



# **City of Elephant Butte Sign Review Guidelines**

**Adopted by City Resolution on \_\_\_\_\_ 2011**

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## City of Elephant Butte Sign Review Guidelines (2011)

### Introduction

The City's original sign ordinance (Ordinance Number 64) was adopted on July 23, 2003.

The City's revised Sign Ordinance was adopted by City Council (Ordinance Number \_\_\_\_\_) on \_\_\_\_\_ 2011. These *Sign Review Guidelines* were adopted by City Council (Resolution Number \_\_\_\_\_) on \_\_\_\_\_ 2011 as an addendum to the Sign Ordinance.

In 2010 and 2011, the Planning and Zoning Commission held several workshops to revise the City's original Sign Ordinance. In order to shorten the mushrooming revised Sign Ordinance, the Planning and Zoning Commission decided to place the details of the City's signage and street graphics program into the *Sign Review Guidelines*. Sign users comply with the standards established in the guidelines. The City's Code Enforcement Officer, Planning and Zoning Commission, and City Council utilize and refer to these guidelines to administer and enforce the Sign Ordinance.

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## **Chapter 1:**

### **Administration of Signs and Sign Structures**

The procedures established in the Sign Ordinance and these guidelines are intended to expedite the City's permitting process for signs that meet the guideline criteria. In the event an establishment seeks to post signage that does not meet the guideline's basic standards, the sign user may submit a Comprehensive Signage Plan for review by the Planning and Zoning Commission.

### **Sign Permit Application Procedures and Permit Fee**

Sign Ordinance §152.05 establishes the requirement for sign users of specified signs to obtain a City permit to install a sign. The application procedure to obtain a sign is provided below. A Sign Permit Application is located in Appendix 1.

#### **Application**

The sign applicant is required to:

- 1) Pay a permit fee;
- 2) Fill out and sign the City's "General Land Use Application;" and
- 3) Complete the City's "Sign Permit Application with the following items for approval:
  - a) Applicant's name, address and phone number;
  - b) Location of building, structure or lot to which or upon which the sign or other advertising structure is to be attached or installed;
  - c) A surface map of the area showing the exact location of the sign and the relationship of that sign to other signs on the property or nearby buildings and/or structures;
  - d) Two blueprints or scaled drawings of the plans, design including text, graphics, colors, textures, specifications, materials, illumination, designation of sign as permanent or temporary, method of construction, and method of attachment to the building, structure, or to the ground;
  - e) Name of person installing sign structure;
  - f) If different from applicant, written consent of the property owner of record to which or on which the structure is to be installed;
  - g) Written proof of ownership of property on which the sign will be placed if different from the sign owner;
  - h) Any state required permits or approvals; and
  - i) All other information required by the City to show full compliance with the provisions of this section and all other City laws and ordinances.

#### **Application Review**

The sign application will then be submitted to the Code Enforcement Officer to be reviewed for completeness. If approved as to form, the Code Enforcement Officer shall either, sign and issue a preliminary permit to install the sign, or submit the application to the Planning and Zoning Commission for review through public hearing.

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If the application is not approved, a written notification of denial will be sent to the applicant within 1 (one) week of the review. If the application is denied, the applicant may file an appeal. The appeal process is outlined in the next section of this chapter.

Upon installation of the sign, the Code Enforcement Officer shall conduct final inspection of the sign and shall finalize the permit by a second signature.

### ***Appeal***

Disagreement with the Code Enforcement Officer's permit or enforcement determination may be appealed to the City Planning and Zoning Commission. Disagreement with a decision of the Planning and Zoning Commission may be appealed to the City Council.

The applicant shall file a notice of appeal within 15 (fifteen) calendar days following receipt of a written decision by the Code Enforcement Officer or by the Planning and Zoning Commission.

Following a written denial of any request by the Code Enforcement Officer, an applicant may appeal, apply to the City Planning and Zoning Commission for a variance, conditional use permit, or Comprehensive Signage Plan if appropriate.

(Original §152.07 Application and Permit Ord. 64, passed 7-23-2003)

## **Signs Requiring a Permit**

The following signs require a valid sign permit issued by the City.

### ***On-Premise Signs:***

Illuminated (externally and internally illuminated)

Changeable Electronic Variable Message Signs

Permanent Freestanding Signs (monument or blade, pylon, pole, ground or low profile)

Permanent Wall or Fascia Signs

Roof Signs (flat roof mount, sloping roof mount)

Canopy Signs on Freestanding Canopies (example: gas station)

Projecting Signs

Hanging Signs

Fascia Signs on Roof-Like Projections (marquee, mansard mount, pent eave mount)

Awnings with Graphics

Home Occupation Signs

Temporary Signs that become Permanent

Temporary New Business Signs

Temporary Special Event Signs (grand opening, going out of business, street banners)

Temporary Portable Sidewalk Signs with Illumination

Existing Non-Conforming Signs (extension to maintain non-conformance)

Non-Conforming Signs with Changes to the Sign Face

Non-Conforming Signs that Change Ownership

**Off-Premise Signs:**

Billboards and Billboard Structures

Off-Premise Signs

**Non-Conforming Signs and Sign Structures**

A Nonconforming sign is any sign that was constructed in accordance with the ordinances and other applicable laws in effect on the date of its construction, but which by reason of its size, height, location, design, structure, or construction is not in conformance with the requirements of this Chapter or any amendment thereto.

The following guidelines are in addition to the paragraphs found in the City' Sign Ordinance §152.05 (E).

**Burden of Proof**

When seeking protection for a lawful non-conforming sign, the property owner(s), sign owner(s), sign user, or other person shall bear the burden of proof and must provide legally recognized documentation stating:

- 1) The signs' installation date;
- 2) Proof that the sign fully conformed to the sign ordinance in effect at the time of installation;
- 3) That the person installing the sign obtained all necessary permits for the installation of the sign; and
- 4) That any changes to the sign have been made in accordance with the requirements of the City Sign Ordinance, *Sign Review Guidelines*, and amendments thereto, and is in compliance with all applicable permit requirements.

**Continuance of Non-Conformity and Grandfathering Not Permitted**

Subject to the remaining restrictions of this section, all non-conforming signs lawfully in existence or legally permitted by the city and in production on the date this chapter becomes effective, may be continued with a new permit. Non-conforming signs may not be grandfathered under new sign ownership or property ownership. New Owners shall apply for a continuance of the non-conforming sign.

**Removal, Replacement, and Alternation of Non-Conforming Signs  
Deteriorated Non-Conforming Signs**

Non-conforming signs or sign structures, which become deteriorated or dilapidated, other than by vandalism, to the extent that 50% (fifty percent) or more is lost, must be removed within 30 (thirty) calendar days or brought into compliance with the provisions of this chapter within 30 (thirty) calendar days from the date of city notification. Repairs begun within 30 (thirty) calendar days must be completed within 60 (sixty) calendar days or the sign shall be removed at owner's expense. Whenever a damaged nonconforming sign or sign structure is permanently removed, the replacement sign and sign structure shall comply with current standards.

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### **Abandoned Non-Conforming Signs**

Non-conforming signs abandoned or discontinued for a period of 60 (sixty) days shall be removed at the owner's expense. At the end of 60 (sixty) days, the right to maintain a non-conforming sign is lost and a non-conforming sign may not be re-established. A sign shall be considered abandoned or discontinued if the services or products advertised are no longer available at the destination, or by the directions indicated on the sign, or if the sign no longer has an advertising message other than the name of the sign owner on any part of the sign.

### **Alteration of Non-Conforming Signs**

Non-conforming signs shall not be moved, changed or altered in any manner that would modify the nonconformity, enlarged, expanded, increased in height, or altered by adding illumination. Non-conforming signs that are modified, enlarged, increased in height and found in violation of this chapter shall be removed immediately at owner's expense.

### **Alteration of Sign Face of Non-Conforming Signs**

Upon obtaining a City permit, the sign face of a non-conforming sign may be altered if the sign face is not thereby modified or altered by adding illumination. Signs may be temporarily removed for maintenance or the sign face changed if re-installed within 30 (thirty) days.

### **Nonconforming Sign Cannot be Re-established**

Whenever a nonconforming sign or sign structure is replaced or altered to become a conforming sign or sign structure, the nonconforming sign or sign structure may not be re-established.

### **Extension to Continue Non-Conforming Sign**

Subject to the provisions in this chapter, an owner of a non-conforming sign may request an extension from the city to continue the non-conforming sign.

## **Comprehensive Signage Plans (CSP)**

### ***Purpose***

A Comprehensive Signage Plan is a coordinated program of all signs, including exempt and temporary signs for a business, or businesses, located on a development site. A CSP is intended to:

- 1) Integrate the design of the signs proposed for a development project with the design of the structures into a unified architectural statement; and
- 2) Provide a means for defining common sign regulations for multi-tenant projects, to encourage maximum incentive and latitude in the design and display of multiple signs, and to achieve, not circumvent, the intent of this chapter.

