

ORDINANCE NO. 2000-26

TOWN OF EDGEWOOD

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

BE IT ORDAINED BY THE GOVERNING BODY (THE TOWN COUNCIL) OF THE TOWN OF EDGEWOOD, NEW MEXICO THAT:

SECTION 1. PURPOSE AND INTENT

It is the purpose of this Ordinance to establish a comprehensive system for the regulation of on-site and off-site signs within the Town. The purpose is to make Edgewood attractive to residents, visitors, commercial, industrial and professional businesses while maintaining economic stability by preventing clutter, safety hazards or visual pollution. It is also the intent of this ordinance is to reduce the number, and hence the competitive clutter of numerous and excessively tall freestanding pylon signs or billboards within the Town. To implement that intent, no parcel of land whereon there exists nonconforming freestanding pylon sign(s) or billboards shall be allowed another freestanding pylon sign, unless all existing nonconforming freestanding pylon signs or billboards are first removed. All signs in every zone shall be subject to the following regulations:

SECTION 2. DEFINITIONS

Building mounted signs – a sign mounted on a building and includes canopy signs, marquee signs, projecting signs and wall signs;

Billboard – a sign the message of which relates to activity not located on the premises on which the sign is located.

Combined commercial, shopping or office center sign – a sign for a group of two or more retail, office and/or commercial establishments built on a site which is managed as an operating unit related in its size, location and type of shops or offices to the trade area that the unit serves. The commercial, retail or office establishments may or may not be architecturally unified, may be single or multiple ownership and may be located on single or multiple lot developments sites. Those containing five tenants or more shall prepare a master sign plan for a unified design theme for the center, which shall be subject to the approval of the Town Council. All signs in the center shall

thereafter conform to such master sign plan or any master sign plan modification subsequently approved by the Town Council.

Canopy sign – a sign mounted upon or under a permanent awning, arcade or portal;

Commercial handbill – a handout advertising a business, its products or services.

Directional sign – any sign utilized only for the purpose of indicating the location or direction of any object, place or area and containing absolutely no advertising.

Free standing sign – includes pole-mounted, pylon and pedestal signs, such a pole-mounted sign and sign structure are permanently affixed to the ground, supported by uprights or braces and not attached to any building or structure. A pedestal or ground-mounted sign is affixed to, painted on, or incised into a structural base, usually masonry, placed on or in the ground and not attached to a structure.

Foot-candle – a unit of illumination produced on or reflected by a surface, measured with a foot-candle meter or sensitive photometer, which measures the candle power distribution of a source of light.

Footlambert – a measure of the relative intensity of illumination from a source of light, measured in candles per square centimeter.

Marquee sign – a permanent canopy projecting above an entrance and over a sidewalk or terrain.

Portable sign – a free-standing sign, designed and constructed to be moved from one location to another, but not necessarily displaying changeable copy, including signs mounted upon or designed to be mounted on a trailer, wheeled carrier, or other non-motorized structure. A portable sign which has its wheels removed shall still be considered a portable sign. A portable sign or similar structure mounted in or on or otherwise attached to any motorized vehicle or conveyance and parked for purposes of display or advertising shall be considered a portable sign.

Public place – any place not privately owned.

Subdivision entry signs – signs necessary to facilitate entry into and movement within a subdivision.

Subdivision special feature signs – signs located in the immediate vicinity of an approved model home and temporary real estate tract office.

SECTION 3. EXEMPTIONS

The provisions of this Ordinance except as otherwise indicated in this Ordinance shall not apply to the following signs:

- A. Official notices issued by any court, public body or public officer.
- B. Notices posted by any public officer in performance of a public duty, or for any person in giving legal notice.
- C. Traffic, directional, warning or informational signs required or authorized by the public authority having jurisdiction.
- D. Official signs used for emergency purposes only.
- E. Permanent memorial or historical signs, plaques or markers.
- F. Public utility signs, provided such signs do not exceed three square feet in area.
- G. One (1) sign up to one (1) square foot denoting the name and address of the occupants of a premises, however where there is a home occupation, private day care or kindergarten or professional name plate, the sign shall be no larger than five (5) square feet.
- H. One (1) sign up to two (2) square feet for a temporary garage or yard sale located on the premises where the sale is conducted.
- I. One (1) political campaign sign not to exceed thirty two (32) square feet if property owner gives permission for a period not exceeding thirty (30) days prior to the election and removed within five (5) days after the election.
- J. Political campaign signs as provided in the zoning ordinance.
- K. Three temporary real estate signs on the premises for sale.
- L. Temporary subdivision, sales, directional signs to premises for sale, entry and special feature signs.

