section.

**PARCEL.** The area of land within the boundary lines of a subdivision, certified survey map, Santa Fe County Assessor's Map, or property defined by a metes and bounds description.

**PERFORMANCE GUARANTEE.** A financial guarantee to ensure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with the Ordinance, regulations, and the approved plans and specifications of a development.

**PLANNING OFFICIAL.** The Community Planning & Development Manager or his/her representative.

**PLAT.** A map of a subdivision.

**PLATE LINE.** The point at which any part of the roof structure first touches or bears upon an external wall.

**PORTABLE SIGN.** Any sign not permanently attached to the ground, a building, or other immovable object.

Such sign shall include any sign attached to, or displayed on a vehicle that is used for the expressed purpose of advertising a business establishment, product, service, or entertainment, when that vehicle is parked adjacent to the public right-of-way and/or in a manner as to attract attention of motoring or pedestrian traffic.

**PROJECTING SIGN.** A sign attached to a building or other structure, and extending, in whole or in part, more than fourteen (14) inches beyond the building.

**PYLON SIGN.** A freestanding sign with a visible pole support structure.

**QUASI-PUBLIC USE.** Use operated by a private non-profit educational, religious, recreational, charitable, or medical institution, said use having the purpose primarily of serving the general public, and including uses such as churches, private schools and universities, private hospitals, youth centers, and similar uses.

**ROAD, FREEWAY OR INTERSTATE.** An arterial road or highway (such as an Interstate Highway) with restricted or limited access.

**SIGN BOARD:** A sign located on sign boards that are permanently mounted on the canopy support poles at a height above the fuel pumps and below the fuel island canopy.

**SPANNER BOARD:** A sign mounted flush against the vertical plane of a spanner board. A spanner board is a structural member extending between two vertical support poles of the service island canopy and permanently mounted to the poles at a height above the gasoline pumps and below the service island canopy.

**SETBACK.** See "Building Line."

**SHOPPING CENTER.** A group of commercial establishments planned, developed, and managed as a unit with off-street parking provided on the property.

**SIGN:** Any device conveying a message or messages visually that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any lawful display of merchandise.

The term "sign" shall also mean and include any display of one or more of the following:

Any letter, numeral, figure, emblem, picture, outline, character, spectacle delineation, announcement, trademark, logo; or

Multiple colored bands, stripes, patterns, outlines or delineations displayed for the purpose of commercial identification; or

Anything specified above, in part or in combination, by any means whereby the same are made visible from beyond the boundaries of the lot or parcel of property on which the same are displayed for the purpose of attracting attention outdoors to make anything known.

**SITE PLAN.** A graphic depiction of features on a site such as existing and proposed structure, paved areas, ingress/egress points.

**STREET.** Any existing or proposed public or private street, avenue, boulevard, road, lane, parkway, place, bridge, viaduct, or easement for public vehicular access, or a street shown in a plat heretofore approved pursuant to law, or a street in a plat duly filed and recorded in the County Recorder's Office. A street includes all land within the street right-of-way whether improved or unimproved, and includes such improvements as pavement, shoulders, curbs, gutters, sidewalks, parking space, bridges, and viaducts.

**STREETSCAPE.** Those features of either the man-made or natural environment which abut, face, or are a part of a public street right-of-way including landscaping (materials and plants), street furniture, building facades, and utilities and facilities which are visible to the public such as fire hydrants, storm sewer grates, sidewalk and street paving, etc.

**TEMPORARY SIGN:** A "temporary sign" is any sign, handbill, or poster which is placed to advertise or announce a specific event, or which pertains to a particular event or occurrence, or which is not designed or intended to be placed permanently.

**TOWN.** The Town of Edgewood, New Mexico.

**TRACT.** Undeveloped or developed land within a subdivision boundary reserved or set aside for division or special use; or a land area proposed for subdivision.

**USE.** The purpose or activity for which land or any building or structure thereon is designed, arranged, or intended, or for which it is occupied or maintained.

**USE, ACCESSORY.** See "ACCESSORY USE".

**USE, AUTHORIZED.** Any use that is or may be lawfully established in a particular districts, provided that it conforms with all requirements of these regulations for the district in which such use is located.

**USE, CHANGE OF.** The cessation of activities or conditions associated with a principal use of a property and the commencement of activities or conditions associated with a different principal use. A use shall be deemed to be changed when a change in the distinguishing traits or primary features of the use of a building or land, as evidenced by a change in parking requirements, change in occupancy designation and/or occupancy load, change in outdoor storage, or other features occur after the effective date of this policy (ordinance).

**USE, CONDITIONAL.** A use that has operational, physical, and other characteristics that may be different from those of the predominant authorized uses in a district, but which is a use that complements or is otherwise compatible with the intended overall development within a district, provided that specified standards are met. A use is classified "conditional" due to its unique, known, and/or potential impacts to adjacent properties or persons, surrounding area, and/or community at large.

**USE, ESTABLISHMENT OF.** The commencement of activities or conditions which constitute the specific primary purpose for which land or any building thereon is designed, arranged, or intended or for which it is occupied or maintained. A use shall be deemed established when a required Building Permit from the Town of Edgewood has been obtained, construction has commenced and is proceeding in a timely manner, and/or occupancy has taken place as part of the principal use of the property.

**USE, INSTITUTIONAL.** A non-residential use which may include, but are not limited to churches, schools, other public or quasi-public buildings, museums, and observatories.

**USE, NONCONFORMING.** See "NONCONFORMING USE".

**USE, PRINCIPAL.** The specific primary purpose for which land is used.

**USE, TEMPORARY.** A temporary use is one established for a fixed period of time with the intent to discontinue such use upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent structure.

**VARIANCE.** A grant of relief from the requirements of this Ordinance which permits construction in a manner that would otherwise be prohibited by this Ordinance.

**WATT.** The unit used to measure the electrical power consumption of a lamp.

**YARD.** An open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as may be specifically provided in this Ordinance.

**YARD, DEPTH.** The shortest distance between a lot line and a yard line.

**YARD, EXTERIOR.** A yard adjacent to a street. On corner lots, the exterior side yard is adjacent to a street other than the one which determines the front yard.

**YARD, FRONT.** A space extending the full width of the lot between any building and the front lot line, and measured perpendicular to the building at the closest point to the front lot line. Such front yard is unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in this Ordinance.

**YARD, PERIMETER.** The yard area of a lot, tract, or parcel which surrounds the development pad. Perimeter yards include side, rear, and front yards.

**YARD, REAR.** A space extending across the full width of the lot between the principal building and the rear lot line, and measured perpendicular to the building to the closest point of the rear lot line. Such rear yard is unoccupied and unobstructed from the ground upward except as may be permitted in this Ordinance.

**YARD, REQUIRED.** The minimum dimension of a front, side, or rear yard as established by the use regulations for each zoning district.

**YARD, SIDE.** A space extending from the front yard to the rear yard between the principal building and the side lot line measured perpendicular from the side lot line to the closest point of the principal building. Such side yard is unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in this Ordinance.

**ZONING MAP.** The map and/or detailed maps showing the location and boundaries of the zoning districts established by this Ordinance. These maps are entitled, "Official Zoning Maps, Town of Edgewood, New Mexico."

**SECTION 13. CERTIFICATION OF ADOPTION**

APPROVED: \_\_\_\_\_  
Robert Stearley, Mayor

PASSED: March 4, 2009

ORDINANCE BECOMES EFFECTIVE MARCH 9, 2009

ATTEST:

\_\_\_\_\_  
Estefanie Muller, Clerk-Treasurer