### ***Comprehensive Signage Plans Required***

Planning and Zoning Commission review of a Comprehensive Signage Plan shall be required whenever any of the following circumstances exist:

- 1) An applicant submits a Comprehensive Signage Plan for review;
- 2) Two or more separate tenant spaces are to be created on the same parcel;

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- 3) Commercial signage on a lot that is 2,200 (two thousand two-hundred) square feet or larger with a permanent or temporary single business and total combined signage exceeding 220 (two-hundred twenty) square feet requiring a City permit;
- 4) Commercial signage on a lot less than 2,200 (two thousand two-hundred) square feet with a permanent or temporary single business and total combined signage exceeding 10 (ten) percent of the square footage of the entire lot requiring a City permit;
- 5) A property owner wishes to install a Changeable Electronic Variable Message Sign (CEVMS);
- 6) A restaurant menu sign shall be used to display the published menu and the corresponding prices. A menu sign may indicate if the restaurant is open and list the hours of operation. The maximum number of such signs for each restaurant shall be determined by a Comprehensive Signage Plan for the property. The plan shall include the dimensions of each sign. The recommended maximum area of such sign is 16 (sixteen) square feet. It is recommended that a menu sign attached to the building shall be enclosed in a casing and extend in depth from the wall not more than 2 (two) inches. Illumination shall be indirect only. Sign shall be removed when the purpose for which the sign was installed has been completed;
- 7) Any sign or logo incorporated into a structure's architectural feature;
- 8) Neighborhood Identification Signs for a detached sign, masonry wall, and landscaping or similar material or features which, when combined, forms a display for neighborhood or tract identification consisting of the neighborhood, subdivision, or tract; and
- 9) The Code Enforcement Officer or other designated City official determines that a Comprehensive Signage Plan is needed because of special project characteristics (e.g., the size of proposed signs, limited site visibility, a business within a business, the location of the site relative to major transportation routes).

### ***Approval Authority***

The Planning and Zoning Commission may approve a Comprehensive Signage Plan through the granting of a sign permit for a Comprehensive Signage Plan.

### ***Application Requirements***

A sign permit application for a Comprehensive Signage Plan shall include all information and materials required by the department, and a permit fee adopted by the City. Applications shall include, but not be limited to, site plans and drawings for the locations, dimensions, height, shapes, materials, colors, letter styles, sign types, illumination, permanent or temporary time period designations, time period or phases of installation, maintenance, character to the sign function, and architectural character of all signs to be installed on a site.

### ***Standards***

A Comprehensive Signage Plan shall comply with the following standards:

- 1) The CSP shall comply with the Sign Ordinance, the *Sign Review Guidelines*, and the overall intent of this Chapter;

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- 2) The signs shall enhance the overall development, be in harmony with and relate visually to other signs included in the Comprehensive Signage Plan, relate to the structures or developments they identify, and relate to surrounding development;
- 3) The CSP shall accommodate future revisions that may be required because of changes in use or tenants; and
- 4) The CSP shall comply with the standards of this chapter, except that flexibility is allowed with regard to sign area, number, location, or height to the extent that the Comprehensive Signage Plan will enhance the overall development and will more fully accomplish the purposes of this chapter.

### ***Revisions to Comprehensive Signage Plans***

Businesses shall submit major revisions to approved Comprehensive Signage Plans including the number of signs, size, shapes, color, and height of signs, sign structures and mounting devices, architectural character, illumination, and location of signs on the property to the Planning and Zoning Commission for review. Businesses shall submit minor revisions (temporary signs and changing of a sign face text, graphics, and letter styles) to the City Code Enforcement Officer for review.

## **Chapter 2: Sign Standards**

### **Exempt Signs**

The following signs shall not require the issuance of a sign permit, but must conform to other City codes. These signs are allowed in addition to all other signs allowed in this chapter.

#### ***Address Numbers***

Each commercial, industrial, and public establishment shall have at least one street number at the main entrance that is highly contrasting or reflective and readable from the public right-of-way not to exceed 12 (twelve) inches by 6 (six) inches. The street number shall be displayed on the building and shall be a minimum of 36 (thirty-six) square inches per digit and a maximum of 1 (one) square foot per digit.

Residential address numbers shall be a minimum of 3 (three) inches by 2 (two) inches, highly contrasting or reflective, and placed so they can be easily read at night by headlight from a public right-of-way.

#### ***Private Traffic Direction Signs.***

Signs which are necessary for and function only to direct traffic movement onto, off of, or within a premises shall be allowed without limit as to number. The maximum size of each sign shall not exceed 3 (three) square feet. These signs shall not contain commercial advertising and shall not be counted toward the signage allowance. Illumination shall be indirect only. Horizontal directional signs on and flush with paved areas are exempt from the limitations of this chapter.

#### ***Flags***

Flags or emblems of any nation, state, county, city or other government unit, civic, philanthropic, educational, or religious organizations.

#### ***Holiday and Temporary Displays***

Non-commercial signs, flags, banners, or other materials temporarily displayed in conjunction with traditionally accepted patriotic, religious, seasonal celebrations, holidays, family events such as birth announcements, community events, or charitable drive.

#### ***Government Signs***

Any public notice or warning required by a valid and applicable federal, state or local law, regulation or ordinance; traffic control signs installed by city or state agencies on public property or rights-of-way such as "Stop," "Yield," and similar signs; or any sign erected or maintained by or for any agency of government pursuant to and in discharge of any government function or required or authorized by law, ordinance, or governmental regulations.

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### ***Strings of Light or Rope Lights***

Any illumination devices including lights or strings of lights that outline property lines, sales areas, or any portion of a structure and are intended to advertise or draw attention to a business or commercial activity as long as the illumination complies with the City's Outdoor Lighting and Night Sky Protection Ordinance.

### ***Internal Signs***

Any on-premise sign, the copy of which cannot be viewed from a public right-of-way or adjoining property.

### ***Equipment, Gas Pumps, Vending Machines***

Signs located on machinery or equipment which are necessary and customary to a business, such as gasoline pumps or vending machines;

### ***Works of Art***

On-premise non-illuminated works of art with no commercial message.

### ***Incidental Signs in Public Places***

Signs on facilities located in public places that provide information that is incidental to a sponsored activity, such as a scoreboard or time clock that comply with City Code and the Outdoor Lighting and Night Sky Protection Ordinance.

### ***Building Memorial Signs***

Building memorial signs or tablets reflecting building names, construction dates, and other relevant information when cut into any masonry surface, cast in metal, or constructed of other non-combustible materials;

### ***Bulletin boards***

On premise attached bulletin boards no more than 34 (thirty-four) square feet in area, non-illuminated or internally illuminated, for public, not for profit, or religious institutions;

### ***Private Parking***

Private parking signs not to exceed 3 (three) square feet in effective area;

### ***Balloons***

Balloons and/or other gas-filled objects located in any zoning district. Balloon and/or gas filled object shall not exceed 20 (twenty) feet in height and may contain text and graphics.

### ***Farm Products Signs***

Only 1 (one) sign shall be permitted per lot/tract on the premises where the products are grown and sold in conjunction with an allowable agricultural product or produce excluding animals. Signs shall not exceed 32 (thirty-two) square feet in area and shall be removed within 7 (seven) days of termination of sale activities.

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### ***Decals***

Small decals affixed to windows or door glass panels, such as those indicating membership in a business group or identifying credit cards accepted at the

### ***Warning Signs***

Private warning signs such as "No Soliciting," "No trespassing," "Beware of Dog" or similar signs not exceeding 2 (two) square feet in area per sign.

### ***Security and Maintenance Signs***

Landscape maintenance, home security, remodeling, and construction-related signs not to exceed 1 (one) square foot and limited to 1 (one) per property.

### ***Handheld Signs***

Any hand-held sign, symbol or display on any person not to exceed 6 (six) square feet.

## **General Sign Provisions**

All signs erected within the City limits shall conform to applicable building codes, City codes, electrical codes if applicable, and to the following general requirements.

### ***Addresses***

In accordance with the City Code and with the exception of off-premise signs, each parcel shall prominently display the street address of the parcel with reflective numerals which shall be visible at night with headlights. See Chapter 2 (Exempt Signs) for address sign requirements.

### ***Architectural Feature***

Any sign or logo incorporated into a structure's architectural feature shall be included in a Comprehensive Signage Plan and shall be presented for a decision by the Planning and Zoning Commission.

### ***Business Closure and Sign Removal***

If within 180 (one-hundred eighty) days after a business closes and no new business is established, the responsible owner or person in possession of the real estate shall see that all signage is removed. If there is need for an extension of time because an identifiable business is planned for the property, an extension may be requested from the Planning and Zoning Commission. Should the owner fail to comply with this provision, the signage is subject to removal by the City at the owner's expense.

### ***Change of Ownership***

When a business changes ownership or the property on which a business is located changes ownership, the new business owner or property owner must apply for a sign permit in the new owner's name. Non-conforming signs may not be grandfathered under new ownership. Owners of non-conforming signs must submit an application for review by the Planning and Zoning Commission.

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### ***Neighborhood Identification Sign***

A detached sign, masonry wall, and landscaping or similar material or features which, when combined, forms a display for neighborhood or tract identification consisting of the neighborhood, subdivision, or tract shall submit a Comprehensive Signage Plan for Planning and Zoning Commission review and approval.

### ***New Business Requirements***

New businesses on vacant or developed property may be required to submit a Comprehensive Signage Plan (CSP) for Planning and Zoning Commission review and approval. To attain flexibility under the revised sign code, existing business may submit a CSP for Planning and Zoning Commission review. See Comprehensive Signage Plan in Chapter 1 for requirements.

### ***Property Line Encroachment***

No sign, sign structure, or sign support shall project over any property line.

### ***Roof Signs***

Roof signs shall not exceed the zone's building height requirement, shall not exceed sign allowance square footage, and shall comply with the City's Outdoor Lighting and Night Sky Protection Ordinance.