SECTION 4. GENERAL REGULATIONS

The following regulations apply to all signs in any zone:

- A. Signs, except outdoor advertising signs, may be single, double or multi-faced, provided that the distance between the faces of any double face sign, other than a V-shaped projecting sign, shall not exceed 36 inches.
- B. Any sign which was erected for an occupant or business unrelated to the present occupant or business, or any sign which pertains to a time, event or purpose which no longer exists, shall be removed within 30 days.
- C. Any permitted sign may be a changeable-copy sign.
- D. All signs shall be designed in the simplest form and be free of any bracing, angle iron, guy wires, cables or similar devices.
- E. Visible, exposed backs of all signs shall be suitably covered, finished, and properly maintained.
- F. All signs shall be maintained in good repair, including display surfaces, which shall be kept neatly painted or posted. Copy on all signs shall be kept clean and orderly, and free from any flagging, chipping or peeling.
- G. Any sign which does not conform to these provisions shall be made to conform or shall be removed at owner's expense.
- H. The height of all signs shall be measured from the highest point of the sign.
- I. Except where otherwise specifically provided by this Ordinance, sign regulations established pursuant to this Section shall not apply to signs within a building, arcade, court or other similarly enclosed area where such signs are not visible to the public without entering such facilities.

SECTION 5. SURFACE AREA – COMPUTATION

The surface area of any sign face shall be computed from the smallest rectangles, circles and/or triangles which will enclose all words, letters, figures, symbols, designs and pictures, together with all framing, background material, colored or illuminated areas, and attention-attracting devices forming an integral part of the overall display, but excluding all support structures, except that:

- A. Superficial ornamentation and/or symbol-type appendages of a non-message-bearing character which do not exceed five percent of the surface area shall be exempted from computation.

- B. Wall signs painted on or affixed directly to a building wall, facade or roof, and having no discernible boundary, shall have the areas between letters, words intended to be read together, and any device intended to draw attention to the sign message included in any computation of surface area.
- C. If more than one sign is needed to convey the meaning or message of the sign, all of the signs and the area between the signs, must be included in the sign computation of surface area.
- D. Spherical, cylindrical or other three-dimensional signs not having conventional sign faces shall be considered to have two faces and the area of each sign face shall be computed from the smallest three-dimensional geometrical shape or shapes which will best approximate the actual surface area of said faces.

SECTION 6. COMMERCIAL HANDBILLS

With respect to the distribution and circulation of commercial handbills:

- 1. No person shall distribute or circulate, or cause to be circulated or distributed, any commercial handbill in and along any street, road, alley or other public place within the Town.
- 2. No person shall circulate or distribute, or cause to be circulated or distributed, any commercial handbill by placing it in or upon any motor vehicle of another or upon any private property of another.

SECTION 7. BUSINESS SIGNS IN OPEN SPACES AND AGRICULTURE SPACES

Business signs are not permitted in Agriculture or Open Spaces that are not adjacent to Interstate 40 or US 66.

SECTION 8. BUSINESS SIGNS IN COMMERCIAL/BUSINESS ZONES

Business signs pertaining only to the business activity or industry conducted on premises which the sign is located shall be permitted in CB zones.

SECTION 9. WALL BUSINESS SIGNS

This section shall govern all wall signs as defined in this Ordinance and shall apply in all commercial and industrial zones.

- A. A wall or building mounted sign shall not project more than one foot from the wall on which it is displayed and shall not project over public property

except where the building wall is less than one foot from the property line. In this case, the sign may project up to one (1) foot from the building wall, provided that it does not impede or endanger pedestrian or vehicular traffic.

- B. A wall or building mounted sign shall, in no case, exceed ten (10) percent of the area of the wall on which it is displayed, or seventy (70) square feet in sign area, whichever is less.
- C. Lighting. Wall business signs may be internally or externally lighted, as permitted herein.

SECTION 10. PYLON SIGNS

Pylon signs shall be permitted in CB zones subject to the following:

- A. Number. A maximum of one pylon sign per parcel of land shall be permitted.
- B. Sign Area. A maximum of 36 square feet per sign face shall be permitted. A pylon sign shall have no more than three sign faces.
- C. Height. The maximum height of a pylon sign shall be thirty-five (35) feet as measured from the ground level surrounding the base of the sign.
- D. Location of Pylon Signs:
 - 1. Pylon signs shall be set back a minimum of fifteen (15) feet from any street, road or public right-of-way. The area between such street or right-of-way and around the base of the pylon sign shall be attractively landscaped and maintained to enhance the appearance of such sign.
 - 2. No pylon sign shall be located closer than 15 feet from the intersection of any driveway and a street or public right-of-way line.
 - 3. No pylon sign shall be located in such a manner as to impede traffic and sight visibility as determined by the Town Council.
- E. Lighting. Pylon signs may be internally or externally lighted, but may not cause excessive glare to the detriment of the night sky pursuant to the Santa Fe County Ordinance as amended from time to time implementing the Night Sky Protection Act, §74-12-1 et. seq. NMSA 1978 as amended from time to time.