### ***Street Rights-of-Way***

No sign, advertising device, sign structure, or sign support, including projecting signs, shall be located in or project over any road right-of-way nor be located within the clear sight triangle of any intersection. A clear sight triangle is measured vertically from 3 (three) feet above grade level to 8 (eight) feet above grade and measured horizontally 25 (twenty-five) feet along each roadway edge from the intersection corner and completed by an imaginary line connecting the ends of those two points. A corner includes street intersections as well as where driveways enter the street right-of-way. Exceptions include signs installed by a governmental agency.

### ***Upkeep and Maintenance of Signs***

All signs, together with their supports, braces, connections, or anchors shall be kept in good repair; shall be maintained in good structural condition; shall be free from fading, peeling, chipping, insect infestations, bird nests, rust, rot, weathered and/or neglected appearance and other states of general deterioration.

### ***Area Around Signs***

The general vicinity around all signs shall be kept free of debris and weeds at all times.

### ***Electrical Components***

Signs shall not have any exposed electrical components. If a sign face is damaged or removed, the electricity to the sign must be turned "off" until the sign is repaired or replaced.

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### **Unsafe Signs**

Unsafe signs, damaged, or deteriorated signs, signs listing or leaning more than 15 (fifteen) degrees from their intended position, or signs in danger of breaking apart or falling shall be removed or repaired by their owner within 15 (fifteen) days from the date of written notice by the city. Signs not removed or repaired by the property owner are subject to removal by the City at the Property Owner's expense.

### **City Notification**

When the Zoning Enforcement Officer determines that a sign is in an unsafe condition, the City shall immediately notify the property owner in writing. Within 48 (forty-eight) hours of receipt of such notification, the property owner shall respond to the City with a plan to correct the unsafe condition, remove the unsafe sign, or cause it to be removed. If after 15 (fifteen) days, the unsafe condition has not been corrected through repair or removal, the City may cause the repair or removal of such sign, at the expense of the property owner or lessee. If the total costs are not paid in full within 30 (thirty) days of the repairs or removal by the City, the amount owed shall be certified as an assessment against the property owner, and lien applied to that property, together with an additional percent penalty for collection as prescribed for unpaid real estate taxes.

### **Immediate Danger Sign Removal**

In cases of immediate danger to the public due to the defective nature of a sign, the City may cause the immediate removal of the sign and may assess the costs of the removal against the property owner.

## **Chapter 3: Requirements for Design, Construction, Color, Size, and Lighting**

This section contains the standards for signs and street graphics. These standards are intended for use by the public, Code Enforcement Officer, Planning and Zoning Commission, and City Council in evaluating how a sign user will display signage and street graphics on a property, to ensure that the sign and sign structure are safe and secure, and to uphold professional standards.

### **Design and Construction Standards**

#### ***Design***

The design of each sign, street graphic, or advertising structure shall be a product of professional quality and be compatible with similar type business signs and advertising structures.

#### ***Construction Standards***

Supports for signs or sign structures shall be placed in or upon private property, shall be securely built and constructed of weather resistant materials, and be able to withstand high winds that are prevalent in this area. The construction, installation, safety and maintenance of all signs shall comply with the State Building Code and all of the following:

- 1) Signs shall be structurally sound, located, and secured so as to pose no reasonable threat to pedestrian or vehicular traffic.
- 2) All permanent freestanding signs shall have self-supporting structures installed on, or permanently attached to, concrete foundations.
- 3) If possible, signs should not be in locations that obscure architectural features such as pilasters, arches, windows, cornices, etc.
- 4) The signs should not be in locations that interfere with safe vehicular and pedestrian circulation or public safety signals and signs.
- 5) No signs shall be installed, constructed or maintained so as to obstruct any fire escape, required exit, window, or door opening used as a means of egress.
- 6) Signs shall be structurally designed in compliance with American National Standards Institute (ANSI) standards and shall be constructed according to the technical standards of a certified testing laboratory.
- 7) Signs on buildings shall be permanently mounted to a building façade or roof.
- 8) All signs that require a construction permit under applicable codes shall be installed by a qualified contractor licensed in the State of New Mexico.

### **Sign Location on Property**

Signs may be located on and parallel with the building face. Projecting signs, marquees, canopies, hanging signs, and two-panel V-shaped signs are allowed on commercial building façades. Roof signs, freestanding signs, and temporary signs are allowed in commercial zones. With the exception of road signs and signs placed by a government entity, no sign or portion thereof shall be located or extended into any road right-of-way. Signs shall be positioned so that no maintenance has to be

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performed from the road right-of-way. No sign shall be placed to block the view of motorists or interfere with traffic in any way. Signs are prohibited from hanging over any property line.

### **Setback**

Signs shall have a minimum side setback of 10 (ten) feet. For signs taller than 10 (ten) feet, the side setback shall equal or exceed the height of the sign at its tallest point. Signs are allowed to have zero front setback from the right-of-way or easement.

### **Reflective Signs**

On-premise and off-premise reflective signs are permitted.

### **Illuminated signs**

Illuminated signs shall be designed, located and constructed to reduce glare and shall not be placed to permit focused light to be directed or beamed upon a public right-of-way so as to cause a traffic hazard, or adjacent premises not under the same ownership and control, so as to create a nuisance. Illuminated signs shall be shielded so that no light is emitted directly upward. Illuminated signs shall comply with the City's Outdoor Lighting and Night Sky Protection Ordinance.

### **Electrical Standards**

- 1) All electrical and service lines to freestanding permanent outdoor advertising devices shall be located underground.
- 2) Illuminated signs shall comply with standards set forth in the State Building Code, City Code, and are subject to City inspection and enforcement.

### **Methods of Illumination**

Signs may be either internally or externally illuminated. Internally illuminated signs are lit from the inside, with light sources mounted within the sign cabinet itself back-projecting light onto the sign face. This is mainly accomplished using fluorescent bulbs, neon tubes, or light emitting diodes (LEDs). Externally illuminated signs are lit from outside the sign, usually by flood lamps mounted above the sign face.

Note for Discussion: the City's Outdoor Lighting and Night Sky Protection Ordinance states, "Outdoor fixtures shall be required to have all light focused downward." Upon experimentation, even 40 watts of uplighting causes tremendous artificial sky glow. Recommendation: prohibit uplighting of signs.

### **Prohibited in Residential Zones and Off-Premise**

Illuminated signs are prohibited in residential zones, shall be allowed as on-premise signs, and are prohibited as off-premise signs.

**Illumination Hours**

Electrical illumination of outdoor advertising **on-premise** signs between the hours of 11:00 p.m. and sunrise is prohibited. Applicant may apply for a conditional use permit if business or facility is open to the public after 11:00 p.m.

**Illumination Standards in Lumens**

Section to be Discussed: Note: A candle flame emits about 12 lumens

**General Sign Classifications**

The following depictions of types or classifications of signs are from the United States Sign Council, Inc., *Guideline Code for Regulation of On-Premise Signs* written by Andrew D. Bertucci in 2006, <http://www.usscfoundation.org/USSCGuidelineSignCode.pdf>

**Freestanding Sign Types**

- 1) Monument or Blade
- 2) Pylon
- 3) Pole
- 4) Ground or Low Profile

**Wall or Fascia Signs on Storefronts**

**Roof Signs**

- 1) Sloping Roof Mount
- 2) Flat Roof Mount

**Canopy Sign on Freestanding Canopy**

**Projecting Sign**

**Fascia Signs on Roof-Like Projections**

- 1) Canopy Mount
- 2) Mansard Mount
- 3) Pent Eave Mount

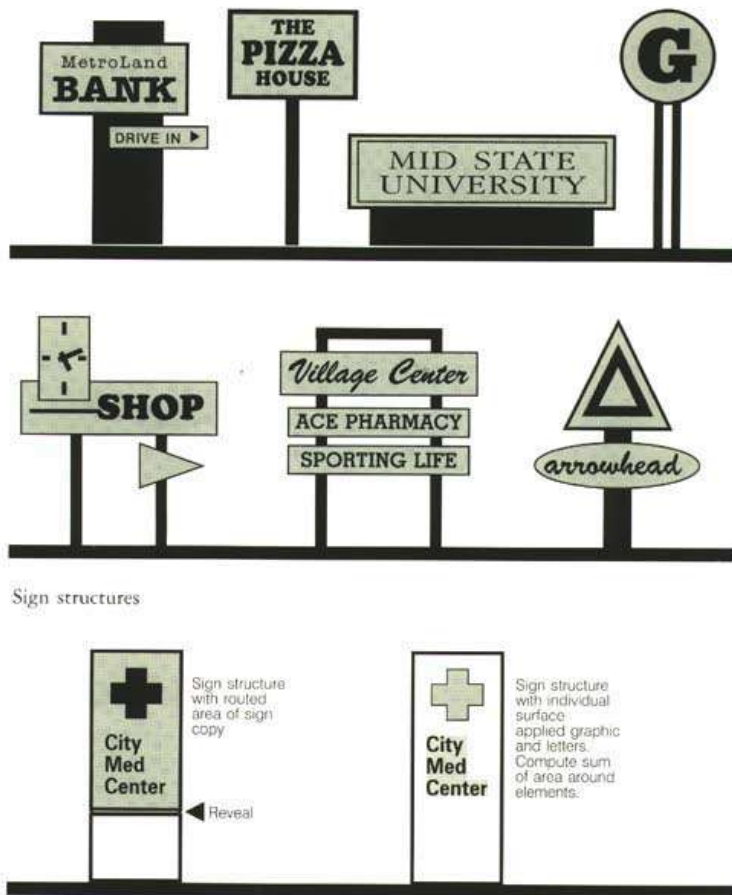


Figure 1003.3  
SIGN AREA - COMPUTATION METHODOLOGY  
Sum of Shaded Areas Only Represent Sign Area  
Signs constructed with panels or cabinets