SECTION 11. TEMPORARY REAL ESTATE SIGN

Temporary real estate signs are permitted in all zones.

SECTION 12. TEMPORARY CONSTRUCTION SIGNS

Temporary construction signs are permitted in all zones, subject to the following provisions:

- A. Area Permitted.
 - 1. One wall-mounted or freestanding construction sign shall be permitted for each street, road or highway frontage, provided that such sign does not exceed six square feet in sign area.
 - 2. In all CB zones one wall-mounted or freestanding construction sign shall be permitted for each street, road, or highway frontage, provided that such sign does not exceed 48 square feet in sign area.
- B. Height Permitted.
 - 1. Freestanding construction signs shall not exceed the following heights:
 - a. In all zones eight feet measured vertically from the base of the sign.
 - b. In all CB zones, 16 feet measured vertically from the base of the sign.
- A. Location of Signs. Construction signs shall be maintained only upon the site of the building or structure under construction, alteration or in the process of removal.
- B. Lighting.
 - 1. Only construction signs in the CB zones may be lighted.
 - 2. Construction signs in CB zones may be internally or externally lighted.

- C. **Time Limit.** All construction signs shall be removed from the premises within 15 days after completion of construction, alteration or removal of the structure.

SECTION 13. SPECIAL-PURPOSE SIGNS

The following special-purpose signs are permitted as provided in this section.

- A. **Community Identification Signs.** Freestanding Community Identification Signs are permitted in any zone at or near the entrance to the Town, subject to the following restrictions:
 - 1. **Area Permitted.** Such signs shall not exceed 72 square feet in sign area.
 - 2. **Height Permitted.** Such signs shall not exceed 12 feet in height, measured vertically from the base of the sign.
 - 3. **Lighting.** Such signs may be internally or externally lighted, but any continuous or sequential flashing operation is prohibited.
 - 4. **Design.** Such signs will be architecturally related to the area in which they are located.
- B. **Civic Organization Signs.** Freestanding civic organization signs are permitted in any zone at or near the entrance to the organization and are subject to the approval of the Town Council.
 - 1. **Area Permitted.** Such signs shall not exceed fifty (50) square feet sign area.
 - 2. **Height Permitted.** Such signs shall not exceed fifteen (15) feet in height, measured vertically from the base of the sign.
 - 3. **Lighting.** Such signs may be internally or externally lighted, but any continuous or sequential flashing operation is prohibited.
 - 4. **Design.** Such signs shall be architecturally related to the area in which they are located.
- C. **Bulletin or Special Event Signs.** One freestanding or wall-mounted bulletin or special event sign may be erected and maintained on each lot or parcel of land in any zone developed for a publicly owned, charitable, religious or educational institution, subject to the approval of the Town Council.

- D. Signs advertising temporary or one-time events require a permit, however, there shall be no permit fee charged.
- E. Temporary signs may be erected or maintained for a time period not to exceed thirty (30) calendar days unless the sign is denoting the architect, engineer or contractor placed on the premises where construction, repair or renovation is in progress. In such case the sign shall be removed prior to issuance of a certificate of occupancy or prior to the sale, lease or rent of the property, which sign shall be removed when the sale, lease or rental is accomplished.
- F. No temporary sign shall exceed four feet in any one of its dimensions or sixteen (16) square feet.
- G. No temporary sign shall extend over or into any street, alley, sidewalk, right-of-way, visibility triangle, or other public thoroughfare.

SECTION 14. TEMPORARY SUBDIVISION SALES, ENTRY AND SPECIAL-FEATURE SIGNS

Temporary subdivision sales and related entry and special feature signs are permitted in all zones.

- A. Subdivision Sales Signs.
 - 1. Area Permitted. One freestanding subdivision sales sign shall be permitted for each street or highway bordering the tract provided:
 - a. That such sign does not exceed thirty-two (32) square feet in sign area where such tract contains 10 lots or less.
 - b. That such sign does not exceed sixty-four (64) square feet in sign area where such tract contains eleven (11) to nineteen (19) lots; and
 - c. That such sign does not exceed seventy (70) square feet in sign area plus an additional one-half square feet in sign area for each one foot of street or highway frontage in excess of five hundred (500) feet, to a maximum sign area of one hundred forty (140) square feet, where such tract contains more than twenty (20) lots.

2. Height Permitted
 - a. Subdivision sales signs shall not exceed the following heights:
 1. Eight (8) feet, measured vertically from ground level at the base of the sign where such sign has a sign area of sixty-four (64) square feet or less.
 2. Sixteen (16) feet, measured from the base of the sign where such sign in sixty-five (65) square feet or greater in sign area.
 - b. Where a wall is required as a condition of approval along the street or highway frontage for which such sign is permitted the Town Clerk or designee may modify this requirement.
 3. Location of Signs. All subdivision signs shall be located on the subdivision and shall be oriented to read from the street or highway for which said sign is permitted.
 4. Lighting. Subdivision sales signs may be internally or externally lighted, but any continuous or sequential flashing operation is prohibited.
 5. Time Limit. Subdivision sales signs shall be maintained only until all the property is disposed of, or for a period of three years from the date of issuance of the first building permit for the subdivision, whichever should occur first. Any structure used for such purpose shall, at the end of such three year period, be either removed or restored for a use permitted in the zone where located, except that the Town Clerk or designee may, upon showing of need of by the owner of the property, extend the permitted time beyond three years.
 6. Text. All text on such signs shall relate exclusively to the subdivision being offered for sale or lease.
- B. Subdivision Entry and Special-Feature Signs.
1. Area Permitted:

- a. Subdivision entry signs shall not exceed sixteen (16) feet in sign area.
 - b. Special-feature signs shall not exceed six (6) square feet in sign area.
2. Height Permitted. Subdivision entry and special-feature signs shall not exceed eight (8) feet in height, measured from the base of the sign.
 3. Location of Signs. Subdivision entry and special-feature signs shall be located on said subdivision.
 4. Time Limit. Subdivision entry and special-feature signs shall have the same time limit was subdivision sales signs approved for the same tract and shall be removed at the end of such period.
- C. "Subdivision," as it applies to this section, shall include contiguous units having separate recorded tract numbers developed by the same person.

SECTION 15. PROHIBITED SIGNAGE

The following signs shall be prohibited in all zones:

- A. Signs which contain or utilize:
1. Any exposed incandescent lamp with a rated wattage in excess of 40 watts.
 2. Any exposed incandescent lamp with an external metallic reflector.
 3. Any revolving beacon light or any of variable intensity.
 4. Any continuous or sequential flashing operation, other than signs displaying time of day and or atmospheric temperature.
 5. Off-site advertising or billboards. The advertising on any sign shall pertain only to a business, industry or activity conducted on or within the premises on which such sign is erected or maintained.
 6. Any notice, placard, bill, card, poster, sticker, banner, sign, advertising or other device calculated to attract the attention of the public which any person posts, prints, sticks, stamps, tacks or otherwise affixes, or causes the same to be done to or upon any

street, right-of-way, public sidewalk, crosswalk, curb, lamppost, hydrant, tree, telephone pole or lighting system, or upon any fixture of the police or fire alarm system of the City, with the exception of public transportation signs specifically permitted by this section.

7. No sign shall have a shimmering reflective face.
8. No sign shall have audible devices.
9. No sign shall have movable parts, except for those signs or marquees having design features for changing of legend or inscription.
10. No sign shall flash, blink, vary in intensity, revolve or otherwise appear to be in motion.
11. No sign shall have pennants, tinsel or fringe.
12. Inflatable signs or oversize flags are not allowed.

SECTION 16. SIGN PERMITS, SUBMITTALS AND REVIEWS

- A. Except for signs as provided by Section 3 of this Ordinance, all new signs or any changes to the design, size or placement of an existing sign, are required to have a sign permit.
- B. An application for a sign permit shall include the following information:
 1. The name, address and telephone number of the applicant; the name, address and consent of the owner of the building, structure, or land to which the sign is to be attached or erected; and
 2. Name of the business and the date upon which the development permit or business license for the business was issued.
- C. Required submittals for a sign permit include the following:
 1. A scaled line drawing showing the design, height and dimensions of the sign;
 2. A site plan or line drawing drafted to scale, showing the proposed location of the sign on the site and façade of the building, if applicable;

3. Said plan or drawing shall include the scale, design and location of all other existing signs maintained on the premises on which the applicant's sign is proposed.
- D. The submittals shall be reviewed for compliance with this Ordinance and any other Town Ordinance, rule or regulation.
- E. Sign permit applications will be accompanied by a fee of \$25.00.
- F. No certificate of occupancy shall be issued without a duly authorized sign permit, as required by this Ordinance.
- G. With respect to temporary signs, the sign permit shall set forth the time period the permit is good for and in any event the sign shall be removed prior to issuance of a certificate of occupancy or prior to the sale, lease or rent of the property.
- H. The sign permit number shall be affixed to the sign so that the legal approval of the sign shall be known by field inspection. The permit number shall be easily readable from ground level but does not have to be part of the sign face.