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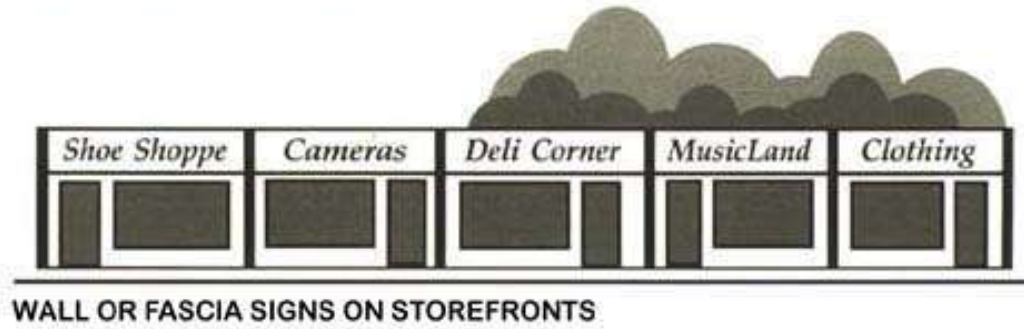
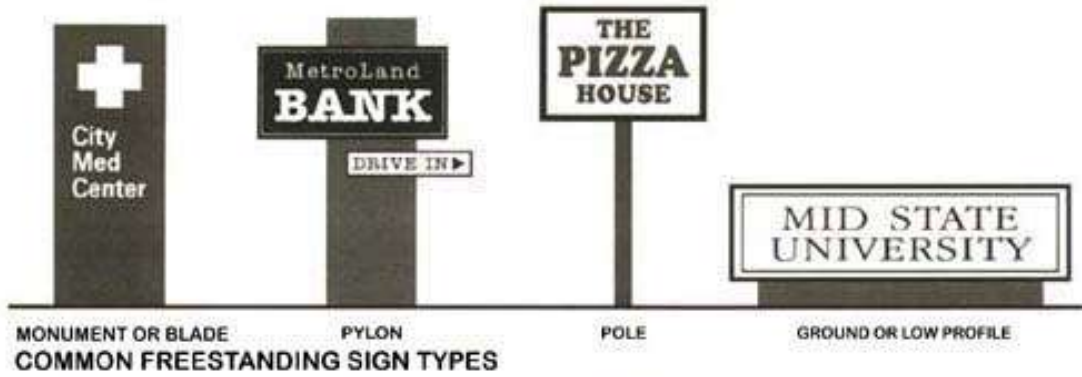


Figure 1003.1  
General Sign Types

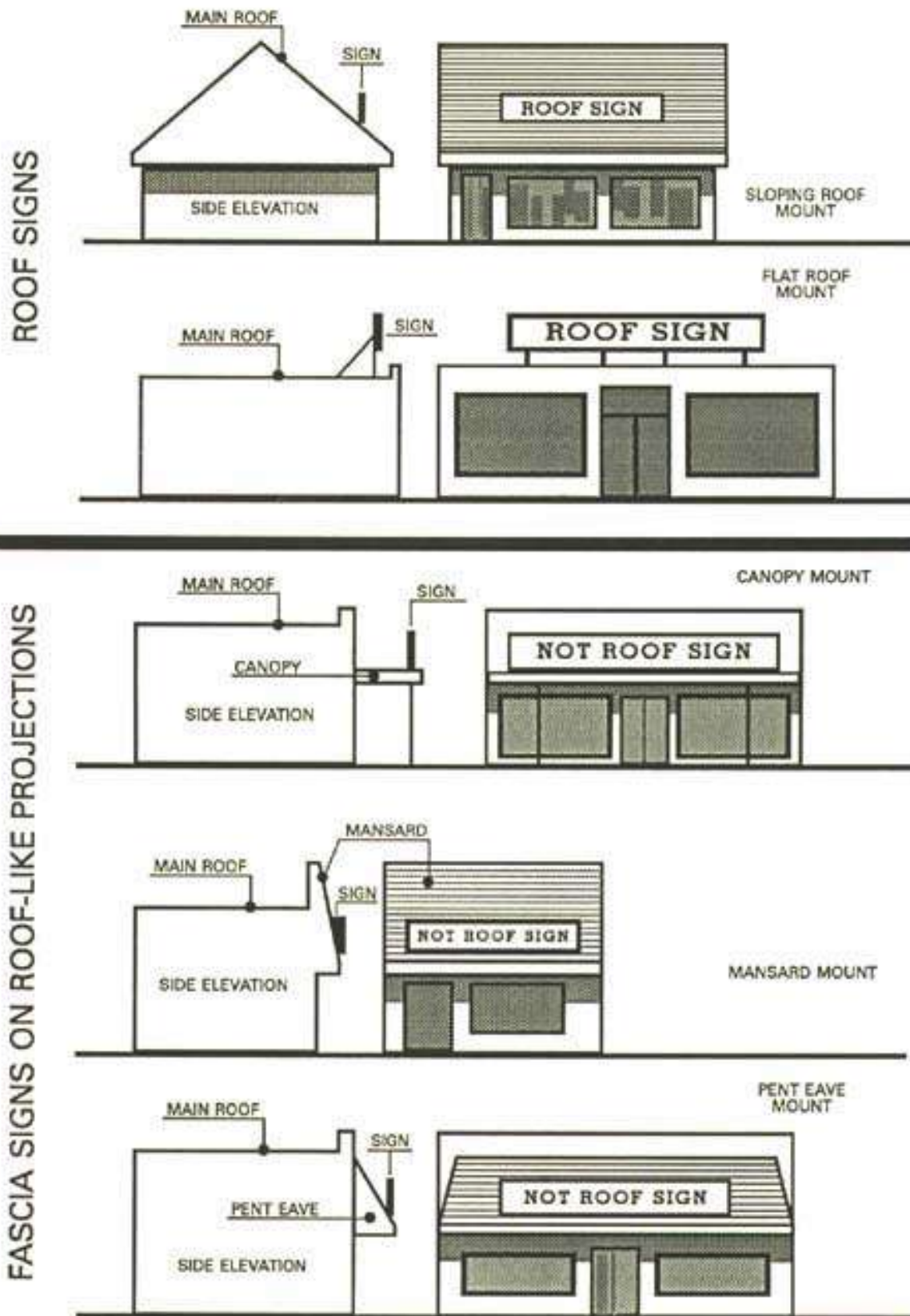


Figure 1003.2  
Comparison - Roof and Wall or Fascia Signs

## **Size and Sign Area Allowances**

### ***Sign Area Allowance Standards***

The total surface area of all on-premise and off-premise signs on a parcel shall be counted in determining the maximum total surface area allowance. Signage is determined by parcel, unless the businesses on a parcel are detached, in which case, signage may be calculated according to the individual lot upon which the business is located.

### ***Free Standing Signs***

The height of a free-standing sign shall not exceed 1-1/2 (one and one-half) times the building height and shall have a minimum of 8 (eight) feet clearance from the ground to the bottom of the sign and no sign shall block visibility of any intersection or roadway.

### ***Pole signs***

The maximum area of the sign face of a pole sign shall be 48 (forty-eight) square feet. Pole signs may be located at the front property line but must observe side setbacks. No part of the sign structure or sign face shall encroach on adjacent property or obstruct view of traffic. (See "Setbacks" section above in this chapter.) One sign face of a two-sided sign shall be counted in the total allowable sign area designated for property.

### ***Monument, Blade, and Pylon Signs***

The maximum sign face area of monument, blade, and pylon signs shall be 220 (two-hundred twenty) square feet. These signs shall be located outside of the clear sight line triangle of streets and driveways and shall not restrict view of traffic. These signs may be located at the front property line but must observe side setbacks. No part of the sign structure or sign face shall encroach on adjacent property. These signs and sign structures shall not be installed within the clear sight line triangle of streets or driveways and shall not restrict view of traffic. One sign face of a two-sided sign shall be counted in the total allowable sign area designated for property.

### ***Ground Signs***

Ground or low profile signs shall only be permitted when set back a minimum distance of 10 (ten) feet from the front and side property lines. Ground signs shall not exceed 3 (three) feet in height above ground level, shall not exceed 220 (two-hundred twenty) square feet in area, and shall be included in the allowable sign area for the property. Ground signs shall not be installed within the clear sight line triangle of streets or driveways and shall not restrict view of traffic. One sign face of a two-sided sign shall be counted in the total allowable sign area designated for property.

## City of Elephant Butte Sign Review Guidelines (2011)

### ***Wall or Fascia Signs***

Wall or fascia signs in commercial zones shall be permanently mounted to the building façade and designed to be complimentary to the building's architectural features, fenestration, color, texture, and orientation to the public right-of-way. The length of wall signs shall not exceed 80 (eighty) percent of the length of the tenant space or the building frontage for single tenant buildings. The total area of wall signs shall not exceed the total allowable sign area designated for properties. Wall signs shall project no more than 2 (two) feet perpendicular from the wall and shall not project outside or above the building façade.

### ***Hanging Signs***

The minimum height to the bottom of a hanging sign shall be not less than 8 (eight) feet above the ground or sidewalk, and the sign area shall be included in the total allowable signage for the property.

### ***Roof Signs***

All roof signs shall be permanently affixed to the roof of a structure. The supporting design should be structurally sound and the roof shall be sound. Roof signs shall not exceed 220 (two-hundred twenty) square feet in area and the sign area shall be included in the total allowable signage for the property. Roof signs shall stand no higher than the building height specified by zone in the City Zoning Ordinance. Roof signs are allowed on flat roofs and sloping roofs.

### ***Canopy Sign on Freestanding Canopy***

All freestanding canopy signs shall identify the business and not advertise products or services, shall not exceed 220 (two-hundred twenty) square feet in area, and shall be included in the total allowable signage for the property. Signs shall not project from the canopy wall a distance greater than 12 (twelve) inches. Any canopy sign shall be centered a minimum of 6 (six) inches from the top and 6 (six) inches from the bottom of the canopy face.

### ***Projecting Signs***

The minimum height to the bottom of a projecting sign shall be not less than 8 (eight) feet above the ground or sidewalk. Projecting signs shall be no greater than 32 (thirty-two) square feet in area, and the sign area shall be included in the total allowable signage for the property.

### ***Fascia Signs on Roof-Like Projections***

#### ***Marquee Signs***

Marquees are roof-like structures that project beyond the building face and are permanently attached to and supported by the building. Marquees shall not project over the public right-of-way and shall be a minimum height of 8 (eight) feet above the ground or sidewalk. Flat signs and v-shaped signs may be mounted on a marquee and shall not exceed the total allowable sign area for the property.

## City of Elephant Butte Sign Review Guidelines (2011)

### ***Business Property with a Permanent Single Business***

A commercial lot in a commercial zone that is 2,200 (two thousand two-hundred) square feet or larger with a permanent or temporary single business is allowed an unlimited number of permanent combined signs requiring a City permit totaling 220 (two-hundred twenty) square feet.

A commercial lot in a commercial zone that is less than 2,200 (two thousand two-hundred) square feet with a permanent or temporary single business is allowed an unlimited number of permanent signs requiring a City permit totaling 10 (ten) percent of the square footage of the entire lot.

The total sign area allowance does not include exempt signs such as on-site directional signs, window signs, banners, or temporary special event signs which must comply to the provisions of this code. Permanent awnings with signs, logos, words, product and service information shall be included in the total square foot sign allowance. Businesses may submit a comprehensive sign plan for Planning and Zoning Commission review to request design and sign allowance flexibility.

### ***Business Property with Multiple Businesses***

Lots with 2 (two) or more businesses shall submit a Comprehensive Signage Plan for Planning and Zoning Commission review.

### ***Home-Based Businesses in Residential Zones***

Home-based businesses in residential zones are allowed to display 1 (one) permanent façade sign or ground sign not to exceed 2 (two) square feet in area. Signs shall be professionally produced and constructed of durable materials. Home occupation signs shall contain only the name of the business and/or business owner.

## **Sign Measurement Standards**

### ***Determining Sign Area and Dimensions***

In order to be effective, sign elements must be visible and large enough for passing motorists to see, read, and comprehend from the public roadway. In order to encourage sign user artistic creativity to enhance the city's visual environment and "sense of place," this section employs the following standards to calculate permissible sign areas.

### **Sign Height**

Sign height is measured as the vertical distance from the base of the sign or support structure at its point of attachment to the ground to the top of the highest component of the sign or sign structure. When located on a man-made base, including a graded earth mound, berm, or fill, a freestanding sign height shall be measured from the grade at the edge of the adjacent right-of-way.

## **City of Elephant Butte Sign Review Guidelines (2011)**

### **Sign Face Area**

The area(s) of a sign face shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof that encompasses the smallest perimeter of the sign's message.

### **Sign Cabinets**

The area of a sign face enclosed in a frame or cabinet is determined based on the outer dimensions of the frame or cabinet surrounding the sign face.

### **Awnings and Marquees**

When signs are incorporated into awnings, the sign area is determined by computing the area of an imaginary rectangle or appropriate geometric shape drawn around the sign face. When the ends of awnings or marquees are parallel or within sixty degrees of parallel and contain sign faces, only one side is counted in addition to the sign face area on the front.

### **Double-Sided Signs**

When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and are part of the same sign structure, the sign area shall be computed as the measurement of 1 (one) of the 2 (two) faces. If the faces are different, each face shall be measured as a separate sign.

### **Three-Sided Signs**

The total area of signs with 3 (three) identical faces shall be the sum total area of the 2 (two) largest faces. If sign faces are not identical, each sign face will be measured as a separate sign.

### **Four-Sided Signs**

The total area of signs with four identical sign faces arranged in a square, rectangle, or diamond shall be the sum total area of the 2 (two) largest opposing faces. If the faces are equal in size, the total area of the sign shall be the sum of 2 (two) of the intersecting faces. If sign faces are not identical, each sign face will be measured as a separate sign.

### **Cylindrical or Spherical Signs**

The area of a cylindrical sign shall be the diameter multiplied by the height of the cylinder. The area of a spherical sign shall be the radius of the sphere squared multiplied by 3.14.

### **Architectural Element**

Except as otherwise provided in this Section, the area of a sign face does not include any supporting framework, bracing, architectural detail or decorative fence or wall which is clearly incidental to the sign. Where the supports or structural elements constitute a commercial symbol, logo, or text, those elements shall be computed as part of the sign area.

## City of Elephant Butte Sign Review Guidelines (2011)

### Corner Frontage

Street frontage on a corner parcel is measured linearly as the total frontage on all streets.

### Wall or Façade signs.

The area and dimensions of a wall sign that is framed, outlined, painted or otherwise prepared and intended to provide a background for a sign display on a building façade shall be measured to include the entire portion within such background or frame.

The area and dimensions of a wall sign comprised of channel letter words, individual letters, figures or elements painted or mounted on a building façade or similar surface may be measured using regular geometric shape outlines (rectangle, circle, trapezoid, triangle, parallelogram, etc.), or a combination of regular geometric shapes. When elements are measured separately, open space or air space between the elements is excluded from the dimensions and measurements. Minor appendages such as commas, apostrophes, or lower case letters with descenders shall not be included in the total area of a sign.



**Wall Sign Areas calculated using multiple geometric shapes**

### Freestanding Signs

Freestanding signs shall be constructed of materials and utilize architectural features, elements, colors, finishes or textures that are similar or complementary to the materials used on the façade of the principal building on the same site. The sign area of a freestanding sign shall include the frame, if any, but shall not include:

- 1) A pole or other structural support unless such pole or structural support is internally illuminated or otherwise so designed to constitute a display device, or a part of a display device.
- 2) Architectural features that are either part of the building or a freestanding structure and are not an integral part of the sign. Such features may consist of landscaping, building or structural forms complementing the site in general would be developed on the site even if a sign were not present.

## **Chapter 4: Changeable Electronic Variable Message Signs (CEVMS)**

### **Permit Applications**

Permit applications for Changeable Electronic Variable Message Signs shall be submitted to the Planning and Zoning Commission as part of a Comprehensive Sign Plan.

### **Guidelines and Standards**

Changeable Electronic Variable Message Signs may be attached to a freestanding pole, monument, blade, pylon, or ground sign; canopy sign; or marquee.

#### ***Standards for CEVMS in View of Passing Motorists on Public Streets***

The following are standards for CEVMS located in view of passing motorists on the public right-of-way.

#### **Operational Limitations**

- 1) Electronic Message Display Signs may contain static messages, movement or the appearance or optical illusion of movement, animation, or videos.
- 2) There shall be no appearance of flashing or sudden bursts of light, or scintillating light. Illumination intensity or contrast of light level shall remain constant.
- 3) The time interval used to change from one complete message/display to the next complete message/display shall be a maximum of 1 (one) second.
- 4) Display Time. The entire message cycle of CEVMS viewed by motorists shall be readable at least twice by drivers traveling the posted speed limit.  
Guidelines: typically, signs displaying one word can be comfortably read and comprehended in approximately 1.0 (one) second, signs with two to three words can be read in 2.5 (two and one-half) seconds, and signs with 4 (four) to 8 (eight) words can be read in 4.0 seconds. Time and temperature CEVMS may change every second.
- 5) There may be an appearance of a visual dissolve or fading, in which any part of one electronic message/display appears simultaneously with any part of a second electronic message/display. Paging, scrolling, and continuous streaming CEVMS are allowed
  - a) Paging means that the information is static, but a number of pages of information are shown sequentially to convey the entire message. A display time of 1.6 (one point six) seconds is recommended when a single line CEVMS display multiple pages of information.

## **City of Elephant Butte Sign Review Guidelines (2011)**

- b) Scrolling typically denotes that the text is moving down the sign from the top to the bottom. It is recommended that the duration of message displays be from 10 (ten) to 20 (twenty) seconds.
- c) Streaming refers to text that moves across the sign from the right to the left. A streaming rate of 2.75 (two and three-fourths) seconds is optimal for single word CEVMS messages.
- 6) Messages shall be as brief as possible.  
Guidelines: typically, text is limited to 3 (three) lines with not more than 20 (twenty) characters per line.
- 7) Avoid abbreviations when possible on CEVMS.
- 8) Letter height shall be large enough for messages to be legible and easily read by passing motorists.
- 9) For greater legibility, it is recommended but not required that text be mixed case.
- 10) CEVMS shall use energy efficient lighting such as, but not limited to, LED and compact fluorescents.
- 11) Audio speakers shall not be allowed with the exception that the sign serves a governmental purpose.
- 12) CEVMS shall be designed so that the height, dimensions, angle, and design features are compatible with the site and surrounding area.
- 13) A maximum of 1 (one) primary sign per premise with a single entrance may contain a CEVMS that can be viewed from the public right-of-way. A CEVMS may have two sign faces and may be installed back to back or in a V shape not to exceed a 30 (thirty) degree angle.
- 14) Additional CEVMS viewed from the right-of-way may be approved as part of a Comprehensive Signage Plan for large scale developments and properties with one than one entrance.