SECTION 17. PENALTY

Any person, firm, or corporation violating any of the provisions of Section 6 with respect to handbills is guilty of a misdemeanor, which is punishable by:

1. A fine not exceeding \$50.00 for a first violation;
2. A fine not exceeding \$100.00 for a second violation within one year.
3. A fine not exceeding \$250.00 for each additional violation within one year.

Each day of violation shall be punishable as a separate offense.

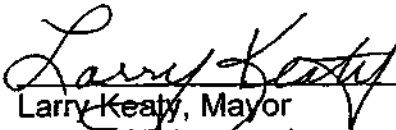
It is unlawful to erect or maintain any sign unless permitted pursuant to this Ordinance. Any violation of the provisions of this Ordinance, other than section 6, shall be punishable by a fine of up to \$500.00 or up to ninety (90) days in jail or both and each day of violation shall be punishable as a separate offense.

SECTION 18. EMERGENCY CLAUSE – EFFECTIVE DATE

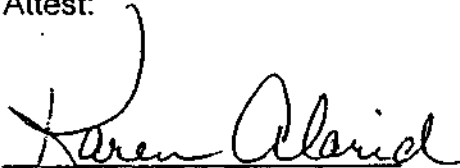
It is hereby declared that this Ordinance deals with an emergency. The moratorium on billboards expires April 5, 2000 and this declaration of emergency by the Town Council and the Mayor is to protect the public health, safety and welfare of the Town and therefore this Ordinance shall become effective immediately upon passage and approval by the Mayor and posting notice thereof by the Town Clerk.

PASSED, ADOPTED AND APPROVED this 4th day of April, 2000.

Approved:


Larry Keaty, Mayor
Town of Edgewood

Attest:



Karen Alarid
Town Clerk

T:\FRC\MISC\357008.DOC

VARIANCE CLAUSE FOR INSERTION INTO THE TOWN OF EDGEWOOD SIGN ORDINANCE:

Request for Variance:

1. Whenever any applicant for sign permit for any building or land which is of such unusual size, shape, configuration, or contour, and/or which is surrounded by such existing development or unusual conditions that the strict application of the requirements of these Regulations would result in real difficulties and substantial hardships, the applicant for sign permit may request a Variance from any such requirements.
2. Variance may be granted, but only if such Variance is:
 - a) Consistent with the general intent and purposes of these Regulations; and
 - b) In accordance with any other applicable and legally adopted plans and policies of the Town; and
 - c) Not detrimental to the general public welfare.
 - d) Where, owing to special conditions, a literal enforcement of the zoning ordinance will result in unnecessary hardship.

Application:

1. Any subdivider/developer requesting a Variance shall complete an application on prescribed forms available from the Planner, pay any required administrative Fee, and submit any other required supporting documentation.
2. Supporting documentation shall include, but not be limited to:
 - a) A written statement specifying: any and all Regulations or Standards from which a Variance is requested; the reason(s) for the requested Variance; and any and all proposed alternative Regulations or Standards.

Fee:

Fees shall be in accordance with these Regulations and Standards.

Review:

1. The Commission shall review and discuss the request for Variance and supporting documentation at a regular meeting, and may request comments from City staff and/or from other governmental and utility agencies.
2. The 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) Recommend disapproval or approval to the Council, or
 - d) Delay, until their next regular meeting, making any recommendation to the Council.

Decision:

Within thirty (30) days of the Public Hearing at which the request was considered, the Council shall:

- a) Approve the Variance, or
- b) Disapprove the Variance, or
- c) Remand the request for Variance back to the Commission for further consideration and recommendation, or
- d) Request more information prior to making a decision, and postponing their decision pending receipt of this information.

Recording:

Approval of any request for Variance, and any supporting documentation for such request, shall be attached to and become an integral part of the Plat of the development. Acceptance and recording shall be in accordance with the appropriate Procedure of these Regulations and Standards.

EFFECTIVE DATE,

PASSED, APPROVED AND ADOPTED this 19th day of September, 2001



Howard Calkins, Mayor.

ATTEST:



Karen Alarid