### ***Standards of CEVMS Viewed from Public Right-of-Way and on Site***

- 1) CEVMS shall be located at least 200 (two-hundred) feet from the nearest boundary of a residential district.
- 2) CEVMS shall have a minimum side setback of 10 (ten) feet. For signs taller than 10 (ten) feet, the side setback shall equal or exceed the height of the sign at its tallest point. CEVMS are allowed to have zero front setback from the right-of-way or easement.

## **City of Elephant Butte Sign Review Guidelines (2011)**

- 3) CEVMS shall be equipped with a default mechanism that shuts off or freezes the sign to static mode if a malfunction occurs to prevent flashing.
- 4) CEVMS shall be equipped with an automatic ambient light dimming mechanism to adjust the display intensity according to the natural ambient light conditions.
- 5) Light levels should not exceed 0.1 foot-candles 20 (twenty) feet from the abutting property line, and no lamp can create disability glare on adjacent properties or the public right-of-way. Disability glare is defined as any source producing greater than 2,500 nits.
- 6) As measured from the sign's face at maximum brightness, no sign shall display an illuminative brightness exceeding 500 nits (candelas per square meter) during the night beginning ½ (one-half) hour before sunset and 2,000 nits during daylight beginning ½ (one-half) hour after sunrise as published by the National Weather Service for the City.
- 7) CEVMS shall have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between one-half (one-half) hour before sunset and one-half (one-half) hour after sunrise.
- 8) With consent from the sign owner, the City may request emergency information to be displayed on a CEVMS such as: Amber Alerts and/or any other information deemed an emergency by any governmental entity.

### ***Prohibited CEVMS***

Electronic message display signs are prohibited in the following:

- 1) Residential zones.
- 2) Roof mounted.

## **Chapter 5: TEMPORARY SIGNS AND BANNERS**

### **Temporary Sign Standards**

All Temporary Signs, Banners, Umbrellas, and Displays, referred to as “temporary displays” or “signs” in this section, shall comply with the following standards:

- 1) Temporary displays shall not be counted as part of the total signage allowed on a property.
- 2) Temporary displays shall be of professional quality and constructed of durable materials.
- 3) Temporary displays shall pertain to the business name, business products and services provided on the premises and shall not advertise products or services off-site with the exception of temporary noncommercial signs.
- 4) No temporary display shall be placed in or encroach on the public right-of-way or utility easement.
- 5) No temporary display shall be placed on municipal or public property without a valid City permit.
- 6) No temporary display shall be constructed or placed so as to block traffic or pedestrian visibility at corners or driveways.
- 7) Temporary displays shall be placed so as not to impede pedestrian use of sidewalks, entrances, or exits.
- 8) Temporary displays shall be weighted or attached to the ground or to a solid structure in a secure manner to withstand winds and ensure they will not tip over.
- 9) Temporary displays shall not project above the roofline.
- 10) Temporary displays shall not encroach on an adjacent property.
- 11) Temporary displays shall never be placed near power lines.
- 12) Some temporary displays as specified in this section require City permits. The City Code Enforcement Officer retains the authority to regulate, issue citations, and remove any and all temporary displays that are not in compliance with the City Code.
- 13) Temporary displays shall comply with the sign code and City Code.

### **Temporary Signs that Become Permanent**

- 1) With the exception of “Open” or “Closed” Signs, Real Estate, Lessee, or Construction Signs, temporary displays that are displayed continuously longer than 90 (ninety) days shall be considered permanent.
- 2) Temporary displays that become permanent shall require a City sign permit within 15 (fifteen) calendar days of becoming permanent or shall be considered in violation of the Code and shall be removed.
- 3) Temporary displays that become permanent signs shall not exceed and shall be included in the total sign area allowed for the property.

## **Temporary New Business Signs**

- 1) Temporary New Business Signs require a valid City permit.
- 2) Temporary New Business Signs shall be constructed of durable materials or vinyl for the purpose of advertising a newly opened establishment.
- 3) Temporary New Business Signs shall be allowed on building facades not to exceed 90 (ninety) days.
- 4) Temporary New Business Signs shall be allowed as ground signs not to exceed 3 (three) feet in height for a period not to exceed 90 (ninety) days.
- 5) Temporary New Business Signs shall comply with the measurement standards set forth in Chapter 3.
- 6) Within the first 90 (ninety) days, the temporary sign shall be replaced with a permanent sign that has a valid city permit.

## **Temporary Displays**

### ***"Open" and "Closed" Signs***

Businesses are allowed to display an "Open" sign or banner on a door, window, and/or on the property during business hours without obtaining a city permit. "Open" signs shall be removed during non-business hours. A "Closed" sign may be displayed in the window or door during non-business hours. "Open" and "Closed" signs shall not be counted as part of the total signage allowed on a property.

### ***Portable Sidewalk Signs***

Sidewalk displays include any portable banner or sign including but not limited to "A" frame, pedestal, and wheeled signs with or without illumination and without an electronic message board. Such signs shall comply with the following guidelines.

- 1) Businesses are limited to one sidewalk sign per business.
- 2) Signs shall have no more than 2 (two) sign faces.
- 3) Sidewalk signs shall be displayed only during business hours and shall be removed during non-business hours.
- 4) Illuminated sidewalk signs shall have no exposed electrical wires or electrical cords, shall comply with the Outdoor Lighting and Night Sky Protection Ordinance, and shall be internally illuminated with internal electrical power or a buried underground electrical cord. Externally illuminated temporary signs are prohibited.
- 5) Temporary Signs with illumination are required to obtain a city permit.
- 6) Temporary Signs with no illumination are exempt from obtaining a city permit.

### ***Banners, Flags, Flagging, Streamers***

- 1) Businesses in commercial zones may display banners, flags, flagging, and streamers without obtaining a permit.
- 2) Banners, flags, flagging, and streamers shall be maintained in good repair and shall be removed immediately when faded, tattered, torn, or unsightly.
- 3) Banners, flags, flagging, and streamers may become permanent signage or displays as part of an overall Comprehensive Signage Plan approved by the Planning and Zoning Commission.
- 4) When placed overhead, banners, flags, flagging, and streamers shall have a minimum clearance of 8 (eight) feet above the sidewalk or above grade.

## City of Elephant Butte Sign Review Guidelines (2011)

### ***Balloons, Gas Filled Objects, and Windsocks***

Balloons, gas filled objects, and windsocks with text and graphics are allowed as temporary displays without a permit in all zoning districts and shall not exceed 20 feet in height.

### ***Umbrellas***

- 1) Table umbrellas that display the business name or products or services offered on site are allowed as temporary signage and do not require a City permit.
- 2) Umbrellas shall be maintained in good repair and shall be removed immediately when faded, tattered, torn, or unsightly

## **Temporary Special Event Signage and Displays**

### ***Permits Required***

All special event signage requires a City permit with the exception of city-sponsored special events.

### ***Residential Prohibited***

Home-based businesses in residential zones are prohibited from displaying Special Event Signs and Displays.

### ***Grand Opening***

Each commercially-zoned business shall be allowed a grand opening display of no more than 50 (fifty) square feet. The display may consist of banners, posters, pennants, ribbons, streamers, string flags, spinners, balloons, tube man, or other similar moving, fluttering or revolving devices for a period of thirty (30) consecutive days within its first 6 (six) months of operation .

### ***Going Out of Business***

Each commercially-zoned business shall be allowed one *bona fide* going out of business display. The permit for this display shall be for 90 (ninety) consecutive days.

### ***Street Banners***

- 1) Organizations wishing to display street banners advertising a public entertainment or event are required to attain a City permit. Street Banners may be displayed for 90 (ninety) consecutive days.
- 2) The City is exempt from this provision and may place street banners along municipal rights-of-way without a permit.



## **Temporary Signs and Street Graphics**

### ***Non-Commercial Speech Signs***

- 1) Temporary noncommercial signs are signs that do not advertise products, goods, businesses, or services and include, but are not limited to, signs that express an opinion or point of view such as community-oriented or charitable event; a political, religious, or other ideological sentiment; or support or opposition of a candidate or proposition for a public election.

## **City of Elephant Butte Sign Review Guidelines (2011)**

- 2) Temporary noncommercial signs are permitted in residential and non-residential zones for a period of no more than 90 (ninety) consecutive days.
- 3) Temporary noncommercial signs are restricted to 6 (six) square feet in area or less and shall be no more than 3 (three) feet in height.
- 4) No more than 3 (three) temporary noncommercial signs may be displayed on a property at the same time.
- 5) Temporary noncommercial signs shall not be illuminated nor utilize fluorescent or iridescent colors.
- 6) A non-commercial message may be displayed on any legal sign surface at any time not to exceed 90 (ninety) consecutive days.
- 7) Temporary noncommercial signs shall not be displayed on any fence or structure other than on a sign structure.
- 8) Temporary noncommercial signs shall not require a permit, but are subject to regulation and enforcement by the City's Code Enforcement Officer.

### ***Real Estate Sale, Lessee and Construction Signs***

Up to 2 (two) detached or attached non-illuminated temporary on-premise signs pertaining to the construction, sale, or lease of that premise, shall not exceed a total of 32 (thirty-two) square feet in total permitted sign area and shall be allowed on commercial and residential properties without a city permit. Signs shall be removed within 14 (fourteen) days of sale or leasing, completion of construction, or issuance of Certificate of Occupancy.

### ***Garage Sale Signs***

Temporary on-premise and off-premise directional residential garage, estate, or public auction sale signs are allowed without a city permit and may be displayed 3 (three) days prior to the sale and shall be removed within 24 (twenty-four) hours after the sale.

### ***Charitable, Educational, Religious Signs***

Temporary attached or detached on-premise signs or banners not exceeding 32 (thirty-two) square feet in total permitted sign area are allowed without a City permit to advertise drives or events of a charitable, educational, or religious nature, provided that the sign shall be posted only during the drive or event for no more than 30 (thirty) days per year.

### ***Window Signs***

Temporary lettering painted on a window or door of a business and window signs located inside a building that do not cover more than 30 (thirty) percent of the window area to allow emergency responders to view inside the building from the outside are allowed without a city permit.

## Chapter 6: Regulation of Billboards and Off-Premise Signs

### Purpose

By regulating off-premise signs and billboards, the City seeks to enhance its scenic qualities, promote a safe and calming visual environment for residents and tourists by preventing clutter and blight, and support local businesses. In accordance with the State of New Mexico Highway Beautification Act of 1978 [67-12-1 and 3 NMSA 1978] the City regulates the construction and maintenance of outdoor advertising in order to promote public safety, health, welfare, convenience and enjoyment of public travel, to protect the public investment in public highways and to preserve and enhance the scenic beauty of lands bordering public highways.

### ***State Highway 195 Designated as a Scenic Byway***

State HWY 195 is a portion of the Geronimo Trail National Scenic Byway. The 2008 Corridor Management Plan states the following regarding outdoor advertising on scenic byways. "Erecting new billboards on a designated scenic byway is prohibited except in legitimate commercial and industrial areas. Areas identified as lacking the unusual or distinctive features (intrinsic values), included in the New Mexico State Scenic and Historic Byways program criteria, may be excluded or segmented from existing or future Byways designation, in accordance with the intent of Public Law 102-240 (ISTEA), section 1046 and 1047. These segmented areas of the Byway would not be eligible for Scenic Byway funds."

### Specific Definitions for this Chapter

**BILLBOARD.** A permanent, non-metallic, non-digital, non-changing, static, free-standing, changeable copy sign greater than 48 (forty-eight) square feet and not to exceed 200 (two-hundred) square feet visible from the public right-of-way, that is available for rent by various advertisers and directs attention to a business, activity, commodity, service, entertainment, or communication conducted, sold, or offered either on the premise on which the sign is located or at a location other than the premise on which the sign is located. A billboard is anchored to the ground by permanent posts.

**BILLBOARD, BACK-TO-BACK.** A billboard structure supporting 2 (two) board faces parallel with ends aligned.

**BILLBOARD CAP.** The maximum number of billboard faces and billboard structures allowed within the City. The total number of billboard structures and faces within the City shall be increased by the number located within an area that is annexed, provided that the billboards were in existence on the effective date of this ordinance.

## City of Elephant Butte Sign Review Guidelines (2011)

**BILLBOARD, DIGITAL.** A billboard greater than 48 (forty-eight) square feet and not to exceed 200 (two-hundred) square feet visible from the public right-of-way, that creates digital images that are changed by a computer every few seconds for purposes of advertising and public service announcements.  
(from: <http://www.answers.com/topic/digital-billboards>)

**BILLBOARD FACE.** The flat portion or portions of a billboard containing advertising and molding which is visible from any public place. The calculation of the area of the face of the billboard excludes the structure and safety devices, but includes cut-out extensions. Molding size may be increased to no more than 5 (five) percent of the total billboard face size to provide a permanently blank frame around the edge of the billboard face. Each billboard face attached to one billboard structure shall not exceed 200 (two-hundred) square feet in area as legible from any one place.

**BILLBOARD, SIDE-BY-SIDE.** A billboard structure supporting two parallel billboard faces, which face in the same direction, or two billboard structures located side by side.

**BILLBOARDS, SIDE-BY-SIDE, BACK-TO-BACK.** A billboard structure with 4 (four) billboard faces, 2 (two) of which face in the opposition direction of the other 2 (two) and are immediately adjacent to or actually adjoining each other.

**BILLBOARD, SINGLE-FACED.** A billboard structure with one billboard face.

**BILLBOARD STRUCTURE.** The foundation and framework which supports billboard faces. A billboard structure is a single, independent unit.

**BILLBOARD, "V".** Back-to-Back Billboards which are attached at one end of the structure but are separate at the other end, forming a widening gap between the back of the billboard faces.

**HEIGHT.** The height of a Billboard is defined as the vertical distance measured from ground where the Billboard is anchored to the highest point of the billboard.

**HIGHWAY.** A public road, street, footpath, bridle path, and byway maintained by the federal, state or local authority over which the public has a right to pass per the governing authority's rules, regulations, and restrictions.

**OFF-PREMISES SIGN, PERMANENT.** "Outdoor advertising" sign, graphics, or display constructed of durable materials excluding banners and not to exceed 48 (forty-eight) square feet for commercial, industrial, institutional, public, or entertainment purposes to sell, promote, or identify a product, service, or activity conducted, sold, or offered somewhere other than upon the same premises where the sign is located. In the context of this section the word premises shall be interpreted as being a separate tract or parcel of land that has been or may be conveyed by deed or has otherwise been specified as a separate lot on an approved land development plan.

## City of Elephant Butte Sign Review Guidelines (2011)

**OUTDOOR ADVERTISING.** Any outdoor sign, display, light, device, figure, painting, drawing, message, plaque, poster, billboard or other object that is designed, intended or used to advertise or inform, any part of which is located within 660 (six-hundred sixty) feet of the nearest edge of the right-of-way and is visible from the main-traveled way of the interstate or primary systems or those located beyond 660 (six-hundred sixty) feet of the right-of-way, located outside of urban areas, visible from the main-traveled way of the system and erected with the purpose of their message being read from such main-traveled way. (New Mexico State Statute §67.12.2)

**ROAD GRADE.** The level and gradient of a road, measured along its center way. ([http://www.globalspec.com/definition/civil\\_engineering/road\\_grade](http://www.globalspec.com/definition/civil_engineering/road_grade))

## Billboards

### *Size*

Billboards and billboard structures shall be constructed of durable materials. The total sign area of a single billboard face shall be a minimum of 48 (forty-eight) square feet and shall not exceed 200 (two-hundred) square feet. Cutouts or extensions are not permitted outside of or in excess of the permitted sign.

### *Sign Faces*

Billboards shall have no more than 2 (two) sign faces attached to the same support structure with both sides being of equal size and facing in opposite directions, where the backs are parallel or the interior angle between the 2 (two) display surfaces forms a touching 'V' with an angle that does not exceed 30 (thirty) degrees.

### *Height*

Billboards shall be no greater than 25 (twenty-five) feet in height. The height of a sign shall be computed as the distance from the base of the sign at ground level to the top of the highest attached component of the sign (including the sign face, sign structure, or any other appurtenance).

### *Permitted Zones*

Billboards are permitted only in the City's agricultural, commercial, and industrial zones and must adhere to all the sign standards adopted in the City's Sign Ordinance.

### *Billboard Caps*

Billboards and Billboard Structures shall be constructed only in compliance with the City Sign Ordinance and this Chapter, to meet the Billboard Cap allowed within the city limits, or to replace a legally existing Billboard or Billboard Structure in compliance with the Billboard and Billboard Structure Cap. Twenty (20) Billboards are permitted and 10 (ten) Billboard Structures are permitted within the city limits to meet the Billboard Cap or to replace legally permitted Billboards or Billboard Structures existing on the effective date of this ordinance and to add additional billboard space. Each Billboard Structure shall be allowed 2 (two) Billboards.

## City of Elephant Butte Sign Review Guidelines (2011)

### **Inventory of Existing Billboards**

This is a list of the City's Inventory of Existing Billboards at time of adoption of the revised City Sign Ordinance and Sign Review Guidelines:

- 1) 5 (five) billboards or billboard structures square feet or greater
- 2) 8X10 – Cyber Big Food
- 3) 12X16 Elephant Butte Inn Ivory Tusk
- 4) Sonic 20X11
- 5) 8X10 Elephant Butte General Store/Conoco
- 6) Billboard Structure by Cuchillo Creek Frame (Sign face is down)

### **Setback Requirements**

All Billboards and Billboard Structures shall be located at least 25 (twenty-five) feet from any property line and be placed so as not to pose a visibility or other hazard to vehicular traffic in the vicinity of the sign. Billboards shall be setback a minimum of 25 (twenty-five) feet outside the right-of-way.

### **Location Requirements**

Billboards shall be no closer than 25 (twenty-five) feet from any structure or building and shall not overhang any structure, building, or right-of-way.

### **Spacing Requirements**

Billboards shall be spaced a minimum of 300 (three-hundred) linear feet on the same side of road from any other sign on commercially zoned property. Billboards shall be no closer than ((            )) linear feet from a residential zone.

### **Changeable Electronic Variable Message Billboards**

Digital Billboards, Billboards with a changing sign face, multi-prism Billboards, and tri-vision Billboards are permitted within the city limits and shall comply with the City's Outdoor Lighting and Night Sky Protection Ordinance

### **Prohibited Billboards**

The following Billboards are prohibited within the city limits:

- 1) The installation of Billboards over and above the Billboard Cap;
- 2) Billboards on Highway 195 which is a designated portion of the Geronimo Trails Scenic Byway;
- 3) Billboards with movable parts;
- 4) Horizontal side-by-side Billboards;
- 5) Vertical stacking Billboards;
- 6) Additional signs attached to a Billboard or Billboard Structure and cutouts exceeding the permitted sign face area;
- 7) Illuminated Billboards except for Changeable Electronic Variable Message Billboards;
- 8) Billboards in residential zones; and
- 9) Roof Billboards;
- 10) The Sign Ordinance standards in §152.07 "Prohibited Signs" shall apply to Billboards.

## **City of Elephant Butte Sign Review Guidelines (2011)**

### ***Debris***

Billboards and Billboard Structures shall be maintained and remain clear of weeds, brush, and debris.

### ***Consent***

A notarized letter of consent from both the property owner and tenant of the premises on which the off-premise Billboard is to be placed shall accompany the sign permit application submitted to the City.

### ***Building Code and Zoning Permit Compliance***

Billboards shall be anchored to the ground by permanent posts and be constructed in compliance with the State Building Code.

### ***Inspection***

Existing and new Billboards and Billboard Structures are subject to inspection by the City Code Enforcement Officer. If the Code Enforcement Officer finds a Billboard or Billboard Structure out of compliance with the code, the violation shall be corrected within 30 (thirty) days of a code violation citation. If a code violation is not corrected within 30 (thirty) days of notification, the City may take action to remove the Billboard and Billboard Structure at the owner's expense and deny issuance of a new permit and eliminate that sign from the Billboard Cap and Billboard Structure Cap. (NOTE: 15 days for Off-Premise Signs and Signs in General)

### ***Destroyed Billboards***

If more than 50 (fifty) percent of a Billboard or Billboard Structure is destroyed, the property owner shall remove the remaining pieces and apply for a new sign permit within 30 (thirty days). Otherwise, the billboard is considered abandoned.

### ***Blank Billboards***

Billboards that remain blank for a period of 90 (ninety) consecutive days shall be determined abandoned and shall be altered to comply with this chapter or removed by the sign owner, property owner, or other party having control of such sign. For purposes of this chapter, a sign is blank if:

- 1) It advertises a business, service, commodity, accommodation, attraction, or other enterprise that is no longer operating, being offered, or conducted;
- 2) The advertising message becomes fifty percent or more illegible; or  
The advertising copy has been removed.

### ***Current Zoning Permit***

Existing Billboards and Billboard Structures shall obtain a current zoning permit within 30 (thirty) days of the effective date of this ordinance. All Billboards are required to have a current City permit and an approval sticker placed on the sign by the Code Enforcement Officer. Replacement Billboards shall apply for a new permit.

### ***Planning and Zoning Commission Review***

## City of Elephant Butte Sign Review Guidelines (2011)

All Billboard permit applications shall be reviewed by the Planning and Zoning Commission and be subject to a public hearing.

### **Off-Premise Signs.**

#### ***Size and Design***

Off-premise signs shall be constructed of durable materials, shall be maintained in good repair and condition, and are allowed no more than 2 (two) sign faces. Free-standing off-premise signs that are not located on building walls or poles shall be framed with either a metal or aluminum frame or treated wood frame. Free-standing off-premise signs are encouraged to use natural materials that reflect the City's rural and rustic desert character such as treated wood, rock, stone, or dull metal finishes. Free-standing Off-Premise Signs shall utilize high contrast between background and copy to improve readability. Backgrounds shall use muted colors that blend with the desert environment. Text and graphics on off-premise sign faces shall be designed to be large enough and legible by passing motorists. The sign-face of off-premise signs shall not exceed 48 (forty-eight) square feet per sign face. Cutouts or extensions are not permitted outside of or in excess of the permitted sign area.

#### ***Permitted Zones***

Off-premise signs are permitted only in agricultural, commercial, and industrial zones and shall be installed only in compliance with all regulations for signs in this code.

#### ***Permitted Signage***

Only businesses with a physical location within the City of Elephant Butte are allowed to have off-premise signage. Businesses that do not have a physical location established in the City of Elephant Butte are not permitted to install off-premise signs within the city limits. *Exception:* Wayfinding signs installed by the City and wayfinding signs for public facilities in nearby communities such as hospitals, institutions, airport, spaceport, etc., are allowed with a permit. Such wayfinding signs are not counted against the off-premise sign cap.

#### ***Businesses without Road Frontage***

Businesses located in the City's agricultural, commercial, or industrial zones that do not have immediate road frontage may install one off-premise one-sided or double-sided pole sign or locate a sign on an existing sign pole or building wall on an adjacent or nearby commercial or industrial property with road frontage. This type of off-premise sign may not exceed 48 (forty-eight) square feet per sign face. Legally permitted non-conforming off-premise signs installed and inventoried by the City prior to the effective date of this ordinance are considered legal and are required to apply for a sign permit and an extension to continue the non-conformance.

#### ***Setback Requirements***

Off-Premise Signs shall be setback a minimum of 25 (twenty-five) feet from all property lines and placed so as not to pose a visibility or other hazard to vehicular

## **City of Elephant Butte Sign Review Guidelines (2011)**

traffic in the vicinity of the sign. Off-Premise Signs shall be setback a minimum of 25 (twenty-five) feet outside the right-of-way.

### ***Sign Area Allowances***

Business establishments located in the City's Commercial and Industrial zones are allowed no more than 4 (four) signs totaling 96 (ninety-six) square feet of off-premise signs. Business establishments located in the City's Agricultural and Residential Zones are permitted 1 (one) off-premise sign to be located in an agricultural, commercial, or industrial zone not to exceed 48 (forty-eight) square feet.

### ***Sign Faces***

Off-Premise Signs may be single facing or double facing. Both sides of double facing signs shall be of equal size and facing in opposite directions, where the backs are parallel or the interior angle between the two display surfaces forms a touching 'V' with an angle that does not exceed 30 (thirty) degrees.

### ***Distance Requirements***

All freestanding off-premise signs shall be located a minimum of 300 (three-hundred) feet from of any other off-premise sign or on-premise sign on the same side of the road.

### ***Height***

Off-Premise Signs in undeveloped corridors shall not exceed 12 (twelve) feet in height from the highest component of the sign measured from the ground under the sign. Signs in developed areas cannot exceed the height of any building façade adjacent to it. The lowest point of a freestanding off-premise sign face(s) shall not obstruct intersection clear site triangles.

### ***Multiple Advertisers***

Off-Premise Signs advertising multiple businesses on one sign face are allowed. The total sign face must not exceed 48 (forty-eight) square feet.

### ***Prohibitions***

The following Off-Premise Signs are prohibited within the city limits.

- 1) Digital Off-Premise Signs with a changing sign face, multi-prism signs, tri-vision signs, movable parts, side-by-side signs, and vertical stacked signs are prohibited within the city limits.
- 2) Additional signs attached to an Off-Premise Sign or Sign Structure and cutouts exceeding the permitted sign face area are prohibited.
- 3) Off-Premise Signs shall not be illuminated by any means.
- 4) Off-Premise Signs are prohibited in residential zones. Off-Premise Signs are not permitted within 300 feet of a residential zone.
- 5) Off-Premise Signs are prohibited on fences.
- 6) The sign code standards in § 152.07 Prohibited Signs shall apply to all Off-Premise Signs.

## **City of Elephant Butte Sign Review Guidelines (2011)**

### ***Debris***

Off-Premise Signs and Sign Structures shall be maintained, and remain clear of weeds, brush, and debris.

### ***Consent***

A notarized letter of consent from both the property owner and tenant of the premises on which the Off-Premise Sign is to be placed shall accompany the sign permit application submitted to the City.

### ***Building Code and Zoning Permit Compliance***

Permanent freestanding Off-Premise Signs shall be anchored to the ground by permanent posts and be constructed in compliance with the State Building Code.

### ***Inspection***

Existing and new Off-Premise Signs and Sign Structures are subject to inspection by the City Code Enforcement Officer. If the Code Enforcement Officer finds an Off-Premise Sign or Sign Structure out of compliance with the code, the violation shall be corrected within 15 (fifteen) days of a code violation citation. If a code violation is not corrected within 15 (fifteen) days of notification, the City may take action to remove the Off-Premise Sign and Sign Structure at the owner's expense and deny issuance of a new permit.

### ***Destroyed Off-Premise Signs***

If more than 50 (fifty percent) of an Off-Premise Sign or Sign Structure is destroyed, the property owner shall remove the remaining pieces and apply for a new sign permit within 30 (thirty days). Otherwise, the off-premise sign is considered abandoned.

### ***Blank Off-Premise Signs***

Off-Premise Signs that remain blank for a period of 90 (ninety) consecutive days shall be determined abandoned and shall be altered to comply with this chapter or removed by the property owner. For purposes of this chapter, a sign is blank if:

- 1) It advertises a business, service, commodity, accommodation, attraction, or other enterprise that is no longer operating, being offered, or conducted;
- 2) The advertising message becomes 50 (fifty) percent or more illegible; or
- 3) The advertising copy has been removed.

### ***Current Zoning Permit***

Existing Off-Premise Signs and Sign Structures shall obtain a current zoning permit within 30 (thirty) days of the effective date of this ordinance. All Off-Premise Signs are required to have a current City permit and an approval sticker placed on the sign by the Code Enforcement Officer.

## **Chapter 7 Definitions (to be added)**